

# **Teen Court Attorney's Handbook**



**13<sup>th</sup> Judicial Circuit  
Hillsborough County, Florida  
2013-2014**

## OVERVIEW OF TEEN COURT AND TRIALS

Thank you for your participation in Teen court and in the Teen Court trial process. Your participation is an important part of the overall Juvenile Diversion Program. We hope and expect that your participation will also benefit you, by providing community service hours, educating you about the legal system, and providing public speaking experience.

Teen Court is a diversionary program for first-time juvenile offenders. Defendants waive their right to proceed through the juvenile justice system and agree to plead guilty and accept the sanctions imposed by Teen Court. The criminal charges are dismissed upon successful completion of the Teen Court program. Defendants can only utilize diversion for their first offense. Subsequent offenses are handled through the regular juvenile justice system.

Because the Defendants agree to plead guilty and accept responsibility to their offenses, Teen Court trials are not like trials on television or in the movies. Teen Court trials are similar to sanctions or penalty-phase hearings, hearings designed solely to determine the appropriate punishment for crimes. In the criminal justice system, these hearings take place after a guilty verdict and tend to be less publicized, but they are an important part of the judicial process.

At a Teen Court trial, attorneys are divided into two sides: prosecution and defense. (You will probably do both at various times.) Prosecutors argue for a more severe punishment and focus on those aspects of the offense or the defendant's history which are more blameworthy. The defense focuses on the positive aspects of the defendant's life and any facts about the offense which are mitigating (make the offense less bad). This Handbook will give you an overview of how they go about pursuing those goals.

**CARDINAL RULE FOR TEEN COURT ATTORNEYS:** Always remember that Teen Court trials involve real defendants who have committed real offenses. These are not "mock trials." Always treat defendants, their cases, and their parents with respect. In addition to being polite, this means that you always make sure that

your arguments are supported by evidence and that you refrain from joking around during trials. Real defendants and their parents will bear the consequences of the juries' decisions. Whatever the outcome, they should know that all participants – attorneys, jurors, judges, and staff - took their responsibilities seriously.

## GENERAL RULES FOR TEEN COURT

1. Dress appropriately. Your attire should reflect conservative, respectful and professional dress. **Female volunteers:** skirts/dresses, blouses with sleeves, dress slacks. NO denim or jeans (of any color), capri pants, midriff or low-cut blouses or flip flops. **Male volunteers:** dress slacks, khakis, polo-type, collared or button down dress shirt. NO denim or jeans (of any color), athletic-type clothing, flip flops or sandals. Shirts must be tucked in and belted at the waist.
2. Always be respectful of everyone involved in Teen Court – your fellow students, the Teen Court staff, our volunteer judges, and especially defendants and their parents. You are being entrusted with affecting the fate of real defendants and are being watched by their parents who are very interested in how their child is treated. Always be courteous and treat the process seriously.
3. Unless there is a good and specific reason to do so, do not mention or ask about the defendant's school. If you think mentioning a school is relevant, please ask a supervisor if what you plan is okay.
4. Do not ask about or make arguments based on other family members, particularly if you are planning to blame another family member. Defense can argue that a defendant has already been punished at home and so the jury should be lenient. Prosecution may NOT argue that more of a punishment should be imposed because the parents did not even care enough to punish the defendant. We are not punishing the defendant for the actions of the parents.
5. Prosecutors must be very careful when making arguments about a defendant's poor grades. In general, you should link the poor grades to some action or lack of seriousness of the defendant. A student getting poor grades because of skipping class is fair for Prosecution comment. A student getting poor grades because of not being smart should not be punished more harshly.

## PREPARING FOR TRIAL

At the beginning of the night, the case(s) set for trial will be selected and attorneys assigned as prosecution and defense for each side. You will then have time to prepare for your trial. This preparation time is often limited, so it is important that you use your time efficiently.

