Teen Court Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# Preparation Period \_\_\_\_\_

 Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Prosecution Opening Statement The opening statement is the introduction to the case. The prosecuting attorney should introduce the members of the prosecution. For example, “my name is Bob Smith, and this is my co-counsel Adam Nelson, and Aaron Charles.” Explain why the defendant is in court, and indicate that the offense is serious and why it affects others. Remember, the jury knows absolutely nothing about the case. This is your opportunity to explain the nature of the case from the prosecutor’s point of view. Don’t leave out important details, but don’t state any facts that you will not be able to prove during testimony. Provide enough information to set the stage for the appropriate consequences. Opening statements are ***not*** *argumentative* - save arguments for the closing statement. To be convincing, an opening statement should be clear and concise. Use simple, direct statements to outline the case for the Court and present the issues in the best light possible for your side. Be brief, refer to the charge but only state as much as necessary to present your position. In an opening statement, the Prosecutor refers to "the Defendant" – refrain from calling him by name.

The PROSECUTION’S opening statement should include:

1. An introduction (Good morning ladies and gentlemen of the jury, I am Bob Smith and I represent the prosecution.)
2. Type of crime (Today’s trial involves the stealing of expensive fishing lures from a sporting goods store.)
3. General information about the defendant and aggravating factors concerning the crime. (The defendant was caught with over 50 fishing lures in his backpack)
4. A brief explanation of what will be brought out during the hearing. (It will become clear that this crime was planned out well in advance and that when caught the defendant lied to the store detective and to the police.)
5. A request that the Jury listen carefully and return a fair and just **consequence** in the case

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2. Defense Opening Statement The opening statement is the introduction to the case. The defense attorney should introduce the members of the defense team. For example, “my name is Bob Smith, and this is my co-counsel Adrian Rodriguez, and Heidi Albrecht.” The defense attorney should state the defendant’s name and explain the case from the defendant’s point of view. Explain the mitigating factors that make the case less serious, and make the defendant less responsible for his actions, and describe actions taken by the defendant to apologize or make restitution. Remember, the jury knows absolutely nothing about the case. This is your opportunity to explain the nature of the case from the defendant’s point of view. Don’t leave out important details, but don’t state any facts that you will not be able to prove during testimony. The Defense personalizes the Defendant by referring to the client by his/her first name.

The DEFENSE’S opening statement should include:

1. An introduction (Good morning ladies and gentlemen of the jury, I am Bob Smith and I represent the defense. This is my co-counsel, John Doe, and Bill Johnson)
2. General information about the defendant and mitigating factors concerning the crime.
3. A brief explanation of what will be brought out during the hearing.
4. A request that the Jury listen carefully and return a fair and just consequence in the case

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3. Prosecution Closing Statement The closing statement is the conclusion of the case. After the Prosecuting Attorney rests his/her case, closing arguments are made to the Jury. The Prosecution goes first, followed by the Defense. The closing statement is used to summarize the case, and it should point out the need to hold the defendant accountable for his actions. You should highlight the important information in the case and explain why it is important. **All aggravating factors brought out in testimony should be restated for the jury**. Closing arguments should be written in advance, but they should be revised as actual testimony reveals new information. If you bring out aggravating factors in testimony, those aggravating factors should be restated in the closing argument. Closing arguments must be supported by the evidence. Remember that you can only include information that was revealed in testimony. Tell the Jury what consequences you think are appropriate. The Prosecutor must emphasize the facts that would warrant a fair higher-range sentence. You should end the closing statement with a recommendation for consequences, and an explanation of why those consequences are appropriate for this case.

The closing argument should include:

1. An Introduction (Ladies and Gentlemen of the jury….)
2. Restatement of the crime
3. Seriousness of the crime/incident
4. How the crime affected others
5. **All aggravating factors** (premeditation, no remorse, high dollar value, bad influence on others, poor school participation, etc…)
6. Recommendation for consequences (In light of the information just presented, the prosecution recommends 22 hours of community service, a 300 word essay on..)

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4. Defense Closing Statement The closing statement is the conclusion to the case. You should emphasize the mitigating factors that make the case less serious, or make the defendant less responsible for his actions. Also describe actions taken by the defendant to apologize or make restitution. The Defense should point out to the Jury the facts that may influence the Jury to give a fair lower-range sentence to the Defendant. End the closing statement with a recommendation for consequences, and an explanation of why those consequences are appropriate for this case.

