

Make Your Case

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Fairness is what justice really is.

- Potter Stewart

INTRODUCTION

“Make Your Case” is a curriculum unit that is the result of my 12 years of classroom experiences with at-risk students and my own personal desire to expand my students’ knowledge of the legal system. The seminar group I joined was led by David Crump, a knowledgeable university law professor who provided guidance and assistance in making this unit materialize. My fellow seminar teachers provided feedback and encouragement each Tuesday that we met during our semester together. Our seminar group included teachers from different campuses who taught different grade levels—from elementary to high school—and teachers across the curriculum, including Language Arts, Technology and English as a Second Language. I learned and grew in knowledge and understanding of our court system due to being part of this seminar, and it resulted in my unit being easily adaptable for other teachers to implement in their classrooms.

After 12 years of teaching inner city students, one thing that I have noticed is that all too often students come to me with first-hand or second-hand experiences and dealings with some aspect of the law, such as the police, probation officers, or the court systems. What worries me even more than those with first-hand experiences are the students with second-hand experiences because many times those second-hand experiences leave the student with misinformation and a distorted idea of how our legal system really works. My unit will help to dispel some of the misinformation students have and will guide students to become more knowledgeable about some aspects of the law so that they will make better-informed decisions in the future.

Television, movies, and music play a major role in the perceptions that our students form about the police and the legal system, many of which tend to distort the reality of our legal system. Regardless of how well students perform in their history classes, where their formal learning of our legal system tends to take place, our students definitely have a high exposure to some law. For example, though many of our eighth-graders have difficulty memorizing the preamble to the Constitution in their history classes, practically all of them have the Miranda rights etched in their minds. The media that many of our students are exposed to leaves an impression on them, false as some of them may be.

Another factor that leads to a slanted view of the legal system for some involves students who have had family members arrested. The greater burden is felt by those family members not incarcerated, because in addition to the family possibly losing part of

an income, there are other costs to the family on the outside. Costs include expensive collect calls from the jails, setting up a fund for supplies for the incarcerated person, and possibly even legal fees—all of which add to the burden placed on the outside family members. Then there are emotional costs, which occasionally leave them wanting to blame someone other than the incarcerated loved one for the situation. If blame is placed falsely on the police, then there is a greater likelihood that the outside family members will distrust and possibly even have a dislike for the police. If blame is placed on a person who played a role in making the case against a loved one, then there is even the possibility of retaliation. It is beneficial when young people realize that it is okay to not see their incarcerated loved one as a bad person, but at least as a person who has made a bad choice. The child's loved one can learn from past mistakes, but, regardless, it is that person's sole responsibility to ensure that the ordeal need not be repeated.

A third factor that for some students leads to a slanted view of the legal system involves their misconceptions of how the juvenile system works. Too often adolescent students believe that their age protects them from any lengthy incarceration, and then there are even some students who think that others will respect them more after they have served some time. There are even some male students who *appear* fearless about going to jail because they seem to believe they are so tough and bad that no one would dare mess with them in jail.

WHY WHAT STUDENTS WILL LEARN FROM THIS UNIT IS IMPORTANT

Make Your Case is a unit that will provide students with a glimpse into our justice system and hopefully empower them in making more informed and knowledgeable decisions in the future. My unit will allow students to examine the Fifth Amendment of the Constitution and increase their understanding of the Miranda case along with the impact that the case has had on defendants. The unit will reinforce writing, speaking, listening, and thinking skills. The unit will provide opportunities for students to collaborate with other students while composing and conducting a mock trial that incorporates information learned from this unit.

My unit most likely will tap into many students' direct and/or indirect experiences since the majority of the students have some knowledge of the court systems. "Make Your Case" will be beneficial and easily applicable in other classes at various grade levels, including Language Arts, Social Studies and Character Education or Citizenship courses. Though I am writing this unit centered on the eighth grade because I wish to easily use the unit next year in my classroom, with a few modifications, this unit can be adapted and adjusted for other grade levels.

In addition to dispelling some false information about our legal system that my students may have, the *need* to expand every student's knowledge about law is reflected in some alarming facts that I discovered while I did research:

- Fact – Nearly ¾ of juveniles in state custody did NOT live with both parents growing up.
- Fact – There are more boys living without their fathers here than in any country in the world.
- Fact – More than 2000 young people ages 19 and younger take their own lives each year.
- Fact – 72% of adolescent murderers are from fatherless homes.
- Fact – The average mother spends less than 17 minutes a day in meaningful interaction with any of their teenage children and the father spends less than 7 minutes per day.
- Fact – By the time a student graduates from high school, he or she has seen more than 80,000 acts of violence on television. (McDowell)

It is alarming that many of our students are coming from environments that can block them from succeeding academically and socially. But as an educator, though I have to accept the facts, I also have to do the best job I can in showing my students that possibilities do exist for them to excel.

