



Unit of Instruction on the Judicial Branch of Government

Lesson Plan Two

Court Procedure: A Simulation Game

By

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Court Procedure Unit

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Court Procedure Unit

Teacher Notes

Core Knowledge:

- Understand the rights of a person accused of a crime
- Know the role of the players in the court system
- Know the provisions of the Bill of Rights that apply to an accused
- Know the influence of the Supreme Court on the court process
- Understand the courtroom terms

Included in this lesson plan:

- Recommended daily planner
- K-L worksheet
- Project description for the students
- Rubric for each student role
- Official papers, for example: search warrant
- Common courtroom objections
- Witnesses' stories
- Court procedure impression/evaluation
- Mini-lesson plans
- CSI information for Day 1 lesson
- Fingerprint and DNA information for teacher (see next page for websites)
- Daily role play grading sheets and final item spreadsheet

Suggestions:

- Every student in your class will have a role. I suggest doubling up a witness role with something else (unless the student cannot handle two roles), or the student who is only a witness will get bored. Roles to double with a witness role are: clerk of court, journalist, photographer, evidence librarian, “know all but can’t tell all” helper, and jury selection expert. If you need to add a CNN reporter and a CNN camera person, these roles could also double up.
- The jury is selected from students in study hall.
- Print out and post the grading spreadsheet on work days. This will ensure all the role players know what they should be working on and what needs to be turned in.
- Put together a group of folders with the “official papers” in them for the clerk of court to use.
- Make sure all students have the list of common objections in front of them during the trial (pages 65-67).
- At the websites listed on page 4, you will find fingerprint samples and DNA samples to print off, cut out, and use as evidence.
- Use the spreadsheet to grade each work day, as each role player has a task to complete.

Books:

- *Crime Scene Evidence* by Mike Byrd
- *Practical Crime Scene Processing and Investigation* by Ross M. Gardner

Web Sites:

- Exploring DNA: www2.mrc-lmb.cam.ac.uk/DNA/index.html
- Fingerprint Images: www.nist.gov/srd/fing_img.htm
- Evidence Collection: www.crime-scene-investigator.net/csi-collection.html

Court Procedure Unit

Mini-Lessons

Teacher Notes

- The students will understand why the police have to follow certain procedures when they are searching for evidence and when they are arresting a suspect.
 - The students will know what section of the Constitution was used by the Court to interpret the rule of law in the two cases in these mini-lessons.
1. Put the transparency of the agenda (page 25) on the overhead to explain what will happen during the day's lesson.
 2. Number the students off into groups, with no more than four in a group.
 3. Hand out the case to the students.
 4. Have them get into their groups, and read the material together. (5-10 minutes)
 5. Hand out the worksheet (page 26), one to each group. (10-15 minutes)
 6. Have the students return to their seats.
 7. Discuss their opinions about the case.
 8. Explain to them what the court said. In the *Mapp* case tell them the real name for the case; in the *Gideon* case let them know that he was innocent and that the only witness against him was the person who did it.

Court Procedure Unit

Day Planner

Day 1 – Hand out project roles, each role’s rubric, and other necessary things, e.g., witnesses’ stories, fingerprints, etc. Have the students fill out the “Know” from the K-L worksheet and then collect the K-L worksheet. Have a class discussion on how the CSI unit collects evidence at a crime scene. Important points: (1) There are two kinds of cases – criminal and civil, and (2) you must have evidence and prove guilt beyond a reasonable doubt in order to convict a person of a crime.

Day 2 – Five minutes into the class period, office calls with word that a dead body is located _____, and CSI and detectives are needed at the scene. Students apply for a search warrant to collect the evidence at the scene. CSI collects evidence. The rest of the class views the scene, and afterward they return to class so that the detectives can start to question them. The reporter conducts interviews for his/her news report and the photographer takes interviewees’ pictures.

Day 3 Mini-lesson – Use transparency (p. 25) to show the class agenda. Divide the class into groups. Hand out case study #1. Hand out one worksheet per group. Discuss the case and the seizure of evidence. Discuss how to obtain a search warrant, everything that needs to be listed on the search warrant, and the Fourth Amendment.

Day 4 – The death of Nomora Teapeeing is investigated. More interviews by detectives, with an application for search warrants. CSI team discusses their evidence and begins to assemble pictures in PowerPoint. Clerk of Court gets the study hall list and starts jury summoning. The evidence librarian catalogs the evidence. Reporter and photographer file their first story.

Day 5 – Class discussion on how to make an arrest; discuss Miranda warning and the two cases on which the wording of the Miranda warning is based: *Miranda v. Arizona* and *Gideon v. Wainwright*. **Mini-lesson** – Use a transparency to show the class agenda. Divide the class into groups. Hand out case study on *Gideon v. Wainwright*. Hand out one worksheet per group. Discuss what really happened to Gideon and that he was innocent. Discuss the Fifth Amendment and the Sixth Amendment.

Day 6 – Continue the investigation. An arrest should be made. Lawyers meet with the defendant(s). CSI team works with detectives and prosecutors to indict. Detectives file their report. The private investigator does his/her own investigation for the defense.

Day 7 – Class discussion on jury selection, pre-trial hearings, arraignments, courtroom objections, and court procedure.

Day 8 – Indictment, arraignment, and jury selection. Jury selection experts help during this process. Lawyers work on the case and prepare subpoenas for witnesses.

Day 9 – Case work, prepare for trial.

Day 10 – The trial

Day 11 – Finish the trial; teacher reviews the procedure with class. Jurors are asked for feedback on why they voted the way they did. Discuss the Eighth Amendment and sentencing. Reporter and photographer file their last story.

Day 12 – Test; students fill out the “learned” part of the K-L worksheet.

Court Procedure Unit

Class Notes

Day 1

K-L Worksheet:

Have the students fill out the “Know” section of the K-L Worksheet and collect it. On the last day of the Court Procedure Lesson, have the students fill out the “Learn” section of the worksheet. This worksheet is used to gauge the students’ previous knowledge and any misconceptions they may have had. Hopefully, the students’ “Learn” section of the worksheet will reflect improved confidence in the judicial system.

Notes to teach the day’s objectives:

There are two kinds of cases:

Civil Cases

- A private party (not the government) files a lawsuit against another individual or entity
- The burden of proof is “preponderance of the evidence”

Criminal Cases

- Federal, state, or local government v. individual
- The charge is a violation of a law or statute
- The state has the burden of proving guilt “beyond a reasonable doubt”
- The defendant is innocent until proven guilty

In order to charge a person with the commission of a crime, the state or federal government must have “probable cause” to conclude that a crime was committed and that the defendant committed the crime.

In order to find a person guilty of a crime, the prosecution must:

- Present evidence (physical and/or verbal) that proves the defendant committed a crime
- Prove the defendant’s guilt beyond a reasonable doubt

When collecting evidence at the scene of a crime, generally you must have obtained a search warrant from a judge.

Question for Discussion: What evidence might there be at the scene of a crime?

Day 3 Mini Lesson Notes

The Fourth Amendment

What does the Fourth Amendment say?

- It deals with unreasonable searches and seizures.
- However, the Fourth Amendment does not define what is unreasonable and it doesn't say what should happen if the amendment is violated.

Two Supreme Court cases helped define this amendment:

- *Weeks v U.S.* (1914)
 - The Supreme Court said that evidence obtained illegally (without a warrant) will be excluded from the case. This established the “exclusionary rule” for only federal cases.
- *Mapp v Ohio* (1961)
 - The Supreme Court applied the “exclusionary rule” to all cases, state and federal.

What constitutes a reasonable search?

- Best answer is...When the suspect has a reasonable expectation of privacy (such as in his or her own home or auto), and when there is any doubt, get a search warrant if there is time.

How is a search warrant obtained?

- The police officers will contact a judge (judges take turns being on call 24 hours) and will need to convince the judge that a search warrant is justified.

