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| **TEXAS CTE LESSON PLAN**[www.txcte.org](http://www.txcte.org) |
| **Lesson Identification and TEKS Addressed** |
| **Career Cluster** | Law, Public Safety, Corrections, & Security |
| **Course Name** | Court Systems and Practices |
| **Lesson/Unit Title** | Court Systems and Practices: The Victim and Defendant in the Trial Process |
| **TEKS Student Expectations** | **§130.340. (c) Knowledge and Skills.**(3) The student explores the roles and responsibilities of members of courtroom work groups. (C) The student is expected to analyze the impact of the victim and the defendant upon the courtroom process**§130.340. (c) Knowledge and Skills.** (3) The student explores the roles and responsibilities of members of courtroom work groups. (D) The student is expected to discuss the dynamics of assembly line justice and discretion found in court proceedings. |
| **Basic Direct Teach Lesson**(Includes Special Education Modifications/Accommodations and one English Language Proficiency Standards (ELPS) Strategy) |
| **Instructional Objectives** |

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| The student will be able to: 1. Examine the role of the victim in the criminal trial process 2. Analyze the impact of the victim and the defendant upon the courtroom process 3. Discuss the dynamics of assembly line justice and discretion found in court proceedings |

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| **Rationale** |

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| The role of the victim and the defendant in the trial process is crucial for understanding our due process justice system. Both parties can make a tremendous impact on the outcome of the trial. Judicial discretion also plays a key role in the trial process. There are many instances when judges do not have discretion due to sentencing guidelines, but they do have discretion within the trial that can impact the outcome of the trial significantly.  |

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| **Duration of Lesson** | Teacher’s Discretion  |
| **Word Wall/Key Vocabulary***(ELPS c1a, c, f; c2b; c3a, b, d; c4c; c5b) PDAS II (5)* |  |
| **Materials/Specialized Equipment Needed** | * Assembly Line Justice computer-based presentation
* Computers with Internet access
* Presentation materials or computer-based presentation software
* Computer with Internet access and a projector
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| **Anticipatory Set**(May include pre-assessment for prior knowledge) | Do an Internet search for video Mom Delivers Victim Impact Statement. Play and then debate the video. Use the following questions for the class debate. Use the Debate Rubric for assessment.* Should a defendant’s courtroom demeanor be considered by the jury in making their decision in a criminal case?
* What role do facial expression, hand gestures, and outward behavior play in the courtroom?
* Does dress affect the jury’s perception of the defendant?
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| **Direct Instruction \*** | 1. Role of the Victim
	1. Report the crime – prompt reporting helps ensure preservation of evidence and increases the victim’s credibility
	2. Preserve the evidence – evidence will be gathered, photographed, and documented for later use in court
	3. Seek medical attention
		1. Victims may have physical injuries that need attention
		2. Medical records are documentation of evidence
		3. Victims should also seek counseling if needed
		4. Crime victim’s compensation can help victims with the cost of treatment or counseling
	4. Meet with police and prosecutors
		1. First responding officers will get basic information regarding the crime
		2. Detectives will generally follow up with a more thorough investigation
		3. After charges are filed, a prosecutor will be assigned
		4. Prosecutors and victims’ advocates will meet with and interview the victim
	5. Testify
		1. Adult Victims
			1. Victims’ advocates will prepare a victim for what to expect during the testimony and the contents of the testimony needed
			2. Victims will be held in a separate area during the trial until it is their time to testify
			3. Prosecutors will ask questions first
			4. Defense attorneys will then cross-examine
		2. Child Victims
			1. The judge will ask the child questions to determine if the child is capable of testifying
			2. Testifying can be an important part of the healing process for the child
			3. The child will be prepared by prosecutors and advocates prior to testimony
	6. Make a victim impact statement – tells the judge and jury how the crime has impacted the victim and his or her family physically, emotionally, and financially
	7. Register for notification of the defendant’s release – notifies victims about the defendant’s (offender’s) status, parole eligibility, parole hearings, release from custody, and transfer to minimum security facilities

