

FROM **CLASSROOM**



TO

COURTROOM



*Court Education Program
Of the
Second Judicial Circuit*



From Classroom to Courtroom

COURT EDUCATION PLAN FOR LEON COUNTY AREA SCHOOLS

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Acknowledgements

Lesson Plan is adapted from Mini-Mock Trial Manual, Minnesota Center for Community Legal Education, Center for 4-H Youth Development, University of Minnesota Gateway, 1998.

The Invaders: A Constitutional Rights Activity was developed by Annette Boyd Pitts, Executive Director of the Florida Law Related Education Association, Inc.

The Florida Courts and the Judiciary: A Constitutional Scavenger Hunt was developed by Annette Boyd Pitts, Executive Director of the Florida Law Related Education Association, Inc.

An Independent Judiciary was developed by Annette Boyd Pitts, Executive Director of the Florida Law Related Education Association, Inc.

Judicial Decision-Making and the Constitution was developed by Annette Boyd Pitts, Executive Director of the Florida Law Related Education Association, Inc.

From Classroom to Courtroom

COURT EDUCATION PLAN FOR LEON COUNTY AREA SCHOOLS

Mission

Our mission is to provide an educational program to Leon County 7th graders that will inspire and spark interest in our state and country's justice system.

Objectives

- ★ Bring court education into local schools.
- ★ Support mission of the Chief Justice of the Florida Supreme Court and the Chief Judge of the 2nd Circuit.
- ★ Create a civic-minded citizenry.
- ★ Provide students with access to legal practitioners.
- ★ Provide students with information about the consequences of illegal behavior.
- ★ Recruit quality students for Teen Court jury duty and subsequently, as Teen Court Attorneys.
- ★ Provide for a “complete package” of supplemental curriculum to ease the burden on teachers.

Summary

A survey by the American Bar Association shows that slightly more than half of the adult population in the United States can correctly identify the three branches of government. Almost half of this population could not identify the meaning of separation of powers nor correctly identify judicial responsibilities.¹ Efforts to combat this lack of knowledge have sprung up around the country. In Florida, from the Justice Teaching Institute of the Florida Supreme Court to the Florida Law Related Education Association, programs designed to provide court education are being created and implemented.

The Second Judicial Circuit and the Leon County Teen Court program have taken action. “From Classroom to Courtroom” is a program designed to take court education into local Leon County middle schools. The program takes a “Hear It, See It, Do It” approach. Children will “hear it” through teacher-implemented lessons and guest speakers from the legal community. They will “see it” by visiting actual courtrooms and seeing court proceedings. They will “do it” by volunteering as jurors for the Leon County Teen Court. This three-tiered approach will offer unique learning possibilities for a variety of learning types.

Implementation of the plan into all of Leon County public middle schools is occurring over a three year period and began the Spring of 2007. Three schools piloted the program in the

¹ “Civics Education” The American Bar Association, July 2005

first year. In the second year, more schools were served. By the third year, it is anticipated that all eight traditional public schools and two public charter schools will be participating.

Curriculum

“From Classroom to Courtroom” proposes a plan, spanning four days, that is supplemental to current civics courses. The program is in a mini-mock trial format. The first day or two of the program will include an age-appropriate lesson on the trial procedure, court personnel, and familiarizing students with the mock cases. Students will take on roles of attorneys, witnesses, and jurors. This will be teacher-led and will cover two 50 minute class periods. Day Three will involve a guest speaker – a judge, attorney, or court staff from the local community. The guest speaker will discuss courtroom procedure and provide instruction on evidence and objectives. The guest speaker will also assist students as they prepare for their roles in the trial. Day Four may include a court tour fieldtrip and the presentation of the mini-mock trial in an actual courtroom with a judge or court personnel in attendance, subject to availability of court staff and courtrooms. In the event that a fieldtrip is not possible, a guest attorney will preside over the mock trial in the classroom.

Objectives:

- ✓ Students will explain the purpose of trial procedures.
- ✓ Students will identify roles and terms used in the trial process, such as parties, defendant, plaintiff, prosecutor, case, evidence, testimony, witness, documents, physical evidence, etc.
- ✓ Students will name the parties to a case in a criminal trial.
- ✓ Students will identify the major steps in a trial.
- ✓ Students will use critical thinking to plan out the opening statements, direct examination, cross examination, and closing arguments of criminal case.
- ✓ Students will understand the role of the citizen in the jury process.

“Hear It”

The activities for Day One and Two will include handouts and worksheets on Trial Process² and familiarizing students with the role of court participants. Students will review mock trial scenarios and choose roles to play. Students will work in groups.

The Day Three Guest Speakers will be drawn from local attorneys and judges. These judges, attorneys and court personnel have expressed an interest in speaking before a classroom, through the Teen Court program.

² Adapted from *State of Washington v. Herschel C. Lyon*, curriculum unit written by Margaret Fisher, Julia A. Gold, and Tarry L. Lindquist, Washington State Office of the Administrator for the Courts.

Guest speakers will help students prepare for the mock trials and the courtroom experience. Through the process, they will provide instruction on objections, evidence, court procedure, and court demeanor.

“See It”

Day Four is the Courthouse Tour and presentation of mini-mock trials or the mock trial in the classroom. Students would come to the Leon County Courthouse via school fieldtrip procedures.

Sample Tour Schedule for 2 classes:	
10:00 am	Students arrive at Courthouse, students come through the metal detectors and x-ray machines (to see security practices up close).
10:15 am	Visit actual court proceeding
11:00 am	Group 1 - Tour of judges' "secret" passageways, Bailiff's Unit to see all of the cameras, and other spots of interest. Group 2 – Hold mini-mock trial in courtroom
11:45 am	Group 2 - Tour of judges' "secret" passageways, Bailiff's Unit to see all of the cameras, and other spots of interest. Group 1 – Hold mini-mock trial in courtroom
12:30 pm	Bailiff's Presentation in courtroom
1:00 pm	Students escorted to bus for pick-up

The chart below shows a sample schedule for a hypothetical school with six 7th grade classes. The program would begin on Thursday, allowing court tours/mock trials to occur on Tuesday, Wednesday, and Thursday. Two classes would be scheduled at the same time, allowing approximately 50 students to attend a tour at one time. Tours would be hosted by the Teen Court Director/Court Education Consultant and other Teen Court staff as time and need permit.

		Thur	Fri	Mon	Tue	Wed	Thur
Week	Class 1	A	A	G	T		
	Class 2	A	A	G	T		
	Class 3		A	A	G	T	
	Class 4		A	A	G	T	
	Class 5			A	A	G	T
	Class 6			A	A	G	T

A = Activity

G = Guest Speakers

T = Courthouse tour or classroom mock trial

“Do It”

An elective portion of the curriculum will allow the student to volunteer for Teen Court jury duty. With cooperation of the teachers involved in this court education plan, Teen Court jury duty will offer extra credit to participating students. Information on Teen Court and volunteering will be provided to teachers.

Junior Judiciary

As the program grows, Teen Court may offer incentive to complete the entire program, including the optional Teen Court jury duty. Students would receive a certificate pronouncing them as a member of the “Junior Judiciary.” Certificates could be awarded at an assembly at the student’s school or at a district wide assembly at the Courthouse, by a judge or member of the bar.

Optional Expansion of the Four Day Program

Optional curricula is provided within this plan for expansion of the four day program. This allows interested teachers to provide a basis for court education that includes materials on constitutional rights, the independent judiciary, Florida courts, and judicial decision-making. These activities can be done in the five days prior to the four day program, allowing for a nine day unit, or teachers can pick and choose appropriate activities for their classes.

