

SERVING ON A JURY

OUTCOMES

As a result of this lesson, students will be able to:

- Explain what a juror does and why it is important
- Define mitigating and aggravating circumstances and explain why these concepts are important in determining an appropriate sentence for an offender
- State the steps involved in a youth court hearing
- Demonstrate trial, advocacy, and case preparation skills
- Apply listening, problem-solving, and critical thinking skills to the process of deliberation and sentencing

MATERIALS NEEDED

- Chalkboard/ flip chart
- Chalk/markers
- Overhead transparency machine (optional)

HANDOUTS

- 1 Case Studies
- 2 (From your youth court) Jury Deliberation Worksheet and Sentencing Options List (optional)
- 3A Case Preparation
- 3B Case Preparation

TRANSPARENCY OR POSTER

- A Riddle

PREPARING TO TEACH THIS LESSON

- Write up and post the lesson objectives
- Make copies and prepare materials needed
- Prepare a transparency of the riddle or write it up on the board, flipchart, or

overhead machine.

- Determine which model your youth court uses:
 - *The Adult Judge Model (youth volunteers serve in the roles of defense attorneys, prosecuting attorneys and jurors and an adult serves in the role of the judge)*
 - *The Youth Judge Model (youth volunteers serve in the roles of defense attorneys, prosecuting attorneys, and jurors and judge)*
 - *The Youth Tribunal Model (youth volunteers serve as defense attorneys, prosecuting attorneys and as a panel of judges.*
 - *The Peer Jury Model (youth volunteers serve as jurors who question the defendant directly, without the intervention of youth attorneys. In some programs, an adult serves as a judge.)*
- Once you know what model your court follows, make copies of the appropriate “Handout 3 Case Preparation” A or B.

COMMUNITY RESOURCE PEOPLE

A lawyer or judge who works with youth court would be helpful in presenting this lesson. Send a copy of the lesson when confirming the date and location of the class. After he or she has received the lesson, discuss how you will work together to teach it.

SUMMARY

At the end of each lesson is a summary section. It is very important that the lesson period be timed to allow sufficient time to complete the debrief (summary) with the students. During this reflection time the students can discuss the information learned, clarify any concerns and analyze the skills that they have practiced. This is a critical step in the learning process and must not be neglected.

PART ONE: THE JOB OF A JUROR (10 minutes)

1

Post “Transparency, A Riddle” which can be found at the end of this lesson plan. Read it aloud.

A Riddle

My job is more important than the judge’s job.

I decide who wins the case.

Who am I?

After giving students a chance to think for a minute, ask students if they know the answer.

The answer is a juror.

Post and explain the objectives for this lesson. If a Community Resource Person has joined you for this lesson, introduce him or her now.

2

Ask students the following questions:

- What is the job of a juror?

The job of a juror is to listen to the facts and evidence in a trial and to determine the truth. This job is important because juries enable those who are on trial to be judged by a "jury of their peers."

- Where does the right to a jury come from?

The right to a jury is guaranteed by the Sixth and Seventh Amendments to the Constitution. Juries make the Constitution work because they evaluate whether a defendant is treated fairly according to the rights given to all Americans.

- Why do people serve on juries?

In a philosophical sense, people serve on juries because it is their responsibility as citizens. All citizens have an interest in ensuring that our legal system promotes justice. The jury system gives the average citizen an opportunity to be part of what goes on in this country's courtrooms and to help administer justice. In a practical sense, some people serve on juries because they are required by law to do so. We will discuss this in more detail later in the lesson.

- How do juries work in youth courts?

Generally, juries in youth courts serve only a sentencing function. This differs from juries in adult criminal courts, where the jury is charged with making the determination of guilt or innocence. In some states, jurors are also involved in the sentencing of adult criminals.

Tell students:

- Before juries or judges can decide what type of punishment or sentence is appropriate, they must consider the guidelines given to them by law. For example, laws may spell out the maximum and minimum sentences, so the punishment must fall inside that range.

- Whomever is responsible for deciding the defendant's punishment must also take into consideration both positive and negative circumstances surrounding the offense.
- Ask students to think about a person who was convicted of murder. Can you think of any evidence that could be introduced in court that might make that person's punishment more severe?

