

GLOSSARY OF IMPORTANT TEEN COURT TERMS

AGGRAVATING FACTORS

The elements in the case that make the case appear to be *more* severe or negative points about the defendant.

CASE SUMMARY

A synopsis of the police reports. Case summaries are given to defense and prosecution.

CHARACTER REFERENCE

A statement which tells about the defendant's nature, qualities or traits written by someone usually in authority that deals with the defendant; i.e. teachers, coaches, ministers, parents, etc. (Copies should be given to the opposing counsel before the case begins.)

CLOSED-ENDED QUESTIONS

Questions that can be answered with yes or no.

CLOSING STATEMENT

A summary of the events.

- X The defense should summarize favorable evidence that helps his/her client. Facts concerning the surrounding circumstances, reasons for behavior as testified by the defendant or explained in written documentation that was submitted to the court.
- X The prosecution should summarize facts of what happened, points that make the defendant appear unsympathetic, past offensive behavior, no remorse, no explanation of behavior and serious nature of the offense.

CROSS-EXAMINATION

A roll of the *prosecutor* in teen court. Questions which bring out the negative or aggravating factors concerning the defendant's actions. Use closed-ended or leading questions (you want the witness to agree with the facts that support your case.)

- X Leading questions:
 - Isn't it true that you went to the high school for the purpose of seeking out Kelly who you thought had beaten up your sister?
 - Didn't you know that being on school grounds after hours is against school policy?
- X Questions concerning the nature of the serious nature of the offense.
 - Do you know that shoplifting raises prices for everyone?
 - Didn't you think that you could have seriously injured the victim?

CHALLENGE FOR CAUSE

An attorney's efforts to impeach certain potential jurors. Challenges must be supported by a specific reason, such as a bias or prejudice, that would disqualify a potential juror.

*Judges will occasionally ask if the prosecution and defense have any challenges for cause. If an attorney or teen court defendant feel a juror cannot be impartial this is the opportunity to inform the Judge. State the reason to the Judge why you feel a juror would not be impartial. The Judge makes the final decision if jurors will be allowed to serve on the jury.

**Jurors, defendants and attorneys will occasionally know each other. The goal is to have jurors that can be fair and impartial.

DEFENDANT

The person who is accused of committing the crime, in teen court all defendants has entered a guilty plea.

DEFENDANT'S STATEMENT

This is an opportunity for the defendant to make any last comments to the jury. The defendant's attitude and how they present themselves to the jury will probably impact their sentence. The defendant should be sincere and not chew gum or swing in the witness chair.

DELIBERATION

When the jury carefully determines an appropriate sentence for a defendant.

DIRECT EXAMINATION

A roll of the *defense* attorney in teen court. Questions which describe the defendant's background, event and explain the circumstances or reasons for the behavior surrounding the offense. Use open-ended questions, you want the witness to testify.

Ideas for direct examination questions:

- X Questions regarding background and strengths of the defendant:
 - What school do you attend?
 - What grade?
 - Additional questions that bring out the defendant's strengths, i.e. good grades, outside activities, volunteer work, sports, etc.

- X Questions concerning the offense:
 - On (date), what happened at (place)?
 - Why were you there?
 - Who else was present?
 - Explore reason(s) for the behavior, i.e., problems at home, personal problems, etc.)
 - What happened next?
 - Did you do anything else?

- X Express sympathy factors, i.e.
 - What consequences have you suffered as a result of this offense?
 - What have you learned from this experience?
 - Have you been grounded?
 - Did you pay restitution?
 - Are you sorry?

ENTRY OF APPEARANCE

When an attorney states to the court he or she is acting as the defense attorney or prosecutor in the case, i.e.,

ATTORNEY RESPONSE= Jane Doe representing the defendant or Jane Doe for the defendant.

OR

John doe representing the city or John Doe for the prosecution.

EVIDENCE

In teen court, items such as character references, grades, proof of restitution, letter of apology, victim's statements, etc.

LEADING QUESTIONS

A question that suggests the answer or questions where the attorney seems to be testifying, i.e., You are very sorry, aren't you? (These types of questions maybe objectionable.)

Background questions are usually okay, i.e., You go to Alameda High School, don't you? , You are 14 years old, right?

MITIGATING FACTORS

The elements in the case which make the case appear to be *less* severe or positive points about the defendant.

OBJECTION

The act of opposing or contesting to questions or statements that may not be relevant or proper. See Teen Court Objection Guidelines.

OPEN-ENDED QUESTIONS

A question that cannot be answered with yes or no. For example, How did you feel when the police called your parents? or What were you thinking while you were stealing?

OPENING STATEMENT

A brief description of the events, statement of the facts as known, not assumed. The defense may include mitigating circumstances and personalize the defendant's remorse. The prosecution may include aggravating circumstances and personalize the victim's side.

OVERRULED

A decision made by the judge. If an objection is overruled the question or statement *is* okay.

PASS THE JURY

The Judge asks if the defense and prosecution approves of or passes the jurors.

ATTORNEY RESPONSE= Yes, Your Honor or Judge.

OR

No, Your Honor or Judge.

(At this time present to the Judge your questions or concerns about the particular juror you or your client are concerned about.)

** The judge will rule on whether or not a juror will serve. (Jurors, defendants and attorneys will occasionally know each other. The goal is to have jurors that can be fair and impartial.)

POLL THE JURY

A Judge individually questions how each member of the jury voted.

*In teen court the Judge would individually ask each juror if they agreed with the sentencing recommendation presented to the judge after deliberation. Each juror must sign the sentencing recommendation stating they have agreed to sentence.

REDIRECT QUESTIONS

A roll of the defense attorney in teen court. Questions to clarify the defendant's story by clearing up issues raised by the prosecutor on cross-examination.

SENTENCING RECOMMENDATION

The consequences recommended for the defendant, to the teen jury, by both the prosecution and defense. Reasons and justification behind the recommendation should also be included.

SUSTAINED

A decision made by the judge. If an objection is sustained the question or statement is *not* okay.

THEORY OF DEFENSE

The mitigating components of the case used in favor of the defendant.

VOIR DIRE

Latin meaning to speak the truth. The judge asks the jury questions to determine if each member can be fair and impartial, i.e.,

- a) Does anyone know the defendant or attorneys in this case? If so, can you be fair and impartial?
- b) Does anyone have any prior knowledge about this case? If so, can you be fair and impartial?