Prosecutors will receive a factual summary of the case from which to prepare for trial. This summary (usually about 2 pages) includes the police report, defendant's statement, victim's statement (if applicable), as well as other information about the student. Other information includes history of drug or alcohol use, in-school or out-of-school suspension history, grades, and plans for the future. Student attorneys should review all of this information and agree on those facts which are most helpful to their side.

## INTERVIEWING THE DEFENDANT

While the prosecution must prepare based solely on the information in the summary, the defense attorneys get to interview their client prior to the trial. This opportunity is an important advantage, and a successful interview is an important first step toward a successful trial.

While the Student Volunteer Coordinator meets with the defendant's parents, you will be introduced to your defendant and given a conference room in which to conduct the interview. Do your best to make your client feel comfortable as quickly as possible. Introduce yourself. Explain the trial process to your client, including details like where to sit and when to stand. As a Teen Court attorney participating each week, you will become very comfortable with the process. Your client has never been through this process before and will never go through it again. Your client will look to you for guidance through this process.

You will want to interview your client about all aspects of the case. Both the summary and the interview are important sources of information, but the interview is the more important source of information. Do not hesitate to ask

questions that you think you are already answered in the summary. Summaries are prepared by Teen Court staff members and are intended to be as accurate as possible, but no secondhand summary will ever be as good as getting information directly. You will sometimes find that the summary is incomplete in some way. Use your access to your client to get the full story on every issue. Make sure you know the answers given on the summary so that you can have your client clarify any discrepancies. Be sure to challenge your client's story if it seems to contradict what was told to the staff. Better that you challenge your client in preparation than the prosecution challenge your client in open court!

In addition to the facts surrounding the offense, be sure to inquire about any other topic which may be relevant to share with the jury – outside work experience, school activities, community or church activities. You may decide that you would rather not share all of the information with the jury, but the more information you gain, the more information you will have to choose from in order to present your client in the best manner possible.

Try to ask open-ended questions, not yes-no questions. Try to get your client to explain things as much as possible. For example, most defendants will say that they will not commit the same offense again. But defendants who can explain how getting in trouble again would ruin their future plans or speak movingly about how embarrassed they were or how they felt hurt about shaming their families are far more convincing when they make that claim.

Finally, try to give your clients advice on how to present themselves in court. Remind them that the jury will be watching them at all times, not just when they are on the stand. (The jury is watching you at all times, too!) Remind them to speak clearly and loud enough for everyone in the courtroom to hear. Simple reminders about good posture and a serious, respectful demeanor can help your client. Some clients will not follow your advice, but you want to give them every chance to present themselves well.

While defense counsel has a big advantage because they get to interview the defendant, they also have an even-tighter schedule for preparation. The interview is important and should be thorough, but must be conducted efficiently in order for counsel to be ready for trial on time.

## TRIAL

### OUTLINE OF TRIAL

- I. Pre-Trial Motions (if any)
- II. Opening Statements (Prosecution goes first, then defense)
- III. Prosecution Evidence (Reading the Police Report)
- IV. Defense Evidence (Questioning the Defendant, followed by cross-examination by the prosecution)
- V. Closing Arguments (State first, followed by Defense)

- I. Pretrial Motions – Sometimes, the summary will contain information which one side (usually the defense) will consider to be unfair to bring up. In such circumstance, that side will want to ask the judge to exclude that evidence from the case.

The technical term is a Motion in Limine (sounds like “lemon-y”). The usual standard is whether the evidence is more prejudicial than probative. That is, does the evidence make the jury think worse of the defendant, even though it is not really relevant? For example, if the summary contained information that the defendant in a battery case had a brother who was serving time for a violent crime, that might make the jury want to punish the defendant because of the brother, which is not fair. Or, if a shoplifting defendant had a co-defendant who did not get caught and later stole from several other stores, that might tempt a jury to punish the defendant more harshly for things the defendant did not actually do.

For Motions in Limine, one attorney from each side should approach the bench (after asking permission) to argue the motion. Each side will explain why it believes the evidence is unfairly prejudicial (or not). The parties should argue the motion quietly, so that the jury cannot hear. If the judge grants the motion, counsel for both sides should make sure to

explain the ruling to the rest of the team. Attorneys may not mention the excluded evidence during the trial.