Sample Nine Day Unit	
Day 1	The Invaders – A Constitutional Rights Activity
Day 2	An Independent Judiciary – Part 1
Day 3	An Independent Judiciary – Part 2
Day 4	Judicial Decision Making and the Constitution – Part 1
Day 5	Judicial Decision Making and the Constitution – Part 2
Day 6	Day One – Mini-Mock Trial Classroom Activities
Day 7	Day Two – Mini-Mock Trial Classroom Activities
Day 8	Day Three – Guest Speaker and Jury Selection
Day 9	Day Four – Courthouse Tour and Mock Trials

Implementation

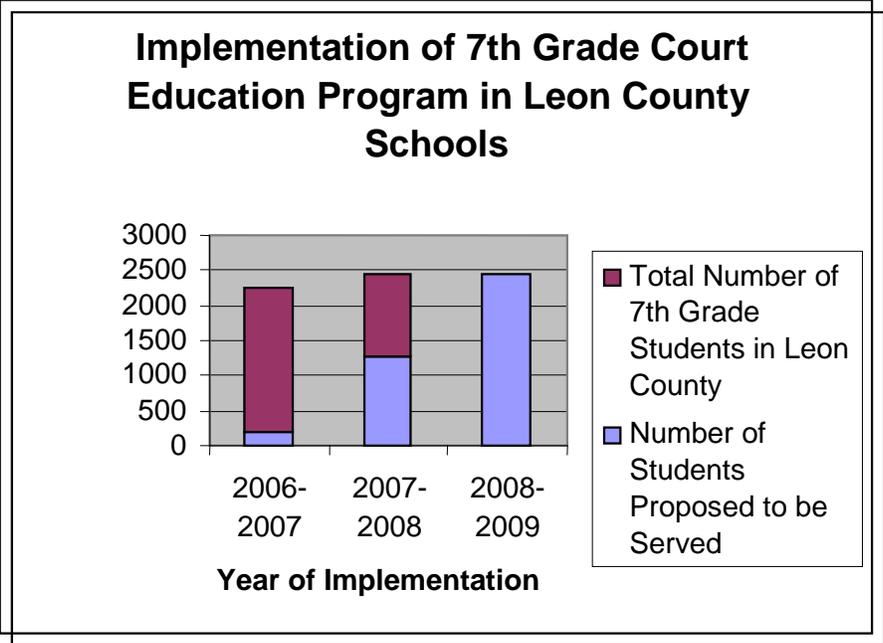
Through Governor Jeb Bush’s A++ Plan, students entering 6th grade during the 2006-2007 school year will be required to have a semester’s worth of civics education by the time they finish middle school. Currently, middle schools generally offer two years of geography and a year of American History. The Civics course will be implemented in all middle schools for 7th graders in the 2008-2009 school year; therefore, full implementation of the program is slated for the 2008-2009 school year.

Piloting of the program occurred in the Spring of 2007, with two small programs within public middle schools and a middle school class within a private school participating. Deerlake Middle School participated with four 8th Grade Civics classes and approximately 85 students. Fairview Middle School’s International Relations class participated with about 13 students. Magnolia School, a local private school, participated with a middle school class of about 20

students. The second year (2007-2008) of the program expanded the offerings to 8th graders in three public middle schools, serving 31 classes. Schools participating in the second year included Deerlake Middle School, Nims Middle School, and BelleVue Middle School.

Private schools will be served as requested by the school. As many private schools have smaller class sizes, accommodations may be made for entire middle school programs (grades 6 to 8) to participate in the Classroom to Courtroom program, allowing for private schools and smaller programs to offer the program once every three years.

In the third year (2008-2009), the program would be offered to all public middle schools, including the two charter schools. Approximately 2000 7th grade students would be served. Again, private schools would be served as requested by the individual schools.



From Classroom to Courtroom

Mock Trial Four Day Program TEACHER INSTRUCTIONS

The Classroom to Courtroom Mock trials help students learn about courts and trial procedure in an interesting and enjoyable way. Although students obviously will not be as polished as they are in more lengthy mock trial programs, their abilities to quickly become familiar with trial process, to learn their roles, and to discuss rules of evidence and constitutional protections will surprise even the most seasoned observer.

Students will:

- 1. Become familiar with the role of a trial court in solving disputes. They will also be introduced to court procedure and decorum.*
- 2. Develop an appreciation for the importance of various people in the courtroom.*
- 3. Practice communication and critical thinking skills as they prepare and present their case.*

Materials needed: Student Handout: STEPS IN A TRIAL – OVERVIEW
Student Handout: STEPS IN A TRIAL – WORKSHEET
Student Handout: MOCK TRIAL PROCEDURE
Student Handout: JUROR BIOGRAPHY
Jury Deliberation Process Activity
Mini-Mock Trial Cases

(Please keep in mind that certain handouts will only be given to students playing certain roles. Distribution of the materials is explained on later pages).

DAY ONE and TWO – Classroom Activities

Time needed: Two 50-minute class periods

1. Begin the class session by discussing trials. Because most students have seen television programs about trials and courts, they already have some basic information. Ask them what programs they have seen. Ask the students to list the people who are present in the courtroom. This list should include:
 - lawyers
 - judge
 - jurors
 - witnesses
 - defendant
 - plaintiff or prosecutor
 - bailiff
 - police officers
 - clerk
 - court reporter
 - public
 - sketch artists
2. Discuss what these people do in the courtroom. Ask the students who they believe is the most important person in the courtroom. As they answer, ask them why they think the person is important. This will have the students think about the role of the different people in the courtroom.

3. Discuss the steps in a trial. Use the handout and worksheet provided. In the alternative, cut out each individual “step” and hand out to students. Allow them to arrange themselves in order using the “step” that they have been given.
4. Choose which case the class will do. You may have the class vote but please do not share specific facts of the case, so that those students who will become jurors do not hear too much about the case. Assign or ask for volunteers to play the roles. There should be at least three prosecutors, at least three defense attorneys, one bailiff, three witnesses for the prosecution, one defendant, and two witnesses for the defense. The rest of the group will be jurors for the case. If your class is small, you may eliminate the bailiff role, have two attorneys for each side, and/or have the witnesses double up on roles. All of the witness roles are required, but a student can play more than one witness role, if there is a shortage of available students. The main objectives are to not make any individual role too time-consuming for a student to do or to have too few jurors. A jury panel of at least five students is adequate.
5. Provide the “Stipulated Facts” handout to all participants playing roles (***do not give to the jurors – in order to simulate the trial as close to a real trial as possible, the jurors should not know the facts***). Provide the Witness Statements to the defendant, the witnesses, and all the attorneys.
6. Provide the following instructions:

Attorneys – Tell them to read the facts and all of the witness statements (including the witnesses for the other side). They are to decide and divide up who will prepare an opening statement, questions for all the witnesses, and a closing argument. They should receive copies of the Mock Trial Procedure to guide them. The Mock Trial Procedure provides guidelines and suggestions for the attorneys for all stages of the trial. They should bring the Mock Trial Procedure with them when attending the Courthouse Tour.

Witnesses – Tell each witness to read his or her statement at least three times so that he or she will be prepared to answer questions. Each witness should then work with the lawyers from their side to help prepare questions. Witnesses can improvise any details that are not contained in the Witness Statements, but they cannot go outside of the fact pattern. The details given within the Witness Statements may not be altered. Witnesses may bring the Witness Statements with them to remind them of details during the mock trial.

Bailiff – Tell the bailiff to review the procedure for the oath that he or she will administer to each witness. The Bailiff should prepare the Mock Trial Procedure handout for the judge by filling in the blanks for the Opening of Trial or at least be familiar with the case name to announce to the court.

Jurors – Ask them to imagine who they will be in twenty years and complete the Juror Biography form.

Allow class time for the students to work on their roles. Jurors can do the Jury Deliberation Process Activity or the Florida Constitution Scavenger Hunt found at the end of this section, while the students with roles work together.

DAY THREE – with Guest Attorney/Judge Volunteers

Time needed: 50 minutes

Materials Needed: Guest Speaker Instructions – Day Three (the Guest Attorney will be provided with the necessary materials before they come to the classroom).

Preparation: Students should have their materials from the previous class days.

1. Introduce the Guest Attorney/Judge to the class and allow the attorney 10 minutes to talk about what they do in the legal profession. They will also discuss courthouse and courtroom decorum.
2. Break up class into prosecuting attorneys and witness, defense attorneys and witnesses, and jurors.
3. Guest provides short instruction on evidence and objections to attorneys and witnesses.
4. Teacher can provide jury instructions via online training program to the jurors (optional).
5. The guest attorney will work with each team on opening statements, examinations, and closing arguments.
6. At the end of the class, remind students to bring their notes and the Mock Trial Procedure handout with them for the mock trial to be held at the Leon County Courthouse the next day, if participating in the courthouse tour.

DAY FOUR (Courthouse Tour and Mock Trials)

Materials Needed: Student Handout – Jury Observation Forms for jury members
Judge Instructions – Day Four
Verdict Forms
Students playing roles will need their scripts

If participating in Tour:

1. The Tour consists of the students/teachers going through security, observing an actual court proceeding, a tour of the building, and a bailiff presentation. The mock trial will occur at some point during the time the class is at the Courthouse, depending on the availability of the judge and the courtroom. Agendas will be given to teachers upon arrival at the Courthouse.
2. The Courthouse Host will show your class to the assigned courtroom.
3. Jurors will be taken to the jury deliberation room and given copies of the Jury Observation Sheet.

4. The Host will show the other participants to their locations.
5. Hold the trial based on Mock Trial Procedure handout.
6. After the verdict has been reached, hold Q & A with judge.

