



Open Doors to Federal Courts 2006
Partners in Justice: An Independent Judiciary, a Fair-Minded Jury

November 10, 2006

United States v. Daniel McPherson

Program Overview

Questions of Fact and Issues of Law

In the United States and other countries that derive their legal system from the common law of Great Britain, there is a difference between questions of fact and issues of law. Questions of fact involve disputes as to whether or not a given event actually occurred. For example: Did A, in fact, sell drugs to B? A trial is meant to find the truth in these disputes.

In a criminal trial, each side -- the prosecution and the defense -- calls witnesses and produces evidence in order to convince the trier of fact that it has the stronger case. The trier of fact is usually a jury, composed of 12 citizens. Article III, Section 2 and the Sixth Amendment to the U.S. Constitution guarantee the right to a jury trial in federal criminal proceedings. In a jury trial, the jury must find "beyond a reasonable doubt" that the defendant committed all elements of the crime for which he/she is charged. When the defendant waives the right to a trial, a judge alone determines the factual issues in the case.

Even though the jury is responsible for determining the facts of a case, the trial must be conducted according to established legal procedures. The judge is responsible for making sure that all parties are adhering to these legal procedures during a criminal proceeding. One legal procedure is a Motion to Suppress Evidence. Under American law, law enforcement personnel must comply with the provisions of the U.S. Constitution when investigating crimes. If they do not, the judge may order that the evidence they discover be suppressed (excluded from use at the trial). When judges rule on a Motion to Suppress Evidence, or other related motions, they are deciding issues of law.

About the Louisiana Center for Law and Civic Education

The Louisiana Center for Law and Civic Education is a statewide educational non-profit Organization funded in part, by the Louisiana Bar Foundation and through various public and private grants and generous donations. To obtain a copy of the report, contact our director at the location noted above.