The decisions and actions of others can affect people on both sides of the law, the accused as well as the victims. The intent of this unit is not to make smarter future criminals but rather to promote wiser choice makers who can function intelligently with the court systems if and when the need arises.

“Make Your Case” is a unit that also can help students realize and appreciate the value of silence. By including the Fifth Amendment and Miranda Rights, the value and need for silence can be discussed. I have included quotations from various sources that help further illustrate the value of silence and that can be displayed on the bulletin board and used as journal prompts. For example, Gandhi’s statement, “I have noticed that nothing I have never said ever did me any harm.” Additional sayings and quotes from different sources are listed in one activity later in this unit.

IMPLEMENTATION STRATEGIES

As I developed this unit I examined learning objectives not only from my content area of Language Arts but also from some of the learning objectives from the history curriculum. Therefore, “Make Your Case” aligns with some eighth grade history objectives. Our eighth grade history students are expected to understand the process of changing the Constitution and the impact of amendments on American Society. My unit has students examine the Fifth Amendment of the Constitution and two related Supreme Court cases. For Social Studies learning objectives, our students are also expected to understand the rights and responsibilities of citizens of the United States, and they are expected to understand the impact of some landmark Supreme Court cases. The two Supreme Court cases that I included in this unit are *Miranda v. Arizona*, which decided that arrested

people must have their rights told to them, and the *Gideon v. Wainwright*, which decided that poor defendants in criminal cases have the right to state-paid lawyers.

“Make Your Case” is a unit that will also strengthen listening, speaking, reading, and writing skills. Listening skills that are strengthened include listening actively and purposefully in a variety of settings and listening critically to analyze and evaluate a speaker’s message(s). Students will use listening skills throughout the unit and these skills will play a vital role during the mock trials. Acting attorneys with acute listening skills will make appropriate objections at the appropriate time, and acting jurors will rely heavily on their listening skills when they deliberate to decide the outcome of the case.

Reading skills strengthened include using their own knowledge and experience to comprehend; establishing and adjusting purposes for reading (to find out, to understand, to interpret, or to solve problems); paraphrasing and summarizing to recall, inform or organize ideas; and conducting research using a variety of sources. Reading skills are applied throughout the unit and are especially vital for understanding the court cases and being able to judge the merits of and forming opinions about the decisions reached by the courts.

Writing skills strengthened include writing to influence, such as persuade, argue, request, and to inform, such as to explain, describe, argue, and request. Prior to students demonstrating their abilities to persuade and argue their cases orally in the mock trials, students will develop their thoughts in written format. Students will also respond in written form to journal prompts in their journals.

Unit Activities

“Make Your Case” is a unit that will allow students to identify persuasive techniques and practice persuasive writing when examining or writing opening and closing arguments. Open-ended and closed-ended questioning methods will also be presented and practiced as well as various types of questions that are allowed and some that are not allowed during trial proceedings. Speaking and presenting skills will also be practiced and strengthened with this unit with an emphasis on volume, clarity, eye contact, and pacing. Introducing and reinforcing specific skills will be presented with mini lessons, and periodic student assessments.

A journal will be maintained by all students and will include rough drafts of student writing, as well as information learned, gathered, and presented throughout the unit. To better aid students in developing a legal vocabulary and an understanding of terms related to this unit, I will have them use vocabulary self-study sheets explained in detail under the activities section of this paper. Students’ comprehension of the material presented in this unit can be applied in the format of games that students create prior to conducting a mock trial.

Students will learn collaboratively when they are divided into groups, and following the selection of a leader, the group will be referred to as legal counsel for “leader’s name.” Each member in the group helps with forming questions that will be categorized by topics, such as Amendments, Supreme Court Cases, Terminology, Roles and Responsibilities, Truth v. Misconceptions, and Miscellaneous.

The final project will consist of students creating a mock trial of their own. Prior to this point, students will role-play in a scripted mock trial and should be able to create an original case trial with outline guidance and minimum assistance.