If participating in classroom mock trial:

1. The guest judge will have materials provided in advance.
2. Set up classroom according to courtroom diagram.
3. The mock trial should take about 45 minutes

From Classroom to Courtroom

Mock Trial Four Day Program GUEST SPEAKER INSTRUCTIONS

Mock Trial Preparation (Day Three)

1. After introductory comments, the teacher will split the class up into groups – the prosecuting attorneys and witnesses, the defense attorneys and witnesses, and the jury.
2. Discuss with students decorum expected in courthouse and courtroom. Cover things like appropriate dress (no shorts, hats, hoodies, etc.), appropriate behavior (no cell phones on in courtroom, no talking in courtroom, orderly and quiet in the hallways), and how to address the judges (stand up when speaking to the judge, answer “yes, your honor” or “no, your honor”, etc.).
3. The guest attorney will work with the prosecution or defense and then switch part way through class. The Teacher will provide jury training to the jurors.
4. Go over instruction on Objections (see Objections Handout). Read through the objections that will be allowed during the Mock Trial, perhaps giving examples. Ask if the students have any questions about the rules of evidence/objections.

From Classroom to Courtroom

Mock Trial Four Day Program JUDGE INSTRUCTIONS

The Trial (Day Four)

1. After the bailiff has called the court to order, judge enters courtroom and sits at bench. The judge tells everyone, but the jury, to be seated. The bailiff swears in the jury.
2. Follow Mock Trial Procedure Script. Ask the prosecution to begin with their opening statement. Ask them to stand at their table. Then ask defense to do the same.
3. Ask prosecution to call its first witness. Ask bailiff to swear in the witness, then ask witness to state his or her name. Instruct attorney to begin direct examination.
4. The attorneys may object (see Objection handout). They are limited to four rules of evidence. Please allow the attorney to give their reasons for objecting and then sustain or overrule as appropriate.
5. Ask defense to cross-examine the witness.
6. Repeat steps 3 and 4 for each witness. When defendant calls their first witnesses, they will conduct direct examination of those witnesses and the prosecution will conduct the cross examination.
7. If necessary, take a two-minute recess to give the attorneys time to complete their closing arguments. Ask both sides to present their closing arguments with the prosecution going first.
8. Instruct the jury with the instructions provided at the end of each trial. Ask the bailiff to show the jury to the deliberation room to decide the case.
9. When the jury returns with its decision, ask for the verdict.
10. After they have announced the verdict, ask them to explain how they decided on it.
11. Time permitting, debrief the trial. Encourage all students to participate in the discussion of the trial. Questions that facilitate discussion include:
 - What were the strong and weak points of each side?
 - What additional information would have been helpful?
 - Who was the most believable witness? Why?
 - Did any of the students change their minds during the trial? When and why?
 - Are there other ways that the problem could have been settled? What would have been the advantages or disadvantages?

From Classroom to Courtroom

Mock Trial Four Day Program STEPS IN A CRIMINAL TRIAL OVERVIEW Student Handout

1. **Opening of the Court** -- The Bailiff may open the court by announcing that the court is ready to begin. He or she introduces the judge. He or she then announces the case.
2. **Swearing in the Jury** -- The Bailiff or the judge asks the jurors to take their seats and asks them to swear or affirm that they will act fairly in listening to the case.
The judge may ask counsel (the attorneys) to introduce themselves.
3. **Opening Statement by the Prosecuting Attorney** -- This lawyer begins by telling the jury the important information about the case. This includes the parties in the case and the facts that led to the trial. The prosecuting attorney presents an overview of the prosecutor's or government's version to the jury.
4. **Opening Statement by the Defendant's Attorney** -- This lawyer begins by stating his or her name and the defendant's name. The jury is told that he or she will prove that the prosecutor does not have a valid case. The defense attorney then presents an overview of the defendant's side of the case to the jury.
5. **Prosecution's Direct Examination of Their Witnesses** -- The prosecuting attorney calls the witnesses for the government one at a time to the front of the witness stand. The Bailiff asks each witness to swear or affirm to tell the truth. The attorney then asks questions of the witness. The questions are based on the facts the witness has to offer.
6. **Defense's Cross-examination of the Prosecution's Witnesses** -- During cross-examination, an attorney tries to get the other side's witness to admit something that will help his or her client. The attorney may also try to show that a witness is not reliable.
7. **Defense's Direct Examination of Their Witnesses** -- The defendant's attorney calls the witnesses for their side one at a time to the front of the room. The Bailiff asks each witness to swear to tell the truth. The attorney then asks questions of the witness. The questions are based on the facts the witness has to offer.
8. **Prosecution's Cross-examination of the Defense's Witnesses** -- During cross-examination, an attorney tries to get the other side's witness to admit something that will help his or her client. The attorney may also try to show that a witness is not reliable.
9. **Closing Arguments** -- Each attorney sums up the main points that help his or her client's case. The attorney talks about the evidence that was put in evidence and how that supports their case. The prosecuting attorney is the first to present the main points. The defendant's attorney then makes an argument. Finally, the prosecuting attorney has a chance to react the defense's comments; this is called rebuttal.
10. **Judge's Instructions to the Jury** -- The judge explains to the jury what the principles of law are in the case. He or she asks the jury to make a fair decision about the case.
11. **Jury Deliberations and Verdict** -- The jury talks about and makes a decision in the case. In a real trial, the jury leaves the courtroom and goes to a separate room to discuss the case. Once the jury makes a decision, it reports back to the courtroom and the judge announces the verdict. If the defendant waived a jury trial, the judge issues a verdict.

From Classroom to Courtroom

Mock Trial Four Day Program
STEPS IN A TRIAL – WORKSHEET
Student Handout

NAME: _____

Place the following steps (letters "a" through "m") in a trial in order next to the numbers.

<u>Order</u>	<u>Steps In A Trial</u>
1. _____	a. closing argument by the prosecutor
2. _____	b. opening statement by the prosecutor
3. _____	c. closing argument by defendant's attorney
4. _____	d. opening statement by defendant's attorney
5. _____	e. cross examination of prosecutor's witnesses
6. _____	f. direct examination of prosecutor's witnesses
7. _____	g. cross examination of defendant's witnesses
8. _____	h. direct examination of defendant's witnesses
9. _____	i. opening of the court
10. _____	j. verdict
11. _____	k. swearing in of the jury
12. _____	l. deliberations by the jury
13. _____	m. judge's final instructions to the jury

STEPS IN A TRIAL
Answer Key

1. i
2. k
3. b
4. d
5. f
6. e
7. h
8. g
9. a
10. c
11. m
12. l
13. j

From Classroom to Courtroom

Mock Trial Four Day Program Handout Distribution

Attorneys (both prosecution and defense)

- Mock Trial Procedure script
- Objections Handout
- Prosecution Witness Statements
- Defense Witness Statements
- Stipulated Facts
- Instructions to Jury

Witnesses (both prosecution and defense)

- Prosecution Witness Statements
- Defense Witness Statements
- Stipulated Facts

Bailiff

- Mock Trial Procedure script

Jurors

- Juror Biography
- Do NOT give out any materials regarding the facts of the case

From Classroom to Courtroom

Mock Trial Four Day Program
MOCK TRIAL PROCEDURE
Student Handout

NOTE TO ALL PARTICIPANTS: Always address the judge by saying “Your Honor.”

Opening of Trial:

Bailiff: Please rise. The Court of the Second Judicial Circuit, Criminal Division, is now in session, the Honorable _____ presiding.

Judge: Everyone but the jury may be seated. Ms./Mr. _____ (Bailiff’s name), please swear in the jury.

Bailiff: Please raise your right hand. Do you solemnly swear or affirm that you will truly listen to this case and render a true verdict and a fair sentence as to this defendant? (Jury should answer “I do”). You may be seated.

Judge: Mr./Ms. _____ (Bailiff’s name), what is today’s case?

Bailiff: Your Honor, today’s case is _____.

Judge: Is the prosecution ready?

Prosecuting Attorneys: (stand up) Yes, your Honor. (Be seated)

Judge: Is the defense ready?

Defense Attorneys: (stand up) Yes, your Honor. (Be seated).

Opening Statement

The prosecuting attorney introduces himself or herself and states what their side hopes to prove. Begin with “Your Honor, members of the jury...” then state what the facts on your side will show and ask for a verdict in favor of your side.

The defense attorney then says, “Your Honor, members of the jury,” and introduces himself or herself and explains the evidence on his or her side that will deny what the other side is attempting to prove. Ask for a verdict of not guilty.

Attorney: Your Honor, members of the jury, my name is _____ and I and my classmates are representing _____ in this case. We intend to prove _____

_____. Please find _____. Thank you.

Direct Examination (Prosecution)

The Prosecution calls its first witness to the stand and asks clear and simple questions that allow the witness to tell his or her side of the story in his or her own words. Witness may make up answers to questions that are not included in the witness statements or the witnesses may say "I don't know."

Judge: Prosecution, you may call your first witness.

Prosecuting Attorney: Thank you, your Honor. I call to the stand _____.

The Oath

All witnesses are sworn in before they begin answering questions. This is to remind them that they must tell the truth.