II. Opening Statements – The purpose of the Opening Statement is to give the jury a roadmap of the case they are about to hear. Think of an opening statement as being sort of like a movie preview – you want to give the jury enough information that they know what to pay attention to during the trial, but not too much so that the actual trial feels like a re-run. Remember that the jury knows nothing about the case prior to the Opening Statements, so you have to give them enough information to understand the case. You want to focus the jury’s attention on those facts which your side wants to emphasize. You may also want to mention some “bad” facts in a way that makes them seem unimportant, to try to minimize the impact of those facts when the other side tries to make them seem very important during the trial.

Make sure you coordinate with your team to make sure that the facts you “preview” in your opening statement are presented during the evidence portion of the trial. Promising evidence which is not delivered diminishes your credibility with the jury. Similarly, do not oversell the facts. If a defendant has had 1 ISS for tardies, do not claim that he has a continuing and serious truancy problem, or the jury will lose their trust in you.

An effective Opening Statement tells the jury what they are going to hear in an accurate manner, signals the facts to which the jury should pay particular attention, and helps the attorney make a good first impression on the jury.

III. Prosecution Evidence – After both sides have given their opening statements, the prosecution presents their case to the jury. In a real trial, prosecutors would call witnesses, such as police officers, to establish the facts of the case. In Teen Court, we limit the trial to just one witness, the defendant, so we do not call police officers or other third party witnesses. Instead, we read the police report to the jury.

One of the prosecution attorneys will go to the podium to read the police report. The police report should be read almost verbatim from the “Offense as Reported” section of the fact summary sheets. The attorney may introduce the report to the jury by saying something like, “This is the police report,” or, “This is the offense as reported,” so the jury knows what is being read. The attorney may also say full words instead of abbreviations or make minor clarifying changes, like saying “6 pm” instead of “1800 hours.” Prior to trial the attorney should review the police report to make sure that any abbreviations or typos are resolved in advance. The report should be read in a relatively neutral manner. Think of a television newscaster. You may use inflection to make the report interesting for the jury, but you are not permitted to dramatize or comment on the report.

Sometimes, the factual summary will also include a victim’s statement. If appropriate, the prosecution will also read the victim’s statement to the jury. The same rules apply: read exactly as written, except for typos and minor clarifications. (Victim’s statements may be appropriate for pre-trial motions. For example, a victim’s opinion of how the defendant should be punished is not really a relevant consideration, but may be influential with a jury, so one side or the other may wish to exclude it.)

After reading the police report and, if applicable, the witness statement, the prosecution “rests its case.”

#### IV. Witness Testimony

- a. Direct Examination – After the prosecution rests, the Defense gets to present its evidence. The Defense evidence consists of the testimony of the defendant. The initial questioning of the defendant by Defense counsel is called “Direct Examination.”

During direct examination, the Defense asks questions of the defendant. You want to have the defendant explain his offense, but also talk to the jury about other, more positive aspects of his life. You want the jury to see your client as a whole person, not just as a person who committed the specific offense.

The most important thing to remember when doing direct examination is that you are not permitted to ask leading questions. (See Objections, below.) In addition to being subject to objection, leading questions are not helpful because they keep the focus on you instead of your client. Your client will be much more convincing to the jury speaking directly than having you speak for him through leading questions.

One of the biggest challenges of direct examination is controlling the witness without asking leading questions. You want to ask questions which call for answers of a few sentences, rather than a narrative which lasts for several paragraphs. For example, when discussing the offense, you may want to ask small questions first, like “Where were you?” or “Who were you with?” rather than a huge open-ended question like, “What happened that day?” By asking smaller questions that still prompt the defendant to talk a little bit, you can better guide the defendant through the testimony. This is hard. But don’t worry, with practice, you will get better and better.