Examples might include: if the murder is particularly gruesome or if that is the defendant's third murder conviction, etc. Explain that these are called "aggravating circumstances."

- Write that term and definition on the board or flipchart paper.

Aggravating circumstances are those factors that tend to make the crime worse.

Ask students:

- Can you describe any circumstances that could be introduced in court that might make the punishment less severe for that same convicted murderer?

Examples may include: if the convicted person can show the victim had previously abused him or her, if the convicted person had no prior criminal record. Explain that these are called "mitigating circumstances."

- Write that term and definition on the chalkboard or flipchart paper.

Mitigating circumstances are those factors that tend to make the crime less severe.

Tell students:

- In a youth court setting, a prosecuting attorney seeks justice by recommending a constructive sentence based on the aggravating circumstances of the case. A youth court defense attorney seeks justice by recommending a constructive sentence based on the mitigating circumstances of a case. If your youth court does not use youth lawyers, it is up to the jury to discover and evaluate the mitigating and aggravating circumstances.
- Different youth courts across the country use different models to handle the proceedings. Some have no adults in directly involved in the proceeding. Some have lawyers. Ask students: Do you know which model our youth court uses? (Write the answer here: _____)

PART TWO: CASE STUDIES (35 minutes)

1

Distribute “**Handout 1: Case Studies**” which can be found at the end of this lesson plan. Read it aloud.

NOTE: If you have a jury deliberation sheet for your youth court, distribute it now.

If you have a list of sentencing options available to your youth court, distribute that now, too.

If your youth court uses the Adult Judge, Youth Judge, or Tribunal Model, distribute “**Handout 3A: Case Preparation.**” If your youth court uses the Peer Jury Model, distribute “**Handout 3B: Case Preparation.**”

2

Assign roles to the students for the first case study simulation of a youth court proceeding. Ask students to read the directions carefully now. After a few minutes, ask if everyone understands what he or she should be doing for the next twenty minutes. Answer any questions. Write the ending time on the board.

3

After everyone has had adequate time to prepare, the judge(s) should begin to role-play the first case. When the case has been presented, the jury or tribunal should be given time to deliberate. When they are finished, they should announce their sentence. Reasons for their sentence should be given.

4

After the verdict has been read, gather students and ask the following questions:

If your court uses the Adult Judge, Youth Judge, or Tribunal Models, ask these questions:

- To the prosecutor: did you like this role? Why or why not? Did you have a hard argument to make? What information would you have liked to have to make your argument easier to make?
- To the defense attorney: did you like this role? Why or why not? Did you have a hard argument to make? What information would you have liked to have to make your argument easier to make?
- To the jury: was your sentencing decision hard or easy? What factors did you

take into account in making your decision? What other information would you have liked to have to make your decision easier?

If your court uses the Peer Jury Model, ask these questions:

- Was your sentencing decision hard or easy? Why?
- What factors did you take into account in making your decision?
- What other information would you have liked to make your decision easier?
- How difficult was it to find out the aggravating circumstances?
- How difficult was it to find out the mitigating circumstances?
- How useful was that information as you decided the appropriate sentence or disposition?

5

If time permits, you can reassign roles and role-play “Case Study 2.” Follow procedures 2-4 again. Be sure to leave at least ten minutes to complete the summary questions at the end of the lesson.

PART THREE: SUMMARY (10 minutes)

1

Ask students:

- What are the most important pieces of information to get out in a youth court proceeding? Why?
- Do your youth court procedures lead to a fair disposition (sentence) for youthful offenders (respondents)? Why or why not?
- Do your youth court procedures give youthful offenders the opportunity to repair the harm they caused the victims and/or the community? If not, how could the procedures and/or sentencing options change to address this goal? For example, should victims be invited to give testimony if they wish? How might this change the outcome of the hearing?
- Do the sentencing options available give the jury a chance to assign a disposition that helps the offender repair the harm done to the victim and/or the community? Why or why not? Are there other options you would like to consider?

2

Remind students that most of them will be serving on a jury to complete their youth court sentences, so they will have the chance to participate in real youth court proceedings.

3

Thank students for participating. If a Community Resource Person helped you, thank him or her, too.