On the search warrant you will need to list:

- Name of the suspect
- Where you will be searching
- What you will be searching for

A search without a warrant may be conducted when:

- The police have probable cause.
- The police are lawfully in a place doing something they are lawfully permitted to do.
 - This includes:
 - Making a custodial arrest
 - Conducting a stop and frisk
 - Conducting a search when the owner consents to it
 - When an item is in plain view of the officer, e.g., on the seat of a car

Day 5 Mini Lesson Notes

The Fifth & Sixth Amendments

When arresting:

Police officers read the person being arrested the Miranda warning, “You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have a right to an attorney. If you cannot afford an attorney, one will be provided for you.”

Miranda v Arizona (1966)

The Supreme Court said that the police have to read his or her rights to the person being arrested only when the questioning becomes “accusatorial” and when the person is “in custody.” What does the Fifth Amendment protect?

Gideon v Wainwright (1963)

The Supreme Court unanimously ruled that “Any person...who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided....Lawyers in criminal courts are necessities, not luxuries.”

What the prosecutor does after the arrest is made:

The prosecutor decides what crime the person who is arrested will be charged with. The prosecutor needs to study the evidence and prepare a charge. The accused will be formally charged at the arraignment.

Day 7

The Fourteenth Amendment (Due Process)

Pre-trial Proceedings:

- A grand jury may be summoned to determine if there is enough evidence to bring formal charges.
- Indictment – A formal written accusation brought against the accused by a grand jury or a prosecutor.
- Arraignment – A procedure in which the accused is brought before the court and formally notified of the criminal charges; the accused enters a plea of guilty or not guilty. Bail may be set by the judge.

The Sixth & Seventh Amendments

Jury Selection:

- Show video clip about being on a jury – “Cornerstone of Democracy” (contact the American Judicature Society at 515/271-2281 to order).
- Summoned jurors have to fill out a questionnaire. What types of questions should be on this? The clerk of court for this project will create the questionnaire.
- Each side will hire a psychologist (jury selection expert) who will help in jury selection. What would be the things that each side will look for during jury selection?

The Trial Procedure:

- Opening Statements – The prosecutor representing the state goes first; the defendant’s attorney goes second; each outlines his or her side of the case.
- The prosecutor presents the state’s evidence first. The defense attorney can cross-examine each prosecution witness; the Sixth Amendment guarantees this right to confront one’s accuser(s). The prosecution rests when it has finished presenting witnesses and evidence.
- The defense attorney presents the defendant’s case, and the prosecutor can cross-examine the defense’s witnesses. The defendant does not have to testify.
- Closing statements – The prosecutor and the defense attorney each summarize and argue the points favoring their side of the case.

Objections

- Both attorneys can object to the line of questioning
- Attorneys can object for various reasons (look at the common objections sheet on p. 65)
- The judge will determine if the objection is correct
 - Sustain = agrees with the objection, then asks the lawyer to redirect or reword the question
 - Overruled = disagrees with the objection, the questioning continues

Day 11

- Finish trial
- Discuss jury verdict
- Ask jurors to explain why they voted the way they did

Sentencing – Eighth Amendment

What does the Eighth Amendment protect? It protects from “cruel and unusual punishment.” Does this mean the death penalty? This depends on the state.

The Fifth Amendment

The Fifth Amendment protects from self-incrimination—a defendant does not have to testify against him/herself, and from double jeopardy – a defendant can’t be sentenced twice for the same crime.

Court Procedure Unit

Crime Scene Layout

Items in the room:

You will need the following physical evidence:

- Two different DNA slide samples
- Three different fingerprint samples

Your “Know All but Can’t Tell All” Helper will need to manufacture:

- Two sets of footprints
- A note written in the defendant’s handwriting
- A chalk outline of a body on black paper with red paint on her head
- Red paper to represent splattered blood from the victim

For the Decoy’s story:

- Fingerprint on the inside and outside of the door and light switch (and 2nd door and light switch if you have one).
- Footprint with DNA and blood stain from the victim

The decoy should have:

- A DNA sample of the victim (which would have been found on her shoe)
- His/her fingerprint that will match the fingerprint on the door and light switch

For the Defendant’s story:

- Fingerprint on the inside door handle
- Defendant’s DNA on the victim’s chest
- Footprint
- Note in the victim’s hand in the defendant’s handwriting: “You will regret what you said about me.”

The defendant should have:

- A DNA sample that matches his/her DNA left on the chest of the victim
- A fingerprint that will match the fingerprint on the door handle.

Victim (a chalk outline of a body on black paper):

- Fingerprint on the victim’s finger
- Fingerprint on the light switch
- Fingerprint on the inside of the door
- DNA in the blood

For Witness Two’s story:

- Fingerprint on the outside of the door that defendant entered.

Witness Two should have:

- A fingerprint that matches the fingerprint on the outside of the door the defendant entered.

The Story:

The victim was working in the room using it as an office. She was getting ready to leave, and had locked the door and turned off the lights. At that time, the defendant met her at the door and backed her into the room, which was dark. The defendant was very angry at the victim because earlier the victim had told the defendant that he or she was not college material. The defendant pushed the victim backwards, while the defendant was yelling at the victim. The victim fell back and hit her head on the table. The defendant fled, leaving his/her footprints leading out the same door he/she came in. Within minutes, witness two checked the door and found it locked. Soon after, the decoy defendant came in the 2nd door (if possible) and turned on the lights (2nd light switch if possible). The decoy defendant was also angry with the victim and wanted to speak with her. The decoy defendant walked into the room, but did not see the victim lying on the floor until he or she was standing in her blood. The decoy defendant ran out of the room, leaving the lights on. The decoy defendant's footprints lead out of the same door he or she came in (2nd door).

Teacher Suggestion:

You will have to adjust the story and the location of the evidence if you do not have a room with two doors. You need to make sure the defendant and decoy defendant both have another minor role to play, for example the photographer for the newspaper or the clerk of court.

CSI Lesson

Crime Scene Evidence by Mike Byrd

Practical Crime Scene Processing and Investigation by Ross M. Gardner

Once the detectives have determined the crime scene boundaries and taken whatever notes they need, the CSI team moves in.

Taking photographs is the first action of a CSI team. The CSI team keeps a photograph log to keep track of each shot they take. They need to include different types of scales in the photos for accurately measuring things like shoe imprints. A digital camera allows the photos to be quickly developed and downloaded into a computer file.

The procedure for crime scene photographers is to first walk through the scene to get perspective (taking care not to move, touch, or step on anything). Then they discuss what should be photographed in greater detail with the investigating officers, because photographs need to be taken before evidence is moved or collected.

The first photographs should provide an overview of as much of the scene as possible, from several different angles, to show the scene as the photographers saw it when they first entered. That means they “pan” the camera to take overlapping shots. This makes it possible for those who were not present to get a good sense of the scene. The overview photos need to include the position of any items considered to be evidence, such as weapons, bodies, or discarded clothing.

Finally, each item of evidence is photographed in close-up detail, such as gunpowder residue on a hand, blood spatter patterns (in this case it will be basic DNA slides), and fingerprints.

Bodies are photographed from five angles:

- Head to feet
- Right side
- Feet to head
- Left side
- Straight down from above

Photographs are meant to refresh the memory of the investigators and to show placement of physical evidence. They can also indicate traits of the offender and aid in the classification of the crime, so the value of doing this procedure correctly cannot be overestimated.

Once the scene has been photographed and documented, the search for evidence begins. First, a plan of operation is formed in order to minimize the potential contamination of evidence. If certain evidence looks fragile, it gets collected right after it’s photographed. If there appears to be a hazard, such as biohazards from decomposing bodies, special equipment and clothing are used. All evidence gets a numbered flag or marker to show where it was found, which will later be added to a diagram of the crime scene. A notebook keeps track of what each numbered marker stands for.