- b. Cross-Examination – After the Defense concludes direct testimony, the prosecution gets the chance to cross-examine the defendant. The prosecution is not only permitted to ask leading questions, but encouraged to do so. Your goal in cross-examination should be to state specific negative facts about the defendant or his offense and get the defendant to agree with you. You do not want the defendant to give explanatory answers or be the focus of attention. You want the jury focused on you. In some cases, cross-examination will be short. That is okay. Better to do a good, short cross-examination than a long cross-examination that helps the other side.

Try to avoid argument questions. Your purpose during questioning is to obtain facts

Impeachment – Sometimes, a witness will give an answer that is different from the information you were given in the factual summary. What do you do in that circumstance? This is where a technique

called “impeachment” comes in. First, you confirm as specifically as possible the “wrong” answer that was given. Then you confront with the fact that he was interviewed before and gave a variety of other answers which were confirmed as true. Then, you ask a leading question giving the “correct” answer to the original issue and try to get the defendant to agree.

For example, if a defendant has had a prior suspension, but denies it on the stand, you would first want to make clear that the student is denying all suspension – this year, last year, ISS, OSS, and any other possibility you can think of. Then, you remind him of his interview with Teen Court staff a few days before the trial. You reiterate the answers he gave the staff which match answers he already gave in the trial. “You told the staff you got mostly A’s and B’s, right?” “And you do get mostly A’s and B’s?” After a few examples of that, you say, “And you told them that you got suspended before?” You can even give some specifics, “You told them you got 3 days ISS for tardies?” The student will probably remember and acknowledge the correct information. If not, then you will have signaled to the jury that the witness is being truthful.

In a real trial, you would be able to admit the prior statement of the witness as evidence for the jury. Teen Court does not allow for written exhibits and the factual summary was not actually prepared by the defendant. You may NOT tell the jury what the summary says; you may only ask questions based on those facts. Once you have your answers, good or bad, you move on.

- c. Re-Direct Examination – Re-Direct Examination is an opportunity for the Defense to ask questions of the defendant after the Prosecution concludes cross-examination. You may only ask questions about topics covered during cross-examination. This is not an opportunity to make up for questions you forgot to ask the first time nor is it an opportunity to re-ask the same questions again. Instead, it is an opportunity to let the defendant explain information that came out on cross examination that was incomplete.

For example, pretend that you did not discuss alcohol use on direct examination, but the defendant admitted drinking during cross-examination. It may be relevant to have the defendant explain to the jury the facts surrounding that experience – if it was long ago or only once or whatever.

- d. Re-Cross – If new information comes out during re-direct, the Prosecution may re-cross to get further clarification. The same rules apply: no new topics, no re-asking of the same questions. Re-cross is rare in Teen Court

V. Closing Arguments – Closing Arguments are the time when you are making a direct argument to the jury. You explain to the jury what you think you should do and why. Remember the points which you decided were most important when you prepared and explain to the jury why they are important. Be sure to reference the evidence that the jury heard. A conclusion is fine “This defendant has stolen repeatedly.” But it is better if you remind the jury of the evidence that supports the conclusion. “You heard the defendant say that he had stolen from the same store twice previously, but had not been caught” or “The defendant had stolen property from two different stores when he was caught.” Your goal is to guide the jury to agree with you based on their own knowledge of the evidence, rather than relying on your conclusions.

Make sure that all of the evidence you want to talk about was presented during the trial. If evidence was not given during the trial, you cannot discuss that evidence during the closing argument. Teamwork during the trial is important to set yourself up for success during the closing argument.

You may also want to ask for particular sanctions to be imposed. A sample jury form is included in this handbook for your reference. Again, explaining why you believe a particular sanction is appropriate is more persuasive than just suggesting it.

Organize your thoughts. People (including jurors) tend to remember the first thing they hear and the last thing they hear, so put your best points at

the beginning and the very end. Again, be careful about avoiding exaggeration. A defendant who stole a candy bar should not be described as the next Al Capone, nor should a defendant who occasionally babysits a younger sibling be described like Mother Theresa. It is far better to make a small point well than to undermine your case (and your own credibility) by overstating things.