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TRANSPARENCY/POSTER 1

A RIDDLE

**My job is more important
than the judge's job.**

**I decide who wins the
case.**

Who am I?

HANDOUT 1 CASE STUDIES

CASE STUDY 1: Janai

Janai is a 14 year-old female. She lives at home with her mother and four brothers and sisters. Her mother says that she behaves well at home. She obeys her curfew and no other problems have been reported. She attends school and is in the 8th grade, with below average grades. She was suspended recently for vandalism.

Janai has no prior juvenile record. She has pled guilty to her charge and is now going before the Youth Court for sentencing. She and two other girls spray painted their names on the outside of the school building.

CASE STUDY 2: Lester

Lester is a 17 year-old male. He lives at home with his grandmother. She reports no problems with Lester's behavior at home. He is in the 12th grade, attends school regularly, and plans to graduate in the spring.

Lester has no prior juvenile record. He has pled guilty to shoplifting. The security guard stopped Lester and some friends carrying compact disks and video games out of a store in the mall.

HANDOUT 3A CASE PREPARATION

Defendant

You have 20 minutes to meet with your lawyer, the defense attorney, to plan to make the best presentation possible in the proceedings.

Attorneys

- Defense Attorney(s):

You have 20 minutes to meet with your client, the defendant, to review the facts of the case and to prepare questions. Your questions should focus on helping the judge(s) or jury hear mitigating circumstances.

(For example, you may want to ask the defendant if he or she attends school regularly. Has he or she done anything to try to make amends for this offense? Etc.) Practice asking the questions to your defendant and being sure he or she can answer the question favorably. If a truthful answer would be damaging to the defendant, do not ask the question in court.

- Prosecuting Attorney(s)

You have 20 minutes to review the facts of the case and prepare questions. Your questions should focus on helping the judge(s) or jury hear the aggravating circumstances.

For example, you may want to ask if the defendant has ever been in trouble with the law before this incident.

Jurors (only assigned if your court uses the Adult Judge or Youth Judge Model)

You have 20 minutes to think about how you will make your decision. Review the jury deliberations procedures used by your youth court, if they are available. If no such worksheet is available, you should devise a series of questions you will consider before you make your decision.

For example, what types of punishments are you able to assign? What are the maximum and minimum penalties that you could assign for this type of offense?

HANDOUT 3A, continued

Jurors, continued.

What would make you want to assign the maximum penalty? What would make you want to assign the minimum penalty? Why?

How will the jury agree to a punishment? Will it vote? How many votes should be necessary to decide on a penalty?

NOTE: If a youth court coordinator is present, ask him or her to advise your group.

Judge: (only assigned if your court uses a youth judge model)

You have 20 minute to think about how you will preside over the courtroom and this case. Decide what procedures must you follow and be sure the rest of the participants follow.

Once the case preparation is complete, the hearing will last about 20 minutes. How will you break down this time? You should follow timelines that are realistic and established in your youth court. If you are working with a bailiff and court clerk, meet with them to be sure they understand their roles.

Tribunal judge: (only assigned if your youth court uses the youth tribunal model)

Your job combines the role of judge and a jury. You have twenty minutes to prepare. Use the instructions listed above for judges and for jurors.

Everyone: Use the space below to write down your questions or main ideas.

HANDOUT 3B CASE PREPARATION

Defendant:

You have 20 minutes to think about how you can make the best presentation possible in the proceedings. Think about the mitigating factors you want to be sure the jury considers. Try to anticipate the aggravating factors the jury may raise and think about how you can answer those questions truthfully but without making your case worse.

Jurors

Your job as a juror is to try to fully hear and consider the mitigating and aggravating circumstances. You have 20 minutes to review the facts of the case, and prepare questions.

Think about questions you could ask that would bring out the mitigating circumstances. For example, you may want to ask the defendant if he or she is sorry for the offense. Has he or she done anything to try to make amends for this offense? Does he or she attend school regularly? Does he or she have a good employment record? Etc.

Think about the questions you could ask that would bring out the aggravating circumstances. For example, you may want to ask if the defendant has ever been in trouble with the law before this incident. How does the defendant think he or she has harmed the victim? How has he or she harmed the community?

Everyone: Use the space here and on the back to write down your questions or main ideas.

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