This unit can easily be enhanced with a trip to an actual courtroom where students can observe real courtroom situations and perhaps hear a case. Other possible trips can include visiting a police academy, the sheriff’s academy, the FBI office, a city or county jail system, retail store security investigators’ offices, a local juvenile holding area, and possibly a boot-camp facility. Possible speakers to bring into the classroom for this unit can include police officers, investigators, a probation officer, an attorney, or a representative from a bail-bonding company.

Additional activities can include fingerprinting, observational activities, and filling out mock police reports. Students will be more apt to evaluate evidence presented in a trial once they have had opportunities that allow them to determine the reliability of evidence. Being able to see circumstantial evidence as not necessarily being conclusive evidence strengthens students’ evaluation skills.

Order of Activities

This unit will start with a pre-test that students will retake at the conclusion of the unit. One reason for having a pretest is to measure growth over the course of the unit. Two other reasons for having the pretest are to gain some insight into student’s prior knowledge and to gain some insight into any of their misinformation or false understanding of legal issues.

Following the pre-test, students will complete two portions of their individual **KWL** chart where they will list what they **Know** about the legal system and what they **Want** to know. Students will share what they wrote with others in their group while noticing similarities and differences among the charts in their group. At the conclusion of the unit, students will list what they actually **Learned** from the unit. The **KWL** graphic organizer provides students with a starting point and aids them in being more engaged in the material after choosing a few things they want to know more about the topic. Periodically, students will add items to their charts and connect items that appear in both the **W** and **L** columns with a line. To promote self-learning, students will be encouraged to pursue on an individual basis items listed in the **W** column but not discovered through the course of this unit.

Students will create and continually add to a journal they will maintain through the course of the unit. The journals will be where students respond to prompts provided, define terminology, and take notes. Interviewing techniques and guidelines will be utilized when students actually conduct two interviews linked to the unit's objective. Students will practice writing and revision skills when compiling their interview notes into a written format for publication in our class legal newspaper titled *Both Sides*.

If possible, prior to distributing material related to the *Miranda v. Arizona* Supreme Court case, a staged arrest will be prearranged in the classroom to allow students to be observers of an arrest prior to discussing and learning about the rights of those arrested. The informational material distributed to students in regards to the case, will be read and discussed. Each student will complete a "Case Form" which I am including under the activity section of this paper. By giving students this form, they can organize some details from each case presented and easily make use of the information.

Additional court cases that will be presented include *California v. Prysock* and *Michigan v. Moseley*. Students will use research skills to learn details about those cases and then complete a Venn diagram for each case where they compare the case to the *Miranda* case noting similarities and differences between the cases.

Students will learn the roles and responsibilities of the various roles others play in the courtroom prior to taking on roles for a mock trial that they will conduct. Students will gain experience by conducting a mock trial provided to them prior to developing an original mock trial they will create and conduct. Conducting two mock trials allows students to apply their knowledge of material presented while progressing from an externally-created case to that of a student-created case.

An exciting and engaging means of reviewing material learned from this unit can take place in a game show-like format similar to "Jeopardy." The categories will be provided to the students, but students will create the material for each of the categories from the information they learned from the unit.

In addition to the unit concluding with the game show review, students will also re-take the pretest mentioned earlier. Students' pre and post scores will be compared and their improvements noted.

Materials to Be Used

Paper supplies include 8 ½ x 11 paper folded and stapled for use as journals for students. Index cards will be used for students to write information on for the game show review activity. 11x17 paper will be used for printing the classroom publication of *Both Sides*.

Handouts include:
Pretest, which will also be used as a post test

Vocabulary self-study layout sheet
Case Forms for recording court case information
Excerpts of court cases: *Miranda v. Arizona*
California v. Prysock
Michigan v. Moseley

Venn Diagram outlines to use for comparing the court cases
Interviewing procedure sheet
A commercial mock trial case
Outline for student generated mock trial case

Other Aspects of the Implementation Strategy

If our computer lab is functioning and available, students will be able to research information related to this unit. A list of web sites to visit will be provided and will include sites where students can have virtual tours and experience with courtrooms.

A bulletin board will contain clipping and information related to our topic. Students will be encouraged to add to the board newspaper clippings and other findings related to our topic. Students' awareness will become heightened as they gain more knowledge and understanding of the law.

To add a local interest to this unit, teachers deciding to implement this unit can research their local crime statistics, local cases and issues, and incorporate them into their unit. For my Houston students, I selected a local case that involved a local teenage male who murdered a postal worker. The *Port v. Texas* case contains many issues that will stimulate discussions, but mainly I selected this case due to the handling of confessions. Port made an oral confession that was not allowed in court due to a Texas law governing confessions (they must be recorded or witnessed by a civilian). Another interesting aspect of the Port case is that his parents did not cooperate with authorities, and after refusing to answer grand jury questions, his parents were incarcerated. Do parents *have* to answer questions that can implicate their child in a crime? Though there exists spousal protection which protects spouses from having to testify against each other, there is no such protection under the law that grants a similar right in a parent / child relationship.