II. Victim Impact on Trial* 1. Victim Impact Statements
		1. “…are written or oral information about the impact of the crime on the victim and the victim’s family” –National Center for Victims of Crime
		2. Draw jurors away from the procedures of a trial and replace it with a more human emotion
		3. Are presented before sentencing, but may also be collected during pre-trial proceedings
		4. Give a glimpse into the defendant’s behavior, the impact it has on the victim and his or her family, and gives recommendations for sentencing
		5. Are used by the court to examine current crime, criminal history, and medical and psychological stability
		6. Can be presented by the victim’s family in cases of murder
	2. Victim participation in investigations
		1. Victims of crime play an essential role in the criminal investigations by providing timelines of events and by providing testimony at trial
		2. Victims provide evidence of the crime
		3. Victims may be called to provide testimony before the court at several different court dates
1. Defendant’s Courtroom Role
	1. Defendant’s demeanor
		1. Dress conservatively
		2. Get a fresh haircut for the trial
		3. Stand up and speak clearly and intelligently
		4. Say, “Yes, your Honor,” and, “No, your Honor”
		5. Be respectful – be courteous – be polite
		6. Be ready and attentive to be called during the trial
		7. Turn off your cell phone and other electronics
		8. Be on your best behavior
		9. Take notes of questions and comment for your attorney
		10. The defendant’s behavior and/or demeanor in the courtroom can greatly impact the outcome of the trial (it has been shown in many high-profile criminal cases that jurors use the defendant’s courtroom demeanor to determine sincerity and culpability)
	2. Defendant’s role in the trial
		1. A prior criminal record can impact the decision to testify
			1. Criminal history can be used to impeach a defendant’s credibility as a witness
			2. Prior criminal records bias juries while making their decision
			3. Jurors may be willing to convict on less evidence if the defendant has a criminal record
	3. Codefendant’s role
		1. Plead to a lesser charge in exchange for his or her testimony against the main defendant (See Activity 2)
		2. Testimony becomes “he said/she said,” and it is then up to the jury to decide who is being more truthful
		3. Codefendants may be convicted in a separate trial which can play a role in the trial of the defendant
		4. Multiple codefendants tend to increase the likelihood of conviction for the defendant

IV. Assembly Line Justice1. Definition – cases are treated in a specific way by all parties and a standardized response on how to handle the case is developed. Individual details are largely ignored for the sake of expediency and efficiency
2. Defendants are all treated the same. There is no discretion for the court. Defendants are merely pushed through the system
3. Discretion – The power to make decisions on some matters without being bound by precedent or strict rules established by statutes
	1. Juries were put into place as a check on judicial discretion
	2. Judges may use discretion in court proceedings. For instance, allowing evidence during sentencing or as needed during the trial process
	3. Prosecutors use discretion when determining what charges to bring against defendants and in deciding what witnesses to present
	4. Defense attorneys use discretion in determining whether to put the defendant on the stand to testify
	5. Defense attorneys and prosecutors use discretion when deciding whether to offer the defendant a plea bargain
4. Example – Operation Streamline
	1. Migrants from Mexico and Central America with no prior criminal record have attempted to cross the border in search of work or to reunite with family in the U.S.
	2. The first-time offense is a misdemeanor punishable by up to 6 months in prison. Those charged with re-entry face a felony with a minimum of 2 years, with a possibility of 20 years if they have a criminal record
	3. The program has removed prosecutorial discretion that requires criminal prosecution of all undocumented border crossers, regardless of their history
	4. The program strains the resources of judges, U.S. attorneys, defense attorneys, U.S. Marshals, and court personnel
	5. Voluminous prosecutions of up to 80 defendants at a time force courts to cut procedural corners and deprive violators of their due process rights

*Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*NONE |
| **Guided Practice \*** | Role of the Codefendant Class Discussion. Do an Internet search for Legal experts: Co-defendant's testimony will 'make or break' Kissel case. Read the article and have the students write about the role the codefendant had on the murder trial and how the outcome could have changed without the codefendant’s testimony. Use the Writing Rubric for assessment.Operation Streamline Class Discussion. Have students research Operation Streamline. Then use the following questions for a class discussion: Is this form of assembly line justice affective? Is it fair under the circumstances? Use the Discussion Rubric for assessment.Jury Deliberation. Have the students act as jury members. For jury deliberation purposes, have students read all the documents related to the case of Clinton Young. (Do an Internet search for save an innocent life). You may assign this as homework or allow them time to read it in class. As the instructor, serve as the judge and mediate the discussion. Students will be asked to vote on the outcome of the case (guilty or not guilty). Based on the vote of the class, open the deliberation up to discussion on why the jurors voted the way they did. Students should be able to discuss evidence that swayed their vote one way or another. Use the Discussion Rubric for assessment (this activity can also be presented in the form of a mock trial— to do this, simply assign a document and role to each student).Assembly Line Justice Reading, Video and Discussion. Have students read the interview with Defense Attorney Stephen Bright regarding Assembly Line Justice (as homework or in class). After students have read the article play the PBS special “The Plea” (90 minutes) (see links below). After students watch the video, have them discuss the impact “assembly line justice” has on our justice system including the pros and cons of this type of justice system. Use the Discussion Rubric for assessment.The Interview with Stephen Bright: <http://www.pbs.org/wgbh/pages/frontline/shows/plea/interviews/bright.html>*Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*For reinforcement, students will find famous court cases in which the defendant’s behavior impacted the decision of the court. Examine the role that the defendant and any co-defendants played in their conviction or acquittal. Use the Summary Rubric for assessment.For enrichment students will research cases in which judges have exercised discretion in sentencing. Students will write how discretion was used and how it impacted the outcome of the trial. Use the Summary Rubric for assessment. |
| **Independent Practice/Laboratory Experience/Differentiated Activities \*** | Criminal Case Profile Research. Have the students research high profile cases in which the defendant’s courtroom demeanor played a key role in the outcome of the trial. Then have students report what demeanor was considered by the jury while making their decision. Students may also want to find trial footage to demonstrate their points. Use the Presentation Rubric for assessment.*Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*NONE |
| **Lesson Closure** |  |
| **Summative/End of Lesson Assessment \***  | *Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*NONE |
| **References/Resources/****Teacher Preparation** | Assembly-line Justice: A Review of Operation Streamline <http://www.law.berkeley.edu/files/Operation_Streamline_Policy_Brief.pdf>The Interview with Stephen Bright<http://www.pbs.org/wgbh/pages/frontline/shows/plea/interviews/bright.html>Do an Internet search for the following:* Video mom delivers victim impact statement
* Victim’s role in a criminal prosecution
* Defendant’s brain disease impacts trial
* Criminal law library blog Jury Expert Has a New Look
* Save an innocent life
* Legal experts: Co-defendant's testimony will 'make or break' Kissel case
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| **Additional Required Components** |
| **English Language Proficiency Standards (ELPS) Strategies** |  |
| **College and Career Readiness Connection[[1]](#footnote-1)** | Cross-disciplinary StandardsC. Problem solving1. Analyze a situation to identify a problem to be solved.
2. Develop and apply multiple strategies to solve a problem.
3. Collect evidence and data systematically and directly relate to solving a problem.
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| **Recommended Strategies** |
| **Reading Strategies** |  |
| **Quotes** |  |
| **Multimedia/Visual Strategy****Presentation Slides + One Additional Technology Connection** |  |
| **Graphic Organizers/Handout** |  |
| **Writing Strategies****Journal Entries + 1 Additional Writing Strategy** |  |
| **Communication****90 Second Speech Topics** |  |
| **Other Essential Lesson Components** |
| **Enrichment Activity**(e.g., homework assignment) |  |
| **Family/Community Connection** |  |
| **CTSO connection(s)** | SkillsUSA |
| **Service Learning Projects** |  |
| **Lesson Notes** |  |

1. Visit the Texas College and Career Readiness Standards at <http://www.thecb.state.tx.us/collegereadiness/CRS.pdf>, Texas Higher Education Coordinating Board (THECB), 2009. [↑](#footnote-ref-1)