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| **TEXAS CTE LESSON PLAN**  [www.txcte.org](http://www.txcte.org) | |
| **Lesson Identification and TEKS Addressed** | |
| **Career Cluster** | Law, Public Safety, Corrections, and Security |
| **Course Name** | Principles of Law, Public Safety, Corrections, and Security |
| **Lesson/Unit Title** | Pretrial and Courtroom Procedures |
| **TEKS Student Expectations** | **130.332. (c) Knowledge and skills**  (10) The student identifies the roles and functions of court systems. The student is expected to:  (D) explain pretrial and courtroom procedures |
| **Basic Direct Teach Lesson**  (Includes Special Education Modifications/Accommodations and  one English Language Proficiency Standards (ELPS) Strategy) | |
| **Instructional Objectives** | The student will be able to:   * Define key terms associated with pretrial and courtroom procedures * List the two functions of the court * Identify the constitutional rights associated with pretrial and courtroom procedures * Explore the three phases of a criminal trial * Discuss the two options for pretrial proceedings * Differentiate between the three pleas that can be entered during the pretrial phase * Explain pretrial and courtroom procedures * Demonstrate one or more of the steps in the trial phase * Define each of the three verdicts available during the trial phase * Identify the three criminal defenses available to a defendant * Discuss sentencing options available to the court * Explore the differences in the juvenile court system |
| **Rationale** | The student is expected to understand the roles and functions of the court system. To understand that role, the student must be able to identify the phases of a trial and accurately identify the procedures used in the courtroom. |
| **Duration of Lesson** | The lesson should take 2 hours. |
| **Word Wall/Key Vocabulary**  *(ELPS c1a,c,f; c2b; c3a,b,d; c4c; c5b) PDAS II(5)* | See Outline |
| **Materials/Specialized Equipment Needed** | * The Order of Events in a Mock Trial Handout * Pretrial and Courtroom Procedures Key Terms Handout * Copies of the mock trial scripts and case material * Computer with Internet access |
| **Anticipatory Set**  (May include pre-assessment for prior knowledge) | Engage the class in a discussion about why knowing proper courtroom procedure is important in the pretrial and courtroom process. Use the following questions for the discussion:   * What procedures need to be followed? * Has anyone ever been in court? * What was the experience like? * What might be a consequence of not following proper courtroom procedures? |
| **Direct Instruction \*** | I. Key Terms  A. Plea bargain – a deal made between the prosecutor and the defense that allows the accused to receive “concessions” for a plea of guilt  B. Pretrial Release – a decision to release the defendant is made by the judge and is based on two factors:  1. Threat to society  2. Rights of the accused  C. Information – a formal document charging an individual with a crime that is issued by a judge in a preliminary hearing  D. Indictment – a formal document issued by a grand jury, that charges an individual with a crime  E. Motion – an application to the court for a ruling  F. Motion to Dismiss – an application to the court to “throw out” the evidence that does not meet the standard  G. Motion to Suppress – a petition to the court to “throw out” evidence that is damaging to the case  H. Bail – a financial deposit made with a bondsman to ensure that the defendant will appear in court if released during the pretrial phase  I. Aggravating Circumstances – circumstances presented at the sentencing hearing that have the potential to increase the punishment a person receives for the crime  J. Mitigating Circumstances – circumstances presented at the sentencing hearing that have the potential to decrease the punishment a person receives for the crime  K. Voir Dire – to “say the truth”  L. Adjudication Hearing – the trial phase at a juvenile trial  M. Arraignment – pretrial proceedings for juveniles  N. Objection – means the defense disagrees with the prosecution or vice versa  II. Functions of the Court  A. First and foremost, the court is responsible for providing protection for the public  B. Its secondary role is to maintain the confidence of the public  III. Constitutional Rights  A. 5th amendment  1. Protects against double jeopardy and self-incrimination, protects the right to grand jury, and requires due process  a) Right to Grand Jury  (1) A panel of 12 citizens who will hear evidence from the case and will determine if enough probable cause (a crime has occurred, and the suspect is linked to it) exists to take the case to trial  (2) If enough probable cause does not exist, the case will be “no billed,” which means it will not go any further  b) Double Jeopardy  (1) A person cannot be tried for the same crime twice, except under special circumstances  (2) Example: During the OJ Simpson murder trial, OJ was found not guilty of the two murder charges. Later he wrote a book called “If I Did It” which clearly  c) Self-Incrimination  (1) This means that you do not have to testify at your trial, especially if your testimony would be damaging to your case  (2) The fact that you did not testify cannot be held against you when reaching a verdict  (3) You also cannot be forced to testify against a spouse  d) Due Process – the system must be followed. You cannot be convicted if you never went to court to face charges; there is a sequence