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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** | Court Systems and Practices |
| **Lesson/Unit Title** | The Pre-Trial Process, The Grand Jury, and the Bail Process |
| **TEKS Student Expectations** | **130.340. (c) Knowledge and Skills**(2) The student examines the structure of the legal system in the United States. (G) The student is expected to describe and interpret the impact of the grand jury process on court proceedings regarding criminal scenarios(5) The student examines the steps by which a criminal charge is processed through pretrial, trial, adjudication, and the appellate stages.(B) The student is expected to explain pretrial court proceedings such as rules of discovery, challenges to evidence, and the bail process(E) The student is expected to identify the trial process from pretrial to sentencing |
| **Basic Direct Teach Lesson**(Includes Special Education Modifications/Accommodations and one English Language Proficiency Standards (ELPS) Strategy) |
| **Instructional Objectives** |

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| The student will be able to: |
| 1. List the order of official proceedings a case goes through before it |
| gets to trial |
| 2. Identify what decision is made in each proceeding |
| 3. Recognize the distinct types of bonds |
| 4. Play the role of a judge who must decide and defend the bail |
| amount on a specific case |
| 5. Critique other students’ decisions on the bail amounts set for a |
| Defendant |

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| **Rationale** |

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| There are lots of decisions made that affect a defendant from the time they |
| are arrested to the time they go to trial. The defendant’s lawyer will need to |
| be aware of these decisions so they can best defend their client. |

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| **Duration of Lesson** | 4 to 5 hours |
| **Word Wall/Key Vocabulary***(ELPS c1a, c, f; c2b; c3a, b, d; c4c; c5b) PDAS II (5)* |  |
| **Materials/Specialized Equipment Needed** | * Pre-trial Process computer-based presentation
* Bond Activity Handout
* Computer
* Projector
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| **Anticipatory Set**(May include pre-assessment for prior knowledge) |

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| Have the students imagine that they are a defense attorney fresh out of law |
| school that has just been hired by an offender who is currently in jail for a |
| crime they recently committed. Use the following questions for discussion. |
| Use the Discussion Rubric for assessment. |
| What are you going to tell them about the things that will go on in the legal |
| system regarding their case from this point until their trial? How are they |
| going to get out of jail until their trial, and who decides this based on what? |
| Are there any secret meetings that will be held that they are not allowed to |
| be a part of that could determine if their case goes to trial? |

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| **Direct Instruction \*** |

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| I. Entry into the Court System |
| A. A person enters the court system when they are arrested. An arrest |
| occurs when adequate evidence exists. |
| B. Once the person is arrested he or she is taken to jail and booked. |
| Booking consists of obtaining biographical information about the |
| defendant (name, address, DOB, etc.), fingerprinting the defendant, |
| and taking the defendant’s photograph (the mug shot). |
| C. A police officer (or sometimes the prosecutor) files a complaint |
| which is the charge. |
| 1. The complaint is a written statement of the essential facts |
| constituting an offense charged. It is made upon oath before a |
| magistrate. |
| 2. This is also known as an affidavit. |
| 3. Hearsay can be allowed in a complaint. |

* + 1. If a person is not in custody when an officer has his complaint signed by the judge, it then becomes a warrant for that person’s arrest.

II. Visiting with the Judge* 1. The first appearance before the judge is called the initial appearance. During this visit the judge
		1. Confirms the identity of the defendant
		2. Informs the defendant of various rights such as remaining silent and having an attorney
		3. Gives a date to show up to court for the preliminary hearing
		4. Advises the defendant of how much the bail is
	2. This happens within 24 to 48 hours of being arrested.

