

TEEN COURT JUDGES' MANUAL



Thirteenth Judicial Circuit
Hillsborough County, Florida

INTRODUCTION

This Manual is intended to provide you with background information on the Teen Court program and to provide you with the information you need to fulfill your duties as a Teen Court Judge. Your participation, along with the participation of many other attorney volunteers is an important part of the success of this program.

Overview of Teen Court

Teen Court is a diversionary program for juvenile offenders. The program began in Hillsborough County in March 1990. Ours is the second-oldest Teen Court program in the State of Florida; Sarasota County's program having started shortly before our program.

Eligibility for Teen Court

First-time juvenile offenders between the ages of 13 and 17 are eligible for participation in Teen Court. The defendant must choose to admit guilt for the charged offense and be recommended for the program by the Office of the State Attorney. School-related offenses are given priority for referral to the program, but misdemeanors and third-degree felonies are eligible for referral.

Proceedings Prior to the Courtroom

Prior to participation in the Teen Court proceeding, all defendants and their parents or guardians are interviewed by Juvenile Diversion staff to gather information about the offense, the defendant, and the family. In addition, the staff ensures that the defendant is one who would benefit from the Teen Court program, rather than another diversion program. The staff member will then prepare a case summary which is used in the courtroom proceeding.

GRAND JURY PROCEEDINGS

Most Teen Court proceedings follow what we call a "Grand Jury" format. In this format, the volunteer jurors ask questions of the Defendant and then deliberate and determine a verdict. The proceeding follows the following format:

1. Introduction of Case

The bailiff will bring the courtroom to order and bring the Defendant to the witness chair. You will need to make sure that a parent or guardian is in attendance with the Defendant. Then, you should make some brief preliminary remarks to inform the jury about the proceeding they are about to hear.

Suggested Introduction: "Good evening. Welcome to Teen Court. Tonight, we will be hearing case number [fill in as appropriate], State of Florida v. [name of defendant] for the charge of [fill in as appropriate]. This case will be conducted using the grand jury format."

Next, you should swear in the jurors. Ask them to stand and raise their right hands.

Suggested Oath to the Jury: "Do you solemnly swear or affirm that you will well and truly try the issues between the State of Florida and the Defendant and render a true sentence according to the law and the evidence [so help you God]?"

Wait for an affirmative response from each juror, then ask them to be seated.

The next step is to provide an overview of the case to the jury.

Suggested Introductory Language Prior to Providing Summary to Jurors:
"Members of the jury, I will now provide you with the facts of this case as reported by law enforcement, the Defendant's statement regarding these events, and additional information about the Defendant.

"The following is the police report of the offense. [Read 'Offense as Reported' section of the summary]

[If applicable, "The Victim's Statement was as follows. [Read Victim's Statement section, if there is one; otherwise, omit.]]

"Now, I am going to read the Defendant's statement regarding these events. [Read Defendant's Statement]

"Here is some additional information about the Defendant for you to consider. [Summarize relevant information from the summary provided by Teen Court. It is important for you to have reviewed this information prior to the start of the proceeding so that you can identify the relevant information to provide to the jury and also identified the information which is not relevant for the jury. If you have any questions about what the jury should hear or not hear, feel free to ask a Teen Court staff member for guidance.]"

2. **Testimony of Defendant**

After the jury has been briefed on the substance of the case, you should swear in the Defendant. Have the Defendant stand, face you, and raise his/her right hand.

Suggested Language for Swearing in Defendant: "Do you solemnly swear or affirm that the testimony you are about to give in this case will be the truth, the whole truth, and nothing but the truth [, so help you God]?"

Next, turn the proceeding over to the jurors to ask questions.

Suggested Language to invite Jurors to Ask Questions: "Members of the jury, now you will have the opportunity to ask questions of the Defendant. After that, the Defendant will have an opportunity to make any additional statement to you. If you wish to ask a question, please raise your hand and wait for me to recognize you. Also, to both jurors and the Defendant, please speak in a loud, clear voice so that everyone in the courtroom can hear and understand you."

During the questioning, you should pay close attention to make sure that the questions asked are appropriate. If a juror asks an inappropriate question, do not hesitate to interrupt, tell the Defendant not to answer the question, and explain to the jurors why that question was inappropriate or direct them back into appropriate areas of inquiry. If the jurors are particularly reluctant or miss an area which you believe to be important, you may ask a question or two to get the process going. In

general, however, we want the students to remain the primary questioners in the process.