The CSI team members are aware that the initial collection and preservation of evidence, as well as the chain of custody, will be scrutinized by defense lawyers for weaknesses. Proper protocol must be followed to the letter. Chain of custody means that each person who handles evidence signs off on it, records what is done with the evidence on what dates, and replaces it in its secure storage location. The evidence that is submitted to court must be the same evidence that was collected, and the prosecutor must be able to prove this.

To ensure its integrity, evidence is kept in a container with labels that record the case number, the victim or suspect's name, and all signatures of people who have handled it.

To collect evidence at a scene, C.S.I. team members need to have tweezers, rubber gloves, and an assortment of envelopes and containers for bagging it.

Gathering all of the trace evidence may involve a "fingertip search," starting at a central point and spiraling around until the scene is covered. Investigators may also divide the search area into zones. Whatever method is used, the goal is to systematically cover the area. Trace evidence must all be kept separate and documented in the order it was collected.

Impressions such as footprints or tire tracks require casting in plaster or dental stone, but they must first be measured and photographed, especially if there is any sign of wear in case the casting damages the patterns.

Documents are collected for many different reasons, such as a psychological autopsy, a victim analysis, a check for forgeries, and acquiring samples of the victim's handwriting.

Questioned specimens must also be paired with known specimens for an analysis to be meaningful. Bringing in a tooth believed to have belonged to a missing woman offers nothing for DNA analysis unless they can also provide a known specimen of her tissue or hair.

Some evidence is unique to a person or crime, such as DNA samples and spent bullets. Other materials like fibers, glass, and paint are identifiable for close matches, but not for uniqueness. They help build a case, but fail to offer the same weight of proof that unique evidence does. Thus, the more unique evidence they can find the better.

Once the CSI team members have photographed, cataloged, collected, and preserved the evidence, they transport it to the lab. Evidence clerks (librarian) at the lab log in the evidence and continue to ensure its preservation until it can be properly analyzed. The scene itself may remain secured so that it may be revisited.

Grade Sheet: Work Day 1 of the Murder

Role / Responsibilities	Action	Complete	Action	Complete	Action	Complete
KNOW ALL	Set up the scene		Write in journal			
DETECTIVES	Inspect the scene		Question all			
WITNESS	Tell your story		Write in journal			
DECOY	Tell your story		Evidence in locker		Write in journal	
DEFENDANT	Tell your story		Evidence in locker		Write in journal	
CSI	Secure a warrant		Tag evidence		Take pictures	
JUDGE	Sign warrant		Write in journal			
CLERK OF COURT	Prepare warrant		Write juror questionnaire			
EVIDENCE LIBRARIAN	Record evidence		Keep the evidence			
REPORTER	Inspect the scene		Interview people			
PHOTOGRAPHER	Take pictures		Download pictures			
JURY EXPERT	Write in journal					
PROSECUTOR	Write in journal					
DEFENSE ATTORNEY	Write in journal					
PRIVATE INVESTIGATOR	Write in journal					
CNN REPORTER	Write script		Turn in the script			
CNN CAMERA PERSON	Take video		Download the video			

Grade Sheet: Work Day 4 of the Murder

Role / Responsibilities	Action	Complete	Action	Complete	Action	Complete
DETECTIVES	Question all		Start to write report		Get warrants & search lockers	
WITNESS	Tell your story		Write in journal			
DECOY	Tell your story		Evidence in locker		Write in journal	
DEFENDANT	Tell your story		Evidence in locker		Write in journal	
CSI	Study the evidence		Download pictures			
JUDGE	Sign warrant		Write in journal			
CLERK OF COURT	Prepare jury summonses		Get study hall list		Prepare warrant	
EVIDENCE LIBRARIAN	Record evidence		Keep the evidence		Write in journal	
REPORTER	Write story		Assemble newspaper			
PHOTOGRAPHER	Assemble newspaper					
JURY EXPERT	Review juror questionnaire					
PROSECUTOR	Work with detectives					
DEFENSE ATTORNEY	Write in journal					
CNN REPORTER	Write script		Hand in script			
CNN CAMERA PERSON	Take video		Download the video			

Grade Sheet: Work Day 6 of the Murder

Role / Responsibilities	Action	Complete	Action	Complete	Action	Complete	Action	Complete
DETECTIVES	Obtain arrest warrant & make an arrest		Make an arrest		Interview defendant		File a report	
WITNESS	Tell your story		Write in journal					
DECOY	Tell your story		Evidence in locker		Write in journal		Hire a lawyer	
DEFENDANT	Tell your story		Evidence in locker		Write in journal		Hire a lawyer	
CSI	Create a PowerPoint				Take pictures			
JUDGE	Sign warrant		Write in journal					
CLERK	Prepare arrest warrant		Deliver jury summonses					
EVIDENCE LIBRARIAN	Record evidence		Keep the evidence		Write in journal			
REPORTER	Write story		Assemble newspaper		Write in journal			
PHOTOGRAPHER	Assemble newspaper		Write in journal					
JURY EXPERT	Give questionnaire to jury		Start to study answers					
PROSECUTOR	Work with detectives		Subpoena witnesses					
DEFENSE ATTORNEY	Meet with clients		Meet with private investigator		Review evidence			
PRIVATE INVESTIGATOR	Complete interviews		File report		Work with defense			
CNN REPORTER	Write script		Turn in the script		Start to assemble report			
CNN CAMERA PERSON	Take video		Start to assemble report					

Grade Sheet: Work Day 8 & 9 of the Murder

Role / Responsibilities	Action	Complete	Action	Complete	Action	Complete	Action	Complete
DETECTIVES	Work with prosecutor		Write in journal					
WITNESS	Keep subpoena		Write in journal					
DECOY	Keep subpoena		Evidence in locker		Write in journal			
DEFENDANT	Tell your story		Evidence in locker		Write in journal			
CSI	Create a PowerPoint		Write in journal		Prepare for court			
JUDGE	Sign subpoenas		Write in journal		Serve over pre-trial			
CLERK	Assemble jury		Make witness list		Give witness list to prosecution and defense			
EVIDENCE LIBRARIAN	Record evidence		Keep the evidence		Write in journal			
REPORTER	Work on second article							
PHOTOGRAPHER	Take pictures for 2nd article		Download the pictures					
JURY EXPERT	Pick jury members		Write in journal					
PROSECUTOR	Interview witnesses		Attend court		Choose the jury		Prepare for court	
DEFENSE ATTORNEY	Subpoena witnesses		Attend court		Interview witnesses		Prepare for court	
PRIVATE INVESTIGATOR	Complete interviews		Work with defense		Prepare for court			
CNN REPORTER	Write script		Turn in the script		Assemble report			
CNN CAMERA PERSON	Take video		Download the pictures		Assemble report			

Final Item Spreadsheet

Role & Assignment	Item In
Prosecutor	
Graphic Organizer	
Witness List	
Judge	
Daily Journal Entry	
Clerk	
Jury Pool List	
Jury Survey	
Defense Attorney	
Witness List	
Graphic Organizer	
Detective	
Written Report	
Defendant	
Daily Journal Entry	
Evidence Librarian	
List of Evidence	
Daily Journal Entry	
“Know All” Helper	
Daily Journal Entry	
Decoy	
Daily Journal Entry	
Witness	
Daily Journal Entry	
CSI	
PowerPoint	
Private Eye	
Written Report	
Reporter/Photographer	
Newspaper story #1	
Newspaper story #2	
Jury Expert	
Questions	
Daily Journal Entry	
CNN Court Reporter & Camera Person	
Murder Scene Report	
Arrest Scene Report	
Court Scene Report	

Court Procedure Impressions

2004 Gilbert, IA Community High School Seniors

What are two things you learned and liked about the court procedure?

- That evidence in plain view can be obtained.
- I liked that we got to do a made-up case in class—I'm more of a visual person so regardless of if it was as effective as you would have liked, it did help me learn more about the system.
- I liked that the judge administered, but didn't interfere.
- There is a very set system so it is harder to screw things up.
- Evidence is very important (especially in this case).
- I learned that there is a lot that has to take place before a case can be tried and that getting evidence can actually be sort of fun.
- I liked how evidence really does prove the truth in the end.

