

California On My Honor: Civics Institute for Teachers



- **Project Title:**
- **Grade Level: High School 11th – 12th grade**
- **Presented by: K. Carlson**
- **Context of the unit:** The students will understand how a jury trial works and what each of the responsibilities are of each individual participant in the courtroom (e.g. judge, juror, prosecutor, bailiff etc.)
- **Context of the lesson:** Each student will be a participant in a mock trial. The participants will play; judge, juror, bailiff, court clerks, court reporter, interpreter, officer, prosecutor, defense attorney, witness and defendant.
- **Standards Addressed in the Unit:**

These standards are standards from CA state Career Technical Education standards and can be applied to state school standards. These standards are for an Intro to Law Enforcement class that is articulated through a community college and aligns with the community college class standards.

20 11 Orientation to Law Enforcement

- D Identifies and explains arrest procedures and rights of arrestees.
- E Recognizes the principles and effects of court decisions.
- F Differentiates among laws regarding search and seizure of evidence.
- G Analyzes and explains the functions and responsibilities of law enforcement.
- H Identifies various levels and responsibilities of the courts systems of the United States.
- I Identifies and describes the agencies involved in the California criminal justice system.

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- **Big Idea(s):** Through actively participating in a mock trial the students will have a better understanding of the benefits and rights of due process in our system. The students will understand the adversarial roles the prosecution and defense take and how a judge must decide what can be allowed into court. The students will understand and appreciate the importance of jury duty and what the requirements are as a citizen to participate in jury duty.

E Pluribus Unum: out of many, one.

– **Essential Questions/Issues:**

Is it important to have due process of the law? Why or why not? Why is it important to have an adversarial system in the courts? Why is it important to participate in jury selection?

- **Higher Order Thinking Questions:** What specific higher order thinking questions will be answered and/or addressed through this lesson? (label)

In your opinion, should citizens be required to be on jury duty? Why or why not?

What is due process and how does it work?

- **Objective(s):**

The students will be able to describe the duties and responsibilities of each person in the courtroom.

The student will be able to understand the importance of due process of the law.

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- Assessment:**
 Role-playing (judge, attorneys, court personnel) students will be graded on participation on the day of the trial. Jurors will be required to take notes during the trial when witnesses are testifying. Notes will be turned in after jury deliberation and will be graded for content and completeness. A paper will be written answering these questions; Do you feel the verdict was fair? Did you agree with the verdict? Did the process change your mind about jury duty? Do you have a better understanding on who works in the courts and the important of each job?

| Level of Understanding demonstrated | 4 – Advanced | 3 – Proficient | 2 – Basic | 1 – Below Basic |
|-------------------------------------|--|--|--|--|
| Student court case analysis | <p>Offers in-depth analysis and interpretation of the assigned case.</p> <p>Distinguishes between fact and opinion. Thoroughly understands the duties of the jury and court personnel.</p> | <p>Offers accurate analysis of the court case, jury duties, and court personnel.</p> | <p>Demonstrates only a minimal understanding of the court case, jury duties and court personnel.</p> | <p>Gives one or two facts from the court case, but does not include any analysis or interpretation of the case, jury service or court personnel.</p> |
| | | | | |
| Student Participation | <p>Full participation and role-playing. Extra effort given in participation</p> | <p>Full participation during the court case.</p> | <p>Minimal participation.</p> | <p>Student missed one or more days of the court case</p> |

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- **Materials and Resources Needed:**
 - Computer, projector, PowerPoint, trial handouts, gavel
 - <http://administration-of-justice.com>. Jim Salyer, Copyright Public Services Education, 2009/2010, permission granted for use.

- **Lesson Activity Steps:**
 - **Hook:** “Jerry Adams has been arrested for murder!”

This lesson should be divided up into 5 separate days. The first day consists of lecture notes and PowerPoint presentation on the criminal process and what happens to a case from start to finish (crime, arrest, investigation, prelim, case). This is an interactive lecture with class participation. The second half of the period is spent on the jury game. The second day a lecture is presented to the students about who’s who in the courtroom (judge, bailiff, attorneys). The mock trial is discussed and assigned. Students volunteer for the role they want. The next day is the day for the prosecution to present their case. The next day the defense presents their case. The final day is jury deliberation and journal entries.

| Purpose | Teacher | Students |
|--------------|---|--|
| Day 1 | Leads discussion, checks for understanding and encourages individual participation. | View evaluate the following questions: <ol style="list-style-type: none"> 1. What is the role of the jury in our court system? How does someone become a juror? 2. Who are all the people in court and what is their job? 3. What happens to a case from start to finish? |