Once the students have finished with their questions, you then provide the Defendant an opportunity to make any additional statement to the jury.

Suggested Language for Asking Defendant to Make an Additional Statement: "We have now concluded the questioning for this proceeding. At this time, [Name of Defendant], you have an opportunity to make a statement to the jury. Is there anything else you would like to tell them before they go decide on your sanctions?"

Do not be surprised if the Defendant makes no statement. Defendants rarely do.

3. Jury **Instructions**

After the Defendant makes his/her statement or waives the right to do so, you should then give the jury its instructions for deliberations.

Suggested Language for Jury Instructions: "Members of the jury, you are charged with an important and solemn duty. You are charged with evaluating all of the evidence you have heard today and, upon consideration of that evidence, reaching a fair and just sentence. Guilt is not an issue in this case; the Defendant has admitted to committing the act in question. Therefore, your only duty is to determine the appropriate sanctions for the Defendant. In reaching your decision, you must consider all of the evidence presented to you tonight, which consists of the summary information which I read to you and the Defendant's testimony. Your decision must be unanimous; that means that everyone on the jury must agree. Once in the jury room, you must first select a jury foreperson. The jury foreperson will be responsible for completing the sentencing form and announcing the verdict to the courtroom once deliberations have concluded. At this time, I will hand the bailiff the sentencing form and the bailiff will lead you to the jury deliberation room where you will decide on the appropriate sentence."

After the jury retires for deliberations, the court will stand in recess.

Suggested Language for Recessing the Courtroom: "This Court stands in recess. You may move freely about the courtroom and talk quietly amongst yourselves. No one should leave the courtroom. When the jury completes its deliberations, a buzzer will sound. At that point, you should immediately to return to your seats."

4. **Return of Verdict**

When the jury returns, you need to review the verdict form, initial it, and then have the verdict read to the courtroom.

Suggested Language for Handling the Verdict: "Has the jury reached a verdict?" (Wait for the jury foreperson to answer in the affirmative.) "Please hand the verdict form to the bailiff." (At this point, you should read the verdict form to make sure that it is clear and then initial it. Then hand the form to the bailiff to return to the jury foreperson.) "Will the Defendant please rise." (Await compliance.) Will the jury foreperson please read the verdict."

After the verdict is read, be certain that the Defendant understands the verdict. Also, at this time, it is appropriate to offer the Defendant the opportunity to make any statement, including an apology to the parent(s).

Suggested Language for Defendant after Verdict: "[Defendant's Name], do you understand the verdict?" (Defendant responds.) "Do you wish to make any statement at this time?" (Defendant responds.) "At this time, you are remanded to the Teen Court staff who will explain your sentence and answer any questions you may have. Good luck."

The Defendant and parent(s) will then leave the courtroom with a Teen Court staff member. After the Defendant leaves the courtroom, you may then dismiss the jury (unless there is another proceeding to follow that night.)

Suggested Language to Dismiss the Jury: "Members of the jury, thank you for your service this evening. [You are now dismissed.]"

TRIAL PROCEEDINGS

For the trial proceedings, we have student attorneys who have been trained to present the case within a modified trial format.

I. Introduction of Case

The bailiff will bring the courtroom to order and the attorneys and Defendant will be seated at their respective counsel tables. The parent or guardian will be seated in the audience by the bailiff. Then, you should make some brief preliminary remarks to inform the jury about the proceeding they are about to hear.

Suggested Introduction: "Good evening. Welcome to Teen Court. Tonight, we will be hearing case number [fill in as appropriate], State of Florida v. [name of defendant] for the charge of [fill in as appropriate]. This case will be conducted using the trial format."

Next, you should swear in the jurors. Ask them to stand and raise their right hands.

Suggested Oath to the Jury: "Do you solemnly swear or affirm that you will well and truly try the issues between the State of Florida and the Defendant and render a true sentence according to the law and the evidence [so help you God]?"

Wait for an affirmative response from each juror, then ask them to be seated.

The next step is to introduce the case to the jury. Unlike the grand jury format in which you provide a full summary of the case to the jury, in the trial format, you merely introduce the Defendant and the charge.