Finally, be yourself. This advice holds true for everything you do as a Teen Court attorney. You try to persuade people of things every day – teachers, parents, friends, etc. Do not try to sound like a TV lawyer. Sounding phony is never persuasive to a jury. Real lawyers work very hard to try to sound like normal people. You already are a normal person. Do not lose that advantage!

## OBJECTIONS

**Argumentative-** This objection is raised when counsel presents an argument as a question.

Examples: “You stole because you are irresponsible, correct?”  
“You get poor grades because you have bad study habits, correct?”

Another example is when counsel continues to badger a witness. It is the jury’s determination to make as to whether or not the Defendant is irresponsible, not the attorneys.

**Conclusion-** Witnesses cannot make or offer conclusions in a case. This is left to the jury (as this is the jury’s job). The objection is raised when the witness is asked to answer with a conclusion, or attempts to answer on his/her own with a conclusion.

**Facts Assumed (not in Evidence)-** This objection is raised when answering the question requires the witness to rely on facts that have not, or not yet been introduced into evidence. The question may trap the witness into appearing to affirm the facts that have not been introduced. Be very careful to watch for closing arguments. Make sure that anything discussed in a closing argument was introduced in trial. Also, make sure you do not mischaracterize the evidence in closing arguments.

**Hearsay-** Hearsay is an out of court statement offered to prove the truth of the matter asserted. This means that a Teen Court defendant generally cannot testify as to what someone else said to or around them. However, because there are usually no other witnesses called in Teen Court trials; the hearsay rules are more relaxed than a traditional criminal court. The reason for this is because it is often necessary to establish certain elements of the Teen Court trial through hearsay.

Examples: “What did your parents say to you?”  
“What did you tell your parents about why you did this?”  
“What did the victim say to you?”

However, if you feel the information is not necessary to be proven through hearsay, then object.

**Irrelevant**- This objection is raised when the answer to the question asked is not relevant or connected to the case. The answer will not tend to prove or disprove a material fact within the case. The evidence must also be more probative (define) than prejudicial to the Defendant. The objection can also be made if the introduction of the evidence may confuse the jury.

Example: A Defendant is charged with petit theft, and the Defendant is asked, "What do your parents do for a living?"

The question is not relevant in determining why the Defendant committed petit theft, and answers no questions for the jury. However, it may be relevant if the Defendant's parents are doctors or teachers and the Defendant wants to follow in their footsteps. The relevance would be the Defendant's future goals are to follow his/her parent(s) career path.

Pay attention to why the evidence is being introduced.

**Leading**- A leading question is a question which suggests the answer to the witness.

Examples: "You are sorry for what you did, aren't you?"  
"You walked out of the store without paying for the jewelry?"

Leading questions are permitted (and encouraged) on cross-examination (and on re-cross). Leading questions are **not** permitted on direct examination (or re-direct). Due to Teen Court trials having only one witness, the Defendant, the Defense is never permitted to ask leading questions; the State is permitted to ask leading questions. On cross-examination, an attorney can ask leading questions simply by making a statement with the inflection of a question.

Attorneys tend to use leading questions when they are anxious to get the witness to give a particular answer but they are worried the witness will not know the answer the teen attorney is seeking. In Teen Court, Defense attorneys are most tempted to

ask leading questions on re-direct and particularly for questions relating to remorse, commitment to avoid similar situations in the future, etc., rather than strictly factual questions.

Additional examples: “You won’t ever do this again, will you?”  
“You realize that this could stand in the way of your future plans?”

If the objection is sustained, the attorney may still seek the same information, but must use a more neutral, open-ended question.

Example of an appropriate question: “Why won’t you do something like this again?”

**Multiple (or Compound)**- A compound question is a question which asks two different things in the same question. This type of question is objectionable because the answer can be interpreted in different ways.

Example: Q: “Have you made A’s in math and B’s in science”?  
A: “No.”

Does that mean the witness made A’s in math, but not B’s in science? Maybe they made B’s in science, but not A’s in math? Maybe they did not make either A’s in math or B’s in science?