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| | | |
|---|--|---|
| <p>DAY 1 (second half)</p> | <p>Teacher explains the jury game</p> <p>Case is explained using PowerPoint of pictures and descriptions of possible witnesses</p> | <p>Student's are given the role of prosecution or defense and must choose possible witnesses</p> <p>Student's view pictures and bio's of potential jurors.</p> <p>Students respond to teacher's questions.</p> |
| <p>Day 2</p> | <p>Teacher explains court cases and all of the different roles in the courtroom. The mock trial case is explained and students discuss and choose roles for the trial.</p> <p>Teacher leads student in interactive discussion on court personnel roles and the court case.</p> | <p>Students take notes and participate in interactive discussion. Students choose roles for the upcoming trial and write a paragraph explaining why they want the role and why they qualify for the role.</p> <p>Students are assigned roles.</p> |
| <p>Day 3</p> | <p>Classroom is set up into a simulated courtroom</p> <p>Prosecution presents their case</p> | <p>Students play their parts</p> <p>Jurors take notes</p> |
| <p>Day 4</p> | <p>Classroom is set up into a simulated courtroom</p> <p>Defense presents their case</p> | <p>Students play their parts</p> <p>Jurors take notes</p> |
| <p>Day 5</p> | <p>Jurors deliberate and find a verdict</p> | <p>Journal entries and class discussion</p> |

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- **Special Needs of students are considered in this lesson:** Instructor will choose judge, prosecutor and defense attorney. All other witnesses and jury members will be random choices.

- **Extension Ideas:**

Guest speakers will be invited to join the class. A real court case video will be viewed as reference for the roles.

The Courts

The Criminal Justice System has three major components:

- 1. _____
 - 2. _____
 - 3. _____
- Each plays an important role in the system and all three must work together

Process of Criminal Justice system

- Decide _____
- Detect _____
- Decide _____
- Determine _____
- Decide _____
- Carry out _____

After the arrest:

- **ARRAIGNMENT** -

- **BAIL** -

After the arrest:

- Case is submitted to _____ determines if there is enough evidence to take the case to trial after looking at police report and reviewing evidence

PRELIMINARY HEARING

- Challenge -

- **PLEA BARGAIN** –

Jury Vs. Judge

- The accused has a right to choose between having a judge or jury decide the case. If the suspect chooses a jury trial, a judge still presides over the case.

Jury Selection – guaranteed by ____ amendment

- Voir dire –
- Voir dire is a French word that translated means “speak the truth” or to tell the truth or be truthful

Jury Selection

- A juror can be excused for _____
- Peremptory challenge –

Jury

- Made up of _____
- Must be able _____

Qualifications for Jury Service

- Must be U.S. Citizen
- 18 years old
- Resident of county or district called for service
- Understand English
- Mentally Capable

Exclusions form service

- 1.
- 2.
- 3.

Employee responsibility

- 1.
- 2.
- 3.

The Trial

Who's Who

Judge

- 1.
- 2.
- 3.
- 4.
- 5.

District Attorney or Prosecutor

- Represents _____
- Must prove defendant is _____

Defense Attorney

- Represents _____t
- Does not have to prove innocence, simply has to put “_____” into the minds of the jury

Defendant

- The accused – _____

Court Reporter

- 1.
- 2.

Bailiff

- 1.
- 2.
- 3.
- 4.

Clerk of the Court

- 1.
- 2.
- 3.
- 4.

Interpreter

- Hired by the court _____

The Case

Opening Statements

State's Case

Redirect Examination

The Defense Case

Rebuttal and Surrebuttal

Closing arguments

Instruction to jury

Verdict

Foreperson

Verdict

Not guilty – _____

Guilty – _____

If it is a capital case – jury must decided if death penalty is
deserved

The Courts

The Criminal Justice System has three major components:

- Police
 - Courts
 - Corrections
- Each plays an important role in the system and all three must work together

Process of Criminal Justice system

- Decide what constitutes a crime
- Detect crime and arrest suspect
- Decide if accused will go to trial
- Determine guilt or innocence
- Decide punishment
- Carry out sentence (punishment)

After the arrest:

- **ARRAIGNMENT** - The initial appearance before a judge in a criminal case. At an arraignment, the charges against the defendant are read, a lawyer is appointed if the defendant cannot afford one, and the defendant's plea is entered.

Bail is set

BAIL - The money a defendant pays as a guarantee that he or she will show up in court at a later date. For most serious crimes a judge or magistrate sets bail during an arraignment, or in federal court at a detention hearing.