What are two things you learned and you disliked about the court procedure?

- I learned that I wouldn't want to be in something like this for real because a lot of people get stressed and angry.
- I learned and disliked how there are so many rules for presenting the case and how hard it is to prove someone guilty beyond a reasonable doubt.
- I learned how tedious things can be.
- It takes a long time to get everything together for a case or pretty much any part of the court procedure. What's the definition of a speedy trial?.
- It takes a lot of people to set this up and if one person doesn't do their job then everyone suffers.
- If evidence is collected illegally it can't be used in the trial.

What is one thing that was intriguing about the court procedure? Or what was an "Aha!" moment for you?

- An "Aha!" moment: When the witnesses went up, and finally as I put 2 and 2 together I had reason for suspecting (Laura). It was amazing how things fell into place.
- When I realized that a good lawyer can make or break a case. They have to be intelligent and think between the lines. They have to ask good questions.
- One thing that intrigued me about the court procedure is the cross-examination/re-direct portion because I have heard those terms before, but never knew what they meant. Now I do.
- When someone was arrested and tried for murder when not everyone involved in the case believed it was the right person—even though in the end it was.
- You have to be careful what you say in court and how you word things.
- When the attorneys would say objection and give a reason and I would catch on if it would be sustained or overruled.
- One thing that intrigued me about the court procedure is the suspense between each day of the process to find out what truly happened.

I liked this court procedure project because...

- Working with my CSI team was pretty cool, and we did a good job.
- I got to see it firsthand and interact.
- It brings to life what actually happens during court proceedings and gets away from the TV-based ideas we have about courts.
- It really did teach me how court cases work, which was a little hazy for me.
- It was fun to watch the detectives try to think through the evidence.

I didn't like this court procedure project because...

- Not everybody took it seriously and if one person didn't do something you're supposed to do then it messed everything else up.

Mini-Lessons

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Case Work

- 1. Get into groups.**
- 2. Read the case.**
- 3. Fill out the worksheet with the facts of the case, what the Constitution says, and your view.**
- 4. Decide what the Supreme Court should do about the case.**
- 5. Pick a person to state your opinion.**
- 6. Find out what really happened.**

Case Worksheet

The Facts

The Constitution

Your View

What should the Court do?

Case #1

Ms. Geography and her daughter lived in Boise, Idaho. After hearing a rumor that an individual wanted in connection with a recent bombing was hiding in Geography's house, the Boise police knocked on her door and demanded entrance. Geography called her attorney, who said, "Don't let them in unless they have a search warrant," so she refused to let the police in when they failed to produce a search warrant. After several hours of surveillance and the arrival of more officers, the police again sought entrance to the house. Although Geography did not allow them to enter, they gained access by forcibly opening at least one door. Once the police were inside the house, Geography confronted them and demanded to see their warrant. One of the officers held up a piece of paper claiming it was a search warrant. Geography grabbed the paper but an officer wrestled it from her, then held her face down on the floor and handcuffed Geography "because she had been belligerent." Dragging Geography upstairs, officers proceeded to search not only her room, but also her daughter's bedroom, the kitchen, dining room, living room, and basement.

In the course of the basement search, police found a small trunk containing "lewd and lascivious" books, pictures, and photographs. As a result, Geography was arrested for violating Idaho's law prohibiting the possession of obscene materials. At a pretrial hearing to suppress this evidence, the judge ruled it could be introduced at trial. At trial, the court found her guilty of the violation based on the evidence presented by the police. When Geography's attorney questioned the officers about the alleged warrant and asked for it to be produced, the police were unable or unwilling to do so. Nonetheless, Geography was found guilty and sentenced to 1 to 7 years in the Idaho Women's Reformatory.

***Mapp v Ohio* (1961)**

Court ruled 6-3

Justice Clark wrote the majority opinion

“The ignoble shortcut to conviction left open to the State (by the *Weeks* case) tends to destroy the entire system of constitutional restraints on which the liberties of the people rest.”

Evidence used against Mapp for conviction was excluded.

Case #2

I Didn't Do It Earl v. The State of Florida

Student Work:

Between midnight and 8:00 a.m. on June 3, 1961, a burglary occurred at the Bay Harbor Pool Room in Panama City, Florida. Someone broke a window, smashed the cigarette machine and jukebox, and stole money from both. Later that day, a witness reported that he had seen “Earl” in the poolroom at around 5:30 that morning. When “Earl” was found nearby with a pint of wine and some change in his pockets, the police arrested him and charged him with breaking and entering.

“Earl” was a semi-literate drifter who could not afford a lawyer, so at the trial he asked the judge to appoint one for him. The judge denied his request, ruling that the state did not have to pay for a poor person's legal defense unless he was charged with a capital crime or "special circumstances" existed. “Earl” was left to represent himself.

As might be expected, “Earl” did a poor job of defending himself. He had done no preparation work before his trial; his choice of witnesses was unusual—for instance, he called police officers who arrested him to testify on his behalf, not having any reason to believe they would help his case. He had no experience in cross-examining a witness in order to impeach that person's credibility, so his line of questioning was not as productive as a lawyer's would have been.

“Earl” was found guilty of breaking and entering and petty larceny, which was a felony. He was sentenced to five years in a Florida state prison, partly because of his prior criminal record.

Teacher reads to students after worksheet group work:

While in prison, Gideon began studying law in the prison library, believing that his Sixth Amendment rights had been violated when he was denied a defense lawyer paid for by the State. His study of the law led him to file a petition for *habeas corpus* with the Supreme Court of Florida, which asked that he be freed because he had been imprisoned illegally. After the Supreme Court of Florida rejected his petition, he handwrote a petition for a writ of *certiorari* to the Supreme Court of the United States, asking that it hear his case. The Court allowed him to file it *in forma pauperis*, which meant that the Court would waive the fees generally associated with such a petition. Generally, the Court dismisses most of these petitions; Gideon's was among those that it did not dismiss.

In state criminal trials, are indigent defendants entitled to a lawyer, even in noncapital cases? That was the question the Court agreed to decide when they accepted Gideon's petition. It was not merely a question of whether Gideon had been treated fairly; the Court's ruling would affect many other people who faced similar circumstances. In a previous decision, *Betts v. Brady* (1942), the Court had held that in state criminal trials, an indigent defendant must be supplied with an attorney only in special circumstances, which included complex charges and incompetence or illiteracy on the part of the defendant. Since Gideon had not claimed special circumstances, the Court would have to overturn *Betts* in order to rule in Gideon's favor. (Florida's state law provided indigent defendants with lawyers only in capital cases; many other states had laws providing lawyers to most or all indigent defendants.)

***Gideon v Wainwright* (1963)**

Court ruled 9-0

Justice Black wrote the majority opinion

“...lawyers in criminal courts are necessities, not luxuries...every defendant stands equal before the law. This noble ideal cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him....”

Gideon was given a new trial with a lawyer. He was found not guilty because the person who committed the crime was the only witness who testified against Gideon in the first trial.

Student Handouts

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Project Handout

Government Project: The Court System

There will be a murder of a fictitious person who works in the counseling department; her name is Nomora Teepeeing. There will be a crime scene, witnesses, a defendant, and a decoy defendant. Everyone has a role to play. The process will take 11 days, from the murder to the trial. We will be learning about the court process and the Supreme Court cases that have outlined a procedure for the police to follow.

This is a simulation game. Listed are the roles that you will choose or may be assigned to play. Some people will be playing more than one role.

