
§ 1.5

How to Read a Case

Structure

Official reports are published by the government (state or federal) and generally include only the official opinions (also called cases) of the court. *Unofficial reporters* are published by private publishers, such as *West Publishing*. They contain the same opinion, word-for-word, as well as tools to assist the researcher. These tools include:

SYLLABUS

This is a short synopsis of the case. It provides the researcher with a snapshot of the legal matter and the result of the case.

HEADNOTES

A headnote is a summary of a specific portion of the case. Each headnote is numbered (1, 2, 3, etc.) and each headnote number refers to a point within the opinion. (Unfortunately, if there is only a single headnote for a case, it is left unnumbered. For research purposes, it should still be considered Headnote No. 1.) A researcher who is interested only in Headnote No. 5, for example, could simply look for a bracketed number [5] within the opinion. Before a researcher relies on any case in a written document such as a motion, however, he or she should read the entire opinion, not just the headnotes.

KEY NUMBERS

Reporters are generally published by *West* (now owned by *Thomson Reuters Publishing*) and use *West's Key Number System*. This mechanism for broadening the scope of research will be covered later in this textbook. The *Key Number* references are provided at the beginning of each headnote, represented by a key symbol, a topic, and a number.

LINE OF DEMARCATION

This line, at the end of the last headnote, indicates that all that follows is the official, word-for-word opinion of the court. Everything above is provided by the publisher and may not be quoted. Everything below is the court opinion and may be quoted. (Unfortunately, if the last headnote ends at the bottom of a page, the publisher does

not provide a line of demarcation at the top of the next page or column. One simply has to be able to determine that the top of the next column is the beginning of the opinion.)

OPINION

The opinion is the decision of the court and is printed below the line of demarcation. Although not captioned as such, the opinion provided first after the line of demarcation is the *majority opinion*. *Dissenting* or *concurring* opinions are titled as such and provided after the majority. The researcher is almost always most interested in the majority opinion since it has the force of law.

Nearly every opinion has three elements:

1. *History*

The court generally begins with a quick overview of how the case evolved. This is important to know, but a researcher generally does not quote history.

2. *Reasoning*

This is the logic the court used to reach its result and is what will convince a judge to follow a researcher's legal argument, so it is likely that the researcher will quote from this section of the opinion in a memorandum or other legal document.

3. *Disposition*

The result of the court's decision. The most common dispositions are for the court to affirm, reverse, modify or remand. If the disposition of the case reverses, it does not mean the current case is reversed. It means the earlier, lower court case has been reversed by this later opinion.

CASE FROM AN ONLINE RESEARCH SITE

<p>574 So. 2d 1, *; 1990 Miss. LEXIS 895, **</p> <p>KENNETH LAVON GALLOWAY v. STATE OF MISSISSIPPI</p> <p>No. 89-KA-0918</p> <p>Supreme Court of Mississippi</p> <p>574 So. 2d 1; 1990 Miss. LEXIS 895</p> <p>December 19, 1990, Decided</p>	<p>Caption</p> <p>The title, court, and date. Even though the <i>Lexis</i> cite is given, do not use it in a legal document unless no other cite is available.</p>
<p>PRIOR HISTORY: [**1] Reported as Table Case at 1990 Miss. LEXIS 881.</p> <p>DISPOSITION: CONVICTION OF CAPITAL MURDER AND SENTENCE TO SERVE A TERM OF LIFE IN THE CUSTODY OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS AFFIRMED.</p>	<p>Disposition</p> <p>Brief explanation of how the case was decided by this court.</p>
<p>CASE SUMMARY</p> <p>OVERVIEW: Defendant was arraigned on an indictment for murder less than capital in January 1987. In March 1987 he filed a motion for continuance, and a new trial date was set for May 1987. Just prior to the trial date, defendant failed to appear in court, and a bench warrant was issued for him. In October 1987 defendant was apprehended and taken back into custody. In December 1987 defendant filed a motion for continuance, and a trial date was set for March 1988. In the sentencing phase of that trial, the jury was unable to agree upon the sentence. In May 1988 defendant was arraigned on a capital murder charge, after having been re-indicted for capital murder in the prior month. The court, applying a balancing test set out in a certain judicial opinion, found that defendant's trial on the capital charge was well within the 270 day rule from the time of arraignment. The court thus rejected defendant's contention that he was denied a speedy trial.</p> <p>OUTCOME: The court affirmed defendant's conviction and sentence.</p>	<p>Case Summary</p> <p>A syllabus of how the case evolved and the outcome of the case in this court.</p>
<p>LEXISNEXIS® HEADNOTES Hide</p> <p>Constitutional Law > Bill of Rights > Fundamental Rights > Criminal Process > Speedy Trial</p> <p>Criminal Law & Procedure > Pretrial Motions & Procedures > Speedy Trial > Constitutional Right</p> <p>HN1 The constitutional right of a defendant to a speedy trial attaches at the time such person becomes accused. A balancing test is applied to determine whether or not a defendant's constitutional right to a speedy trial has been violated. Factors to consider are: (1) the length of the delay; (2) the reason for the delay; (3) whether the defendant asserted his right to a speedy trial; and (4) whether the defendant has been prejudiced by the delay in determining whether or not the defendant's right to a speedy trial has been violated under the test. More Like This Headnote</p> <p><small>Shaparotza: Restrict By Headnote</small></p>	<p>Headnotes</p> <p>These are summaries of portions of the opinion. They are not a part of the law and should never be quoted. Only the opinion should be quoted. To make the page easier to read, the headnotes may be hidden from view.</p>
<p>OPINION</p> <p>[*1] Kenneth Lavon Galloway was found guilty of capital murder of Jacqueline Nash and was sentenced to life imprisonment in the custody of the Mississippi Department of Corrections. He has appealed to this Court and assigns the following issues for decision:</p> <p>Kenneth Galloway and Jacqueline Nash had been dating and cohabiting prior to the homicide. During this time Galloway had access to her apartment. Nash severed her relationship with Galloway and he was no longer permitted [**2] access to her apartment. On the day of the homicide Nash left her apartment, locked the door, and went to her mother's house to do laundry. Around 7:30 that evening, Nash returned home in the company of her brother, her infant son, and a friend. Prior to her return home, Galloway had gone to Nash's apartment, concealed his car, let himself into the apartment and lay in wait for Nash's return, hiding himself in the bedroom closet.</p> <p>Upon Nash's arrival home she unlocked the door and allowed her guests in. Nash's brother promptly left after helping her carry in the laundry. Nash put her son to bed and her friend began to watch television. Nash entered the bedroom and Galloway sprang from the closet wielding a knife. Galloway began stabbing Nash who was screaming. Her friend heard Nash's screams, viewed part of the attack, and fled in fear for her life.</p>	<p>Opinion</p> <p>The word-for-word decision of the court. If citing a case, only cite from the actual opinion, not the headnotes or summary. The majority opinion is provided first, since it is the only opinion considered law. If there are dissenting or concurring opinions, they follow, but only the majority opinion is law</p>

