

Sharciyada Federaalka iyo Sharciyada Gobolka

Sharciyada Federaalka, ama *qaanuunada*, waxaa abuura Kongareeska Mareykanka si loo badbaadiyo muwadiniinta waddanka. Qaar ka mid ah falalka dembiyada waa gafaf hoos yimaada federaalka oo keliya, waana in dacwadda lagu qaado Maxkamadda Degmada Federaalka. Falalka dembiyada kale waa gafaf hoos yimaada sharciga gobolka iyo federaalka labadaba; sidaas daradeed, kiisaskaas waa in ay go'aamiyaan qareenada degmada iyo federaalka haddii dacwadda gafaha lagu qaadaayo maxkamadda gobolka ama Maxkamadda Degmada Federaalka



Dembi Culus ama Dembi Hoose

Dembiyada waxaa loo kala saaraa labo qeyb: *dembiyada culus* iyo *dembiyada hoose*. Dembiyada culus waa gafafka keeni kara ciqaabta xabsiga in ka badan hal sanno, halka dembiyada hoose xambaarsan yahiiin hal sanno ama ka yar. Kongareeska Mareykanka ayaa dejisa ciqaabta dhamaan falalka dembiyada federaalka. Sidaas daradeed, Kongareeska ayaa go'aan ka gaara falalka ah dembiyada culus iyo kuwa ah dembiyada hoose. Sharci dejiyeyaasha gobolka ayaa gaara go'anada falalka dembiyada jebiya sharciga gobolka.

Marka Qof Lagu Tuhunsan Yahay in uu Geeystay Dembiga Federaalka...



1. Ashtakada iyo Amarka Soo Xeridda

– Hirgeliyeyaasha sharciga waxay soo qaataan *Awoodda Lagu Soo Xero* gafaha la soo eedeeyay. Awoodda waxay ku saleysan tahay Eedeeyn (fiiri hoos) ama *Ashtako* loo

gudbiyay Maxkamadda Degmada Federaalka. *Oraahda Lagu Dhaarto*, taasoo laga soo saxiixay sarkaal ka tirsan hirgeliyeyaasha sharciga, ayaa badanaa la socota Ashtakada. Oraahda Lagu Dhaarto ayaa sharaxda dembiga la galay iyo kaalinta uu eedeysanaha ku leeyahay dembigaas. Marka ereyo kale lagu sheego, Oraahda Lagu Dhaarto waxaa loo isticmaalaa in lagu aasaaso *sababta suurogalka ah* in eedeysanaha uu galay dembiga.

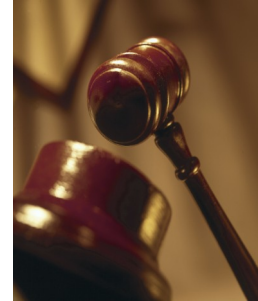
2. Iska Xaadirinta Hore

– Sida ugu dhakhsaha badan ee suurogalka ah kaddib marka la soo xero, waa in gafaha la soo eedeeyay la siiyo *Iska Xaadirinta Hore*, lana hor geeyo Garsooraha Maamulka. Garsooraha Maamulka ayaa eedeysanaha kala taliya xuquuqdiisa ama xuquuqdeeda, wuxuuna go'aamiyaa haddii isaga ama iyada leedahay awoodda dhaqaalaha ee lagu soo qabsado qareen ama haddii loo baahan yahay in la magacaabo qareenka dadweynaha. Garsooraha Sharciga ayaa wuxuu kaloo dajiyaa sharuudaha sii daynta, waxaana ka mid ah *damaanadda* la dhiggo. Isla markaas, waxaa dhici karto in xeer ilaaliyaha federaalka, kaasoo loo yaqaan *Kaaliyaha Xeer Ilaaliyaha Mareykanka*, in uu weydiisto in eedeysanaha lagu sii haayo xabsiga.



3. Dhageeysiga Xabsiga

– Haddii gafaha la soo eedeeyay la xero, waa in la qabto *Dhageeysiga Xabsiga* muddo saddax maalin gudaheeda. Dhageeysigaas, Garsooraha Maamulka Sharciga ayaa dhageeysta caddeynta ku saabsan khatarta in eedeysanaha *baxsado* iyo/ama *khatarta uga imaan karta bulshada*. Garsooraha Maamulka Sharciga ayaa markaas kaddib go'aamiya haddii loo baahan yahay in eedeysanaha lagi sii haayo xabsiga ama in la sii daayo inta la sugaayo qaadista dacwadda.



