LAW CLASS
How Courts Work

Steps in a Trial

Judgment

The decision of the jury doesn’t take effect until the judge enters a judgment on the decision - that is, an order that it be filed in public records.

In a civil suit, the judge may have the authority to increase or decrease the amount of damages awarded by the jury, or to make some other modifications before entering judgment. In criminal cases, the judge generally has no authority to modify the verdict. In most jurisdictions, he or she must accept it or reject it (e.g., by granting a motion in arrest of judgment).

If the defendant doesn’t pay the damages awarded to the plaintiff in a civil case, the plaintiff may ask for an execution of the judgment. The clerk of the court in such a case will deliver the execution to the sheriff, commanding him to take and sell the property of the defendant and apply that money to the amount of the judgment.

Sentencing

If the defendant is convicted in a criminal case, the judge will set a date for sentencing. Before that time, a pre-sentence investigation will take place to help the judge determine the appropriate sentence from the range of possible sentences set out in the statutes. The pre-sentence investigation may consider the defendant's prior criminal record, family situation, health, work record, and any other relevant factor.

In most states and in the federal courts, only the judge determines the sentence to be imposed. (The main exception is that in most states juries impose sentence in cases where the death penalty is a possibility.) The federal courts and some states have sentencing guidelines to guide judges in determining appropriate sentences and to encourage uniformity.