Judge: Will the witness please stand to be sworn in by the bailiff. (Witness stands)

Bailiff: (to the witness) Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Witness: I do.

(Witness goes to the stand and sits down)

(Prosecution begins Direct Examination)

**Suggestions for questions:
How do you know the defendant?
What do you know about the case?
What happened?
What do you remember?
What happened next?**

Remember to ask questions that will let the witness tell the complete story.

YOUR QUESTIONS for WITNESS #1

- ?
- ?
- ?
- ?

Cross Examination (Defense)

The Defense questions the prosecution's witnesses to try to prove that the witness is lying or can't remember. For example, the lawyer may ask "Isn't it true that you really couldn't see because it was almost dark outside?"

**Suggestions for questions:
Isn't it true that....
If possible, ask questions that call for a yes or no answer.**

YOUR QUESTIONS for WITNESS #1

?
?
?
?

Second Prosecution Witness

Judge: Prosecution, you may call your second witness.

Prosecuting Attorney: Thank you, your Honor. I call to the stand _____.

Judge: Will the witness please stand to be sworn in by the bailiff. (Witness stands)

Bailiff: (to the witness) Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Witness: I do.

(Witness goes to the stand and sits down)

(Prosecution begins Direct Examination)

***Suggestions for questions:
How do you know the defendant?
What do you know about the case?
What happened?
What do you remember?
What happened next?***

Remember to ask questions that will let the witness tell the complete story.

YOUR QUESTIONS for WITNESS #2

?
?
?
?

Cross-examination of Second Prosecution Witness by Defense

***Suggestions for questions:
Isn't it true that....
If possible, ask questions that call for a yes or no answer.***

YOUR QUESTIONS for WITNESS #2

?
?
?
?

Third Prosecution Witness

Judge: Prosecution, you may call your next witness.

Prosecuting Attorney: Thank you, your Honor. I call to the stand _____.

Judge: Will the witness please stand to be sworn in by the bailiff. (Witness stands)

Bailiff: (to the witness) Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Witness: I do.

(Witness goes to the stand and sits down)

(Prosecution begins Direct Examination)

Suggestions for questions:

How do you know the defendant?

What do you know about the case?

What happened?

What do you remember?

What happened next?

Remember to ask questions that will let the witness tell the complete story.

YOUR QUESTIONS for WITNESS #3

?
?
?
?

Cross-Examination of Third Prosecution Witness by Defense

Suggestions for questions:

Isn't it true that....

If possible, ask questions that call for a yes or no answer.

YOUR QUESTIONS for WITNESS #3

?
?
?
?

After all the prosecution witnesses have been questioned and cross-examined, the defense calls its witnesses and questions them under direct examination. Then the prosecution cross-examines.

Direct Examination (Defense)

The Defense calls its first witness to the stand and asks clear and simple questions that allow the witness to tell his or her side of the story in his or her own words. Witness may make up answers to questions that are not included in the witness statements or the witnesses may say "I don't know."

Judge: Defense, you may call your first witness.

Defense Attorney: Thank you, your Honor. I call to the stand _____.

Judge: Will the witness please stand to be sworn in by the bailiff. (Witness stands)

Bailiff: (to the witness) Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Witness: I do.

(Witness goes to the stand and sits down)

(Defense begins Direct Examination)

***Suggestions for questions:
How do you know the defendant?
What do you know about the case?
What happened?
What do you remember?
What happened next?***

Remember to ask questions that will let the witness tell the complete story.

YOUR QUESTIONS for WITNESS #1

- ?
?
?
?

Cross Examination (Prosecution)

The Prosecution questions the Defense's witnesses to try to prove that the witness is lying or can't remember. For example, the lawyer may ask "Isn't it true that you really couldn't see because it was almost dark outside?"

***Suggestions for questions:
Isn't it true that...
If possible, ask questions that call for a yes or no answer.***

YOUR QUESTIONS for WITNESS #1

- ?
?
?

?

Second Defense Witness

Judge: Defense, you may call your second witness.

Defense Attorney: Thank you, your Honor. I call to the stand _____.

Judge: Will the witness please stand to be sworn in by the bailiff. (Witness stands)

Bailiff: (to the witness) Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Witness: I do.

(Witness goes to the stand and sits down)

(Defense begins Direct Examination)

Suggestions for questions:

How do you know the defendant?

What do you know about the case?

What happened?

What do you remember?

What happened next?

Remember to ask questions that will let the witness tell the complete story.

YOUR QUESTIONS for WITNESS #2

?

?

?

?

Cross-Examination of Second Defense Witness by Prosecution

Suggestions for questions:

Isn't it true that....

If possible, ask questions that call for a yes or no answer.

YOUR QUESTIONS for WITNESS #2

?

?

?

?

Third Defense Witness

Judge: Defense, you may call your next witness.

Defense Attorney: Thank you, your Honor. I call to the stand _____.

Judge: Will the witness please stand to be sworn in by the bailiff. (Witness stands)

Bailiff: (to the witness) Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Witness: I do.

(Witness goes to the stand and sits down)

(Defense begins Direct Examination)

Suggestions for questions:

How do you know the defendant?

What do you know about the case?

What happened?

What do you remember?

What happened next?

Remember to ask questions that will let the witness tell the complete story.

YOUR QUESTIONS for WITNESS #3

?
?
?
?

Cross-Examination of Third Defense Witness by Prosecution

Suggestions for questions:

Isn't it true that....

If possible, ask questions that call for a yes or no answer.

YOUR QUESTIONS for WITNESS #3

?
?
?
?

Closing Argument

Each side summarizes the testimony presented during the questioning in a way that will convince the jury to believe his or her side of the case. In a criminal case, the prosecution asks the jury to find the defendant guilty. The defense asks the jury to find the defendant not guilty.

Judge: Both the prosecution and the defense have now rested their cases. The attorneys will now present their final arguments. Please remember, what the attorneys say is NOT

evidence. However, do listen closely. They are intended to aid you in understanding the case. Prosecution, you may begin.

Prosecuting Attorney: Thank you, your Honor. Members of the jury, today you have heard testimony about _____

I would like to remind you of some important information that you should consider in your decision. These facts include _____

Please find the defendant guilty of the charge of _____. Thank you.

Defense Attorney: Your Honor, members of the jury, today you have heard testimony about _____

I would like to remind you of some important information that you should consider in your decision. These facts include _____

_____ Please find (name of the defendant) not guilty. Thank you.

Jury Deliberation

After hearing the judge's instructions, the jurors must decide guilty or not guilty and then give their decision to the judge.

Judge: Members of the jury, you have heard all of the testimony concerning this case. It is now up to you to determine the facts. You and you alone, are the judges of the fact. Once you decide what facts the evidence proves, you must then apply the law as I give it to you to the facts as you find them.

The defendant is believed to be innocent of the charges. This presumption remains with the defendant throughout every stage of the trial and is not overcome unless you are convinced beyond a reasonable doubt that the defendant is guilty. The defendant is not required to prove his innocence.

The prosecution has the burden of proving the guilt of the defendant beyond a reasonable doubt. This burden remains on the prosecution through the trial. The prosecution must prove that a crime was committed and that the defendant is the person who committed the crime. However, the prosecution is not required to prove guilty beyond all possible doubt or to a certain percentage. Nor is the prosecution required to disprove every conceivable circumstance of innocence.

A reasonable doubt is a doubt founded upon reason. Proof beyond a reasonable doubt requires such proof that would convince you to rely upon a fact enough to make an important decision in your own business or personal affairs. However, if you are not satisfied of the defendant's guilt to that extent, then reasonable doubt exists and the defendant must be found not guilty.

The LAW (Choose appropriate box for case you are doing):

For Jesse Sunderson Case

Section 609.595 DAMAGE TO PROPERTY: Aggravated criminal damage to property. Whoever intentionally causes damage to physical property of another without the latter's consent may be sentenced to imprisonment for not more than five years or to payment of a fine not more than \$10,000, or both if the damage to property caused a reasonably foreseeable risk of bodily harm.

Section 624.61 SALE AND USE OF FIREWORKS PROHIBITED. Except as otherwise provided in sections 624.20 to 624.25, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail or wholesale, possess, advertise, use, or explode any fireworks.

OR

For Alli McGraw Case

Section 1213.12 POSSESSION OF MARIJUANA. It is a petty misdemeanor to possess or give away a small amount of marijuana. A small amount of marijuana is defined as 5 grams or less. For the first offense, the court may fine the person up to \$200 and require him or her to participate in a drug rehabilitation program.

In just a moment, the bailiff will take you to the jury room to consider your verdict. One of the first things you will want to do is to select a foreperson that will preside over your deliberations the way that a chairperson does at a meeting. It will be the foreperson's duty to sign the verdict form when you have agreed on a verdict. Whatever verdict you render must be unanimous. That is each and every person must agree on the same verdict. The Bailiff will now escort you to the deliberation room.