Lead Prosecutor
Prosecutors
Lead Defense Attorney
Defense Attorneys
Judge
Private Investigator for the Defense
Clerk of Court
Evidence Librarian
Detectives
Lead CSI Commander
CSI Team Members
Newspaper Reporter
Newspaper Photographer
Jury Selection Experts
Witnesses/Defendant/Decoy Defendant
The “Know All But Can’t Tell All” Helper

Extra Roles:
CNN Reporter
TV Camera Person

After completion of this project and the unit of study you will need to know and understand the following objectives for the test:

- Understand the rights of the accused;
- Know the role of the players in the court system;
- Know the provisions in the Bill of Rights that apply to an accused;
- Know the influence of the U.S. Supreme Court and the cases that affect the court process; and
- Understand the courtroom terms, e.g., objections.

The Players

Lead Prosecutor

The people of this county have voted you into office so that you may prosecute those charged with disobeying the law. Your duties also include doing justice and protecting the rights of the accused, the victim, and the public. You are to work with the Detectives. You must work to legally obtain evidence to support your case against the accused. You are to subpoena witnesses to testify for the state. You will obtain the subpoenas from the Judge. You will work with the CSI Team and put together a PowerPoint presentation for trial. If you have evidence that shows the Defendant may not be guilty, you are obliged to provide it to the Lead Defense Attorney.

Judge

You will preside over the selection of the jury and the trial. It is your job to make sure the questions asked are justified. If one of the attorneys objects to a question you must then make a decision; if you agree that the objection is valid, you say, “Sustained,” and if you decide that the objection is improper or unfounded, you say, “Overruled.” You will be presented with and sign subpoenas, arrest warrants, and search warrants if there is clear evidence for doing so.

Lead Defense Attorney

You are to organize a legal defense for your client. Your duties are to get the client acquitted by the jury and, if the client is convicted, get the lowest sentence possible. You must be honest and ethical, but you owe no duty to the public or the victim. It is your job to make sure your client's rights have not been violated. You must be present when the Detectives or the Prosecutor question your client. You must also subpoena your witnesses and obtain your subpoenas from the Judge. It is your job to poke holes in the case against your client to establish reasonable doubt in the minds of the jurors. Defendant does not have to testify on his or her own behalf.

Clerk of Court

It is your job to assist the Judge in doing his/her job. You need to obtain the subpoenas from your teacher, and then fill them out after the Judge tells you to. You are to find out who is available to be on the jury (check the study hall list). You will design a questionnaire for the jury members to complete. This will help the lawyers decide whom they want on the jury. You are then to notify these people that they have jury duty. You are to schedule the court hearing.

Detectives

It is your job to search out and obtain legal evidence relating to a crime that has been committed. That evidence may incriminate certain suspects and rule out others. Your job is an important one, because if you do not catch the criminal the class cannot complete the game with a trial. You need to interview witnesses and put together the story of what happened to Ms. Teepeeing. You must obtain a legal search warrant from the Judge and you must show just cause for your search. On the search warrant you must have a list of what you intend to find and the location of where you will search. If you find an illegal substance not on the list that was found in a place you should not have been looking, then the evidence could be thrown out of court. When you arrest an accused you must have an arrest warrant obtained from the Judge, and you **must read the following statement** to him or her after you have told the accused that he or she is under arrest:

“You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney; if you cannot afford an attorney, one will be provided for you.”

Evidence Librarian

Your job is a very important one. When the detectives turn the evidence over to you, you will store it for trial and **you cannot lose it**. You are to file and label the evidence, and account for its location and safekeeping at all times. Make a record of the evidence to be given to both lawyers. The evidence must be present in court.

CSI Team/Lead Commander

The game begins with you and how well you collect evidence at the crime scene. You will have to use the evidence at the scene, e.g., the body, DNA, fingerprints, etc., to arrive at an irrefutable conclusion of what happened. I will provide a book to assist you with your work. You will then work with the Prosecutor to put together a PowerPoint presentation with your evidence. You will also testify in court. You need to know how to create a PowerPoint presentation and work the digital camera. If you want to be the Lead CSI Commander, please state that in your application.

Witnesses and Decoy/Defendant

You will never tell anyone what your role is. You will be given statements to say that are either false or misleading. You have to stick to the script. If you are the decoy or defendant you will have DNA and fingerprint samples to place in your locker. If you are a witness, with your teacher's help you will manufacture evidence to prove your story.

The Know All But Can't Tell All Helper

Your job is to help your teacher set up the crime scene and make sure all of the evidence is made. You can not tell a soul what you know until after the game is over. You need to work hard to finish the job correctly.

Private Eye

Your job is to act as an investigator working for the defense. Interview all witnesses and file a report with the defense lawyers.

Newspaper Reporter and Photographer

The Reporter's job is to file newspaper stories with pictures taken by the Photographer that will appear on the "front page of the newspaper." This "newspaper" will be posted outside the room on the wall for all to read. You have to file two reports with photos, one when the death is discovered and one at the time of the verdict.

Jury Selection Experts

Your job is to help the prosecution and defense lawyers select jury members that will best help their case. You will review the answers from the jury questionnaire and you will decide what additional questions the attorneys ask potential jury members.

Extra Roles: These positions can be added if you need more roles for a larger number of students.

CNN Reporter and TV Camera Person

As a reporter or the camera person/TV news editor you will be responsible to work together to create three five-minute news reports from the murder investigation and trial. You will need to know how to use the digital camera and work with a computer program that can edit your report.

The Rubrics
(or how you will be graded)

This game is worth 50 points.

How you are graded depends on how well you play your role. When you get your assigned role, you will also get a checklist on how you will be graded.

How to apply for your role.

On a piece of paper you need to write down two players you would like to be and why you would be the best one selected for the job. I will look over all of the applications and will be assigning people their positions. **Your teacher's decision is the final one.**

Rubric – Lead Prosecutor

Checklist of things you need to do for 50 points:

- _____ Assign jobs to other attorneys on your team and make sure everyone does what they are supposed to do.
- _____ Prepare the opening and the closing statements.
- _____ Make sure evidence collected is turned in to the evidence librarian.
- _____ Make a list of witnesses for the clerk of court.
- _____ Ask the detectives to serve subpoenas on the witnesses.
- _____ Go over their stories with the witnesses so you know what the answers to your questions will be.
- _____ Listen to the defense's cross-examination and object if necessary to a question or line of questioning.
- _____ Accept or reject students from the jury pool to be on the jury.
- _____ Make a PowerPoint presentation with the CSI team to make your case.
- _____ Do not lose your rubric.
- _____ Fill out Supreme Court case worksheets.
- _____ Be in class 90% of the time.

Rubric – Prosecutor

Checklist of things you need to do for 50 points:

- _____ Make sure evidence collected is turned in to the evidence librarian.
- _____ Make a list of witnesses for the clerk of court.
- _____ Ask the detectives to serve subpoenas on the witnesses.
- _____ Go over their stories with the witnesses so you know what the answers to your questions will be.
- _____ Listen to the defense's cross-examination of witnesses and object if necessary to the line of questioning.
- _____ Accept or reject students from the jury pool to be on the jury.
- _____ Make a PowerPoint presentation with the CSI team to make your case.
- _____ Do not lose your rubric.
- _____ Fill out Supreme Court case worksheets.
- _____ Be in class 90% of the time.

Rubric – Judge

Checklist of things you need to do for 50 points:

- _____ Preside over the trial objectively.
- _____ Grant or deny search warrants.
- _____ Sign witness subpoenas and arrest warrants.
- _____ Rule on the admissibility of evidence and sustain or overrule objections.
- _____ Do not lose your rubric.
- _____ Fill out Supreme Court case worksheets.
- _____ Be in class 90% of the time.

Rubric – Clerk of Court

Checklist of things you need to do for 50 points:

- _____ Make sure both sides have the witness list.
- _____ Make out the subpoenas for the witnesses.
- _____ Create a questionnaire for the jury pool members to fill out.
- _____ Get a study hall list and call students for the jury pool.
- _____ Do not lose your rubric.
- _____ Fill out Supreme Court case worksheets.
- _____ Be in class 90% of the time.

