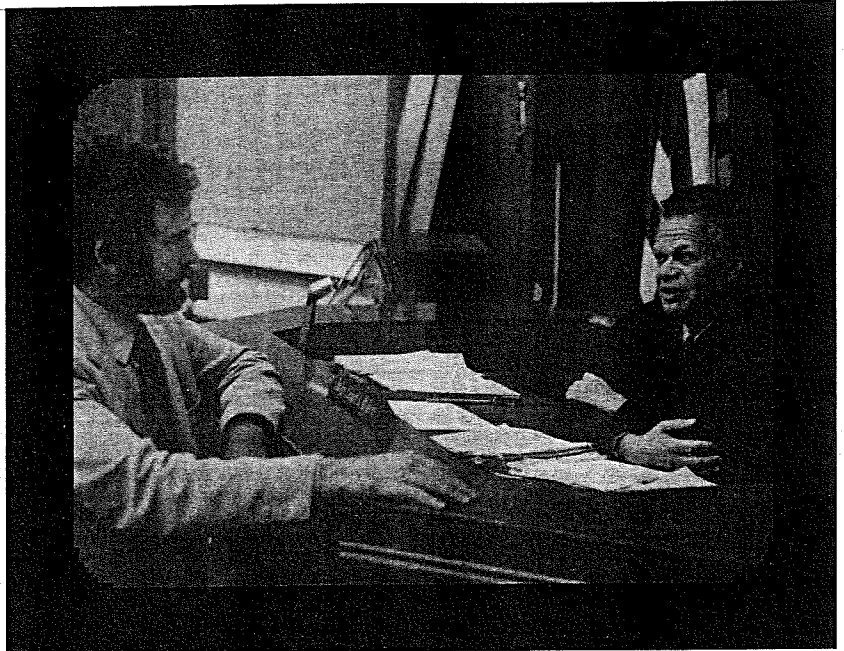


Trial and Sentencing

Peter K. was a college professor. In the 1960s, he was arrested as part of a **protest** at a restaurant. The protest was about the fact that the restaurant would not serve African Americans. He and a group of about seven other people sat down at the lunch counter and refused to move until they were served. The owner called the police to come and arrest the protesters. The jury in the trial could not agree on a verdict. As a result, the judge said that the trial did not count. A year later, Peter K. had not yet been tried again. Peter K. correctly went to court to fight for his right to a speedy trial.



CHECK vocabulary words in bold.
LOOK UP word meanings in the glossary beginning on page 92.

The local court still did not act. Finally, the Supreme Court agreed that the Sixth Amendment gave all suspects the right to a speedy trial. Before Peter K.'s case, this right was only applied to federal cases. After Peter K.'s case, this right would be in effect for all cases.

In this chapter, you will learn about your right to a trial and your rights at the trial. You will also learn all about sentencing.



CRITICAL THINKING

Some people believe that no jury can be completely fair because the average person listens and watches the media to a degree that makes being impartial to certain kinds of crime impossible.



Actress Maria P. says: "I played a defense attorney on a TV show. Soon after, I was called for jury duty. But both the defense lawyer and the district attorney refused to let me serve. They were concerned that the

other jury members might forget that I was not really a defense attorney and treat me differently. Believe me, juries are selected carefully. How one person sees another in his or her mind is very important to the criminal justice system."

The Right to a Jury Trial

Do you have the right to a jury trial? Generally, a person who has been accused of a crime has a right to a trial by jury. In certain situations, you can decide to give up that right and choose to have a trial by a judge without a jury. This depends on the crime and the details of it. You should make this decision only after carefully discussing your choices with your lawyer.

Your lawyer can also decide that, for some reason, you will only be able to get a fair trial if it takes place in another city. He may think that the jurors might have made up their minds about the case even before the start of the trial. The story of the crime might have appeared on the television or on the radio.

Do juveniles have a right to a trial? The answer is sometimes. In some states they do, and in others they do not. Some trials for juveniles are open to the public, and some are not. But accused juveniles who are to be tried in juvenile court do not ever have a jury trial. Check your state's laws on the subject. Remember that juvenile records are always private.