(When the Jury Returns)

Judge: Have you reached a verdict?

Jury Foreperson: We have, your Honor.

Judge: What say you?

Jury Foreperson: (Read the verdict form)

Judge: Thank you, jury, for your work (continue with discussion from Judge's Instructions).

From Classroom to Courtroom

Mock Trial Four Day Program

OBJECTIONS

Student Handout

Any attorney may object to a question asked of a witness on the stand or the admission of an exhibit if s/he feels that it does not follow a rule of evidence. The judge is the deciding factor and will determine whether the witness' testimony or the evidence is admissible.

Reasons for objections (also known as grounds for objection or the Rules of Evidence being relied upon):

Leading question: Prosecutors must allow their witnesses to tell their own stories; they must not lead their witnesses through the story. Defense attorneys must follow the same rule when questioning their witnesses.

Immaterial and irrelevant: The information is not closely related to the case, and is therefore not important.

Calls for an opinion or calls for a conclusion: Unless the witness is an expert (such as a doctor testifying about medical issues), he or she should not give professional opinions or conclusions.

Non-responsive answer: The witness is not answering the question asked.

These are only a few objections. They are probably the most common ones used. They will adequately serve your needs.

When you feel that an attorney has asked a question that breaks a rule of evidence, stand up and say "Objection, your Honor" and give the rule of evidence that you feel was broken.

The opposing attorney may state why he/she feels he is not breaking the rule.

The judge will then **SUSTAIN** the objection (the judge agrees that the rule has been broken, the jury should disregard the question, and the witness should not answer the question) or **OVERRULE** the objection (the judge does not think a rule has been broken and the witness can answer the question that was asked).

From Classroom to Courtroom

Mock Trial Four Day Program

JUROR BIOGRAPHY

Student Handout

Name/Date of Birth/Age	Address/Phone
Spouse's Name	Name/Ages of Children
Parents' Name	Height/Weight/Eye Color
Occupation	Religious Affiliation
Employer	Education Completed
Salary	Organizations of which you are a member
Military Service	Public Service
Hobbies/Interests	Most memorable childhood event
Have you had any contact with the legal system? If so, what?	Other information about yourself

From Classroom to Courtroom

Mock Trial Four Day Program JURY OBSERVATION SHEET Student Handout

The jury will determine whether the defendant is guilty or not guilty based upon the facts of the case, the credibility of the witnesses' testimony, and the law which applies to the case. Use this sheet to follow the proceedings of the trial. As the prosecution presents its case, record the legal arguments made by the attorneys, the facts presented by the witnesses and your impressions of the credibility (believability) of the witnesses.

Prosecution

Prosecution's Opening Statement: What did the prosecution say it would try to prove in this case?

FACTS learned from the witness testimony:

Witness #1 _____

Witness #2 _____

Witness #3 _____

To Believe or Not To Believe

Circle the response which most closely corresponds with what you think of each witness:

SA = Strongly Agree **A** = Agree **D** = Disagree **SD** = Strongly Disagree

Witness #1 was a believable witness SA A D SD

Witness #2 was a believable witness SA A D SD

Witness #3 was a believable witness SA A D SD

Prosecution's Closing Arguments: How did the prosecution use the facts from the witnesses to prove its case?

Defense

Defendant's Opening Statement: What did the defense say it would try to prove in this case?

FACTS learned from the witness testimony:

Witness #1 _____

Witness #2 _____

Witness #3 _____

To Believe or Not To Believe

Circle the response which most closely corresponds with what you think of each witness:

SA = Strongly Agree **A** = Agree **D** = Disagree **SD** = Strongly Disagree

Witness #1 was a believable witness SA A D SD

Witness #2 was a believable witness SA A D SD

Witness #3 was a believable witness SA A D SD

Defendant's Closing Arguments: How did the defense use the facts from the witnesses to prove its case?

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA.

STATE OF FLORIDA

CASE NO. 07-0001
Criminal Division

Prosecution,

v.

Jesse Sunderson,

Defendant.

STIPULATED FACTS

On January 7, at 1 p.m. many firecrackers exploded in an empty locker at Jefferson School, causing great damage to the lockers and the walls. Luckily, no one was injured. Mr. Stuart, the assistant principal, searched the other lockers and found more firecrackers in a locker assigned to Jesse Sunderson. Jesse has been charged with possession of firecrackers and damage to property.

ISSUES: Did the firecrackers belong to Jesse? Did he put them into the empty locker?

DEFENSE: Jesse will try to prove that he is a victim of retaliation. Because he informed Coach Price about the use of alcohol by two students, Jesse believes the two students planted the firecrackers in his locker.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA.

STATE OF FLORIDA

CASE NO. 07-0001
Criminal Division

Prosecution,

v.

Jesse Sunderson,

Defendant.

Prosecution Witness Statements

Leslie Stuart, Assistant Principal

I have been assistant principal at Jefferson School since 1989. Before that I was a social studies teacher at Olsen High School.

On January 7, I was called to the west wing after an explosion which damaged the lockers and the walls. I looked over the damage and quickly decided that I had to make certain that there were no more firecrackers in the lockers so I used my master key to open the lockers. In locker 633 I found a large grocery bag full of unexploded firecrackers. I took the firecrackers to my office and looked up the student assigned to locker 633. The student was Jesse Sunderson. I then called the police.

Mickey Price, Coach

I have been a coach at Jefferson for the last three years. Jesse Sunderson is on my soccer team. I had a meeting with Jesse's parents and Jesse a week ago. I explained that Jesse was being suspended from the team because of poor grades. The school has a policy that all athletes must maintain a B-average to play in school sports. Jesse's average has slipped to C-. Jesse became very angry and complained that it wasn't fair to suspend one player for poor grades, while other players could keep playing even though they were using alcohol. Upon questioning, Jesse gave me the names of two other players who have since, after much investigation, also been suspended from the team.

Shawn Dettmer, Student

I'm a student at Jefferson and I was on the soccer team until the coach kicked me off. Apparently, Jesse Sunderson ratted me out that I drank beer. He's such a jerk. He has messed up my chances at getting a scholarship. He should be expelled. He must've gotten the fireworks from that little fireworks stand at the state border. I think I saw him with some bottle rockets from that place.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA.

STATE OF FLORIDA

CASE NO. 07-0001
Criminal Division

Prosecution,

v.

Jesse Sunderson,

Defendant.

Defense Witness Statements

Jesse Sunderson, Defendant

I did not plant the firecrackers in the empty locker, and I have no idea how the firecrackers got into my locker. The lockers have combinations and I have not given my combination to anyone. I am a good student, I participate in sports and music activities, and I have a part-time job delivering newspapers.

I usually get along with the students at Jefferson. Except at the moment, a couple of kids are very angry with me for telling the coach that they drink beer. I told on them because I didn't think it was fair to punish me for breaking a rule and not punish others. I heard them tell some other kids that they would "get back at me!" I think they might have planted the firecrackers in my locker which is located in the west wing.

Kyle Hadley, School Janitor

I have been the janitor at Jefferson School for five years. On the morning of the explosion, I noticed my locker master key was missing. I usually leave it on the hook by the door to my supply closet. I had seen two of the boys from the soccer team hanging around the door to my supply closet earlier that morning.

Erin Thompson, Student

I am a seventh grader at Jefferson. I am a member of the Marching Band. I like school a lot and spend most of my time working on my computer or talking with my best friend.

I have a locker in the west wing next to one of the kids who was suspended from the soccer team. I hear the student blaming Jesse for all his problems. I also saw this student with some friends walking down the hall in the west wing a few seconds before the explosion. I was on my way to the office to meet my older brother who was taking me to the orthodontist.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA.

STATE OF FLORIDA

CASE NO. 07-0001

Criminal Division

Prosecution,

v.

Jesse Sunderson,

Defendant.

Instructions to the Jury

After Evidence is presented

Members of the jury, you have heard all of the testimony concerning this case. It is now up to you to determine the facts. You and you alone, are the judges of the fact. Once you decide what facts the evidence proves, you must then apply the law as I give it to you to the facts as you find them.

The defendant is believed to be innocent of the charges. This presumption remains with the defendant throughout every stage of the trial and is not overcome unless you are convinced beyond a reasonable doubt that the defendant is guilty. The defendant is not required to prove his innocence.

The prosecution has the burden of proving the guilt of the defendant beyond a reasonable doubt. This burden remains on the prosecution through the trial. The prosecution must prove that a crime was committed and that the defendant is the person who committed the crime. However, the prosecution is not required to prove guilty beyond all possible doubt or to a certain percentage. Nor is the prosecution required to disprove every conceivable circumstance of innocence.

A reasonable doubt is a doubt founded upon reason. Proof beyond a reasonable doubt requires such proof that would convince you to rely upon a fact enough to make an important decision in your own business or personal affairs. However, if you are not satisfied of the defendant's guilt to that extent, then reasonable doubt exists and the defendant must be found not guilty.