Suggested Language to Introduce Case: "Members of the jury, tonight you will hear the case of [Defendant's name], who has been charged with [criminal charge]. Are the attorneys ready to proceed?"

2. Pre-trial Motions

The first stage of the trial is to consider any pre-trial motions. Occasionally, the attorneys will have motions in limine which they wish for the court to consider. If any pretrial motions are to be considered, the attorneys should ask to approach the bench. If they fail to do so, then you should invite them to approach. Rule on any

motions as you think appropriate, keeping in mind that this, in effect, a sentencing hearing, so the range of relevant evidence is broader than a guilt-phase hearing.

Next, proceed to opening statements.

3. **Opening Statements**

Suggested Language for Opening Statements: "Does the State wish to make an opening statement?"

After the State's opening statement, the Defense will make its opening statement.

4. **Prosecution Case-in-Chief**

After Opening Statements, the State has an opportunity to present its case in chief. In Teen Court, the only witness is the Defendant and guilt has already been admitted. Therefore, the State's case consists of reading the police report summary and, if applicable, the witness statement. The police report summary is contained in the section titled "Offense as Reported." One of the prosecuting attorneys will read that section, verbatim, to the jury. Some cases will have a witness statement. If so, one of the prosecuting attorneys will read that section, verbatim, to the jury, also.

Suggested Language to Introduce the State's Case: "Is the State ready to present its case in chief?"

After the State has presented its evidence, the Defense presents its case. The Defense's case consists of the testimony of the Defendant. (The Defense **must** call the Defendant.)

5. **Defense Case-in-Chief**

Suggested Language to Introduce the Defense case: "Is the Defense ready to call its witness?"

The Defendant will be brought forward to the witness chair by the bailiff. Be sure to swear in the witness before testimony begins.

Suggested Language for Swearing in Defendant: "Do you solemnly swear or affirm that the testimony you are about to give in this case will be the truth, the whole truth, and nothing but the truth [, so help you God]?"

The Defense then proceeds with direct examination. The teen attorneys have been taught standard objections, so you should rule on the objections as you would in a regular proceeding. Keep in mind that Teen Court trials are really just sentencing hearings, so the scope of appropriate questioning is broader than a guilt phase of a criminal trial.

When the Defense has completed its direct examination, the State is given an opportunity to cross-examine the witness.

Suggested Language to Introduce Cross-Examination: "Does the State wish to cross-examine the witness?"

Again, remember that the State is permitted broad discretion in its initial cross-examination, and is not limited to the scope of the direct examination.

After the State's cross-examination, the Defense is permitted to conduct a re-direct examination of the witness. If the Defense does a re-direct examination, then the State is permitted to conduct a re-cross examination of the witness. For re-direct and re-cross examinations, scope objections are appropriate.

IMPORTANT: As Teen Court Judge, you have primary responsibility for ensuring that all relevant facts are presented for the jury to consider. On rare occasions, teen attorneys may neglect to bring out important information provided in the case summary. As judge, you may ask questions of the Defendant if you believe important information was omitted. Such occasions will be rare, but each Defendant deserves a fair hearing.

N.B. Once the Defendant's testimony has concluded, be sure to invite the Defendant to return to counsel table with the Defense attorneys.

6. Closing Arguments

Once the testimony has been completed, proceed to closing arguments. The State gives its closing argument first, followed by the Defense's closing argument. There is no rebuttal closing argument by the State.

Suggested Language to Introduce Closing Arguments: "Is the State prepared to make its closing argument?"

6. Jury Instructions

Once closing arguments have concluded, the case goes to the jury for deliberations.

Suggested Language for Jury Instructions: "Members of the jury, you are charged with an important and solemn duty. You are charged with evaluating all of the evidence you have heard today and, upon consideration of that evidence, reaching a fair and just sentence. Guilt is not an issue in this case; the Defendant has admitted to committing the act in question. Therefore, your only duty is to determine the appropriate sanctions for the Defendant. In reaching your decision, you must consider all of the evidence presented to you tonight, which consists of the police report [and witness statement] which the State read to you and the Defendant's testimony. The opening statements and the closing arguments made by the attorneys are not evidence, but merely argument. Your decision must be made based solely on the evidence. Your decision must be unanimous. Once in the jury room, you must first select a jury foreperson. The jury foreperson will be responsible for completing the sentencing form and announcing the verdict to the courtroom once deliberations have concluded. At this time, I will hand the bailiff the sentencing form and the bailiff will lead you to the jury deliberation room where you will decide on the appropriate sentence."

