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time of the robbery? If so, how could you possibly have seen the robber clearly?" He gets the jury to think.

Then it is the defense attorney's turn to call the defense witnesses and ask them questions. It is the district attorney's turn to cross-examine. Next, the district attorney finishes for his side of this case by telling the jury all of the reasons why the defendant should be found guilty.

Now, it is the defense attorney's turn to do the same thing for her side of the case. It is her turn to give a closing statement or argument. She tells the jury why there is a reasonable or real doubt that the defendant committed the crime. This means there is a real chance that the accused is innocent. Next, it is the judge's turn to talk to the jury.

What does the judge tell or advise them? He makes sure they know what laws apply to this case. He also describes the possible verdicts that the jury could give. For instance, in a robbery case, the jury might find the person guilty only of breaking and entering, but not of robbery. Sometimes, people will be found guilty of some of the crimes they have been charged with and not guilty for others.

The jury then leaves the courtroom. From this moment on, the members of the jury may not go home or talk to anyone not on the jury until they decide the case. When they decide on a verdict, they all have to agree. If they cannot all agree on a verdict, then they are called a **hung jury**. Then the judge can call the trial a mistrial, which is like a mistake trial. As a result of a mistrial, there might be a new trial. The district attorney might also decide to drop the charges.

If the verdict is guilty, the judge tells when the sentencing for punishment will be.

Do all criminal cases go to trial? Many criminal cases do not go to trial. Chapter 8 will describe what usually happens when you are arrested and go to court. Often, there is **plea bargaining**. The cases that go to trial are very serious crimes. They are also cases where the defendant feels sure that he can prove there is a reasonable or real doubt about his guilt.

Juvenile Court

The first juvenile court in the world met in session in 1899 in Chicago. The idea for a separate, special juvenile court was the work of a group of women who were concerned about the harshness of punishment for children in adult jails.

What happens in juvenile court? If you are a juvenile, your case does not go to a grand jury. There is never a jury in a juvenile court case. First, your case goes to probation officers, social workers, or court officials. Together, they decide whether your case is serious enough for a hearing or whether it can be handled some other way. For instance, if this is your first offense, they may drop the charges against you if you agree to go for counseling or help for your mental health.



CRITICAL THINKING

Many states have mandatory or fixed sentences for drug dealers who must go to prison for a minimum number of years. These sentences are about as long as those handed down for murder. Why do you think this is so?

DID YOU KNOW? How is what takes place in court between the prosecuting attorney and the defense attorney like a contest between the accuser and the accused? How is the role of the judge similar to that of an umpire in a baseball game?

EYE OPENER As compared with 400 judges in all the federal courts, there are about twice that number of professional judges in New York State alone. This indicates the far greater number of cases handled in the state courts.



CRITICAL THINKING
 If one in four people in the population of an area served by a court were African American, should one in four members of that court's juries also be African American?



DID YOU KNOW? The basic material of all living things is DNA, a combination of acids in our body cells that form the basis of heredity. When used as evidence to link suspects to violent crimes, it allows a case to be built that is very reliable. Quicker and easier than finger-printing, DNA testing is the most powerful new tool that helps in the fight against crime.

You do not have a right to a lawyer during this first step. However, you do have a right to say nothing. You have the right to talk to your lawyer before you agree to anything. This is very important to remember.

The next step is to have a hearing in front of the judge within the next month or thirty days. The purpose of this hearing is to find all of the facts. You have a right to know what charges are against you. As before, you also have a right to a lawyer. Yet, in juvenile court, you do not have the right to have a jury trial.

You or your lawyer may call witnesses to help your case. You or your lawyer may cross-examine or question the witnesses.

Your rights do not end here. You also have the right to have a copy of everything that is said at the hearing. Most important, you have to be proved guilty beyond a reasonable doubt. You also have the right not to be tried two times for the same offense. (See page 42, Protection against Double Jeopardy.) In most states, you have the right to appeal the verdict.

