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# **TEEN COURT TRIAL PROCEDURES**

**[Full 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 case, how it was 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. You may be interested to know that the various steps of the trials that you will see are the same as for adult trials. 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.***

**II. 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]**

***Are the People ready to proceed? Is the defense ready to proceed?***

***Will counsel please stand and identify yourselves to the audience.***

[Make sure the attorneys state their names clearly to the audience.]

***I would like to introduce and thank the mentor attorneys appearing tonight:***

***For the prosecution: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_***

***For the defense: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_***

**III. JURY SELECTION:**

***The clerk will please call the role of the jurors. As your name is called, please take a seat in the jury box.***

***The first stage of the trial is the selection of an impartial jury. The jurors will be asked a few questions to assure the court that they can be fair to both sides.***

***Jurors, you will be under oath; you must answer all questions truthfully.***

***The jurors will please stand; face the clerk and raise your right hand to take the oath as a potential trial juror.***

[The clerk will administer the oath]

***Do any of you know the defendant or know of the defendant by reputation?***

***Do any of you know any facts about this case?***

***Do any of you know the prosecutor or defense attorney?***

***This case involves the crime of \_\_\_\_\_\_\_\_\_; will any of you have a problem in being fair, given the nature of this crime?***

[Ask any follow up questions and explore any other areas considered particularly important given the nature of the case. It probably is best to remove any juror who knows the defendant either personally or by reputation, or who appears to have a particularly close connection to one

of the attorneys. A juror excused in one trial will be rotated into the next case, so will have another opportunity to serve.]

***Are there any questions by the defense? By the prosecution?***

[Reasonable latitude may be given in asking questions of the jurors. The court should avoid questions that may unreasonably embarrass a juror. Questions such as: “Have you been convicted of a theft” should not be asked, particularly since a significant number of jurors will be there as previous defendants.]

***Does either side wish to excuse any juror?***

***The jurors will now stand, face the clerk, raise your right hand and take the oath as a trial juror.***

**IV. EXPLANATION OF THE CHARGES:**

***The defendant has admitted the crime of \_\_\_\_\_\_\_\_\_\_.***

***In order to commit the crime, the defendant must* [state the elements of the crime].**

[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.]

***If the defendant was an adult, the potential punishment is \_\_\_\_\_\_\_\_\_\_\_\_\_\_.***

**V. OPENING STATEMENTS:**

[Counsel should stand and address the jury.]

***Does the prosecution wish to give an opening statement?***

***Does the defense wish to give an opening statement?***

**VI. THE PRESENTATION OF THE CASE:**

***We will begin with the case by the prosecution. Do you have any witnesses to***

***call?***

[Witnesses should be directed to come forward and be sworn by the clerk.

Often the prosecution will not call witnesses, but will rely on the facts in the police report. If the opening statement has not given a good outline of the nature of the incident, the court should encourage the prosecutor to tell the jury what happened.

Occasionally the prosecution will explain the circumstances of the crime in such a way that it appears that no crime actually has been committed. Before proceeding further, the court should bring the student and mentor attorneys to the side-bar or into chambers to make sure all of the facts

have been presented to the jury. If there are additional facts to present, the prosecution should be allowed to supplement the opening statement. If it is clear that the police report does not contain facts sufficient to constitute a crime, the judge may order the charges dismissed, unless the circumstances warrant further investigation or a supplemental report from the police. In such circumstances, the matter should be returned to the Probation Department for further action. The judge should advise the coordinator of the reasons for such action. The court should not dismiss a case merely because the judge disagrees with the need for a citation, that the case is too petty, or the officer was a jerk in issuing the citation; these are matters for the jury to account for in the sentence that is imposed. ]

***Does the defense wish to call any witnesses?***

[Occasionally it may appear that the defendant’s testimony is tantamount to a “not guilty plea.” The court may need to meet with counsel at the sidebar or with the defendant and the defendant’s attorney in chambers to determine whether the defendant really is taking a “not guilty” stance or whether it is “guilty with an explanation.” Teen Court does not accept “People v. West” pleas; the defendant is either “guilty” or “not guilty.” If the defendant really feels that he or she is innocent of any wrongdoing, the matter should be returned to the Probation Department.

[RULES OF THE TRIAL:

1. The order and limits of questioning:

a. Direct examination

b. Cross examination

c. Questions by the jury

d. Re-direct examination

e. Re-cross examination [end]

No further questioning should be allowed unless unusual circumstances are shown.

The court should not hesitate to limit questioning either by time or subject matter if the questioning has become 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. The court may wish to exclude evidence that may be considered too prejudicial; e.g., evidence of uncharged crimes. The jury should not be given the actual police report as evidence, but the attorneys may liberally read from it in framing questions to witnesses.

3. There is no rebuttal evidence by the prosecution unless unusual circumstances are shown.

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

**VII. CLOSING ARGUMENTS:**

[Counsel should stand and address the jury.]

***Does the prosecution wish to give a closing argument?***

***Does the defense wish to give a closing argument?***

***Does the prosecution wish to give any rebuttal comments?***

[The arguments should include some comment on the appropriate or suggested punishment to be imposed.]

**VIII. INSTRUCTIONS TO THE JURY:**

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

***You must make your decision fairly and objectively to both sides in this case.***

***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.***

***At all times you should keep in mind that this case is 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 for 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, all of the jurors must agree to the decision. When you have all agreed on a verdict, the presiding juror should sign the verdict and inform the bailiff that the jury is ready to return to court.***

**IX. 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 bailiff will please call the next case.***

[OR]

***The court will be in recess until the jury reaches a verdict. I would remind everyone in attendance that names of the participants in this case should not be disclosed. You are free to discuss what happened tonight, but please do not disclose the names of any of the defendants.***

**X. TAKING THE VERDICT:**

***Which of you is the presiding juror? Has the jury reached a verdict? Please hand the verdict 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.]

***I will now ask the defendant and defense counsel to rise and face the jury.***

***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 attorneys at the side bar or in chambers. The court should avoid undercutting the decision of the jury by negotiating any terms 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.***

**XI.** **JURY REFLECTION:**

[While everyone is still in place, the jury should be asked to explain its verdict and to express any other thoughts on the case. It is important for everyone, particularly the defendant, 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 defendant’s conduct, and any other message they want to give the defendant.

The court should feel free to add any other comments to the defendant or the audience about the case or the nature of the crime.]

**XII.** **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.***