Rubric – Lead Defense Attorney

Check list of things you need to do for 50 points:

- _____ Assign jobs to other attorneys on your team and make sure everyone does what they are supposed to do.
- _____ Prepare the opening and the closing statements.
- _____ Make a list of witnesses for the clerk of court.
- _____ Ask the detectives to deliver the subpoenas to your witnesses.
- _____ Review their testimony with your witnesses so you know what the answers to your questions will be.
- _____ Listen to the prosecutor's cross-examination and object if necessary to a question or line of questioning.
- _____ Accept or reject students from the jury pool to be on the jury.
- _____ Be with your client at questioning by police or prosecutors.
- _____ Make sure your client's rights have not been violated
- _____ Poke holes in the prosecutor's case.
- _____ Do not lose your rubric.
- _____ Fill out Supreme Court case worksheets.
- _____ Be in class 90% of the time.

Rubric – Defense Attorney

Checklist of things you need to do for 50 points:

- _____ Submit a list of witnesses to the clerk of court.
- _____ Ask the detectives to deliver the subpoenas to your witnesses.
- _____ Review their testimony with your witnesses so you know what the answers to your questions will be.
- _____ Listen to the prosecutor's cross-examination and object if necessary to the questions or line of questioning.
- _____ Accept or reject students from the jury pool to be on the jury.
- _____ Be with your client during questioning by police or prosecutors.
- _____ Make sure your client's rights have not been violated.
- _____ Poke holes in the prosecutor's case.
- _____ Do not lose your rubric.
- _____ Fill out Supreme Court case worksheets.
- _____ Be in class 90% of the time.

Rubric – Detectives

Checklist of things you need to do for 50 points:

- ___ Question all students in the class to learn what they saw.
- ___ Obtain search warrants for all searches.
- ___ Properly collect evidence.
- ___ Give evidence to the Evidence Librarian.
- ___ Read the Miranda warning when arresting a suspect.
- ___ File a written report with the Clerk of Court about the case.
- ___ Work with the prosecutor in collecting evidence and finding witnesses.
- ___ Do not try to set someone up and/or place evidence to do so.
- ___ Work with the CSI team in obtaining evidence and piecing together the story.
- ___ Appear in court as a witness for the state.
- ___ Do not lose your rubric.
- ___ Fill out Supreme Court case worksheets.
- ___ Be in class 90% of the time.

Rubric – Defendant

Checklist of things you need to do for 50 points:

- _____ As a witness, avoid saying or doing anything that would implicate you as the guilty party; for example, tell a lie, try not to be interviewed first, listen to what the others say and make something up.
- _____ Secretly pick up evidence from the teacher.
- _____ Keep the evidence in your locker.
- _____ Do not lose your evidence.
- _____ Don't tell anyone what role you are playing.
- _____ If detectives arrest you, ask for a lawyer; don't answer questions without your attorney.
- _____ Do not lose your rubric.
- _____ Fill out Supreme Court case worksheets.
- _____ Be in class 90% of the time.

Rubric – Evidence Librarian

Checklist of things you need to do for 50 points:

- _____ Tag and store the evidence when the detectives give it to you.
- _____ Record the evidence, and give the records to both sides.
- _____ Do not lose the evidence.
- _____ Bring the evidence to court.
- _____ Do not lose your rubric.
- _____ Fill out Supreme Court case worksheets.
- _____ Be in class during this unit 90% of the time.

Rubric – “Know All But Can’t Tell All” Helper

Checklist of things you need to do for 50 points:

Before the game begins you will complete the following tasks:

- _____ Make sure all of the evidence is ready to be placed in the murder room.
- _____ Get a footprint sample from the defendant.
- _____ Check out the digital camera from the media center.
- _____ Make sure the CSI kit has all of the tools necessary.
- _____ On the day of the murder set up the crime scene.
- _____ Do not lose your rubric.
- _____ Fill out Supreme Court case worksheets.
- _____ Be in class 90% of the time.

Rubric – Decoy Defendant

Checklist of things you need to do for 50 points:

- _____ As a witness, follow your script.
- _____ If you are arrested, ask for a lawyer and don't answer any questions.
- _____ Don't lie—just stick to the script.
- _____ With the teacher's permission, manufacture evidence to prove your story. For example, produce a pass or tardy notification or anything that will help your case.
- _____ Don't tell anyone what role you are playing.
- _____ Keep the DNA and fingerprint samples in your locker.
- _____ Do not lose your DNA and fingerprint samples.
- _____ Do not lose your rubric.
- _____ Fill out Supreme Court case worksheets.
- _____ Be in class 90% of the time.

Rubric – Witness

Checklist of things you need to do for 50 points:

- _____ Don't tell anyone who you are.
- _____ Only give information when asked; don't offer any information unless the detective initiates the questioning.
- _____ When you are questioned, stick to your script.
- _____ With the teacher's permission and/or help, manufacture the evidence to prove your story, e.g., a pass or a tardy notification.
- _____ If you are subpoenaed, stick to the script during the trial.
- _____ Do not lose your rubric.
- _____ Fill out Supreme Court case worksheets.
- _____ Be in class 90% of the time.

Rubric – CSI Team

Checklist of things you need to do for 50 points:

- _____ When the murder occurs, rush to the scene and collect the evidence.
- _____ Use the CSI box to help you collect your evidence.
- _____ Label and take pictures of the evidence.
- _____ Make observations at the scene and take notes.
- _____ Discuss with the other CSI people your theory of what happened, and develop a story that the detectives can use to investigate the crime.
- _____ Use the information that the teacher gives you for assisting your investigation.
- _____ Give the evidence to the evidence librarian when you have finished your investigation.
- _____ Help the prosecutor prepare a PowerPoint presentation for presenting the case at trial.
- _____ Be an expert witness at the trial.
- _____ Do not lose your rubric.
- _____ Fill out Supreme Court case worksheets.
- _____ Be in class 90% of the time.

Rubric – CSI Commander

Checklist of things you need to do for 50 points:

- _____ When the murder is discovered, rush to the scene and collect the evidence.
- _____ Delegate tasks to complete to each member of the team.
- _____ Use the CSI box to help collect your evidence.
- _____ Label and take pictures of the evidence.
- _____ Make observations at the scene and take notes.
- _____ Conduct the discussion with the other CSI people to help your team form your theory of what happened at the scene of the crime.
- _____ Use the information that your teacher gives you for assisting your investigation.
- _____ Give the evidence to the evidence librarian when you have completed your investigation.
- _____ Be an expert witness at the trial.
- _____ Help the prosecutor prepare a PowerPoint presentation for presenting the case at trial.
- _____ Do not lose your rubric.
- _____ Fill out Supreme Court case worksheets.
- _____ Be in class 90% of the time.

Rubric – Private Investigator

Checklist of things you need to do for 50 points:

- _____ Question all students in the class and record what they saw.
- _____ File a report with the defense attorneys.
- _____ Do not lose your rubric.
- _____ Fill out Supreme Court case worksheets.
- _____ Be in class 90% of the time.

Rubric – Reporter

Checklist of things you need to do for 50 points:

- _____ Write two newspaper articles: (1) about the death investigation; (2) about the trial and results.
- _____ Put the articles with the pictures in a newspaper layout (see p. 69), and post it on the wall outside of the classroom.
- _____ Do not lose your rubric.
- _____ Fill out Supreme Court case worksheets.
- _____ Be in class 90% of the time.

Rubric – Photographer

Checklist of things you need to do for 50 points:

- _____ Take pictures for two different articles: (1) about the death investigation; (2) about the trial and results.
- _____ Put the pictures with the articles in a newspaper layout (see p. 69), and post it on the wall outside of the classroom.
- _____ Do not lose your rubric.
- _____ Fill out Supreme Court case worksheet.
- _____ Be in class 90% of the time.