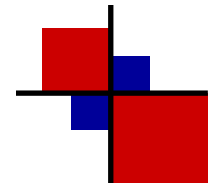
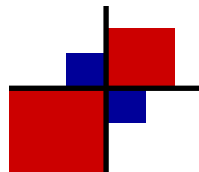
4. Dhageeysiga Hore

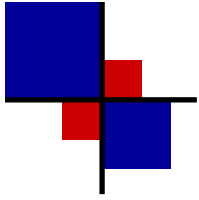
– Toban maalin gudahooda kaddib marka loo soo xero Ashtakada awgeed, eedeysanaha wuxuu kaloo xaq u leeyahay *Dhageeysi Hore*, halkaasna Kaaliyaha Xeer Ilaaliyaha Mareykanka ayaa ka marqaati furi kara si loo aasaaso sababta suurgalka ah, iyo waxaa dhici karta in qareenka difaaca la yimaado caddeyn ku marqaati furta eedeysanaha. Haddii Garsooraha Maamulka Sharciga ee kor ka fiiriyo dhageeysiga arko in ay jirto sabab ku filan oo ka dambeeyso gelintaanka dembiga iyo kaalinta uu eedeysanaha ku leeyahay, eedeysanaha waxaa qasab ah in eedeysanaha lagu oogo dacwado dheeraad ah ee hoos yimaada guddiga ballaaran. Xasuuso, haddii guddiga ballaaran gaaro xukun ka soo horjeedo gafaha la sooo eedeeyay ka hor inta aan la soo xerin, looma baahna Dhageeysiga Hore.

5. **Guddiga Ballaaran** – Go'aanka kama dambeeysta ah in dacwad lagu soo oogo dembi la xariiro kiis federaal ah waxaa gaara *guddiga ballaaran*. Guddiga ballaaran ee federaalka wuxuu ka kooban yahay muwadiniin oo si aan kala sooc lahayn looga soo xulay degmada garsoorka. (Degmadaan garsoorka waxay ka kooban tahay Gobolka Minnesota oo idil.) Kuwa loo doortay in ay ka hawl galaan, ama ka shaqeyaan, guddiga ballaaran, waxay ka shaqeyaan dhowr maalin bil kasta, qiyaas ahaan muddo hal sanno, kaddib marka Maxkamadda Degmada Federaalka soo xulato guddi ballaaran oo cusub. Guddi kasta oo ballaaran wuxuu ka kooban yahay 23 qof, waxaana qasab ah in 16 ka mid ah xaadir yahiiin si ay u fulliyaan hawsha.



6. **Eedeeynta la Rabo** – Bedelkii la soo gudbin lahaa Ashtako, ama kaddib marka la soo gudbiyo Ashtako, Kaaliyeyaasha Xeer Ilaaliyaha waxay hor yimadaan guddiga ballaaran si loo suggo sababta suurogalka ah in shakhsi gaar ah galay dembi federaal ah o oculus. Tan waxay ku sameeyaan iyaga oo waca marqaatiyo soona bandhiga caddeyn lagu helay *Amarada Ku Qasba Marqaatiyada in ay hor yimadaan Guddiga Ballaaran*. Qareenada difaaca looma ogola in ay hor yimadaan guddiga ballaaran; looma baahna in eedeysanaha uu ka marqaati furo guddiga ballaaran hortiisa; iyo waa in shaqada guddiga ballaaran ahaato sir.





7. Eedeeynta la Gaaray – Haddii guddiga ballaaran uu go'aan ku gaaro in caddeeynta la soo bandhigay dhalliso sababta suurogalka ah, waxay *Eedeeyn* ku soo oogtaa eedeysanaha. Ugu yaraan, waa in ay codkooda bixiyaan 12 qof oo ka mid ah dadka la dhaariyay si qofka loo eedeeyo. Eedeeynta waxaa lagu magacaabaa *Sharciga Runta*. Haddii guddiga ballaaran la ahaato in aysan jirin sabab suurogal ah oo ku filan, waxay gaartaa *Sharciga Maya*. Kiiska dembiga hoose, ama kiiska dembiga culus, marka eedeysanaha ka *tanasulo* eedeeynta, raalina ku noqday in uu qirto; ma jiro kiis loo soo bandhigo guddiga ballaaran. Xaaladahaas oo kale, waxaa Maxkamadda Degmada Federaalka loo soo gudbiyaa *Macluumaad* soo taxa sababta suurogalka ah.