If this objection is sustained, the attorney may still seek the same information, but needs to break down the question into multiple questions to seek the same information.

**Non Responsive/ Narrative**- This objection is drawn when a witness is not answering the question asked, or the witness is giving a very long-winded version of events. Answer must be specific and succinct. This objection is raised when they are not.

Example: The Defendant is charged with Petit Theft, and the following discussion takes place:

Q: Why did you steal?

A: Well... at first we went to J.C. Penny and I looked around, and didn't see anything I like. Then I went to Pac Sun, and saw some earrings I liked, but didn't take them. I decided to go with my other friends to Macy's and while I was in the store I saw some stuff that I REALLY wanted, but didn't want to spend that much money on....

Nothing above answers the question. The proper answer would be along the lines of "because I didn't have money," or "because I was wrong and I wasn't thinking."

In addition, if the witness avoids the answer, you can object for non responsive

Example: Q: Why did you steal?  
A: Answer, "I don't know, my parents have lots of money, and I can buy whatever I want."

The answer doesn't refer to the question that was asked, and is therefore non responsive.

**Repetitive (or Asked and Answered)**- Questions are objectionable when they seek information which has already been given in testimony. This typically occurs in one of two scenarios. One, on cross-examination, an attorney who is badgering a witness will often repeat the same or highly-similar questions in order to make the witness repeat testimony which is damaging. Two, an attorney who has come to be in a bad area (where the witness was giving different testimony than expected) and the attorney wants to regain momentum or close well by going back to a good topic of testimony. Note that judges are unlikely to sustain this objection when the prior testimony was given in response to questions from the other side or when a question is used more as a change of topic.

**Speculative (or Calls for Speculation)**- Witnesses are called to provide testimony about facts within their knowledge. Questions which ask the witness to guess at an answer or respond to hypothetical factual scenarios are objectionable as speculative. Most attorneys refer to this objection as "calls for speculation."

Examples: "What if the kid you hit had been carrying a weapon?"

“How do you think the other customers feel about paying more to make up for the store’s losses because of stealing?”

If this objection is sustained, the judge is telling the attorney that the information sought is not proper, not simply that the wording of the question was poor. Note that often the same information can be obtained by asking questions which are not speculative.

Examples: OBJECTIONABLE: “Would you have stolen the clothes if your friends had not suggested it?”

PERMITTED: Q: “Why did you steal the clothes?”

A: “Because my friends kept encouraging me to steal.”

In your closing argument, you can then argue that the Defendant would not have stolen but for being encouraged to do so by friends.

**Vague-** A vague question is one which is unclear or confusing. If the attorney is not certain what information a question is seeking, then this objection is probably appropriate, (especially if your witness looks confused). If this objection is sustained, the attorney can still seek the same information, but needs to reword their question to seek the information.

**THIRTEENTH JUDICIAL CIRCUIT**  
**TEEN COURT AGREEMENT CONTRACT**  
700 E. Twiggs St. Room 810  
Tampa, FL 33602  
Main # (813)272-6766 Fax (813)301-3715

**\*\*SANCTIONS DUE DATE:** \_\_\_\_\_ Fax, Scan or Mail and Call Case Manager  
**NAME:** \_\_\_\_\_ **TC #:** \_\_\_\_\_ **Charge:** \_\_\_\_\_  
**Case Manager:** \_\_\_\_\_ **Phone # 272-** \_\_\_\_\_

**AGREEMENT TO TERMS AND CONDITIONS OF THE JUVENILE DIVERSION PROGRAMS**

The above-named juvenile agrees to the terms and conditions of Teen Court as checked below and agrees to abide by the requirements for completion of these terms and conditions as set forth by Teen Court. If the juvenile fails to abide by the terms and conditions of this Agreement, engages in any misconduct in school, home, or his/her neighborhood, or is in violation of any law or ordinance, this Agreement shall be void and the case shall be referred back to the State Attorney's office for prosecution on the original charge or for other appropriate action.