Rubric – Jury Selection Expert

Checklist of things you need to do for 50 points:

- _____ Look over the potential jury members' answers to the questionnaire; decide who would work best as a jury member for your side of the case.
- _____ Write out questions you plan on asking each potential jury member.
- _____ Lead the questioning process to decide who you want on the jury.
- _____ Do not lose your rubric.
- _____ Fill out Supreme Court case worksheet.
- _____ Be in class 90% of the time.

Rubric – CNN Court Reporter

Checklist of things you need to do for 50 points:

- _____ Make three 5-minute news reports, based on the murder, the arrest, and the trial and outcome.
- _____ Investigate and write up your scripts, and work with camera person to get the pictures you need.
- _____ Interview at least three people for your report.
- _____ Do not lose your rubric.
- _____ Fill out Supreme Court case worksheet.
- _____ Be in class during this unit 90% of the time.

Rubric – CNN Camera Person

Checklist of things you need to do for 50 points:

- _____ Make three 5-minute news reports, based on the murder, the arrest, and the trial and outcome.
- _____ Work with the reporter to know what the script says, and provide the video.
- _____ Use the digital camera provided and download each day's video from the camera to your computer account.
- _____ Do not lose your rubric.
- _____ Fill out Supreme Court case worksheet.
- _____ Be in class 90% of the time.

Witnesses' Stories

Witness One

Here is your story:

- You tried to talk with Nomora Teepeeing right before _____ hour. She was reading a note and seemed very upset and didn't want to talk about it. You were late to your _____ period class because you were talking to Nomora Teepeeing.
- You don't know Nomora very well. You just started to work at (local restaurant) and learned that she worked there also.

If you wish to add to this story, talk to your teacher first.

Witness Two

Here is your story:

- You needed to talk with Nomora Teepeeing and was told by (the counselor) that she was in (murder room), but the door was locked and the lights were off. This was during _____ hour. You are not sure of the exact time, but you had a pass from study hall.
- You only know Nomora professionally because she is working with the counselor to help seniors with student loans for college.

If you wish to add to this story, talk to your teacher first.

Witness Three

Here is your story:

- You heard _____ ask to go talk to Nomora Teepeeing at the end of class. He or she seemed angry. The teacher _____, gave him or her a pass and he or she left. You don't know who Nomora Teepeeing is; you remember the name because you didn't know any one by that name worked here.

If you wish to add to this story, talk to your teacher first.

Witness Four

Here is your story:

- _____ came in late to _____ class which is during _____ period. He or she was out of breath, and his or her face was as white as snow. You noticed this because he or she sits by you during class.
- You heard _____ mention the name of Nomora Teepeeing. He or she was angry because of the information he or she was given about his or her ability to make it into college.

If you wish to add to this story, talk to your teacher first.

Witness Five

Here is your story:

- You were leaving (class) during _____ period because you left your government notebook in the Spanish room and you saw _____ leaving (the murder room) in a hurry. When you got to the Spanish room the door was locked so you didn't locate your notebook at that time. The lights in (the murder room) were turned on.

If you wish to add to this story, talk to your teacher first.

Witness Six

Here is your story:

- You were late to _____ period because you were looking in the old newspapers for a government article, and when you looked up you saw _____ walking into (the murder room). You thought that was strange because you thought he or she needed to be in government class just like you.
- You don't know who Nomora Teepeeing is. You may have seen her around school but you didn't know that was her name.

If you wish to add to this story, talk to your teacher first.

Witness Seven

Here is your story:

- You were just settling down to read a new book that you had just checked out from the library during _____ period and _____ ran past you and out the door. You thought at the time that it seemed strange.
- You noticed that the lights in (the murder room) were turned on.

If you wish to add to this story, talk to your teacher first.

Decoy Defendant

Here is your story. Don't share it until you talk to your lawyer:

- You were upset with Ms. Teepeeing because when you went to ask her for help with filling out your college loan paperwork, she suggested that you might not even get into college with your grades. When you got to thinking about it you kept getting angrier and you needed to talk with her. You couldn't concentrate on your _____ class so you asked for a pass to go and talk with her. (The counselor) told you Ms. Teepeeing was working in (the murder room). When you went to the door it was open but the lights were off, which you thought was strange. You went into the room and turned on the lights, and then saw Ms. Teepeeing lying on the floor with her head in a pool of blood. You panicked and ran from the room and into the restroom where you hung out until your next class. You did not kill her. You were angry but not enough to kill her.

If you wish to add to this story, talk to your teacher first.

Defendant

Here is your story to tell the police:

You don't know Nomora Teepeeing and you weren't angry with her. No, she didn't call you stupid and lazy. You said you needed a pass from _____ but didn't go to the office. You skipped school after _____ period because you didn't feel like being there. If you add to this story talk to your teacher first.

Here is what really happened. You can tell your lawyer if you wish, because any communication between you and your lawyer is confidential and your lawyer cannot testify against you.

You were angry with Ms. Teepeeing because she told you to not even bother to think about college because your grades and work ethic would not get you past the first semester. She told you it would be a waste of your parents' money.

So you went to confront her about a flippant comment she made in front of your art class. When you got to the door, she had just turned off the light and was opening the door to leave. You backed her into the room, yelling at her, and then you pushed her. She fell back and hit her head on the corner of the (table or desk). You panicked and ran out the room.

Do not change your story. You also will not be called to the witness stand, so you will not be forced to tell anyone this story. You may choose to tell your lawyer if you want to.

The Counselor as a Witness

Here is your story:

- Nomora Teepeeing was a student teacher of yours. She was responsible for working with students to help them fill out their college loan paperwork. She often commented on how some students think that they deserve a free ride with no work ethic, and they won't make it in college or the real world.
- A few students stopped by your room to ask to talk with Ms. Teepeeing and you told them she was working in the (insert name or number of the room used as the scene of the murder).
- The students who stopped by were:
_____ during ____ period
_____ during ____ period
_____ during ____ period
- You were to have a meeting with Ms. Teepeeing during ____ period. The meeting was about her abusive language towards some students. When she didn't show up you went to (the murder room), and the lights were on. When you entered the room you saw her on the floor. You left the room and went straight to the office and told (the school secretary) to call 911 because there may be a dead person in (insert name or number of the room used as the scene of the murder).

Secretary's Story

Here is your story:

- At the beginning of _____ period (the counselor) raced in to the office, looking as white as a ghost. You asked what was wrong because he looked like he had seen a dead body. He said he thought he had. He told you to call 911 and said that he believed Nomora Teepeeing was lying dead in (the murder room). So you called 911.

SAMPLE RULES OF EVIDENCE

1. Definition of Relevant Evidence

Relevant evidence is evidence that makes the existence of any fact that relates to the outcome of the case more likely or less likely than it would be without the evidence.

2. Relevant evidence generally is admissible; irrelevant evidence is inadmissible

All relevant evidence is admissible in court, except as otherwise provided by the Constitution of the United States, by statute, or by these rules. Evidence which is not relevant is not admissible.

3. Lack of Personal Knowledge

A witness may not testify on a subject unless it is shown that the witness has personal knowledge of the subject. Evidence to prove personal knowledge may, but need not, consist of the testimony of the witness.

4. Hearsay Rule

Hearsay evidence is testimony that:

(a) a witness offers in court proceedings about a statement that some other person made outside of court; and

(b) that is offered to show that the content of the out-of-court statement is true.

Hearsay is not admissible in evidence except as provided by these rules of evidence, or by other rules of the court.

5. Scope of Cross-Examination

Cross-examination should be limited to the subject matter of the direct examination and matters affecting the credibility of the witness. The court may, in the exercise of discretion, permit inquiry into additional matters as if on direct examination.

6. Leading Questions

Leading questions should not be used on the direct examination of a witness except as may be necessary to develop the witness' testimony. Ordinarily, leading questions should be permitted on cross-examination. When a party calls a hostile witness, an adverse party, or a witness identified with an adverse party, interrogation may be by leading questions.