The LAW

609.595 DAMAGE TO PROPERTY
Aggravated criminal damage to property.

Whoever intentionally causes damage to physical property of another without the latter's consent may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both if the damage to the property caused a reasonably foreseeable risk of bodily harm.

624.21 SALE AND USE OF FIREWORKS PROHIBITED.

Except as otherwise provided in sections 624.20 to 624.25, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail or wholesale, possess, advertise, use, or explode any fireworks.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA.

STATE OF FLORIDA

CASE NO. 07-0002
Criminal Division

Prosecution,

v.

Alli McGraw,

Defendant.

STIPULATED FACTS

There has been an increase in drug abuse at Jackson School. Three students were recently caught possessing large amounts of marijuana and other drugs with intent to sell to other students. They are currently being held in a juvenile detention center.

The school administrators hired an investigator to look into the problem. The investigator, Norman Tilman, decided random searches of lockers and student belongings would reduce the problem.

Mr. Tilman performed the searches for many days and found no signs of drugs. On Tuesday, April 22, Mr. Tilman began another search. The lockers, backpacks, and purses of ten students were searched. Matt Brown and Alli McGraw were two of the students whose belongings were searched. Mr. Tilman searched Alli's backpack which she had purchased at a garage sale on Saturday, April 19. Mr. Tilman found a small amount of marijuana in a zippered compartment on the inside of the backpack. Alli claims to know nothing about the marijuana. She is now being charged with possession of marijuana.

ISSUE: Did the marijuana in Alli's backpack belong to her?

DEFENSE: Alli purchased the backpack from people who had been known to use marijuana in the past. Alli claims the marijuana must have been placed in the backpack before she purchased it and that she knows nothing about it.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA.

STATE OF FLORIDA

CASE NO. 07-0002
Criminal Division

Prosecution,

v.

Alli McGraw,

Defendant.

Prosecution Witness Statements

Norman Tilman, Private Investigator

I have been a private investigator for ten years. Before that, I was a police officer for seven years. In the last five years, I have worked with many schools in trying to solve the drug problems. I recommended to the administrators at Jackson School to start searching the lockers and student belongings. I believe this helps reduce the drug use in the schools.

On April 22, I was searching ten students' lockers and belongings. When I reached Alli McGraw's backpack, I found a small amount of marijuana in a zippered compartment in the inside of the backpack. It was a good place to hide the marijuana because the inside compartment is hard to see and I almost missed it. I asked Alli if the marijuana was hers. She said she didn't know anything about the stuff. She was very embarrassed.

Matt Brown, Student

I was one of the ten students in the search. Mr. Tilman went through my locker and my backpack before he searched Alli's things. I was standing next to Alli. She seemed nervous when Mr. Tilman started the search. I saw Mr. Tilman pull the marijuana out of Alli's backpack. She said "Oh, no!" and then said she didn't know anything about it.

I have been going to school with Alli since I moved to this city four years ago. As far as I know, Alli has never been in trouble. She has a few friends who get into trouble, but she's a good kid.

Sandy Smith, Student

I am Alli's science partner. We do all of our experiments together. Recently, Alli hasn't been completing her parts of the assignments. She blames it on all the other school activities she is involved in. I think she has some other problems. She seems confused when she is in class. In fact, last week, she made some mistakes in a chemistry experiment which caused a small explosion. No one was hurt and there was no danger, but I was pretty scared. Alli and I have been friends for a long time.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA.

STATE OF FLORIDA

CASE NO. 07-0002
Criminal Division

Prosecution,

v.

Alli McGraw,

Defendant.

Defense Witness Statements

Alli McGraw, Defendant

I know nothing about the marijuana that was found in my backpack on April 22. I purchased the backpack at a garage sale on Saturday, April 19. The sale was at the house of a group of adults who have lived there since they graduated from college in 1992. I went to the sale with my cousin, Rob, who lives next door to the house. The backpack was in good shape, and very cheap, so I bought it. I never dreamed it would get me into this much trouble.

I am a good kid. I have never been in trouble before, except for being asked to leave class because I was talking too much. I am involved in lots of extra activities. I am on the dance line, play clarinet in the band, and am a member of the girls track team. I work part time at the neighborhood grocery store.

Rob McGraw, Alli's Cousin

I was with Alli when she bought the backpack. We found it at a garage sale next door to my house. The house is owned by a bunch of adults who used to be "hippies." I remember when they had lots of very loud parties that would end when the police came to break them up. Once my mom helped one of the men fix the lawnmower and they offered her marijuana as a thank you.

My cousin never gets into trouble. She doesn't use drugs.

Gloria Swanson, Band Director

I am the band director. I have had Alli in my music class and in the band for several years. She is very talented and hard working. She spends much of her free time practicing with a few other students. I have noticed recently that she seems a bit distracted, but that's normal in the spring. I don't think Alli uses drugs.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA.

STATE OF FLORIDA

CASE NO. 07-0002
Criminal Division

Prosecution,

v.

Alli McGraw,

Defendant.

Instructions to the Jury

After Evidence is presented

Members of the jury, you have heard all of the testimony concerning this case. It is now up to you to determine the facts. You and you alone, are the judges of the fact. Once you decide what facts the evidence proves, you must then apply the law as I give it to you to the facts as you find them.

The defendant is believed to be innocent of the charges. This presumption remains with the defendant throughout every stage of the trial and is not overcome unless you are convinced beyond a reasonable doubt that the defendant is guilty. The defendant is not required to prove his innocence.

The prosecution has the burden of proving the guilt of the defendant beyond a reasonable doubt. This burden remains on the prosecution through the trial. The prosecution must prove that a crime was committed and that the defendant is the person who committed the crime. However, the prosecution is not required to prove guilty beyond all possible doubt or to a certain percentage. Nor is the prosecution required to disprove every conceivable circumstance of innocence.

A reasonable doubt is a doubt founded upon reason. Proof beyond a reasonable doubt requires such proof that would convince you to rely upon a fact enough to make an important decision in your own business or personal affairs. However, if you are not satisfied of the defendant's guilt to that extent, then reasonable doubt exists and the defendant must be found not guilty.

The LAW

1213.12 POSSESSION OF MARIJUANA

It is a petty misdemeanor to possess or give away a small amount of marijuana. A small amount of marijuana is defined as 5 grams or less. For the first offense, the court may fine the person up to \$200 and require him or her to participate in a drug rehabilitation program.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA.

STATE OF FLORIDA

CASE NO. 07-0001
Criminal Division

Prosecution,

v.

Jesse Sunderson,

Defendant.

_____ /

VERDICT FORM

We, the jury, in the case of State of Florida versus Jesse Sunderson find the defendant

_____ Guilty

_____ Not Guilty

of the charges of Damage to Property and Possession of Fireworks.

We agree unanimously.

Signature of Foreperson

Date

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA.

STATE OF FLORIDA

CASE NO. 07-0002
Criminal Division

Prosecution,

v.

Alli McGraw,

Defendant.

_____ /

VERDICT FORM

We, the jury, in the case of State of Florida versus Alli McGraw find the defendant

_____ Guilty

_____ Not Guilty

of the charge of Possession of Marijuana.

We agree unanimously.

Signature of Foreperson

Date

From Classroom to Courtroom
THE FLORIDA COURTS AND THE JUDICIARY:
A CONSTITUTIONAL SCAVENGER HUNT
ACTIVITY FOR JURY MEMBERS
Teacher Instructions

Overview:

This activity will help participants become familiar with the Florida Constitution and corresponding provisions for the state courts system.

Objectives:

- Familiarize participants with the Florida Constitution;
- Examine the structure and function of the state courts; and
- Determine the jurisdiction of the state courts.

Materials Needed:

Copies of the Florida Constitution

Handout: The Florida Courts and the Judiciary: A Constitutional Scavenger Hunt

Answer Key for Facilitator

Time Required:

50 minutes

Procedures:

Divide the audience into groups of five. Give each group the same questions/handout along with copies of the Florida Constitution. Participants should work in groups to answer each question and identify corresponding sections of the Florida Constitution where they found their answers. Allow 25-30 minutes to complete. Reconvene to discuss and debrief. Discuss the purpose of state constitutions and how they differ from the U.S. Constitution.

Note: Copies of the Florida Constitution can be obtained through the Florida Department of State. To access on-line, visit the Department's website at <http://www.election.dos.state.fl.us>.