**WE, THE TEEN JURY RECOMMEND THE FOLLOWING SANCTIONS TO BE COMPLETED:**

- Letter(s) of Apology to: \_\_\_\_\_
- No Association with: \_\_\_\_\_
- Teen Court Jury Duty \_\_\_\_\_ Time(s) , please call 272-6177 to verify there are no cancellations
- Complete the S.T.E.A.L. Program on: Monday, \_\_\_\_\_ @ 6:00PM
- Community Work Service: \_\_\_\_\_ Hours

**A: 0 – 15 hours**

**B: 16 – 25 hours**

**C: 26 – 35 hours**

- School Progress Reports Weekly **NO UNEXCUSED ABSENCES OR SUSPENSIONS**
- Curfew or Home Detention: \_\_\_\_\_ PM Weekdays \_\_\_\_\_ PM Weekends \_\_\_\_\_ Follow Parents' Curfew
- Restriction(s): Phone\_\_ Computer\_\_ Bicycle\_\_ Car\_\_ Shopping\_\_ (unless with parent) Video Games\_\_
- Surrender Driver's License to Parent
- Submit to Random Urine Screens as Directed by Your Case Manager: \_\_\_\_\_
- Write a \_\_\_\_\_ Page Essay on: \_\_\_\_\_
- Write a \_\_\_\_\_ Page Essay on: \_\_\_\_\_
- Special Conditions: \_\_\_\_\_
- Mandatory sanctions required by Case Manager: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Justification: **WE THE TEEN JURY** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Recommendations for Case Manager: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SAMPLES OF:  
OPENING AND CLOSING STATEMENTS  
DIRECT AND CROSS EXAMINATIONS

**EXAMPLE:**

Here is a sample **Opening Statement** using the facts from our Jane Doe example:

“Members of the jury, my name is Mr. Jones and I am representing the Defendant, Jane Doe, in this case along with my colleague, Miss Smith. You are going to hear about Jane and her life. You are going to hear that she is an eleventh grade student. You are going to hear that she makes good grades, and she has aspirations to become a teacher. For the most part, Jane is a responsible young lady. She obeys her curfew, completes her chores, and has a part time job. You will also hear about what happened one day in January at the mall, when she did the wrong thing. Members of the jury, when you listen to the evidence in this case, please pay attention to all of the evidence - what she did that day, but also what she does every day. Please make your decision based upon all of the facts, not just one lapse in judgment.”

**EXAMPLE:**

Here is a sample **Closing Argument** from the Jane Doe case:

“Jane Doe committed a serious offense and she should receive a serious punishment. When you make your decision, I want you to consider the evidence of what Jane did. She stole because she wanted something and she had no money at the time. It is not the first time she stole. She has done this before. This is just the first time she got caught. Miss Doe does not even seem sorry for what she has done. The ‘lesson’ she learned was that she should not go to the mall if she doesn’t have any money. If she were at the mall without money, would she steal again? While it is true that the store was able to recover the merchandise undamaged, it was due to store security, not Jane. If it had been up to Jane, that merchandise would not be at the store, but still with her. When you decide on your verdict, decide that a serious crime deserves a serious punishment.”

Some examples of questions for **Direct Examination** are:

- What are your current grades?
- Do you think you can improve your grades?
- How do you plan to improve your grades?
- Are you involved with any clubs or sports at school?
- Do you have a job?
- How many hours in a week do you spend practicing (or working)?
- What do you like to do for fun?
- Do you spend time with your family?
- Do you have chores? What are they?
- Do you have any talents?
- Are you involved with a youth group?
- Do you volunteer in your community?
- Why did you commit this offense?
- What did you learn from being arrested?
- Do you think you will ever steal again?

Your questions for Direct Examination are not limited to the above, but you are welcome to use any of these questions to get started.

Examples of **Cross Examination** questions are as follows:

- You know that stealing is wrong, correct?
- Do know that you may have problems getting into college if you have a criminal record?
- Isn't it true that you went to the mall with no money?
- This is not a proper example for your siblings, correct?

Again, your questions are not limited to the above, but you are welcome to use any of these questions to get started.