LESSON PLANS

Lesson Sequence

The schedule in the following chart is tentative and serves only as a road map because it will be modified when I implement the unit next year. Most likely the activities that follow will have additions and changes made as well.

Week	Resources	Activity
Week One	Pre-Test	KWL Activity / Vocabulary - Terminology Sheets / Journals Created
Week Two	Interview Guidelines	Interview One Preparation (Questions formed and guidelines followed) Roles and Responsibilities of Courtroom participants
Week Three	Court Cases / Case Forms	Interview Two Preparation (Questions formed and guidelines followed) Supreme Court Cases Evaluated
Week Four	Miranda Case Silence Quotes	Articles written and revised for publication. Comparison of Miranda case with two other cases
Week Five	Practice Trial Case	Publication and distribution of <i>Both Sides</i> . Mock Criminal Trial from commercial material
Week Six	Mock Criminal Case	Mock Trial Student created Trial follows format of practice case.

Activity One: Leads into Unit

From the statistical information that I have researched and gathered, I will create a pre-unit questionnaire for students to answer. The same questionnaire will be given following this unit to gauge students' increased understanding of the law. The questionnaire will include some statistics and information related to amendments; Supreme Court cases; terminology: roles and responsibilities; and truth v. misconceptions related to our legal system.

Using the *Who, What, When, Where, Why* and *How* format, students will write in their journal about an incident with the law either first hand experience or second hand experience.

Activity Two: Completing a KWL chart with Law and Issues

Students will complete individual KWL charts, and then in their groups, they will complete a collective KWL chart. Only the columns *Know* and *Want to Know* of the chart will be completed at the beginning of the unit. At the conclusion of the unit, the last column will be completed.

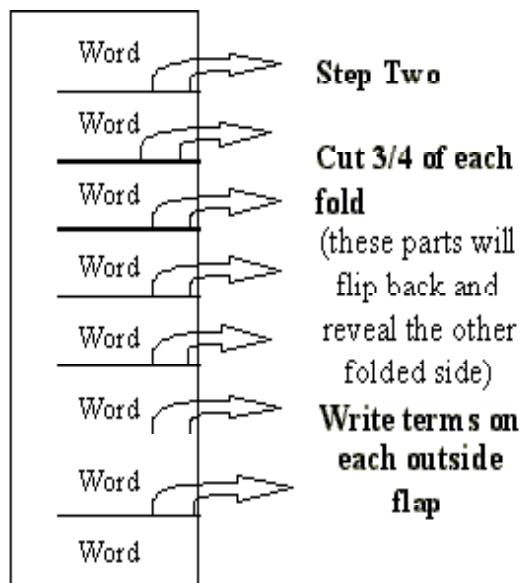
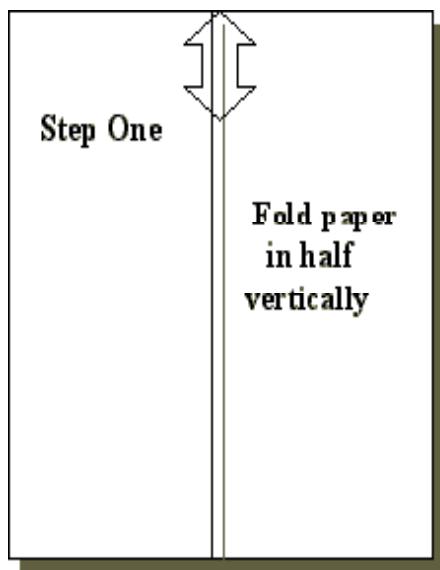
<i>What You Know about Law and the Legal System</i>	<i>What You Want to Know about Law and the Legal System</i>	<i>What You Learned about Law and the Legal System</i>
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Using large presentation paper, a collective class KWL chart can be completed using the following headings. The only change in the headings is that the word "you" changes to "we."

<i>What We Know about Law and the Legal system</i>	<i>What We Want to Know about Law and the Legal system</i>	<i>What We Learned about Law and the Legal System</i>
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Activity Three

Students will use the layout example to create self-study vocabulary sheets of which they will expand through the course of the unit. The self-study sheets students create will contain the term, the term's meaning, and an example using the term. Using 8 1/2 x 11 paper creased vertically and folded horizontally using three folds; an eight vocabulary word study sheet is created.