After the jury retires for deliberations, the court will stand in recess.

Suggested Language for Recessing the Courtroom: "This Court stands in recess. You may move freely about the courtroom and talk quietly amongst yourselves. No one should leave the courtroom. When the jury completes its deliberations, a buzzer will sound. At that point, you should immediately return to your seats."

During the recess, you are welcome to call the student attorneys to the bench to discuss their performance. You are especially encouraged to discuss with them aspects of their performance that you thought were particularly good or to suggest ways in which they might have handled situations better.

N.B. If you have serious concerns about some aspect of a teen attorney's performance or concerns about the structure of the trial format, please bring those to the attention of the Student Volunteer Coordinators. The Student Volunteer Coordinators work with the students and the trials on a regular basis. Your input is welcome, but it is important to make sure that the teen attorneys do not receive contradictory information from different judges each week.

7. Return of Verdict

When the jury returns, you need to review the verdict form, initial it, and then have the verdict read to the courtroom. .

Suggested Language for Handling the Verdict: "Has the jury reached a verdict?" (Wait for the jury foreperson to answer in the affirmative.) "Please hand the verdict form to the bailiff." (At this point, you should read the verdict form to make sure that it is clear and then initial it. Then hand the form to the bailiff to return to the jury foreperson.) "Will the Defendant please rise." (Await compliance.) Will the jury foreperson please read the verdict."

After the verdict is read, be certain that the Defendant understands the verdict. Also, at this time, it is appropriate to offer the Defendant the opportunity to make any statement, including an apology to the parent(s).

Suggested Language for Defendant after Verdict: "[Defendant's Name], do you understand the verdict?" (Defendant responds.) "Do you wish to make any statement at this time?" (Defendant responds.) "At this time, you are remanded to the Teen Court staff who will explain your sentence and answer any questions you may have. Good luck."

The Defendant and parent(s) will then leave the courtroom with a Teen Court staff member. After the Defendant leaves the courtroom, you may then dismiss the jury (unless there is another proceeding to follow that night.) Trials will ordinarily be the final proceeding of the evening.

Suggested Language to Dismiss the Jury: "Members of the jury, thank you for your service this evening. You are now dismissed."

SPECIAL SITUATIONS

Defendant and/or Parent Wishes to Withdraw

As noted above, participation in Teen Court is voluntary. Defendants must admit their guilt for the offense charged. The program also requires the willing participation of at least one parent or guardian. At any time, the Defendant and/or their parents may wish to terminate the proceedings. In such event, you should endeavor to maintain the decorum of the courtroom and permit the Defendant and parent(s) to discuss the situation with Teen Court staff. The result may be that the proceeding continues, that the Defendant withdraws, or that the proceeding is adjourned and the final decision is not made immediately.

Decorum

One of your primary responsibilities as a Teen Court Judge is to maintain the decorum of the courtroom. Jurors should maintain a serious and interested demeanor. If jurors who are talking, laughing, ignoring the evidence, or otherwise disrupting the proceeding, the situation should be addressed by the Teen Court Judge. If necessary, disruptive jurors should be dismissed from service.

The success of Teen Court depends on the seriousness of the participants. If participants fail to treat the proceedings seriously, that will undermine the confidence and seriousness of Defendants and parents.

Miscellaneous

No manual can foresee every unusual situation which may arise during the proceedings. If something unusual arises during a proceeding, you should

maintain the decorum of the courtroom and, if necessary, consult with a Teen Court staff member. A staff member is generally present at all times during the proceedings. If no staff member is in attendance, you may wish to consult with a bailiff; the bailiffs attend proceedings regularly and may be able to provide useful advice. For trial proceedings, a Student Volunteer Coordinator will be in attendance and can be called to the bench for consultation.

CONCLUSION

Your participation as a Teen Court Judge is an important part of the program's overall success. We are hopeful that you will find the experience enjoyable and rewarding. If you have any suggestions on how the program can be improved, we welcome your input.