Defining Beyond a Reasonable Doubt

Overview
This lesson helps students understand some of the important protections given to people accused of a crime and engages them in defining a critical term in the work of juries: beyond a reasonable doubt.

Grade Levels
7-8

Objectives
Students will:
- Understand some of the rights of the accused.
- Understand and evaluate what beyond a reasonable doubt means.
- Work in small groups to reach consensus.

Materials
- Student Handout 1—Protecting the Accused
- Student Handout 2—Defining Beyond a Reasonable Doubt*
- Student Handout 3—Is This Reasonable Doubt?
- Large sheets of butcher or posting paper

*For Student Handout 2, you may want to cut up the handout into cards that students can manipulate as they work on their definitions; this adds a kinesthetic component that may be helpful to some learners.

Procedures

1. Write the phrase rights of the accused on the board. Ask students to define the term accused. Remind students that the Constitution and legal traditions protect the rights of the accused to ensure that they are treated fairly in the courts.

2. Pass out Student Handout 1 (Protecting the Accused). Explain that some of the items listed are important protections given to people accused of a crime. Others are not. Students’ job is to identify the items that protect the rights of the accused. Have students work in groups of three to complete the worksheet. The attorney and teacher can both be available to

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answer questions as students work on the task.

3. When students have completed the worksheet, debrief the activity by reviewing which items are protections for the accused (all except 2, 6, 7, 13, and 16 are protections, and students may be able to make a case for 6 and 13) and clarifying any questions that students have.

4. Tell students that in a criminal case, the prosecution—the government lawyers—must prove their case. This is called the burden of proof. The defense, the lawyers for the accused, do not have to prove the defendant’s innocence. The standard that the prosecution must reach is proving the accused guilty beyond a reasonable doubt. What do you think beyond a reasonable doubt means? (Allow time for several students to share their ideas, accepting all answers.)

5. Explain that there is no one universally accepted definition of the term. Many judges have developed their own ways of explaining what the term means when they give jurors their instructions. In this activity, students are going to look at several different definitions and decide how they would explain beyond a reasonable doubt if they were judges.

6. Distribute Student Handout 2 (Defining Beyond a Reasonable Doubt) or give students the cards you have made from the handout. Tell them to read through the definitions; they can pick one of the definitions that they like or pick parts of definitions to create their own. They should keep in mind that they are trying to come up with a good way to explain the phrase to jurors. The attorney and teacher can again circulate among groups, asking questions to stimulate thinking and clarifying any misunderstandings students have.

7. Have students post their definitions on sheets of posting paper that can be placed around the room. Allow time for students to read and comment on other groups’ definitions. Conduct a debriefing discussion, focusing on similarities and differences in the definitions.

8. Tell students that one way to test whether a definition works is to apply it to hypothetical cases. Distribute Student Handout 3 (Is This Reasonable Doubt?) and explain that students are to use their definitions to decide whether there is reasonable doubt in each case. If their definitions do not allow them to make distinctions between the cases, they may need to revise their definitions.

9. Debrief the activity with students, focusing on how well their definitions worked when applied to the cases. Does the vagueness of the term beyond a reasonable doubt make the juror’s role more or less important? Why?
Student Handout 1

Protecting The Accused

The list below includes rights protected by the Constitution, as well as aspects of court proceedings in the United States. Which of these items are ways of protecting the rights of people accused of crimes? Does this protect the rights of the accused?

1. Right to trial by jury
2. Freedom of religion
3. Prosecution must prove the accused guilty beyond a reasonable doubt.
4. Right to an attorney
5. The accused is assumed innocent until proven guilty.
6. Freedom of the press
7. Right to keep and bear arms
8. Person cannot be tried for the same crime twice.
9. Right to a speedy and public trial
10. Right to question the people who accuse you of a crime
11. Freedom from excessive bail
12. Protection against cruel and unusual punishment
13. Freedom from unreasonable searches and seizures
14. Right to know the charges against you
15. Right to vote
16. A complete record of a trial is made by the court reporter.
17. Protection from self-incrimination

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Defining Beyond a Reasonable Doubt

A reasonable doubt is based upon reason and common sense—the kind of doubt that would make a reasonable person hesitate to act. Proof beyond a reasonable doubt, therefore, must be proof of such a convincing character that a reasonable person would not hesitate to rely and act upon it. However, proof beyond a reasonable doubt does not mean proof beyond all possible doubt.


A reasonable doubt is not an imaginary or frivolous doubt. It must not be based upon sympathy or prejudice. Rather, it is based on reason and common sense. It is logically derived from the evidence or absence of evidence. . . . If based upon the evidence before the court, you are sure that the accused committed the offence, you should convict since this demonstrates that you are satisfied of his guilt beyond a reasonable doubt.


Proof beyond a reasonable doubt, therefore, is proof of such a convincing character that you would be willing to rely and act upon it without hesitation in the most important of your own affairs. However, it does not mean an absolute certainty.


Beyond a reasonable doubt means sure of a defendant's guilt to a moral certainty; no reasonable alternative is possible.

Student Handout 3

Is This Reasonable Doubt

**CASE 1**

Brittany had her iPod in her backpack. Her parents had told her not to take it to school, but she really needed it. Otherwise, she’d have to walk the three blocks to and from school with no music.

On April 17, 2010, Brittany’s backpack was at her desk in science class. She and the other students in the class were working on a lab at tables in the back of the room. After class, she could not find her iPod. She reported the theft to the school resource officer.

The school resource officer questioned the other students in the class. Two girls mentioned they had seen Dave G. near Brittany’s desk during the class. No one else remembered Dave being near the desks. The officer questioned Dave, and he denied taking the iPod. Dave even let the officer search his backpack and locker. The officer did not find the iPod, but she knew there were other places Dave could have hidden the iPod.

If Dave were tried using the information above, would you be convinced of his guilt beyond a reasonable doubt? Why or why not?

**CASE 2**

Brittany had her iPod in her backpack. Her parents had told her not to take it to school, but she really needed it. Otherwise, she’d have to walk the three blocks to and from school with no music.

On April 17, 2010, Brittany’s backpack was at her desk in science class. She and the other students in the class were working on a lab at tables in the back of the room. After class, she could not find her iPod. She reported the theft to the school resource officer.

The school resource officer questioned the other students in the class. Twelve students mentioned they had seen Dave G. near Brittany’s desk during the class. One of them asked him what he was doing over there, and he said he was getting a tissue. But Brittany’s desk was nowhere near Dave’s desk or the class tissue box.

The officer questioned Dave, and he denied taking the iPod. Dave refused to let the officer search his backpack and locker. However, the officer was able to lift a fingerprint from Brittany’s purse. The fingerprint matched Dave’s fingerprints.
Dave could not explain why his fingerprint was on Brittany’s purse. They were not even friends and did not sit near each other in any classes or at lunch.

If Dave were tried using the information above, would you be convinced of his guilt beyond a reasonable doubt? Why or why not?

CASE 3

Brittany had her iPod in her backpack. Her parents had told her not to take it to school, but she really needed it. Otherwise, she’d have to walk the three blocks to and from school with no music.

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Two days later, Brittany’s iPod showed up in a pawnshop near the school. The owner of the pawnshop identified Dave as the person who sold him the iPod.

If Dave were tried using the information above, would you be convinced of his guilt beyond a reasonable doubt? Why or why not?