Inside folded paper	
Left Side	Right Side
Sentence	Define

After folding the paper in half, hold the top portion away from the back page when you do your cut. On the outside of the front side, students will write one term in each area. The inside of the paper will look like the illustration with the term used in a sentence on the inside left side and the term defined on the inside right side. When studying the words, the students can recall the meaning before flipping the flap to check their understanding.

I am including a sample listing of words related to this topic. The list is in no means an exclusive listing of terms I want my students to become familiar with, but it serves as a starting list and as a guide. Index cards can also be used to help increase students' proficiency with the vocabulary for this unit. Students write the term on one index card then write the meaning and an example of use on another index card. Working in a group or with a study partner, students can test their understanding of the terms by placing tacking tape behind the cards so they can be posted on a board or wall. Periodically whole class review can take place with a match up the term with the definition. The index cards can accumulate and be saved for the end of unit game show challenge (terminology category).

Sample Listing of Vocabulary Terms

Accessory	Defendant	Preponderance of evidence
Accomplice	Deposition	Probation
Acquit	Dissenting Opinion	Prosecution
Affidavit	Felony	Search Warrant
Alibi	Grand Jury	Self-Defense
Assault	Hearsay evidence	Statute
Assault and Battery	Indictment	Summons
Bail Bond	Judgment	Transcript
Beyond Reasonable	Jurisdiction	Trespass
Doubt	Minor	Vagrancy
Burden of Proof	Misdemeanor	Vandalism
Circumstantial Evidence	Precedent	Verdict
Cross-examination		Writ

Activity Four

Students will examine their own media exposure to the law and legal issues by creating lists. On the board write the following statement:

According to some sources, it is said that by the time a student graduates high school, he or she has seen more than 80,000 acts of violence on television.

In their groups, students will list television shows, movies, video games, and song titles that fall under the categories:

- Violent acts or reference to Crime Present
- Law Enforcement or Legal Profession in Action

In their journals students write a response to the following prompt:

- How can the amount of exposure to violence affect your outlook of the law?

- Which shows, movies, games and songs do you feel glorify crime and illegal behavior? Explain what negative elements were present in each of your selections.

Students can also note shows they watch for one week, and record a violence level for each show ranging from none, mild, some, major.

Activity Five: Quotes and Sayings

The following quotations can be used as journal prompts and lead into discussions. Students can make connections to their own lives by writing examples from their experiences which either support or negate the quote. The sayings and quotes can be displayed on the bulletin board, and students can add to the listing during the course of the unit. (These quotations can be found on various web quotation data banks listed in my work cited section).

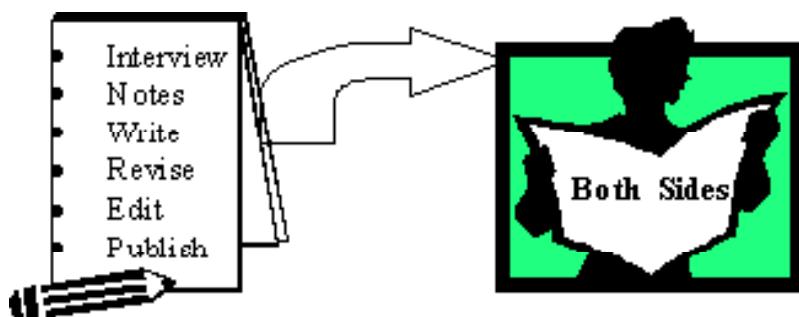
Source	Saying
Confucius	Silence is the true friend that never betrays.
Mark Twain	It is better to keep your mouth closed and let people think you are a fool than to open it and remove all doubt.
Austin O'Malley	If you keep your mouth shut, you will never put your foot in it.
Calvin Coolidge	If you don't say anything, you won't be called on to repeat it.
Ibn Gabirol	I am better able to retract what I did not say than what I did.
Charles Caleb Colton	Silence is foolish if we are wise, but wise if we are foolish.
Sam Rayburn	No one has a finer command of language than the person who keeps his mouth shut.
Richard Flecknoe	Silence is argument carried out by other means.
Benjamin Franklin	He that would live in peace and at ease, must not speak all he knows, nor judge all he sees.
Hebrew Proverb	If a word is worth a coin, silence is worth two.