From Classroom to Courtroom
THE FLORIDA COURTS AND THE JUDICIARY:
A CONSTITUTIONAL SCAVENGER HUNT
Handout

1. What Article in the Florida Constitution addresses the judicial branch?

2. The Florida Constitution establishes what levels of courts?

3. How many justices serve on the Florida Supreme Court?

4. How many justices constitute a quorum?

5. How is the chief justice of the Florida Supreme Court chosen?

6. What cases must be heard by the Florida Supreme Court?

7. Who determines the number of judges in Florida?

8. Who is eligible to be a judge in Florida?

9. Who investigates judicial misconduct in Florida?

10. How many judges hear a case in the district court of appeals?

11. How are county court judges chosen for office in Florida?

12. What happens when there is a vacancy in a judicial office?

13. Who does the Judicial Qualifications Commission present its recommendations for disciplinary sanctions to?

14. Are judges allowed to engage in the practice of law?

From Classroom to Courtroom
THE FLORIDA COURTS AND THE JUDICIARY:
A CONSTITUTIONAL SCAVENGER HUNT
Answer Key

1. Article V of the Florida Constitution
2. Article V , Section 1
3. Article V , Section 3
4. Article V , Section 3
5. Article V , Section 2
6. Article V , Section 3b
7. Article V , Section 9
8. Article V , Section 8
9. Article V , Section 12a(1)
10. Article V , Section 4a
11. Article V, Section 10
12. Article V, Section 11
13. Article V, Section 12
14. Article V, Section 13

CLASSROOM TO COURTROOM

Court Education Program
Courthouse Tour Information

Name of School _____

Name of School Contact _____

Contact Information: Phone # _____ Cell Phone # _____

Scheduled Date of Tour _____

We will arrive at the Leon County Courthouse at this time: _____

We will leave the Leon County Courthouse at this time: _____

Estimated number of students: _____ Estimated number of teachers/chaperones _____

****Please note that we can only accommodate 2 classes (average of 25 students per class) per fieldtrip. There must be a teacher or Leon County employee for each class.**

1. Teacher understands that it is their responsibility to arrange for transportation for their students to attend the Courthouse Tour. Teacher should explain to the bus drivers that the drop-off point for the students is at the **public entrance to the Leon County Courthouse on Calhoun Street (traffic light at Jefferson)**. Do not drop students off at the entrance on Monroe Street. There is no parking available for the bus. Please instruct the drivers when they should return to pick up students. When they return, they can park alongside the Courthouse on Calhoun Street. The students and teachers will be escorted to the bus by Court Administration. A map is provided for the bus drivers.
2. Teacher understands that arriving late can impact the Courthouse fieldtrip greatly and there is no guarantee that the offerings available at the stated time of arrival will be available if the class arrives late. If it is inevitable that the bus will be late, please contact Ginna Plott as soon as possible.
3. Teacher understands that the C2C program cannot accommodate lunchtime of students within the 3 hour Courthouse fieldtrip. If the teacher plans for students to have lunch on this fieldtrip, it must be after the scheduled time of the fieldtrip and may not occur within the Courthouse. Space is not available within the Courthouse to accommodate lunchtime. There is a lawn area outside of the Courthouse and other options throughout the downtown area. Classes may bring their lunches and store them in the assigned courtroom for the duration of the fieldtrip, but no refrigeration will be available.

4. Teacher understands that food/drink/gum/candy is not allowed in the courtrooms. The only exception is lunch bags, if the class will be eating lunch after the fieldtrip. Lunch bags will be stored in the assigned courtroom and students will not be able to access those lunches during the fieldtrip. Please keep in mind that there are vending machines throughout the building and a snack bar. We try to avoid these areas and we do not allow students to stop and purchase from the machines/snack bar.
5. Teachers should remind the students that they are visiting a professional place of business. Actual court proceedings will be going on while the students are visiting. Students need to remain quiet in the hallways and in the courtrooms. Students should dress appropriately – no flip flops, shorts, hats, etc. Best behavior is important!
6. An agenda will be determined based on the time the class arrives and judge/courtroom availability. Please keep in mind that judges are taking time out of their court schedule to participate in the mock trial.

Ginna's work number: 577-4467
Ginna's cell number: 443-7644

I agree to the conditions set above.

Teacher Signature: _____

Date: _____

From Classroom to Courtroom
THE INVADERS: A CONSTITUTIONAL RIGHTS ACTIVITY
Teacher Instructions

Overview: The Invaders activity is designed to introduce participants to the rights guaranteed under the U. S. Constitution. Using a hypothetical scenario, participants evaluate the importance of rights.

Objectives:

- Develop individual decision-making skills;
- Analyze and evaluate rights as listed in the U.S. Constitution;
- Develop consensus-building skills;
- Understand how our rights are interrelated; and
- Understand how the courts protect our rights.

Materials Needed: Handouts A and B
Overhead Projector

Time Required: 50 minutes

Procedures:

1. Ask participants, "What is a right?" Have participants respond verbally.
2. Ask participants where our rights are listed. (U.S. Constitution, Florida Constitution).
3. Ask participants, what the first 10 amendments to the U.S. Constitution are called. (Bill of Rights) Distribute copies. See Handout B.
4. Distribute Handout A. Review each right listed. These are some but not all of the Bill of Rights. Elicit discussion from participants about the meaning of each right and which amendment the right is listed in. Add to what the participants mention bringing in historical and contemporary issues. Use a Socratic dialogue format.
5. Tell participants that their lives are about to change. It is the year 2020 and they are living happy, productive lives. They turn on their televisions to hear a news report that our country is being invaded. The invaders feel we have too many rights in this country that we don't even appreciate. They are demanding that we decide which rights we will give up.
6. Using the handout, each participant must select 5 rights they want to keep by checking off the blank next to the right. If they choose not to do this task, the invaders will select the rights to keep. The participants should make their own individual decisions.
7. Then put participants in groups of five and have each group come to a consensus as a group on which 5 rights they would keep. Each group will make a decision for the entire country. Give the participants 15-20 minutes at least to reach their decision.

8. Have a spokesperson from each group report on their group's decision. The teacher or resource person should tally responses on an overhead.
9. Debrief to balance out the importance of the rights, which were not selected.

NOTE: The same activity can be done using the Florida Constitution.

From Classroom to Courtroom
THE INVADERS: A CONSTITUTIONAL RIGHTS ACTIVITY
Teacher Instructions

Our Rights Under The U.S. Constitution

- _____ Freedom of speech
- _____ Right to bear arms
- _____ Right to legal counsel
- _____ Right to protection from cruel and unusual punishment
- _____ Freedom of press
- _____ Right to jury trial
- _____ Freedom of religion
- _____ Right to peaceably assemble
- _____ Protection from self-incrimination (testifying against oneself in a criminal trial)
- _____ Right to protection from unreasonable searches and seizures

From Classroom to Courtroom

THE INVADERS: A CONSTITUTIONAL RIGHTS ACTIVITY

Handout B

Bill of Rights

Amendment I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for redress of grievances.

Amendment II.

A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III.

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Amendment VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Amendment VII.

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Amendment VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

Amendment IX.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Amendment X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Ratified December, 1791

From Classroom to Courtroom

AN INDEPENDENT JUDICIARY

Teacher Instructions

Overview:

Judges must be free to make decisions based on the facts and their interpretation of the law. They must do what is legally right even when it is not popular. Judicial independence is a distinguishing element of our government. It refers to a judge's ability to issue decisions free from the political or public pressures that might prevent them from fairly and impartially enforcing the rights and principles guaranteed by the U.S. Constitution. This activity will explore the necessity of an independent judiciary and examine today's challenges.

Objectives:

- Define judicial independence;
- Evaluate the importance of an independent judiciary in a democratic society; and
- Examine current challenges to an independent judiciary.

Time Needed: Two 50 minutes period

Materials Needed: Handout A
Quotes on Overheads

Procedures:

1. Write the words INDEPENDENT JUDICIARY on the board. Ask participants what this means. Add to their definitions. If nobody recognizes this term, ask participants what they feel are important characteristics of an effective court system? Words like "fairness" and "impartiality" will emerge.

2. Tell participants that in the Declaration of Independence, one of the main concerns cited against King George III was:

"He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries."

3. Put quote on an overhead. Ask participants what this quote means. Why would it be a problem for a King or President or Governor to control how long a judge can serve, how much money they will be paid and when? Why do federal judges serve life terms? If judges are fearful for their jobs or feel they will be punished for unpopular decisions, are they less likely to be neutral and impartial?

Alexander Hamilton

"The Courts were designed to be an intermediate body between the people and the legislature...."

4. Ask participants why is it so important that in our democracy, judges have the authority to declare laws unconstitutional and to enforce the protections granted by the Constitution? Judges often have to review government actions. They must have the independence to rule against the government. Judicial independence means that judges shouldn't be afraid of using their best judgment to interpret the law. Judges should be insulated from political concerns.

5. Ask participants if there are any "checks" on judges. How do we know they are being fair and impartial? Add to participants' responses:

Judges follow:

- Constitution (U.S. and State)
- Statutes/Laws
- Rules/Procedures
- Higher Court Decisions
- Judges' decisions may be appealed to a higher court.