of events that must occur. This is to ensure that everyone is treated fairly  B. 6th amendment  1. Speedy and public trial  2. Impartial jury  3. Informed of the nature and the cause of the accusation  4. Confrontation of witnesses  5. Compulsory process of the witness  a) The right to secure your own witnesses  b) If the prosecution presents a forensic expert to testify regarding the autopsy, you can bring in your own expert for the same purpose  6. Right to an attorney – an attorney will be appointed to represent you if you cannot afford one; you get whoever they give you  C. 8th amendment  1. Bail  a) A financial deposit to ensure you will appear for your court date  b) Paid to a bail bondsman, generally 20 percent to process the release  c) Can be paid in money, titles, property, or anything else agreed upon by the bondsman  d) If the accused fails to appear for court  (1) The bondsman is out the full bail amount  (2) The bondsman will then send a bounty hunter to find and take the accused before the court so that he can get some of his money back  2. Excessive fines  3. Cruel and unusual punishment  IV. Phases of a trial  A. Pretrial phase  1. The judge determines if the defendant will be allowed bail or  2. Pretrial release is the threat to society versus the rights of the accused  3. The preliminary hearing or grand jury convenes to determine if probable cause exists to go to trial  4. An information or an Indictment is issued  5. The defendant enters a plea  B. Trial phase  1. The jury is selected  2. both the prosecution and the defense present the evidence  3. A verdict is reached  C. Sentencing phase  1. The judge or the jury determines what sentence is appropriate based on the sentencing guidelines  2. The judge has some discretion in sentencing  3. The jury is given a sentence range to decide the actual sentence of the defendant  V. Pretrial Proceedings  A. Preliminary Hearing  1. Open proceedings used to establish probable cause  2. The information presented can be challenged  3. If probable cause exists then an Information is issued  4. Information – the formal document charging an individual with a crime  B. Grand Jury  1. Closed proceedings used to establish probable cause  2. Proceedings are used in Texas  3. The evidence presented cannot be challenged  4. If probable cause is found, then an Indictment is issued  5. Indictment – the formal document charging an individual with a crime  VI. Pleas  A. Guilty  1. This is an admission of some level of responsibility for the crime  2. A guilty plea stops the process and moves it to the sentencing phase  3. The goal of a trial is to establish guilt or innocence; if the defendant admits guilt, there is no reason to proceed with the trial phase  B. Not Guilty  1. This plea can be entered by a defendant that has not committed a crime, or  2. By a defendant that is trying to fight the charges  C. Nolo contendo  1. There is a big misconception about pleading “No Contest”  2. Nolo contendo is a plea of guilt  3. The only difference between a plea of nolo contendo and a plea of guilty is that the judge is responsible for the sentencing at the sentencing phase of the trial  VII. Pretrial and Courtroom Procedures  A. Jury Selection  1. The trial phase begins with the jury selection; without a jury, the trial cannot begin  2. To select a jury, the attorneys use a process called “voir dire”  a) Voir dire means to “say the truth”  b) This is the process by which the attorneys question the jurors to ensure that the accused gets the most impartial jurors  B. Courtroom Procedures  1. Opening statements  a) Both the prosecutor and the defense make opening statements to the court  b) The opening statements allow the evidence to be presented to the court  c) They are also used to “educate the jury”  2. Direct examination  a) The prosecution calls all its witnesses to provide evidence  b) The testimony should utilize the witness’ senses and knowledge  3. Cross examination  a) The defense has an opportunity to question the prosecution’s witnesses  b) The process then reverses  4. Rebuttal – the prosecution can present witnesses to refute the testimony presented by the defense’s witnesses during the defense’s direct examination  5. Closing arguments  a) Both the prosecution and the defense give their closing arguments  b) This is an opportunity for both sides to argue the facts of the case  6. The judge instructs the jury on the law  7. The jury is dismissed to deliberate  8. The verdict is announced  C. Courtroom etiquette  1. Stand when addressing the court or judge  2. Before you begin with any statements, say, “May it please the court”  3. Always stand when making an objection  a) Objection – means the defense disagrees with the prosecution or vice versa  b) There must be a legal reason for objecting to the evidence or statement  c) The judge will rule on the objection and answer one of two ways  (1) Sustained  (i) The person on the stand may not answer the question  (ii) The attorney must ask a different question  (2) Overruled  (i) The person on the stand may go ahead and answer the question  (ii) The judge is going to allow the testimony  4. Do not use foul language unless quoting someone  5. Follow all the instructions given by the court  VIII. Verdicts  A. Guilty – the jury has determined that evidence exists beyond a reasonable doubt that the accused has committed the crime  B. Not Guilty – the jury has determined that the prosecution did not prove beyond a reasonable doubt that the accused