Activity Six: Interviewing

Students will form questions that lead to insightful responses prior to conducting the actual interview for activity two. Students will select a person other than themselves who have had first hand or second hand experience with the law. Either positive or negative experiences will be permitted. Students will practice listening and note taking skills in

preparation for the interviews they will be conducting. In their groups, students will practice questioning other students and recording responses accurately.

Students will be acting as reporters for a newspaper interested in human-interest stories. The final stories will be published in a class publication *Both Sides*. For their assignment, students will follow steps for the interview and their final article to submit for our class publication.



Writing Tips for the Article

1. Keep your audience in mind and write an article others would want to read.
2. Use no more than three quotations in your article (paraphrase other information).
3. Include additional sources that enhance your article's message.
4. Decide if any graphic information or pictures would enhance your article.
5. Have others read your drafts and provide you with objective feedback.
6. Type your final draft and save to a disk.

Additional Material Created for Publication

1. In your assigned group, decide what your group can add to the newspaper.
2. Work collaboratively on your material and prepare it for publication.
3. Submit all work on disk and have the names of your group members included.

Mini-Lessons

Punctuation and grammar mini lessons can be included during the writing activities. To help students generate ideas, webbing techniques can be used to help students organize their information. Various graphic organizers can be made available. Modeling how to conduct peer evaluations and providing examples of helpful input will guide students to go beyond non-helpful comments when reviewing their peers' work and will improve their own writing.

Objective

Students investigate and report about a true story dealing with the law using interviewing skills (listening, speaking, note taking). Final edited copy for publication will be submitted along with the student's first draft, and a revised draft.

Interview Procedures

Safety comes first. Students are to only interview someone their family knows and allows them to interview. The names of the people interviewed and names mentioned in final articles will be altered to maintain privacy.

Interviewing Guidelines to Share with Students

1. Have parental permission to interview the person you selected to write about.
2. Conduct interviews in a safe area with others present.
3. Be prepared with questions, writing materials and an idea of what you will be focusing on for the interview.
4. Rehearse your questions prior to the actual interview and eliminate or limit the number of closed-ended questions. (Yes or no responses provide little information to write about in your article.)
5. Select a time to conduct your interview that is convenient for the person being interviewed.
6. Dress neatly for the interview so you are taken seriously when asking your questions. This applies even if the person is a close family member.
7. Look the person you are interviewing in the eye when asking your questions.
8. Quote your person accurately and read back what you wrote to be sure there are no errors. *Use quotation marks around all quotations you use in your final story.*
9. Thank the person for their time and leave on friendly terms in case you need to do a follow up interview.
10. As soon as possible after the interview, write details and information you recall from the interview. (Do this while the interview is fresh in your mind).

Steps for Interview Assignment One

- Step One: Select a person you know who has had an experience with the law (positive or negative). Have parent permission slip to conduct this interview signed and on record before arranging the actual interview.
- Step Two: Have your pre-formed questions with you during the interview along with paper and pens to take notes.
- Step Three: Thank the person for the interview.
- Step Four: Decide on the angle from which you want to write your article.
- Step Five: Write, revise, and edit your article with group assistance.
- Step Six: Type final drafts on computer for publication.

Objective

Students will investigate law careers and select one person in one of the careers to interview. Students will include in their stories the qualifications and training necessary for that person's position.

Steps for Interview Assignment Two

- Step One: Select a person who works in some capacity with the law (examples:

Police officer, lawyer, school officer, investigator, etc.). Have parent permission slip to conduct this interview signed and on record before arranging the actual interview.

- Step Two: Have their pre-formed questions with you during the interview along with paper and pens to take notes.
- Step Three: Thank the person for the interview.
- Step Four: Decide on the angle that you want to write their article.
- Step Five: Write, revise, and edit your article with group assistance.
- Step Six: Type final drafts on computer for publication.

Activity Six: Publication

Using a desktop publishing program such as Microsoft Publisher, a classroom publication of *Both Sides* will be created. Student writing that stemmed from their interviews will be placed on layout pages. Page headings and graphics will be added. Student illustrations and pictures can also be scanned into the document. Ideas for other items to include will be discussed and decided upon prior to printing the final master copy of which will be reproduced for each student, possibly including some articles by outside sources that are relevant to the theme of the publication. However, all items selected for inclusion must meet teacher's guidelines and be in good taste for middle school audience.

Final copies of *Both Sides* will be distributed for students to read and discuss.



