



U.S. CRIMINAL COURT Handbook

JUSTINIANUS MOOT COURTS 2019

U.S. CRIMINAL COURT

HANDBOOK

The Case of the State of Louisiana v. Jeremy Bourdain

COURT'S COMPOSITION

The United States Criminal Court come into existence with a President Judge, a Vice President Judge, Judges, the Petit Jury, the Defense Counsel and the Prosecution.

In written and oral proceedings, court members duties will be explained.

I. WRITTEN PROCEDURE BEFORE THE COURT: MEMORIALS

The memorials are called memorial and counter-memorial one is written by prosecution and the opposed by defense.

Written proceedings start with the inditement of memorials. Firstly, the Prosecution prepares their memorial and then sends it to the Secretariat. (cerperant@gmail.com / naztopalogluu98@gmail.com) The Secretariat will send it to the Defense Counsel so that they can write a counter-memorial. The Defense Counsel shall submit their counter memorial to the Secretariat as well. Both memorials shall be done until the deadline that has given by the Under Secretary-General.

The Prosecution's memorial is kind of an indictment. It includes their allegations, the facts relevant to the case, the law and the prayer.

The Defense Counsel's counter-memorial on the other hand, includes the denial or the admission of the stated facts by the Prosecution, further facts, statement of law in answer if necessary, observation the statement of law and the prayer.

As seen, the memorial's structure is basically the same, only the content differs from each other. Procedure of replies are not needed in Justinianus Moot Court 2019.

A. MEMORIAL/COUNTER-MEMORIAL**UNITED STATES CRIMINAL COURT*****State of Louisiana v. Jeremy Bourdain*****Memorial of the Prosecutor / Memorial of the Defense****Introduction**

In introduction, a short outline of the situation needs to be given. It'll be appreciative to see different point of minds in the memorial of prosecutor and memorial of the defense together with the references to important progresses related to the case.

Facts

Any fact that the parties submit to have a connection to the case will be presented in this section. Parties need to give a chronological order of facts regarded to the fictional storyline in the Study Guide that the Secretariat has been given. Please bear in mind that anything you present in this section will create the factual ground of the legal arguments and can be used against, so the defense can compose their own allegations.

Applicable Law

Applicable law is the part where the legal basis is formed, pursuant to the case. Parties can address to as follows: the Constitution of United States of America, statutes, codes, principles of law, case-law of the United States of America, regional or international courts, legal literature by scholars or international organizations and further.

Claims

Facts and written applicable law written by the Parties are come into a combination in this section and consequently, the parties eventually make their formal claims. The most important thing in this part is that the parties need to explain their claims referring to the law. Again like the facts, defense can argue these claims and can compose their own allegations.

Prayer

Prayer is the final step to be taken in memorials. In this section, parties will tell their expectancy from the court to rule on behalf of them.

Submitted respectfully,

On Behalf of the State of Louisiana / On Behalf of Jeremy Bourdain

by (Names of the Counsels)

II. ORAL PROCEEDINGS BEFORE THE COURT**A. Counsels**

The parties need to present their materials before the court. Memorials of both parties will be sent to the Judges, Jurors & also Counsels of the court by the Secretariat. To make sure the proceedings, the parties has to submit their material evidences **before** the court, to the Secretariat. The deadlines will be notified again by the Under Secretary-General. The materials that needed can be anything as such maps, conventions, agreements, treaties, declarations, customary international law documents, documents on the principles of law, former case-law, doctrines and teachings or any other visuals that can be helpful for the case.

B. Judges**a. Remarks for the Preparation to Oral Proceedings:**

Judges and jurors hold the burden of acting impartial. For this reason, reading the Study Guide and being aware of the situation is important. Before the Conference, the Academic Team will submit the Memorial and Counter-Memorial to all Jurors and Judges. We sincerely suggest all Judges and Jurors to read memorials and the Study Guide but not to do any investigation about material evidences that has shown. Only the extra readings from the sources which are mentioned in the Study Guide can be helpful.

The judges tasks commence with the sessions. They are expected to interpret evidence material, acquire the expert statements, listen & question the Parties and also Witnesses carefully, and after that, issue a judgment. Which means, like the Counsels who need to

prepare intensely for the court, Judges have to be present in the sessions and give full attention to the court.