The closing argument should include:

1. An Introduction (Ladies and Gentlemen of the jury….)
2. **All mitigating factors** (John was only 14 when the incident occurred)
3. Did the defendant learn anything, is he sorry, did he do anything to make restitution already.
4. Was the defendant punished at school, home, etc.? What effect did that have?
5. Recommendation for consequences (In light of the information just presented, the defense recommends 5 hours of community service and a letter of apology)

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1. Defense Direct Questioning: These questions will reveal all of the facts favorable to your position. Ask the witness to tell the story; make the witness credible. These questions must be open-ended, not leading. The defense attorney guides the defendant by asking appropriate questions that will remind the defendant of key points that he should explain to the jury. It is important that the testimony comes from the defendant, and not just an affirmation of a statement made by the lawyer. As a general rule, witnesses may not be asked leading questions by the direct examiner (the attorney who calls them to testify). A leading question is one that suggests the answer you want, and often requires a "yes" or "no." Direct questions generally should be phrased to evoke a set of facts from the witness.

Directions: Write 10 questions for the defendant from his defense attorneys. Remember these questions are supposed to bring out the story from the defendant’s point of view. They are supposed introduce the mitigating factors as well. None of the answers to the questions should be “yes” or “no.” The first question is done for you.

1. In your own words, please tell the jury what on the day of the incident?
2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
3. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
4. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
5. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
6. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
7. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
8. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
9. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
10. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
11. Prosecution Cross Examination: A leading question is one that suggests the answer you want, and often requires a "yes" or "no." Cross examination questions should be phrased to evoke a “yes” or “no” answer. Cross examination should bring into question the credibility, knowledge, and recollection of the defendant by exposing inaccuracies in the direct examination.

**Ask only leading questions**. The point of cross-examination is not to get information from the witness, but to have the witness agree that what you say is true. The lawyer is the real witness on cross, and it is your turn to talk. Some additional tips:

Ask short questions. Make questions disarmingly short: "this is a letter to Mr. Wells? Offering to sell him your patent? Written by you? On your stationery? Signed by you?

Dated the 3rd of December?" Questions like those do not give the witness any wiggle room. Use simple words. Your job is to command instant comprehension. Be merciless with yourself. Get rid of fancy vocabulary that makes you “sound like a lawyer.” Sound like a regular person. Avoid introductions and tag endings. Try not start questions with such phrases as "Let me ask you this question"; "Isn't it a fact that"; "It is true, is it not"; or "State, if you would, please, for the benefit of the ladies and gentlemen of the jury." And do not end questions with phrases like "isn't that correct?" "isn't that so?" or "that's true, isn't it? Introductions and endings like these are simply verbal clutter that dilute what you are saying.

Use headlines. Introduce new topics by telling everyone - judge, jury and witness - what the next subject is. That makes it easier to follow what you say, and it keeps the witness from straying to other topics.

Ask for facts, not opinions. Every time you ask for an opinion or an evaluation, you invite the witness to deliver a soliloquy that will heap burning coals on your head. You must realize that, every time you ask a witness to characterize something or someone, you are actually asking for the witness's opinion. Good cross-examiners avoid using modifiers-adjectives (organized, clean, bad, good, etc…) and adverbs- because they invite witnesses to give their opinions.

Get one fact at a time. Think of cross-examination as a series of little facts - dots that the judge and jury will connect in their minds. When the fact-finders participate in your cross-examination by putting the picture together themselves, your picture becomes their idea. And because it is their idea, they believe in it.

Only try to make two or three main points. Keep the examination simple so the judge and jury can follow the cross examination. By trying to do more, you will achieve less.

### Cross Examination Questions

Directions: Write 10 questions for the prosecution. Remember these questions are supposed to bring out the aggravating factors. Most of the answers to the questions should be “yes” or “no.”

Please refer to the previous page for the type of questions that are appropriate.

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
3. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
4. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
5. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
6. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
7. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
8. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
9. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
10. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Victim Advocate (Victim Impact Statement)

The role of the victim advocate is to prepare a written statement, which addresses the harm done to the victim due to the offense. This statement will be read at the hearing. The statement should explain how the victim and the community have been affected by the offense.

1. Introduce yourself - (My name is Matthew Nixon, and I represent Macys’s Department Store which is the victim of this offense)
2. Explain how the crime is a burden to society in general
3. Explain how the crime affected the victim in particular (it’s best to call the store for specifics, if possible)
4. Make a recommendation for a significant consequence, **but you cannot recommend the type or quantity of consequences**. (Macy’s prosecutes all shoplifting cases to send a strong signal to the community and to act as a deterrent to future crime. Please take this into consideration when determining your consequences.)
5. Thank the jury for their time.

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