Possible Contents

- Interview reports
- Requirements for different positions related to law
- Cartoons, drawings and illustrations
- Trivia questions to test your knowledge of the law
- questions
- Get out of Jail maze or crossword puzzle
- Crazy or wacky laws still on the books
- Advice column: How to best handle a situation

Activity Seven

Miranda Rights will be recited and discussed, focusing on the constitutional rights of a citizen being arrested.

Distribute variations of the Miranda Rights, have students discuss the differences, and decide if the differences convey different understanding of the rights being communicated:

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 and to have an

attorney present during any questioning. If you cannot afford a lawyer, one will be provided for you at government expense. (Mount)

You have the right to remain silent. Anything you say can and will be used against you in court. You have the right to have a lawyer present during questioning. If you cannot afford a lawyer, one will be appointed for you, and you will not be questioned until your attorney is present. Do you understand these rights? (Olney and Olney 119)

Supreme Court Interpretations

Nine justices serve on the Supreme Court. Only a simple majority is needed to decide a case. Students will use computers to search and locate Supreme Court cases involving the Fifth Amendment. The advantages and disadvantages of selected court decisions will be discussed. Students will be evaluating and judging decisions the court made, thus developing their critical thinking skills.

Supreme Court Cases

Miranda v. Arizona

California v. Prysock

Michigan v. Moseley

Activity

Students search the web to find information and details on the case *Miranda v. Arizona*. Students take notes over the facts of the case that lead the case to reach the Supreme Court. Following discussions, the Supreme Court's ruling will be distributed for students to read and discuss.

Journal Prompt

The Supreme Court ruled that a defendant must be read his rights before custodial interrogation to protect his rights against self-incrimination. The person must be warned whether he knows or doesn't know his rights. Statements made to the police or law enforcement agencies must be voluntary.

Write on the board the following incomplete sentences that I generated from a translator located at <http://www.worldlingo.com/wl/translate>:

Avete la destra rimanere silenziosi . . .

Usted tiene la derecha de seguir siendo silencioso . . .

Vous avez le droit de rester silencieux . . .

Sie haben das Recht, leise zu bleiben . . .

You have the right to remain silent . . .

Do you think the police have to say the *exact* words under the Miranda rights before questioning a person in custody?

Should it be mandatory that the Miranda rights be said in a language understandable to the person being arrested?

Does the arrested person appear “guilty” by refusing to answer questions?

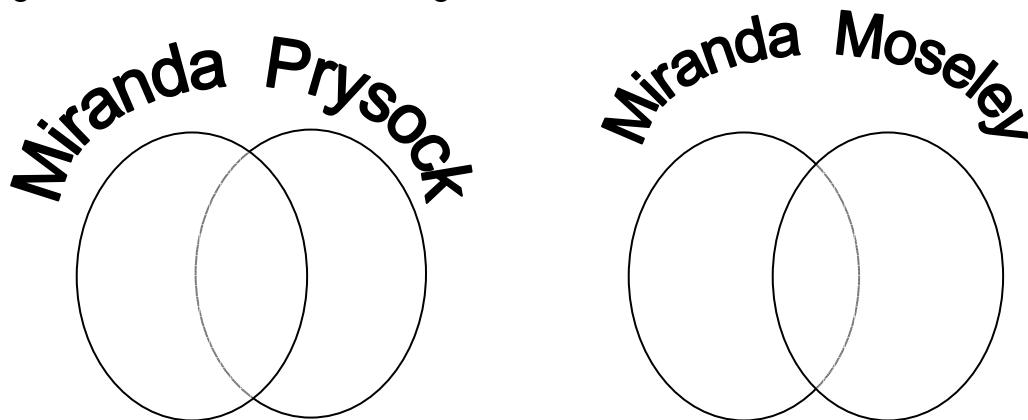
How can arresting officers prove that they have met the Miranda requirements?

Activity

Research and Note Supreme Court Decisions in the following two cases:

California v. Prysock and *Michigan v. Moseley*

Students will use Venn Diagrams to illustrate the similarities and differences in each of the cases. Upon researching the following two cases students will discover that in *California v. Prysock*, the court decided that an officer is NOT required to use specific words when warning a suspect. An effective equivalent is all that is necessary. In *Michigan v. Moseley*, the court decided that the police may conduct new interrogations after a reasonable length of time as long as there is no intent to deny the suspect of his rights and he is re-warned of his rights.



Activity Eight

Students complete a case form for each of the Supreme Court Cases researched.

Case Form

Case: _____ Date of Decision _____
Supreme Court

Unfamiliar Vocabulary:

Important details and facts of the case:

Issues:

Decision of Court:

Majority Decision (include reasons for decision):

Dissenting Opinion (if any):

Personal Feelings about Decision reached:

How does the decision impact citizens today?