Your Rights at a Trial

You have six basic rights at a trial:

■ **The right to a public trial.** This means that anyone can come to see the trial. The reason is so that everyone can see the evidence. A person cannot be sent to prison with little or no evidence against her. Usually, the trial is open to the media. Reporters may attend. Some states even allow TV cameras in the courtroom.

■ **The right to a speedy trial.** Not everyone agrees on what *speedy* means. The U.S. Congress passed a law that says you have to come to trial within 100 days for a federal offense. If you do not have a trial within 100 days, the charges can be dropped. But different states have different laws. One state might say three months, while another might say one year for misdemeanors and three years for a felony. Check your state's law on this subject.

You may be in jail while waiting for a trial. However, if you are convicted, the time you already spent in jail might count toward the sentence you are given.

■ **The right to appear at the trial.** This means that if, for any reason, you are unable to come to the courtroom, the trial will have to be delayed. There are times, however, when trials are held without the defendant. For example, defendants can become extremely upset. They may say angry words to the witnesses. The judge may have such defendants removed from the courtroom.

■ **The right to face witnesses and question them.** You or your lawyer have the right to **cross-examine** or question witnesses. You also have the right to call witnesses for your case.

■ **The right not to speak.** You do not have to testify or speak at your own trial. The district attorney cannot call you as a witness. If you choose to speak for yourself, then the district attorney can cross-examine you.

■ **The right against having to be tried twice for the same crime.** This means that you cannot stand trial or be tried twice for the same crime. This would be double jeopardy. The district attorney cannot appeal a not-guilty verdict. However, you may appeal a guilty verdict.

In Court

How should you behave in court? You may testify, or you may not. However, the jury will watch you during the trial. Your lawyer will give you advice about how to dress and act. It is a good idea to follow the advice. Be polite in the courtroom. Do not become angry at what might be said. Be a good listener.

Who can testify against you? The answer is almost anyone. Yet, there are some people who have a relationship, or link, to you. For example, what you tell your lawyer is private. Whatever is said between any two people in a relationship does not have to be told to anyone else.

A lawyer cannot tell anyone what you tell him. However, this information is only privileged if the crime has already happened. When



CRITICAL THINKING

Do you think that first offenders should be sentenced as harshly as repeat offenders?

DID YOU KNOW? All states require a twelve-person jury in murder cases.

EYE OPENER Two out of five people on probation are later arrested for another crime.

Chapter 11. Pages: 52 and 53

1. Why was Peter K. arrested? _____
2. What was the protest about? _____
3. After a year what did Peter K. fight for in court? _____
4. The Supreme Court applied the right to a speedy trial to what cases after Peter K's trial? _____
5. What will you learn about in this chapter? _____, _____
_____ and _____
6. Do you have a right to a jury trial? _____
7. You can give up the right to a jury trial and choose what? _____
8. Who should you talk to as to whether to have a jury trial or not? _____
9. What can help jurors make up their minds before a trial? _____

10. Do juveniles have a right to a trial? _____
11. Where do juveniles never have a jury trial? _____
12. What do some states allow in the court room? _____
13. How soon must you come to trial for a federal offense? _____
14. Why would a trial have to be delayed? _____
15. What does it mean to cross-examine? _____
16. When can the district attorney cross-examine you? _____
17. What would be double jeopardy? _____
18. Who will watch you during the trial? _____
19. Who can testify against you? _____
20. Information is only privileged if the crime has already what? _____

Critical Thinking

(pages: 52 & 53)

1. Do you think a jury can be completely fair? Why or why not?
2. How is it important how a jury member might see or identify with a defendant?
3. What situation do you think would cause a defendant to choose to be tried by a judge rather than a jury?
4. If a person is a first offender should they be sentenced as long as a repeat offender if found guilty? Why?

5. Why do you think that trials are open to the public?

6. How can the right not to speak at a trial help a defendant?

7. How should a defendant behave in the court room?