Judges can summon three legal experts before the Court. The legal experts are liable for what they say in the court, during the Oral Proceedings.

The Secretariat will give the detailed profiles of the legal experts.

C. Court Clerk

The Court Clerk must take all notes of the sessions. This has a huge importance, because whenever something cannot be remembered or remembered wrongly, the court clerk needs to correct the statement. The court clerk is also the person who takes the oaths of all members of the court and this makes the court more trustworthy. To not mistake the terms and facts of the case, the Registrar needs to read Study Guide and the memorials of the parties with full care. This report of the court clerk is the legal basis of the Section II and III of the judgment.

D. Sample Judgment

UNITED STATES STATE OF LOUISIANA CRIMINAL COURT

Judgment on the Case of

The State of Louisiana v. Jeremy Bourdain

Date of the Judgment:

President Judge: (Name and Surname)

Vice President Judge: (Name and Surname)

Judges: (Names and Surnames)

Jurors: (Names and Surnames)

Prosecutors, on behalf of the State of Louisiana: (Names and Surnames)

Counsels of the Defendant, on behalf of Jeremy Bourdain: (Names and Surnames)

A. HISTORY OF THE CASE

In this section, a brief of the situation is required. The former progress related with the case like the date and institution of proceedings before the Court needs to be mentioned.

B.SUBMISSION OF THE PROSECUTION

Abstract of the Memorial, Evidence Material and the Expert Statements is required for this part, containing the Respondent's cross-examination. The prayer of the prosecution is the part that needs to be focused on.

C.SUBMISSION OF THE DEFENSE

Abstract of the Counter-Memorial, Evidence Material and the Expert Statements is required for this part, containing the questioning by the Judges. The prayer of the defense counsel is the part that needs to be focused on.

D.APPLIED LAW

The legal grounds have a critical importance for the judgment, so the court needs to decide on the applicable law basically. In this part, any legal basis that has been presented to the Court shall take place. Any legal ground that has been set down by the court needs to be explained under this section.

E.STATEMENT OF THE FACTS

Verdict needs to have the statements of the Witnesses and the Evidence Materials. The Court again can toss out any material evidence or a testimony but the reasoning needs to lay down in here.

F.DECISION

Decision is the final step where the applicable law and the facts come into a combination and compose the conclusion of the court. This is an important part of the judgment. This part needs to be elaborated carefully and the explanation after that starts with the phrase “**the Court considers that**”. The decision that court has come to an association also contains a phrase “**the Court concludes that**” at the beginning of the decision to clarify the main decision and the rest must be clear, comprehensible, certain and needs to be a whole sentence. For any other decisions, because it’s like a contravention of the decision; same rules apply apart of the beginning part. This procedure applies in the final decision:

For these reasons,

The 19th District Court of the State of Louisiana, with

JUDGES (surnames of the Judges in the Majority) and JUDGES (surnames of the Judges

Dissenting)/ Unanimously

1. Finds

JUDGES (surnames of the Judges in the Majority) and JUDGES (surnames of the Judges
Dissenting)/ Unanimously

2. Decides

JUDGES (surnames of the Judges in the Majority) and JUDGES (surnames of the Judges
Dissenting)/ Unanimously

3. Rejects

JUDGES (surnames of the Judges in the Majority) and JUDGES (surnames of the Judges
Dissenting)/ Unanimously.

I-DISSENTING OPINION OF JUDGES

Dissenting opinion needs to be written when a judge/judges who are minority disagreeing with the court. The conflict should cover Sections IV, V and VI from the Judge's perspective.

II-CONCURRING OPINION OF JUDGES

Concurring opinion means, the judge/judges have the same conclusion but the way they come into this conclusion, the legal basis is different, so they write this concurring opinion.

III-DECLARATION OF JUDGES

Judges who suppose that the judgment should being perceived as and the things needs to be remembered by the way, can write a declaration.

A REMINDER FOR ALL PARTICIPANTS

Dear participants, please keep in mind that plagiarism is not allowed and not tolerated by the Secretariat of the Justinianus Moot Courts 2019.

Your wordings shall be well structured and organized. APA system for your footnotes are suggested by the Secretariat. If you will have any difficulty, you may ask for extension for the deadlines. However, extension to extension will not be granted by the Secretariat. At any time, you may contact us via above e-mails. Good luck!