Additionally, judges' actions are reviewable. Florida judges also must follow the Code of Judicial Conduct. Judges can be sanctioned for misconduct and even removed from the bench.

6. Distribute copies of Handout - "The Importance of Judicial Independence" (American Judicature Society). Have participants read the article independently.

7. Discuss the article. What are the two positions highlighted?

8. Bring in newspaper articles and editorials highlighting current threats to an independent judiciary. Note: A variety of news articles or editorials may appear throughout the year, particularly during legislative session. An example is the editorial published in the St. Petersburg Times entitled "An insult to Floridians" published January 25, 2002. Try to find articles with varying views/opinions.

Divide participants into groups of five to analyze and discuss the issues in each article which impact the judiciary. Discuss. During legislative session, review proposed bills that may impact judicial independence.

9. Put large chart papers against one wall, which state Strongly Agree, Agree, Do Not Know, Disagree, and Strongly Disagree. Using a "human graph," ask participants to position themselves by the category they feel most closely aligned when using the following statements (one at a time - then discuss). Ask participants by each category to share their opinions. Discuss and then move on to other scenarios.

- a. Judges should make decisions based on how the public feels about an issue.
- b. The legislature should be able to pass laws without judges declaring them unconstitutional.
- c. Judges represent the rule of law, not the will of the majority.

d. The President or Governor should be able to fire judges that don't share their same political ideas or agenda.

e. Citizens and the media should not be able to criticize judges' rulings.

f. The executive and legislative branches should have more control over the judiciary.

10. Debrief each scenario. End by reiterating what an independent judiciary is and the reason it was important to our founding fathers. Reemphasize that to achieve fair and impartial courts, judges must be able to make decisions without regard to public or political pressures.

From Classroom to Courtroom

THE IMPORTANCE OF JUDICIAL INDEPENDENCE

Handout

Do judges have too much power? In recent months, politicians and others have criticized judges for rulings that seem to defy conventional wisdom and the popular will. As a remedy, some have called for the impeachment of federal judges deemed too "activist" and for the popular election of federal judges. Others have called for judicial term limits and for a constitutional amendment that would allow Congress to override Supreme Court decisions by majority vote.

There is nothing new, or even wrong, about criticizing judges for unpopular rulings. Conservative judges have been just as susceptible to condemnation from the left for being "activist" as their liberal counterparts have been from the right.

However, recent attacks go far beyond criticizing individual rulings. Most of these proposals are dangerous because they are aimed at the core of judicial authority itself, the principle of judicial independence. The nation's founders believed that a crucial element of a democratic society was the principle of judicial independence. This power frees judges from the political pressures that might prevent them from impartially enforcing the rights and principles guaranteed by the U.S. Constitution. Furthermore, without this principle, the system of separation of powers and checks and balances among the three branches of government cannot exist.

In the Declaration of Independence, Jefferson protested the fact that King George III "made judges dependent on his will alone." British judges who wanted to keep their jobs lacked the power to rule against the Crown or Parliament. Thus, America's framers codified the concept of judicial independence into the Constitution by granting judges life tenure and providing for salary protection.

Judicial independence means that judges need not fear punishment for using their best judgment to interpret the law. The concept is important because it provides for continuity and stability in our legal system, guaranteeing that disputes can be resolved fairly and impartially. An independent judge does not fear for his or her job or good reputation when ruling against excessive governmental regulation, overzealous law enforcement, or discriminatory policies. Judges who are fearful that they can be punished for unpopular decisions are less likely to be neutral referees in the cases that come before them.

Impeachment is properly used for corrupt judges who commit "high crimes and misdemeanors," not as retaliation for controversial rulings. If the people and their elected representatives do not like a federal judge's decision, they have the right to seek the judge's reversal through appeal to a higher court, new legislation, or constitutional amendment. Another remedy is to vote for like-minded presidents and senators who appoint and confirm judges and Supreme Court justices.

Some contend that independent judges are hostile to representative democracy. Ironically, were it not for the decisions of courageous judges on matters such as voting rights, freedom of expression, and search and seizure, we would not have the free and open society we have today.

From Classroom to Courtroom

JUDICIAL DECISION-MAKING AND THE CONSTITUTION

Teacher Instructions

Overview:

The goal of this activity is to understand how the Constitution applies to decisions made by judges. Participants will analyze the Fourth Amendment and apply it to specific scenarios. Issues of public safety and individual rights will be explored.

Objectives:

Upon successful completion of this activity, participants will be able to:

- Analyze the Fourth Amendment;
- Apply the Fourth Amendment to specific case studies; and
- Weigh issues of public safety/security with individual rights.

Materials Needed: Copy of Fourth Amendment
Overhead Visuals – Trial and Appellate Courts
Supreme Court Case Study Form/Handout
FL v. J.L. Handout
Court Decisions (for facilitator only)

Time Required:

Two 50 minute class periods

Activities:

1. Ask participants if they have ever been in a court. Ask about differences between trial and appellate courts. Review with participants using overhead visuals.
2. Ask participants what knowledge, skills, and qualities they think judges should have. List their answers. Should judges be influenced by public opinion when deciding cases?
3. Review the Fourth Amendment with participants. Ask participants what this amendment covers. Dissect words and concepts to check for knowledge.

Amendment IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

4. Begin a dialogue to analyze the Fourth Amendment. What is a search? What is a seizure? What is protected by the Fourth Amendment? Who does the Fourth Amendment protect us from? Do you always need a warrant before you can search a person? What is probable cause? Check for understanding. Explain the exclusionary rule.
5. Using the case study form and case abstract, review the attached case with the full group. Have the group underline all relevant facts. Initiate a dialogue to review the facts. Ask

participants what will happen to J.L.? J.L.'s attorneys will ask that the gun be suppressed as evidence because they feel the search was unlawfully conducted in violation of the Fourth Amendment. Lead a discussion to elicit arguments for both sides. Discuss the trial court decision as well as the DCA and Florida Supreme Court decisions sequentially. DO NOT announce the decision of the U.S. Supreme Court. Frame the question before the US Supreme Court. Ask participants individually and without discussion to determine how they would rule on the case and to list three reasons. (See numbers IV and V on case study form.)

6. Divide participants into groups of nine to simulate a Supreme Court. In this Supreme Court conference activity, each group should:

1. Select a Chief Justice in each group to maintain order and lead discussions. Remaining participants are associate justices.
2. Discuss in each group why the search was legal or illegal based on participants' knowledge of the Fourth Amendment. Different opinions will surface. Each person in the group should be allowed to speak once before anyone speaks twice.
3. The Chief Justice will poll the justices to determine the final decision of the Court. This will be discussed to try and reach a unanimous court decision.
4. Each Court's Chief Justice will present the final vote of their Court along with general comments.

7. Facilitator and resource person, preferably a judge will debrief with the actual U.S. Supreme Court decision.

Court Decisions: For the Facilitator

The trial court granted J.L.'s motion to suppress the gun as it was obtained through an unlawful search. The court said the gun could not be used as evidence. The district court of appeal reversed the trial court's decision and determined that the search was legal. The Florida Supreme Court disagreed with the appellate court's ruling and agreed with the trial court.

DO NOT ANNOUNCE UNTIL CONCLUSION OF THE ACTIVITY:

The U.S. Supreme Court held that an anonymous tip that a person is carrying a gun is not, without more, sufficient to justify a police officer's stop and frisk of that person.

From Classroom to Courtroom
CASE STUDY/SUPREME COURT CONFERENCE
Handout

I. What are the Facts?

II. State the Issue to be Decided:

III. Arguments For Petitioner/Appellant:

IV. Arguments For Respondent/Appellee:

V. What Would You Decide?

VI. Reasons/Evaluation:

VII. Actual Decision of the Court:

From Classroom to Courtroom
JUDICIAL DECISION-MAKING AND THE CONSTITUTION
Handout

Florida v. J.L.

An anonymous caller contacted the Miami-Dade Police Department by telephone and told them that a young, black male wearing a plaid shirt and standing at a specific bus stop by a pawnshop was carrying a gun. The tipster described the suspect as well as two other companions. Six minutes after the call, the police arrived at the bus stop and verified the accuracy of the informant's tip. Officer Anderson, a 14-year experienced veteran, and another officer saw the three black males, one of whom was wearing a plaid shirt.

The officers did not see a gun. While the three young men were hanging out by the bus stop, Officer Anderson and her partner approached them and frisked all three men. The individual in the plaid shirt, J. L., had a gun in his pocket. The other men did not have weapons.

J.L., who was almost 16 at the time, was charged under Florida law with carrying a concealed weapon without a license and possessing a firearm under the age of 18.

Issue

Is an anonymous tip that a person is carrying a gun sufficient to justify a police officer's stop and frisk of that person?

Fourth Amendment - United States Constitution

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.