8. Ogeysiinta – Toban maalin gudaheeda laga bilaabo marka Dacwadda ama Macluumaadka la soo gudbiyo, lana soo xero, waxaa ku xiga waxa lagu magcaabo *Ogeysiin*, taasoo hor timaada Garsooraha Maamulka Sharciga. Inta ay socoto



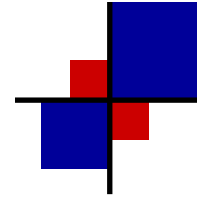
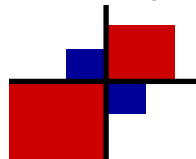
Ogeysiinta, qofka la soo eedeeyay, kaasoo iminka lagu magacaabo *eedeysane*, waxaa loo akhriyaa waxyaabaha lagu soo eedeeyay isaga ama iyada, waxaana loo sheegaa xuquuqda uu isaga ama ay iyada leedahay. Eedeysanaha wuxuu kaloo qaataa *waanwaanta qirashada* dembiga ama *dembi la'aanta*. Haddii loo baahdo, waxaa qaadista garta loo qabtaa taariikh, waxaa kaloo ballan loo qabtaa *dhageysiyada codsiga*, waxaana ka mid noqon kara muranka la xariira daboollidda caddeeynta, iwm. Xasuuso, Sharciga Dadajinta Dacwadda Federaalka (Federal Speedy Trial Act) waxay amartaa in eedeysanaha xaq u leeyahay in la qaado garta muddo 70 maalin gudaheeda laga bilaabo marka hore uu isaga ama iyada iska soo xaadiriso Maxkamadda Degmada Federaalka.

9. Heshiiska Waanwaanta – Eedeysaneyaasha waxaa loo haaystaa in ay yahiin dembi la'aaweyaal ilaa ay ka qirtaan dembiga ama looga caddeeyo dembiga. Haddii eedeysanaha uusan qiranin; waxaa la qaadaa dacwadda haddii aan la gaarin *Heshiiska Waanwaanta*, kaasoo ka dhexeeyo Kaaliyaha Xeer Ilaaliyaha iyo qareenka difaaca. Xaaladahaas, difaaca waa in uu soo jeediyo *bedelaadda waanwaanta* lana hor keeno Garsooraha Maxkamadda Degmada Federaalka, kaasoo u baahan in uu ogolaado qodobada Heshiiska Waanwaanta.



10. Qaadista Garta – Waxaa garta la hor keena guddi ka kooban muwadiniin oo si aan kala sooc lahayn looga soo xulay degmada, waxaana korka ka fiiriyo Garsooraha Maxkamadda Degmada Federaalka. Marka la qaadaayo garta, waxaa dhici karto in Kaaliyaha Xeer Ilaaliyaha, inkastoo qareenka difaacana u ku dhaqaaqi karo – in la waco marqaatiyada, soona bandhigo caddeeynta. (Dawladda waxaa saaran culeyska ay ku caddeeyso xibnaha uu ka kooban yahay gafka in ka badan shaki macquul ah.) Intaas kaddib, guddiga waa in ay si wadajir ah u go'aansato *go'aanka* la gaaray. Haddii eedeysanaha loo arko in uu yahay dembi laawe, isaga ama iyada waa la sii daayaa. Haddii isaga ama iyada *lagu helo dembiga*, hase ahaatee, waxaa bilowda hawsha ka horeeyso siinta ciqaabta.

11. Ciqaabta Ka Hor – Kaddib marka la gaaro waanwaanta dembiga ama marka guddiga isku raaco dembiga, dacwadda kaddib, Xafiiska Tijaabada Federaalka ayaa soo aruurisa macluumaad ku saabsan eedeysanaha iyo dhibaneyaasha dembiga, wuxuuna Garsooraha Maxkamadda Degmada Federaalka siiyaa macluumaadkaas, soona raaciyaa tallo la xariirta ciqaabta, taasoo qeyb ka ah Warbixinta Baarista ka Horeeyso Ciqaabta.



12. Ciqaabta – Qiyaas ahaan sideed todobaad kaddib marka la geeysto wanwaanta qirashada ama marka guddiga ku ogaato dembiga, Garsooraha Maxkamadda Degmada Federaalka wuxuu siiyaa ciqaabta. Ciqaabta waxaa ku jiri kara in qofka lagu xero xabsiga federaalka; muddo *lagu kormeero sii-deynta*, taasoo horay loo yaqaanay in ay tahay muddada *tijaabada*; la dul saaro ganaaxa lacagta; iyo/ama *Amarka Mag Dhawga* taasoo fareysa eedeysanaha in uu dhibaneyaasha dembiga siiyo lacagta ka luntay ama kharshka ka baxay gafka awgiis.

13. Racfaanka – Eedeysanaha wuxuu *racfaan* ka qaadan karaa natiijada dembiga ama ciqaabta ama labadaba. Si taas loo sameeyo, isaga ama iyada waa in ay maxkamadda ciqaabta u soo gudbiyaan *Ogeysiiska Racfaanka* muddo toban maalin gudahooda laga bilaabo taariikhda ciqaab siinta, ama *Xukunka*. Xasuuso, haddii uu eedeysanaha qirto, guud ahaan waxaa racfaan laga qaadan karaa oo keliya ciqaabta. Sido kale, mar mar, eedeysanaha wuxuu iska dhaafaa, ama ka tanasulaa, xaqa uu u leeyahay in uu racfaan ka qaato Heshiiska Waanwaanta.

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