committed the crime  C. Mistrial (hung jury)  1. No matter how many times the judge sends the jury back to deliberate, they cannot reach a unanimous decision on the verdict  2. The process starts over with a new trail at a later date  IX. Criminal Defenses  A. Alibi – the accused claims that he or she did not commit the crime  B. Self Defense – the accused committed the crime, but his or her actions were justified  C. Insanity – the accused committed the crime, but cannot be held responsible  X. Sentencing Phase  A. If the defendant is found guilty of a misdemeanor, the judge determines the sentence given  B. If the defendant is found guilty of a felony charge, the trial then proceeds to the sentencing phase  C. Mitigating Circumstances – the circumstances presented at the sentencing that have the potential to decrease the punishment a person receives for the crime  D. Aggravating circumstances – the circumstances presented at the sentencing that have the potential to increase the punishment a person receives for a crime  XI. Sentencing Options  A. Probation  B. Prison  C. Death  D. Fines and/or restitution  E. Letter of apology  F. Community service  XII. Juvenile Procedures  A. Juveniles are not eligible for bail  B. Juveniles are released or detained based on the seriousness of their crime and their threat to society  C. Arraignments – pretrial proceedings for juveniles  D. Adjudication hearing – the trial phase for juveniles  1. Informal, but closed  2. Like the trial phase in the adult system, except there are no opening and closing statements  3. The judge decides guilt or innocence  *Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*  NONE |
| **Guided Practice \*** | None |
| **Independent Practice/Laboratory Experience/Differentiated Activities \*** | * Students should review some movie clips on proper courtroom procedures. *A Few Good Men* (courtroom scenes), *My Cousin* *Vinny* (courtroom scenes only), and *Twelve Angry Men* are all excellentexamples that allow students to view courtroom procedures in action. Then have students compare and contrast proper courtroom procedure with improper procedure. Use the Individual Work Rubric for assessment. * Mock Trial. Have students participate in a mock trial. Many different types and levels of trials are available online. The scripted trials are especially helpful to students who have not been exposed to trials before. For short trials that have a great impact on students, use the ones based on nursery rhymes such as Goldilocks and the Three Bears, or Jack and the Beanstalk. * Use The Order of Events in a Mock Trial Handout for the activity. If the mock trial you select does not include an assessment, the following rubrics maybe used: Mock Trials: Attorneys Rubric, Mock Trials: Jury Rubric, and Mock Trials: Witness Rubric.   *Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*  NONE |
| **Lesson Closure** | None |
| **Summative/End of Lesson Assessment \*** | * Pretrial and Courtroom Procedures Exam and Key * Pretrial and Courtroom Procedures Key Terms Quiz and Key * Mock Trials: Attorneys Rubric * Mock Trials: Jury Rubric * Mock Trials: Witness Rubric * Discussion Rubric * Individual Work Rubric   *Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*  For reinforcement, students should review some movie clips on proper courtroom procedures. A Few Good Men (courtroom scenes), My Cousin Vinny (courtroom scenes only), and Twelve Angry Men are all excellent examples that allow students to view courtroom procedures in action. Then have students compare and contrast proper courtroom procedure with improper procedure. Use the Individual Work Rubric for assessment. |
| **References/Resources/**  **Teacher Preparation** | * Dallas Bar Association, High School Mock Trail <http://www.dallasbar.org/mocktrial> * Furris, Nicholas, director. *Order in the Court Video*. Cambridge Educational Production, 2001. |
| **Additional Required Components** | |
| **English Language Proficiency Standards (ELPS) Strategies** |  |
| **College and Career Readiness Connection[[1]](#footnote-1)** | Cross Disciplinary Standards  I. Key Cognitive Skills  B. Reasoning  1. Consider arguments and conclusions of self and others.  2. Construct well-reasoned arguments to explain phenomena, validate conjectures, or support positions.  3. Gather evidence to support arguments, findings, or lines of reasoning.  4. Support or modify claims based on the results of an inquiry. |
| **Recommended Strategies** | |
| **Reading Strategies** |  |
| **Quotes** |  |
| **Multimedia/Visual Strategy**  **Presentation Slides + One Additional Technology Connection** |  |
| **Graphic Organizers/Handout** |  |
| **Writing Strategies**  **Journal Entries + 1 Additional Writing Strategy** |  |
| **Communication**  **90 Second Speech Topics** |  |
| **Other Essential Lesson Components** | |
| **Enrichment Activity**  (e.g., homework assignment) | Students should prepare a more advanced mock trial from start to finish using *People v. Carter*. Students will split into teams, divide the roles according to the number of students, write the mock trial, and present it in class. Use the Individual Work Rubric for assessment. |
| **Family/Community Connection** |  |
| **CTSO connection(s)** | SkillsUSA |
| **Service Learning Projects** |  |
| **Lesson Notes** |  |

1. Visit the Texas College and Career Readiness Standards at <http://www.thecb.state.tx.us/collegereadiness/CRS.pdf>, Texas Higher Education Coordinating Board (THECB), 2009. [↑](#footnote-ref-1)