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**TEEN COURT TRIAL PROCEDURES**

**[Master Jury Trial]**



**I. WELCOME AND STATEMENT OF THE NATURE OF THE PROCEEDINGS:**

***Good evening ladies and gentlemen; welcome to WV Teen Court.***

***I would like to take a moment to discuss the nature of the proceedings you are about to see. It is important to understand that the cases that you will see are real; they are a part of the juvenile justice system. You may recall that in most situations juvenile proceedings are confidential. The defendants on trial tonight have agreed to give up their right to confidentiality in order for you to see these cases. While we hope you will share your experiences tonight with others, it is important that you respect the confidentiality of the identity of the defendants. You are free to talk about the cases, how they were run and what happened, but please avoid discussion of the names of the persons involved.***

***Teen Court does not determine guilt or innocence. The defendants on trial tonight have admitted that they committed a crime. The purpose of the trial is to determine the appropriate******punishment. It is our hope that the trials tonight will hold the defendants appropriately accountable for their conduct, and will give you a better appreciation of how our criminal justice system works.***

***You may be interested to know that the trials you will see will be similar to a Grand Jury proceeding; no attorneys are involved, but the entire inquiry is made by the jury itself.***

***The cases will be presented using the following procedure:***

1. ***The jury previously has been given copies of the police report to read.***
2. ***As each case is called, the defendant will be given an opportunity to explain what happened. The jury may have questions based on the police reports or what is said in court.***
3. ***In certain circumstances it may be appropriate for the court to call a parent or other witness to give testimony.***
4. ***After all of the cases have been heard, the jury will retire to deliberate.***
5. ***The defendants will be given their verdict after deliberations have been completed.***

**II. VOIR DIRE:**

***All jurors will please stand, raise your right hand and take the oath as a potential trial juror.***

[The clerk will administer the oath.]

Question the jury about whether any of them know any of the defendants, either personally or by reputation, or know anything about the incidents in question. Jurors with any such knowledge should be excused from the particular case involved, but may participate in the other cases.

**III. SWEAR THE JURY:**

***All jurors will please stand, raise your right hand and take the oath as a trial***

***juror.***

[The clerk will administer the oath]

**IV. CALL THE CASE:**

***The bailiff will please call the first case.***

**[BAILIFF: *The court calls the case of People vs. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Please come forward and be seated at the counsel table.*]**

**[BY THE COURT: TO THE DEFENDANT]**

# **Please stand, raise your right hand.**

# **The clerk will please administer the oath.**

[Clerk will administer the witness oath.]

**PRESENTATION OF THE CASE:**

**[BY THE COURT]**

***The defendant has admitted the crime of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The crime normally involves [state the basic nature of the crime and elements]. The law specifies that the punishment is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.***

[The quickest source of the elements of a crime is CALJIC, usually available at the bench or in chambers. If the elements are fairly complex,

a simple statement of the nature of the crime will be sufficient.]

**[BY THE COURT: TO THE DEFENDANT]**

***Would you like to tell the jury what happened?***

***Does the jury have questions about the defendant?***

[Additional questions may be asked regarding the nature of the offense, how the juvenile feels about his or her conduct, and what happened at home. The court should only ask questions as necessary to “prime” the jury; this is an inquiry by the jury, not the court.]

***Are there any additional witnesses?***

[The court or the defendant may want to call a parent or other witnesses. If possible, the court should review the parent survey as to each defendant prior to trial; it is a good source of problems or concerns that may be addressed during the trial.]

[RULES OF THE TRIAL:

1. The court should encourage all jurors to ask questions and get involved in the trial. The court should not hesitate to limit questioning, however, either by time or subject matter if the questioning becomes unreasonably protracted or is getting into areas that are not particularly probative.

2. Rules of evidence:

The Evidence Code, for the most part, does not exist. The only rule of evidence is whether the question has any reasonable relationship to the determination of punishment.

3. Do not permit jurors to refer to any non-participating co defendants by their last names. Rules of confidentiality still apply to juveniles not going through Teen Court.]

**VI. CONCLUSION OF EVIDENCE; NEXT CASE:**

[At the conclusion of the case, the court should have the defendant take a seat in the audience. The bailiff should call the next case. The process is repeated until all cases have been heard.]