- (NO Bail can happen)

After the arrest:

- Case is submitted to DA (prosecutor) and DA determines if there is enough evidence to take the case to trial after looking at police report and reviewing evidence

PRELIMINARY HEARING

- - Legal proceeding used in which a prosecutor presents evidence to a judge in an attempt to show that there is probable cause that a person committed a crime. If the judge is convinced probable cause exists to charge the person, then the prosecution proceeds to the next phase. If not, the charges are dropped
- Defense counsel can CHALLENGE the evidence. (A challenge can happen at this process or during an Evidentiary hearing)

Plea bargain

- **PLEA BARGAIN** - An negotiated agreement between the defense and the prosecution in a criminal case. Typically the defendant agrees to plead guilty to a specified charge in exchange for an oral promise of a lower sentence.
- Majority of cases do NOT go to trial, they are plea bargained before the trial starts.

Jury Vs. Judge

- The accused has a right to choose between having a judge or jury decide the case. If the suspect chooses a jury trial, a judge still presides over the case.

Jury Selection – guaranteed by 6th amendment

- Voir dire – potential jurors are called to be questioned by courts and attorneys on ability to serve as juror
- Voir dire is a French word that translated means “speak the truth” or to tell the truth or be truthful

Jury Selection

- A juror can be excused for cause (prejudice or bias)
- Peremptory challenge – attorneys are given a limited number of challenges where they can excuse a juror with out cause

Jury

- Made up of of an ordinary group of citizens
- Must be able to make a decision based on evidence presented in court

Qualifications for Jury Service

- Must be U.S. Citizen

- 18 years old
- Resident of county or district called for service
- Understand English
- Mentally Capable

Exclusions form service

- Convicted of felony
- Served within last 12 months
- Law Enforcement personnel are exempt

Employee responsibility

- Must allow for time off
- Can NOT discharge an employee for jury service if they give reasonable notice
- Not required to pay employee during service, BUT many do!

The Trial

Who's Who

Judge

- Directs the case
- Will rule on questions of the law
- Decides if evidence will be allowed into court
- Explains laws to jury
- Keeps order in the court

District Attorney or Prosecutor

- Represents government
- Must prove defendant is "GUILTY BEYOND A REASONABLE DOUBT"

Defense Attorney

- Represents defendant
- Does not have to prove innocence, simply has to put "REASONABLE DOUBT" into the minds of the jury

Defendant

- The accused – the person on trial

Court Reporter

- Sits at a small machine and records or documents everything that is said at trial
- This record is considered the official record of the legal proceedings

Bailiff

- Tells witnesses when to enter the courtroom
- Escorts witnesses into courtroom
- Keeps an eye on the defendant
- Maintains order in the court

Clerk of the Court

- Chief Administrator of the court
- Compiles official records and exhibits
- Swears in jurors and witnesses
- Reads the verdict

Interpreter

- Hired by the court to translate for the defendant or witnesses

The Case

How the show is run

Opening Statements

After jury selection, both attorneys are allowed to make opening statements.

The purpose is to inform the jury of the evidence that will be presented by each side. Often the defense will wait until after the prosecution has presented the “case-in-chief.”

State’s Case

Direct examination – questioning of the witness by the side that calls him or her

Cross Examination – a chance for the defense to “impeach” the witness by attacking credibility, reliability, knowledge or recollection of event. Defense may try to show bias or prejudice.

Redirect Examination

Prosecutor can re-ask questions of the witness who was just cross examined by the defense. This is to re-establish their credibility or expertise

This is used to “clear-up” any questions or problems created by the defense

The Defense Case

After the prosecution has “rested” or finished presenting their case, it is the defenses turn.

Prosecution has “burden of proof”

Defense simply shows or gives “doubt”

Sometimes the defense will rest without calling a witness or bringing in evidence

Rebuttal and Surrebuttal

Same as cross-examination, only witnesses brought after defense brings in evidence.

Used to rebut defense claims

Closing arguments

- Statements made by both sides at the end of the case by both attorneys.
- These statements can be very emotional and persuasive

Instruction to jury

- Judge instructs jury on duties during deliberation
- Judge explains laws to jury

Verdict

Jury makes a decision in the jury room after deliberation

Evidence can be reviewed, testimony may be looked at

Must have unanimous conclusion 12-0

Hung jury does not work

Verdict can hours or days

Foreperson

The jury chooses someone to be the foreperson or spokesperson for the jury

Foreperson will tell bailiff when a verdict has been released

Verdict

Not guilty – means defendant is acquitted and case is over

Guilty – defendant is convicted and penalty is decided by judge/probation

If it is a capital case – jury must decide if death penalty is deserved

MOCK TRIAL!