CASE FROM A REPORTER IN THE LAW LIBRARY

<p>Caption The caption includes the parties, the court, and the year the opinion was written.</p>	<p style="text-align: center;">GALLOWAY v. STATE Miss. 1 <small>Cite as 574 So.2d 1 (Miss. 1990)</small></p> <p style="text-align: center;">Kenneth Lavon GALLOWAY v. STATE of Mississippi. No. 89-KA-0918. Supreme Court of Mississippi. Dec. 19, 1990.</p> <p style="text-align: right;">Court and assigns the following issues for decision:</p>
<p>Syllabus (or Synopsis) A summary of the case and the result in this court.</p>	<p style="text-align: center;">I</p> <p style="text-align: center;">WHETHER GALLOWAY'S CAPITAL MURDER TRIAL WAS BROUGHT WITHIN THE 270 DAY PERIOD PRESCRIBED BY MISS.CODE ANN. § 99-17-1 (Supp.1989).</p>
<p>Key Numbers The topic & number are part of the <i>Key Number</i> research system.</p>	<p style="text-align: center;">II</p> <p style="text-align: center;">WHETHER THE LOWER COURT ERRED IN REFUSING TO AWARD APPELLANT'S COUNSEL ADDITIONAL COMPENSATION COMMENSURATE WITH THE WORK INVOLVED IN THE CASE IN VIOLATION OF THE FIFTH, SIXTH AND FOURTEENTH AMENDMENTS OF THE UNITED STATES CONSTITUTION</p>
<p>Headnotes Summaries of portions of the opinion. The number of the headnote corresponds with a bracketed number within the opinion, providing the researcher with a shortcut to the relevant part of the opinion.</p>	<p>1. Criminal Law ⇨577.14 Statutory 270-day speedy trial period commenced to run when defendant, who had originally been arraigned on indictment for murder less than capital, was reindicted for capital murder. Code 1972, § 99-17-1</p> <p>2. Criminal Law ⇨577.9 Constitutional right of defendant to speedy trial attaches at time such person becomes accused. U.S.C.A. Const.Amend. 6.</p>
<p>Line of Demarcation Anything above this line is provided by the publisher and should not be quoted. Below the line is the official opinion of the court, which may be cited.</p>	<p>Merrida P. Coxwell, Jr., Stanfield Carmody & Coxwell, Jackson, for appellant. Mike C. Moore, Atty. Gen., Wayne M. Snuggs, Asst. Atty. Gen., Charlene R. Pierce, Sp. Asst. Atty. Gen., Jackson, for appellee</p> <p>Before ROY NOBLE LEE, C.J., and PRATHER and SULLIVAN, JJ.</p> <p>ROY NOBLE LEE, Chief Justice, for the Court:</p>
<p>Opinion Word-for-word decision of the court. This is the law.</p>	<p>Kenneth Lavon Galloway was found guilty of capital murder of Jacqueline Nash and was sentenced to life imprisonment in the custody of the Mississippi Department of Corrections. He has appealed to this</p> <p style="text-align: center;">FACTS</p> <p>Kenneth Galloway and Jacqueline Nash had been dating and cohabiting prior to the homicide. During this time Galloway had access to her apartment. Nash severed her relationship with Galloway and he was no longer permitted access to her apartment. On the day of the homicide Nash left her apartment, locked the door, and went to her mother's house to do laundry. Around 7:30 that evening, Nash returned home in the company of her brother, her infant son, and a friend. Prior to her return home, Galloway had gone to Nash's apartment, concealed his car, let himself into the apartment and lay in wait for Nash's return, hiding himself in the bedroom closet.</p> <p>Upon Nash's arrival home she unlocked the door and allowed her guests in. Nash's brother promptly left after helping her carry in the laundry. Nash put her son to bed and her friend began to watch television. Nash entered the bedroom and Galloway sprang from the closet wielding a knife. Galloway began stabbing Nash who was screaming. Her friend heard Nash's screams, viewed part of the attack, and fled in fear for her life.</p>