

Judges Script and Jury Instructions for Teen Court

INTRODUCTION:

Bailiff: (Jury panel is seated.)

Bailiff begins case by swearing in the jury.

“Do you solemnly swear or affirm that you will truly listen to this case and render a true verdict and a fair sentence as to this defendant?”

Judge: Ladies and Gentlemen, the case for your consideration tonight is: **State of Florida in the interest of** _____.

The defendant is charged with: _____.

Your duty tonight will not be to determine whether the defendant is guilty or not guilty, as the defendant has already accepted to come to a non-judicial diversion program in lieu of going through the juvenile court system. Your duty will be to determine an appropriate sentence for the defendant based upon his self-report. These cases are **real** and your verdict has **real** consequences. Therefore, you should take your duty and responsibility as jurors seriously.

The procedure for tonight is as follows:

First, the attorneys will make an opening statement to you. Then both the prosecution and the defense will question the defendant. Then both sides will have an opportunity to make a closing argument to you, I will then instruct you on the legal principles that apply to the case and you will retire to consider your verdict. The only evidence in this case is what the defendant says on the witness stand. Arguments by the attorneys in opening statements and closing arguments are not to be considered evidence.

OPENING STATEMENTS:

State goes first, followed by the defense.

The Defense then calls their witness, the Defendant, to the stand.

EXAMINATION OF THE DEFENDANT:

First by the Defense and then by the State

-- Redirect is Optional

-- Re-cross may be argued by prosecution if a new subject is opened on redirect

Judge: Excuse the Witness

Judge: READ AFTER COMPLETION OF EXAMINATION OF THE DEFENDANT:

Both the state and the defense have now rested their cases. The attorney's will now present their final arguments. Please remember, what the attorneys say is **NOT** evidence. However, do listen closely. They are intended to aid you in understanding the case.

CLOSING ARGUMENT:

First by the Defense, then the State

--The Defense then has the option to make a rebuttal argument

CLOSING INSTRUCTIONS:

Having heard the testimony of the defendant and the argument of the attorneys, it will now be your duty to determine an appropriate sentence based on the facts as you find them from the evidence presented.

There are certain parameters, which you must follow in order to return a proper verdict. Your verdict must provide for to hours of community service and to evenings of Teen Court Jury Duty. Included in these jury duties is a mandatory peer counseling hour.

In addition to these components you may impose other sanctions, which you feel are appropriate for the charge such as:

- An apology letter to the victim
- Completion of an appropriate essay
- Or completion of a special project on subjects like cyber bullying, school violence and/or drug use.

These are examples to illustrate types of conditions, which you might consider. You are not required to impose any of these conditions but please construct a sentence that you feel will truly benefit the Defendant and help them learn.

In determining what would be an appropriate sentence, some factors that you may want to consider are:

1. The seriousness of the offense.
2. The age or maturity of the defendant.
3. Whether the defendant's act was willful.
4. Whether there was some loss to the victim.
5. Whether the defendant appears remorseful and willing to control his or her conduct in the future.

6. Whether there were any other sanctions or punishments imposed on the defendant by some other person or authority.

Also consider the mitigating circumstances:

1. Was it planned?
2. Was the defendant influenced by peer pressure?
3. What was the value of the harm?
4. Was the defendant truthful to the law enforcement officer?

Your sentence should be one which you feel is an appropriate punishment for the offense and which is likely to deter the defendant and others from similar conduct in the future.

EXPLANATION OF THE VERDICT FORM

In just a moment, the bailiff will take you to the jury room to consider your verdict. One of the first things you will want to do is to select a foreperson that will preside over your deliberations. It will be the foreperson's duty to sign the verdict form when you have agreed on a verdict. Whatever verdict you render must be unanimous. That is each and every person must agree on the same verdict.

At this point, the Bailiff will escort the jury to the deliberation room.

JURY RETURNS VERDICT

1. Judge inquires of foreperson if the jury has reached a verdict and if it is unanimous.
2. Foreperson hands the verdict to the bailiff.
3. Bailiff hands it to the judge.
4. Defendant and parent approach the bar in front of the judge.
5. Judge reads the verdict aloud.
6. Judge inquires of the understanding of the terms of the sentence, affirms where appropriate, and makes any concluding remarks, words, advice, or suggestions.
7. Defendant and parent return to their places.

Please instruct defendant and parent to meet with the Case Coordinator after the hearing and bring verdict form with them.

This concludes the proceedings for _____.

OATH OF CONFIDENTIALITY

(To be given after conclusion of all proceedings)