What makes today's society different from the time this ruling occurred?

If this case went to court today, would the decision be the same? Why or why not?

Activity Nine: Mock Trial Support Material

Students participate in a scripted mock trial prior to developing their own mock trial in order to familiarize themselves with courtroom procedures and the participants involved in trying a case. Students who have viewed television trial cases are likely to have been exposed to the dramatics in courtroom proceedings. Students that become enthusiastic about conducting a trial are too often wanting to shout out "Objection, your honor," without knowing the grounds for objections. Prior to conducting the final mock trial, review objections for questioning.

Leading Question	A question that suggests the answer or questions that can only be answered yes or no. Proper upon cross-examination but not direct examination.
Narrative	A broad or general question that allows witness to give inadmissible information.
Relevance	Questions that do not relate to the case are irrelevant.
Non-Responsive	Witness is not allowed to avoid answering a question.
Hearsay	Something the witness heard someone else say.
Asked and Answered	Attorneys can not ask the same question more than once during examination
Speculation	Witness can only testify to what they know, not on things about which they have no personal knowledge.
Opinions	Witnesses can testify to items they have knowledge or training with using facts.

I created this chart using information I discovered from the Houston Bar Association concerning objections.

Opening Statement Contents	
Introduction:	Your case, client, and possibly witnesses
Overview:	What jurors can expect to see or hear in this case.
Evidence:	Highlight some evidence that will be presented which proves your case.
Expectation:	Why jury should decide in favor of your client and the judgment that should be reached.

Closing Statement Contents	
Summary Statement:	Sum up important details of what has taken place during the trial.
Restate Issue/charges:	What it is that the jury is to decide.
Evidence:	Review evidence presented that supports your case and helps remove doubts in the minds of the jurors.
Strengths of your case:	Restate strong witness testimony, etc.
Jury Decision:	Let the jury know how you want them to decide based on what you presented.

Encourage students to use an outline or index cards to prepare strong opening and closing statements. Students need to rehearse their statements prior to trial as well as practice speaking clearly and in a volume that allows everyone to hear what is said. Remind students not to come across as attacking their opponent on a personal level. If using a team of attorneys for each side, one student attorney can be responsible for the opening statement and the other student attorney on that team can do the closing statement.

There are numerous commercial resources from fairy tales to criminal cases available that provide the material necessary to conduct a mock trial. Your local bar association also may have material available for conducting mock trials. You may also wish to select from other printed resources, such as plays or novels where the script is available, to help guide students through their first trial case. One play that works well for getting students to view witnesses objectively is *Twelve Angry Men* by Reginald Rose. One online source that I located that provides teaching ideas for *Twelve Angry Men* is <http://me.essortment.com/twelveangrym_rvvj.htm> and includes suggestions on teaching how to read a play, interviewing witnesses, examining events that were taking place when this play was written and conducting a trial. Though there are many classic novels that can be incorporated into this unit, such as *To Kill a Mockingbird*, by Harper Lee, there are many non-classical novels to choose from as well. *Monsters*, by Walter Dean Myers, is a novel written similar to a play. This novel is a realistic portrayal of a young man incarcerated awaiting trial, but the courtroom proceedings are written in script

format allowing students to take on the various roles of the characters in the courtroom. Periodically the main character on trial makes journal entries that allow readers to gain a peek into his thoughts, fears, and concerns while being in jail.

As I developed my unit, I kept in my mind the needs of the students that I have in my classroom. However, I also tried to provide an adaptable unit that can be used in other classrooms that have students whose needs are similar as well as different from my students. Prior to implementing this unit, I recommend that each individual teacher consider various factors beforehand. Factors to consider before implementing and modifying this unit include time allocated for this unit (semester, etc.); age of students, their interests, and backgrounds; subject area and teaching objectives related to content area; and resources available (technology, or funds to acquire commercial products).

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Hogrogian, John. *Miranda vs. Arizona – The Rights of the Accused*. San Diego:

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Contains information about the case, the appeal, and the Supreme Court decision.

Lane, Brian. *Crime & Detection*. New York: Knops, 1998.

This book has a lot of visual information about the law and crime investigation. A great resource for students to learn more about law in an eye-catching manner.

Lipson, Eric, and Greta Lipson. *Everyday Law for Young Citizens: A Working Guide*. Carthage, IL: Teaching and Learning Company, 2000.

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