**VII. INSTRUCTIONS TO THE JURY:**

***The jury will now be given the cases to decide. It is your duty to determine the consequences to be given each defendant for the crime that was committed.***

***You must make your decision fairly and objectively.***

***You will be given a verdict form that will list some possible consequences that may be imposed; you may add any other or additional items that you think will be appropriate. You also will have verdict guidelines based on the type of crime that was committed. If at all possible, your verdict should be within the guidelines unless you have a very good reason for not doing so. You should try to fit the punishment to the crime, taking into consideration the seriousness of the crime and the defendant’s degree of participation in it.***

***You are to discuss the facts and possible punishment with each other. Jurors should be respectful of differing opinions. Each juror is encouraged to express his or her feelings about the case and should carefully consider the feelings and ideas of others.***

***Do not assume that because these cases are being presented as a group or because more than one defendant has committed the same crime, that all the defendants should be treated exactly the same. The jury should take into account the nature of each crime and the circumstances of each defendant.***

***At all times you should keep in mind that these cases are real. Your decision could affect the life of another person in many ways. You need to take your deliberations seriously. You should select one juror to preside over your deliberations. It is expected that every juror will take the responsibility of setting and maintaining a respectful tone of the deliberations. If it appears that any juror is not following these instructions and is not behaving in a respectful***

***manner, it is appropriate that such inappropriate conduct be reported.***

***In order to reach a verdict as to any defendant, all of the jurors must agree to the decision. When you have all agreed on all of the verdicts, the presiding juror should sign each verdict and inform the bailiff that the jury is ready to return to court.***

**VIII. SEQUESTER THE JURY FOR DELIBERATION:**

***The clerk will now swear the bailiff to take charge of the jury.***

[The clerk will swear the bailiff. The clerk should provide the bailiff with

a folder with the verdict form.]

***The court will be in recess until the jury reaches a verdict. I would like to remind all in attendance of the confidential nature of these proceedings. While you may talk about what happened here tonight, please do not identify the names of any of the defendants.***

**IX. TAKING THE VERDICTS:**

***Which of you is the presiding juror? Has the jury reached verdicts in all the cases? Please hand the verdicts to the bailiff.*** [The bailiff will hand the verdict to the court for review. Normally there is not a problem with the verdict. At this point the court should only be concerned that the jury has addressed the number of times on jury duty (it must be at least two times), the mandatory community service (at least 10 hours), whether something appears patently wrong (e.g., the jury has decided to impose the death penalty), and whether the verdict is understandable.

It is the philosophy of the Teen Court program to support the verdict of the jury if at all possible. Judges should ***never*** add conditions the jury did not include; conditions should not be removed absent some clear abuse of discretion [e.g., wearing a sandwich board in front of the store proclaiming “I am a thief”] or impossible to perform. If a condition is impermissible or impossible to perform, review the problem with the student attorneys and the coordinator to see if there is a reasonable alternative. Explain the problem to the jury and ask them to decide if the alternative is acceptable. Secure the defendant’s agreement to the sentence in its final form.]

[Call each defendant up separately]

***The clerk will read the verdict of the jury.***

***Does the defendant accept the verdict of the jury?***

[In the rare circumstance that the defendant does not accept the verdict, the court should discuss the matter with the defendant, a parent, and a Teen Court Coordinator at the sidebar or in chambers. The court should not undercut the decision of the jury by negotiating any conditions the defendant does not wish to accept. If there is a condition that is particularly inappropriate, however, the court may be able to suggest a suitable alternative. If the verdict is changed in any significant manner, the jury should be asked if they agree to the modification. If the defendant ultimately refuses to accept the verdict, he or she should be directed to report to the project coordinator so that the matter can be returned to the Probation Department.]

***The defendant is directed to see the coordinator to arrange for the service of the sentence.***

**X.** **JURY REFLECTION:**

[While everyone is still in place, the jury should be asked to explain its verdicts and to express any other thoughts on the cases. It is important for everyone, particularly the defendants, to hear why the jury reached the verdict. Try to encourage the jurors to talk about such factors as what was important to their decision, what they thought of the defendants’ conduct, and any other message they want to give the defendants.

The court should feel free to add any other comments to the defendants or the audience about the cases or the nature of the crimes.]

**XI.** **CONCLUDING COMMENTS:**

***If you came here for school credit and need papers signed, the board members can take care of that in the hallway. If you need community service sheets, those will be available in the hallway as well. Be sure to fill out all forms before you get them signed.***

***Defendants and their family members please remain seated in the courtroom. Teen Court staff members will meet with you as soon as they are able to process your paperwork.***

***I would like to remind everyone to observe the confidential aspects of this case.***

***Thank you for your attendance. I would like to ask everyone to please clear the courtroom as quickly as possible.***

***The jury is now excused.***