



HS Intro to Public Services

Thursday, April 30, 2020



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Overall Lesson: Mock Trial

Sub lesson for Thursday, April 30: Writing questions for a witness during trial

Learning Target:

Students will identify the different roles people in a courtroom play during a trial and practice writing questions to ask a witness.



Opening Exercise

- Brainstorm the different people/roles involved in a trial and write down the first 5 that come to you.



Roles in a Criminal Trial

- Judge

Acts as the referee of the trial; decides what happens next in the courtroom; decides arguments between the attorneys. Considered an impartial participant (doesn't take sides). Typically follows this general outline in a trial:

1. Bailiff opens court and Judge welcomes everyone
2. Judge tells jury what case is about (could read facts of case)
3. Judge asks jurors if they can be fair in reaching a decision
4. Judge asks for opening statement of prosecutor (government)
5. Judge asks for opening statement of defense
6. Judge asks government to call witnesses; Judge asks defense if they want to cross examine the government witnesses.
7. Judge asks defense if they have witnesses; Judge asks government if they want to cross examine the defense witnesses
8. Judge asks government for closing statement
9. Judge asks Defense for closing statement
10. Jurors Deliberate - vote whether party is guilty or not guilty.



Roles in a Criminal Trial

- **Bailiff**

An employee of the court that opens court and introduces the judge to everyone in the courtroom.

Court Opening: "All rise. Hear ye, hear ye, hear ye! The United States District Court for the Eastern District of Pennsylvania is now in session. The Honorable Judge Felipe Restrepo is presiding (to guide or direct a meeting, or event)

When court is finished and the jurors are going to go deliberate:
"All rise. The Court is now in recess."

When the jury returns: "All rise. The Court is now back in session"

After the trial: "All rise. This session of the court is now concluded. God bless this honorable court and the United States of America"



Roles in a Criminal Trial

- Jurors

Listen to all the evidence presented and tell the judge what they think about the case. Sometimes they take notes and may ask questions. In a criminal case, the jurors decide if the defendant is guilty of one or more of the crimes charged, not guilty to one or more of the crimes charged, or they can agree that they can not come to a unanimous (all in agreement) decision (called a “hung jury”).

At the beginning of the jury deliberations, they will elect a foreperson who will act as the leader of the discussions. The foreperson is also the person who stands up in court and tells the judge that the jurors have reached a verdict.



Roles in a Criminal Trial

- **States Attorneys (Prosecutor)**

The persons for the government who are trying to prove the suspect is guilty of the crime. Known as the prosecution because they represent the best interests of the public by prosecuting criminal behavior.

In the jury trial, the prosecution begins to present its case by a government attorney presenting an ***opening statement***. An opening statement is a short explanation of why they think the suspect broke the law, what crimes it is that he/she allegedly (an act or event that has not yet been proven) committed, and how they are going to prove their case.



Roles in a Criminal Trial

- **Defense Attorneys**

The attorneys for the accused are known as defense attorneys because they defend the rights of the defendant who is being accused of a crime.

In the jury trial, after the Prosecution presents its opening statement, a defense attorney also gets to stand up and give a short explanation of why they think the suspect (their client) is not guilty of the crimes charged.



Roles in a Criminal Trial

- **Defendant**

The person or entity (company or group) accused of the crime.

A defendant can testify in his/her own defense, but cannot be forced to do so. The Fifth Amendment to the Constitution protects his/her right to not self-incriminate (testify against him/herself).



Roles in a Criminal Trial

- **Witnesses**

The prosecution calls their witnesses first, and then the defense will call their witnesses. After each witness is called, the opposite side is allowed to ask questions. This is called ***cross examination***. Witnesses can be experts or people who know some facts about the case (they saw something, know a person involved or investigated the case). The victims and the defendant may also testify.



Activity #1

- Read the background and facts of the case of [United States vs. Goldilocks](#). Then, analyze the possible questions listed from both the prosecution and the defense.

You will have to write your own questions for another case on the next activity, so pay attention to what the facts of the case are and the questions asked to try to reveal more information.

Activity #2

- Now, look over [this](#) case.
 - The document is long, but make sure to read over the 2nd page *very* carefully. This sets the stage for the entire case, provides the list of witnesses who will testify and lists the evidence that will be presented
 - Pages 5 - 29 are the depositions of the witnesses
 - Deposition = statement made on the record that can be used as evidence in a trial
 - Pages 30 - 42 are exhibits that can be used in the trial
 - Exhibit = physical evidence or documents brought before the jury during a trial
- On your own paper, write **10** questions you would ask **one** of the witnesses
 - 1st: Choose your side in this case (plaintiff or defense)
 - 2nd: Review all the information in the case that relates to the case in general *as well as* the witness you're going to interview
 - 3rd: Write 10 questions that will provide new information or insight



Additional Resources

- [Suggestions for how to prepare for the mock trial](#)
- [Coming up with Direct Examination questions](#)