

LESSON 6 Preparing for Trial



Objective

Students will prepare to conduct a modified mock trial.



Resources

Student Handout 6–10: *The Village Gazette*

Student Handouts 6–11 through 6–15:

The State v. Bean Journal Entries (one copy each)

Student Handout 6–16: Juror Cards (one or two copies cut into 12 parts—
one for each juror)

Attorney

Courtroom or law firm courtroom (if available)



Procedures

- 1 Remind students that a crime is an act or a failure to act which is forbidden by law and for which the law imposes punishment. Criminal laws describe crimes (offenses against society) and the penalties for committing crimes. Discuss again, if necessary, the idea that you are innocent until proven guilty (as opposed to guilty until proven innocent). Help students think about why the Founders thought that was important. What are the advantages? (Innocent people are less likely to go to jail.) What are the disadvantages? (Guilty people are also less likely to go to jail.)
- 2 Remind students that they mediated a dispute between Jackie and Mr. Biggs. Tell them that they will now learn what can be done if mediation fails. This role play takes place after a failed mediation attempt between Jackie and Mr. Biggs in Unit II. They will learn how the conflict escalated, perhaps to the point where a crime was committed.
- 3 Have students read **Student Handout 6–10** (*The Village Gazette*) and check for understanding.
- 4 Select students to play the following roles. Jackie, Mrs. Bean, Mr. Biggs, Camilla, and Juanita should each receive their journal entries (**Student Handouts 6–11 through 6–15**):
 - 2 Prosecutors
 - 2 Defense Attorneys
 - Judges (can be played by resource persons)
 - Jurors (the rest of the class)
 - Jackie
 - Mrs. Bean (his mother)
 - Mr. Biggs (a very tall rancher)
 - Camilla (Hen #1)
 - Juanita (Hen #2)
 - Optional: Clerk of Court, Court Reporters, Press Reporters, Bailiffs, Court Sketch Artist

LESSON 6 (cont.)

- 5** The prosecutors should form a group with Mr. Biggs and Camilla. With input from the group, one prosecutor should write down what the prosecution intends to prove as an opening statement to begin the case. The second prosecutor should practice reviewing the testimony with the witnesses. The second prosecutor should be prepared to summarize the evidence that favors their side at the end of the trial.
- 6** The defense attorneys should use the above process to prepare their case. Their witnesses are Jackie, Mrs. Bean, and Juanita.
- 7** The volunteer attorneys should help prosecutors and defense attorneys think of questions for their witnesses and for cross-examination. If there is enough time and attorney assistance, you may wish to give the prosecution and defense copies of journal entries belonging to the opposing side's witnesses. They may use these entries to help prepare questions.
- 8** While the trial participants are preparing their roles, distribute as many juror cards (**Student Handout 6–16**) as needed to the rest of the class. If necessary, you may form two juries with two students playing each role. The jurors should be placed in groups. They should read, study, and practice their roles. Each person on the jury should tell the other jurors his or her name, who she/he is, and the information on his or her description. You may help the students by asking a few questions. Tell them that an attorney will be asking them questions about their character on the day of the trial. The jurors should be told that they will decide whether Jackie is guilty or not based on the roles they are playing, the evidence they hear, and the requirement that his guilt must be proved beyond a reasonable doubt. They must be fair.

LESSON 7 *The State v. Bean—* A Mock Trial



Objective

Students will learn about criminal court by conducting a mock trial.



Teacher Background

The right to a jury trial was very important to the founders of our country. The Sixth and Seventh Amendments to the U.S. Constitution included the right to a jury trial in both criminal and civil cases in the federal courts. In time, these rights were extended to persons involved in state courts through the due process and/or equal protection clause of the Fourteenth Amendment. Many state constitutions also spell out this right.

The participation of attorney volunteers is extremely important for this lesson. Their assistance will be needed both to help with procedure and to help student attorneys question witnesses.



Resources

Attorney(s)

Courtroom or law office

Student Handouts 6–11 through **6–15**: Journal Entries

Student Handout 6–16: Juror Cards

Student Handout 6–17: The Criminal Trial: *The State v. Bean*

Video recorder



Procedures

- 1 Invite an attorney to question the jurors in front of the class. If two students have the same role, they may determine their response based on the role description. Even though the lawyer would most likely challenge some of the jurors, all students should be allowed to remain on the jury. The attorney should end each examination by asking the students whether they can be fair. Students should answer yes. The attorney can talk about jury selection after the role play.
- 2 Have students role play the trial using **Student Handout 6–17** (The Criminal Trial). Court reporters should write down key facts that can be discussed after the verdict. The bailiff, in addition to calling the court to order, can swear in witnesses. Volunteer attorneys should assist student attorneys with asking questions of witnesses. One of the attorneys may play the part of the judge or act as the coach to the student judge and clerk. Have the judge read and prepare to recite the Judge's Instructions to the Jury (on **Student Handout 6–17**).

Optional: If a video camera is available, student reporters may tape the trial.

LESSON 7 (cont.)

- 3** Once the trial has been completed, the attorneys should lead the jury in a discussion about their decision. Everyone must indicate whether he/she believes Jackie guilty or innocent of the charges. Students should attempt to reach consensus. If it is possible for the jurors to meet privately, the attorney can answer questions the role-players have while the jury is out. It may be helpful for the jury to have an attorney observing, advising, and answering questions. There should be a time limit for the jury's decision.
- 4** Have the jury announce its verdict. Then have the attorneys ask the students the following:
 - What was the most convincing argument?
 - What additional information would have helped the jurors to make their decision?
 - Do you think it is a good idea to require a unanimous decision for a guilty verdict?
 - In some countries there are judges, but no juries. Do you think this is a fairer way to decide cases?
- 5** The attorneys may want to talk about which jurors would have been excluded from the jury. The attorneys may then discuss the importance of an impartial jury and compare the two classroom juries. They may also want to compare this experience to a real trial.
- 6** Debrief the students about their experience.
 - Was the trial fair?
 - Is this system of justice fair? If so, what makes it fair?
 - How could the trial have been made fairer?
 - What did they think about their role in the process?
 - How does this trial compare with that of Sarah Good?
- 7** Resource persons may also add their observations on these points and react to student comments.