The Trial Process

The Purpose of a Trial

* Trial courts **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** to testimony
* **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**evidence
* Decide the **\_\_\_\_\_\_\_\_\_\_\_\_\_\_** in disputed situations

Why are Trials so formal?

* Certain **\_\_\_\_\_\_\_\_\_\_\_\_\_** principles **\_\_\_\_\_\_\_\_\_\_\_\_\_\_** the court room:
  + In the way the two sides **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** their**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**
  + And **\_\_\_\_\_\_** the judge or jury considers that evidence and makes a **\_\_\_\_\_\_\_\_\_\_\_\_\_\_**.
    - For Example: Burden of proof beyond a reasonable doubt.
* This is to ensure that the process is **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**.

Roles in a Trial

* In a trial there are **\_\_\_\_\_\_\_\_\_\_** parties, or **\_\_\_\_\_\_\_\_\_\_\_\_\_**, to each case
  + In a civil trial- the accuser is the **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**
  + In a criminal trial- the accuser is the **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**
    - This is always the **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**
      * **\_\_\_\_\_\_\_**the **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**of the crime
  + Civil & Criminal trials- the person being **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**of a crime is the **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**
* Judges- **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**over the trial
  + **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**the rights of those involved
  + Make **\_\_\_\_\_\_\_\_\_\_\_** the attorneys **\_\_\_\_\_\_\_\_\_\_\_\_\_**the rules of evidence and trial **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**
* Jury- group of **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** who are **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**to give a **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**based on evidence presented to them in a court.
  + **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** guarantees the right to trial by jury in **\_\_\_\_\_\_\_\_\_\_\_\_\_\_**cases
    - This right applies in **\_\_\_\_\_\_\_\_\_\_**federal and state courts
  + **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**guarantees the right to trial by jury in **civil** cases
    - This right **\_\_\_\_\_\_\_\_\_\_\_**applies to federal cases
* Grand Jury- a group that hears **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**against a **\_\_\_\_\_\_\_\_\_\_\_\_\_\_** and decides whether there is **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**evidence to bring the person to trial.
* **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)-\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** the plaintiff and defendant
  + Collect all of the evidence and decide how to **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** it at trial
  + 6th amendment to the U.S. Constitution guarantees the defendant the**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** to an attorney
    - **\_\_\_\_\_\_\_\_\_\_\_**in State and Federal trials
    - **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_-** for those who cannot afford a lawyer
* Witnesses
  + People with **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**about the facts of the case.
  + They provide **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**through sworn testimony during the trial
  + Take an **\_\_\_\_\_\_\_\_\_\_\_\_\_\_**to tell the truth

Settling Cases without a Trial

* **\_\_\_\_\_\_\_\_\_\_\_**legal cases **\_\_\_\_\_\_\_\_\_\_** go to trial
* Civil cases usually result in out-of-court **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**
  + **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**between two parties
  + **\_\_\_\_\_\_\_\_\_\_** of civil cases are settled out-of-court
* Criminal cases usually result in a **\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**
  + Defendant pleas guilty in **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** for being charged with a lesser crime (or fewer crimes)

Pros and Cons to Plea Bargains

* **\_\_\_\_\_\_\_\_\_\_\_-**
  + **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**
  + Save **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**
  + **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**guilt if government’s case is **\_\_\_\_\_\_\_\_\_\_\_**
  + Helps **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**workload of courts
* **\_\_\_\_\_\_\_\_\_\_\_\_\_\_-**
  + Criminals may get off **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**
  + Encourages people to give up their **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**to a fair trial.

Steps in a Trial

1. Opening **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** by Plaintiff/Prosecutor
2. Opening Statement by**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**
3. Direct **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**by Plaintiff/Prosecutor- witnesses are questioned
4. **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**Examination by defense-witnesses are questioned
5. **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_-** If Prosecutor has not established a basic case the judge can end the case by granting a motion
6. Direct **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**by Defense-witnesses are questioned
7. **\_\_\_\_\_\_\_\_\_\_\_\_\_\_-** Examination by Plaintiff/Prosecutor- witnesses are questioned
8. **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** Statement by Plaintiff/ Prosecutor
9. Closing **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** by Defense
10. **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** Arguments-Plaintiff responds to defenses closing statement
11. Jury **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_-** Judge instructs the jury as to the law that applies in the case
12. **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_-** Unanimous decision by the jury is required for a verdict

* If jury cannot reach a unanimous decision- Hung Jury
* Case may be tried again

Juries

* Juries are an\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ part of our democracy
* **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** by the constitution
  + 6th and 7th amendment
* Juries participate in **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** justice and overseeing the judicial branch of government
  + Makes sure justice is **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**
  + Gives people a **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**
    - Promotes sense of fairness

Youth Court

**Do you think a youth court would be a more equitable judicial process for a teen accused of a crime? Why or why not?**

* Jury or no Jury???  
  A jury is **\_\_\_\_\_\_\_\_\_\_\_** required
  + In fact, not used as **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** as you would think
* In civil cases **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** the plaintiff or the defendant may request a jury trial
* In criminal cases the\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ decides

**Imagine that you are standing trial for stealing money from a friend. Your lawyer has advised you to ask for a jury trial. Will you choose a jury or not? Why?**

Miranda V. Arizona

* **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**Supreme Court Case- **\_\_\_\_\_\_\_\_\_\_\_**
  + In original case- the **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** Ernesto Miranda was a 24 year old who was accused in 1963 of kidnapping, raping, and robbing an 18- year old woman
    - During a two-hour\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Miranda **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** to the crimes
  + Lawyers believe Miranda was **\_\_\_\_\_\_\_** informed of his **\_\_\_\_\_\_\_\_\_\_\_** to have a lawyer and against self-incrimination.
  + Miranda was still found **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** even though his confession was taken out of evidence at trial (lots more evidence against him) sentenced to **\_\_\_\_\_** years in prison
    - He was out on **\_\_\_\_\_\_\_\_\_\_\_\_**in 1976. He was **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**in Phoenix one month later.
* Made it so a **\_\_\_\_\_\_\_\_\_\_\_\_** must be **\_\_\_\_\_\_\_\_\_\_\_\_\_** by law enforcement when **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** suspects
  + Ensure they are **\_\_\_\_\_\_\_\_\_\_\_\_** of their **\_\_\_\_\_\_\_\_\_\_\_\_\_**to an attorney and against self-incrimination

Miranda Rights

* The Miranda Warning Reads:
  + **“You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney. If you cannot afford an attorney, one will be provided for you. Do you understand the rights I have just read to you? With these rights in mind, do you wish to speak to me?”**