You do not always have the right to a hearing about whether you should be tried in adult court. Yet, the juvenile court judge may decide that the crime is so serious that you *should* be tried in adult court. Some states have laws that say that certain crimes must be tried in adult court.

After the Hearing

Different things may happen.

- (1) The judge may decide to drop the charges at the first hearing.
- (2) The judge may decide to hold another hearing to tell what he has decided about your case.
- (3) At the second hearing, the court may still drop your case.
- (4) The court may put you on **probation**.

Probation often means being sent to a reform school, a state training school where you learn to change your behavior, or a group home. You have a right to a lawyer at this hearing, too. It is easy to see how your rights as a juvenile follow you through every step of the criminal justice system.

After the hearing is over, the juvenile court record is sealed so that no one can find out about your trial. Then, when you want to find a job, you do not have to tell an employer that you were tried and/or convicted in juvenile court. You have been given another chance to be a lawful citizen and worker who can be respected and trusted in society.

You do not have to commit a crime to go to juvenile court. Parents can go to the court if there is a serious problem in their family. They might need help in getting teens to follow family rules. They might need advice on how to keep things peaceful and nonviolent.

For example, Lee V. had friends whom her mother did not like. She stayed out late with them and argued with her mother about where she went. Her mother was worried that Lee would start to take drugs as her friends did. Lee's mother filed a PINS petition.

PINS means "Person In Need of Supervision." The judge heard all the facts. She thought that Lee's problems could be solved. She told

EYE OPENER It is estimated that in 1991, there were 14 million crimes committed nationwide. It is expected and predicted that the rate of crimes committed by juveniles will rise sharply before the year 2000. How will the courts cope?

Lee help cou fost tha end



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ever, your mother helped Lee's mother about a family counseling program. The counselors helped Lee and her mother work out their difficulties. However, if the court had agreed that Lee was a PINS, she might have been sent to a foster home or a group home.

As you do PINS can be a successful remedy or solution. It is certainly better than having a young person with problems behave out of control and end up behind bars.



CRITICAL THINKING
Why do you think the crime rate continues to climb out of control as this century draws to a close?

Understanding Chapter 4

1. Describe the different types of courts
2. What is a jury?
3. How is juvenile court different from adult court?



Workbook

Self-Check p10
Reality-Check p.11



TO LEARN MORE

Government Today, pp. 52-53, 166-113, 140-141
The Peoples Guide to Government: The Judicial Branch, pp. 9-25, 45-51

Turn the page to see how the federal and state court systems are organized.

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Pages: 19,20 and 21

1. What does the district attorney tell the jury? _____
2. What does the defense attorney tell the jury? _____

3. What does the judge advise the jury? _____

4. When can the jury go home or talk to others not on the case? _____
5. What is a jury called when they cannot agree on a verdict? _____
6. What can the judge do then? _____
7. When there is a mistrial, the district attorney might decide to do what? _____
8. The cases that go to trial are very _____.
9. There is never what in a juvenile court case? _____
10. When do you have a right to talk to a lawyer?
11. In juvenile court you do not have the right to what? _____
12. A juvenile has the right to have a copy of what? _____
13. What is double jeopardy? _____
14. What does probation often mean? _____

15. What happens after the hearing is over? _____
16. When you get a job, a juvenile does not have to tell an employer what? _____

17. Juveniles are given another chance to be what? _____
18. Parents can go to juvenile court in getting help in getting teens to do what? _____
19. What did Lee's mother file? _____
20. What is a PINS petition? _____

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Critical Thinking

(Pages: 19,20 &21)

1. Many states put drug dealers in prison for as long as sentences for murders. Do you think this is fair? Why?
2. Why is the judge in a court case like an umpire in a baseball game?
3. Do all criminal cases go to trial? Why not?
4. When would a juvenile judge decide that a youth should be tried in an adult court?

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