III. Bail* 1. Bail is the money or property given as security for a defendant’s appearance in court. It may be lost if the defendant does not appear at their court date.
	2. Types of Bonds
		1. Surety Bond – when a third party agrees to pay the bond
			1. The defendant pays a professional bondsman 10 percent or more of the bond amount in exchange for the bondsman’s posting the defendant’s bail
			2. The defendant does not get the 10 percent back
		2. Property Bond – when the defendant pledges a car, house, or other property to retain release
		3. Cash Bond – the defendant puts up his or her own cash to make bail
		4. Personal Recognizance – when a defendant needs only to promise to appear in court
	3. The 8th Amendment does not allow bail to be excessive. The Supreme Court has ruled that a defendant’s inability to pay the amount the court has set does not make it excessive.
	4. The bail amount can depend on
		1. The nature of the crime
		2. The defendant’s criminal history
		3. Flight risk
		4. How much wealth the defendant has
	5. Bail can be denied depending on some of the following:
		1. The type and nature of the crime
		2. Flight risk
		3. Protection of the victim or the defendant

IV. Preliminary HearingA. The defendant’s second appearance before a judge where the court determines if probable cause exists to believe the accused committed the crimeB. The purpose of the hearing is to have an impartial third party review the facts to be sure that probable cause existsC. The preliminary hearing is many times bypassed and the case is sent to the grand juryD. The hearing is adversarial and can serve as a source of discovery for both the prosecutor and defenseE. Other motions to throw out illegally seized evidence, etc. are made after the preliminary hearing1. V.Grand Jury
	1. A group of people who routinely meet to determine whether there is probable cause to believe that defendants committed the crimes they are charged with
	2. Grand Juries are
		1. Closed
		2. Presented evidence by the prosecutor only
		3. Secret
		4. Conducted without the defendant present
		5. Able to subpoena witnesses to testify and give immunity from prosecution
	3. If the grand jury finds that probable cause does exist, the defendant is issued a true bill of indictment, or, is indicted
	4. If the grand jury finds that probable cause does not exist, the defendant is not billed and the case is dropped

VI. ArraignmentA. After formal charges have been filed, the defendant is brought to court for an arraignmentB. The hearing at which the defendant is brought before a judge to hear charges and to enter a plea* 1. The defendant will enter any of the following pleas:
		1. Not guilty
		2. Guilty
		3. Nolo contendere or no contest means, “I do not contest it.” The defendant neither admits nor denies the charges and has no intention of defending themselves.
	2. A guilty plea
		1. Must be voluntarily
		2. The defendant must be aware of its implications
	3. No plea is the same as a not guilty plea
1. A plea bargain can be announced – a negotiation between the prosecutor and the defendant’s lawyer in which the defendant pleads guilty for a lesser punishment so the case does not go to court. This must be approved by the court.

*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 \*** | *Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*NONE |
| **Independent Practice/Laboratory Experience/Differentiated Activities \*** | 1. Completion of the Pre-trial Process (open-note) Quiz
2. Have the students write a one-half to one-page paper on the role of the grand jury. They will describe the importance of the grand jury in the criminal justice system and why, in their opinion, it is important for it to exist. If there is additional time, have the students research how often the grand jury meets in their county and/or have someone who has served on a grand jury come and speak to the class. Use the Writing Rubric for assessment.
3. Have the students complete the Bond Activity. Use the Bond Activity Handout and the Role Play 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** |  |
| **Summative/End of Lesson Assessment \***  | * Pre-trial Process Exam and Key
* Pre-trial Process Quiz and Key
* Discussion Rubric
* Research Rubric
* Role Play Rubric
* Writing 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, the student will research a high profile case in his or her local area and track it as it goes through the pretrial process. This may be done by going to the newspaper or television station websites and back tracking through the links, if they pick a case that is currently at trial and is being talked about heavily in the local media. The student can document decisions made at each pre-trial stage. Use the Research Rubric for assessment |
| **References/Resources/****Teacher Preparation** |  |
| **Additional Required Components** |
| **English Language Proficiency Standards (ELPS) Strategies** |  |
| **College and Career Readiness Connection[[1]](#footnote-1)** | Cross-Disciplinary StandardsI. Key Cognitive SkillsA. Intellectual curiosity* 1. Engage in scholarly inquiry and dialogue.

2. Accept constructive criticism and revise personal views when valid evidence warrants.1. Reasoning
	1. Consider arguments and conclusions of self and others.

2. Construct well-reasoned arguments to explain positions or lines of reasoning.* 1. Support or modify claims based on the results of an inquiry.
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| **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) | For enrichment, the student will research famous cases, see how much the bail amounts were for the defendants, and describe why he or she thinks the judge made the decision on the bail amount. Use the Research 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)