COMMON OBJECTIONS

1. Irrelevance.

Example: In an automobile accident case involving personal injury, the lawyer asks the witness:

- Question: “Do you feed your dog dry food or canned?”
- Objection: “Objection, your Honor, the question is irrelevant to this case.”

2. Leading question. A leading question is a question that suggests to the witness the answer to give.

Example:

- Question: “When the Teacher left the room, did she turn off the light?”
- Objection: “Objection your Honor, that is a leading question.”

A nonleading form of this question is: “What did the Teacher do when she left the room?”

3. Hearsay. Hearsay is an out-of-court statement, spoken by someone other than the witness, which is meant to show the truth of what was said. Generally, hearsay statements are not admissible because the person who made the statement is not available for cross-examination to challenge the truth of the statement.

Example:

- Question: “What did Plaintiff’s passenger tell you about how Plaintiff was injured in the accident?” (Plaintiff’s lawyer is asking Witness to describe what some other person said outside of the courtroom in an effort to prove that Plaintiff was injured in the accident.)
- Objection: “Objection your Honor, the question calls for a hearsay answer.” (This question is also leading.)

4. Opinions. As a general rule witnesses must testify to facts and not their opinions, unless they have specialized knowledge like an expert.

Example:

- Question: “In your opinion, is it going to rain later this week?”
- Objection: “Objection, your Honor, this witness is a baseball player, not a meteorologist, and has no special training, knowledge, or expertise to predict the weather and give such opinion testimony.”

Note: The question is also objectionable on grounds of speculation and lack of foundation.

5. Assumes facts not in evidence. Questions must be based on facts or information to which the witness has previously testified.

Example: The first witness at trial has testified only to her name and age

- Question: “When you saw the accident, where were you located?”
- Objection: “Objection, your Honor, the question assumes facts not in evidence (that there was an accident) and there has been no showing of personal knowledge of this witness (she has not yet testified that she saw the accident).”

6. Compound question. A compound question is based on two or more facts, which can lead to confusion when a simple answer is given.

Example:

- Question: “Did you go to the baseball game and do you know how the Cubs lost the game?”
- “Objection, your Honor, that is a compound question.”

Note: If the witness answered “Yes,” the judge or jury would not know for sure whether the witness meant to answer that she went to the baseball game or that she knows how the Cubs lost the game, or both.

7. Narrative response or answer. Testimony must proceed on a question and answer basis to allow counsel time to object and to prevent a witness from injecting irrelevant or otherwise inadmissible testimony into evidence. If the witness continues testifying after having answered the question asked, an objection to a narrative answer is appropriate.

Example:

- Question: “What color was the stoplight when you entered the intersection?”
- Answer: “It was yellow, and I know that because I was looking right at it and the cars on the other street were stopped, and then I saw . . . “
- Objection: “Objection. Your Honor, the witness is giving a narrative answer. Please direct counsel to proceed in a question and answer format.”

8. Asked and answered, cumulative, repetitious, or waste of time. Lawyers may try to emphasize a particularly favorable fact by asking the witness to testify to it more than once, or they may try to coax a better or different answer from the witness by asking the same question again, or by slightly changing the wording.

The court may also sustain objections based on cumulative or repetitious evidence when more than one witness testifies to the exact same thing. Opposing counsel, however, on cross-examination, is permitted to ask questions previously asked during direct examination.

Example:

- Question: “Tell me again, what color was the stoplight when you entered the intersection?”
- Objection: “Objection, your Honor, asked and answered; the question is cumulative and repetitious.”

9. Comment on the evidence. During trial lawyers are only permitted to ask questions, not to testify or make statements about the evidence.

Example:

- Question: “We know that the light was red when the plaintiff entered the intersection; what did you see after that?”
- Objection: “Objection, your Honor, counsel is improperly testifying or commenting on the evidence.”

10. Lack of foundation. This objection relates to testimony and to exhibits. Like testimony, every exhibit must meet certain requirements before it is admitted into evidence: (a) the exhibit must be relevant; (b) a witness must recognize the exhibit; (c) the witness must be able to identify the exhibit and explain what it is; (d) the witness must know what the exhibit looked like on the relevant date; and (e) the exhibit must be in the same condition at the time of trial as it was on the relevant date.

Example:

- Attorney: “Your Honor, we offer into evidence this photograph of the room where Normora Teepeeing’s body was found.”
- Objection: “Objection, your Honor, counsel has laid no proper foundation showing when this photograph was taken, who took the photograph, and whether it accurately depicts the room where the body was found.”

K-L Worksheet

Directions: Please answer the following questions on what you know and then later you will be asked to answer the question on what you have learned.

“If you were arrested for a crime you did not commit, what do you think would happen to you?”

What do you know?

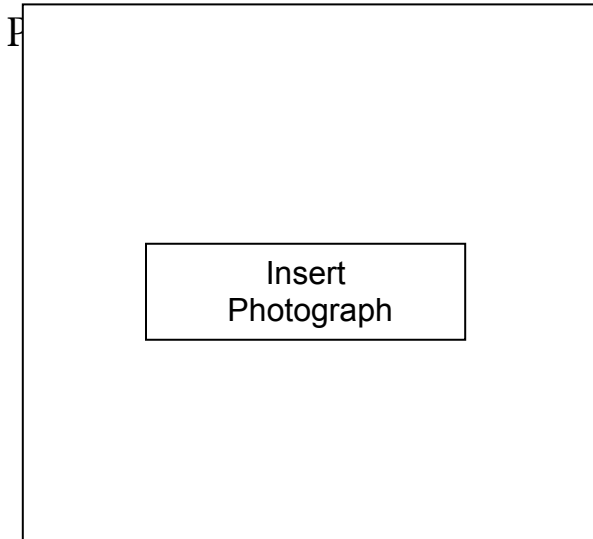
What have you learned?

How would you feel?

How would you feel?

Newspaper Layout

Name of the Paper



Insert Caption for Photograph

Continue the Story

The Story & Title

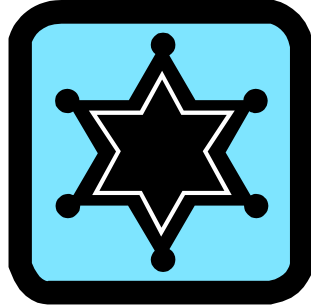
Story should have
between 150 and 200
words, typed in regular
size 12.

Second Photograph

Caption for the Photograph

Official Papers

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Arrest Warrant

This is an arrest warrant for

_____.

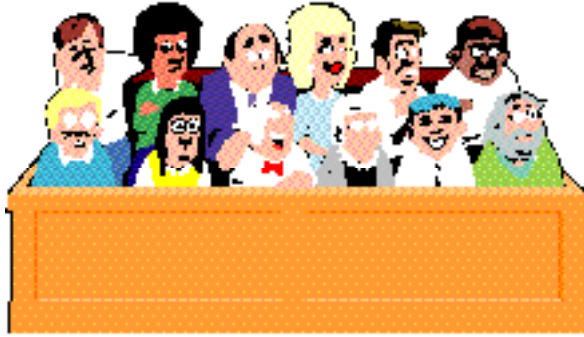
You are being arrested for the following violation(s):

Arresting Officer

Judge

Date issued (not valid after 3 days)

Clerk of Court



Summons To Appear for Jury Duty

Date _____

You, _____, are hereby summoned to appear in

Court on _____ to serve on jury duty. Please appear in

room _____ during _____ period.

Judge

Clerk of Court



Search Warrant

Detective(s) _____, have the right to
search (location) _____
belonging to (person being searched) _____.

This right is made possible by the _____ code of _____ (state) section _____.

The items they are searching for are as follows:

Judge

Clerk of Court

Dated _____



Witness Subpoena

Date _____

You are ordered to appear as a witness for the _____

in the case of *State v* _____
(Defendant)

You are to appear in court on _____ (day) of
_____ (month), to be held in room _____.

Judge

Clerk of Court