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| Teen Court  Restorative Teen Court Handbook |
| |  |  |  | | --- | --- | --- | | Cathy Starnes | 10/20/21 | Catawba County | |

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**Section 1 - Overview of The Role of Restorative Justice in Teen Courts: A Preliminary Look**

By: American Probation and Parole Association, focus group including OJJDP, Juvenile Accountability Incentive Block Grant Program, National Youth Court Center, and four Teen Court programs (including Durham County in North Carolina).

**Alter the Focus:**

* Making Teen Court more restorative**:**
  + OJJDP – the majority of teen court programs have not implemented the elements inherent in this (balanced and restorative justice) promising approach to their full potential.
  + OJJDP – The balanced approach, a new mission, requires that juvenile justice systems devote attention to making amends to victims and the community, increasing offender competencies, and protecting the public through processes in which offenders, victims and the community are all active participants.
* Accountability will not be totally achieved unless the respondent gains an increased awareness and understanding of his or her actions and takes an active role in repairing the harm caused. Punishment alone does not facilitate increased awareness and offers little opportunity for the respondent to make amends to the victim or the community in a meaningful way. (Punishment v. Restoration)
* Youth volunteers are also exposed to a new way of thinking about justice, thus increasing the educational experience that teen courts can provide to them by raising their awareness of the effects of crime and facilitating the development of their empathy toward others.

**Recommendations:**

* Teen courts’ need to increase and rethink the role of victims and community in the programs’ practices and operations.
* Teen courts need to alter the focus of teen court hearing proceedings from punishment to restoration.
* Teen courts need to rethink or augment the types of sentencing or sanctioning options available.
* How the principles are implemented will vary based on local resources, traditions, and cultures.
* All teen court program models have the potential to incorporate restorative justice-based practices if staff and program organizers are flexible and open to new ideas related to program policies, procedures, and practices.
* All programs can strive to be more restorative than they are currently.
* Restorative justice principles can affect all aspects of a teen court’s processes.

**History of Teen Court:**

The program began in the 1970s and quickly spread throughout the nation. They can now be found in 48 states and the District of Columbia. The first Teen Court in North Carolina was in Cumberland County, and today there are 57+ Teen Courts in North Carolina.

**Definition of Teen Court: as set out by DPS Policies and Procedures**

**Teen Court**: A community resource for the diversion of cases in which a juvenile has allegedly committed certain offenses for hearing by a jury of the juvenile’s peers, which may assign the juvenile to counseling, restitution, curfews, community service, or other rehabilitative measures.

**North Carolina General Statutes:**

**§ 7B-1706. Diversion plans and referral.**

(c) If a teen court program has been established in the district, the juvenile court counselor, upon a finding of legal sufficiency, may refer to a teen court program, any case in which a juvenile has allegedly committed an offense that would be an infraction or misdemeanor if committed by an adult. However, the juvenile court counselor shall not refer a case to a teen court program if the juvenile is alleged to have committed any of the following offenses:

(1) Driving while impaired under G.S. 20-138.1, 20-138.2, 20-138.3, 20-138.5, or 20-138.7, or any other motor vehicle violation;

(2) A Class A1 misdemeanor;

(3) An assault in which a weapon is used; or

(4) A controlled substance offense under Article 5 of Chapter 90 of the General Statutes, other than simple possession of a Schedule VI drug or alcohol.

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 2019**

**SESSION LAW 2019-41**

**HOUSE BILL 617**

AN ACT TO ELIMINATE THE PROHIBITION ON REFERRING A JUVENILE TO A TEEN COURT PROGRAM IF THE JUVENILE HAS BEEN REFERRED TO A TEEN COURT PROGRAM PREVIOUSLY.

The General Assembly of North Carolina enacts:

**SECTION 1.**  G.S. 7B‑1706(c) reads as rewritten:

"(c)      If a teen court program has been established in the district, the juvenile court counselor, upon a finding of legal sufficiency, may refer to a teen court program, any case in which a juvenile has allegedly committed an offense that would be an infraction or misdemeanor if committed by an adult. However, the juvenile court counselor shall not refer a case to a teen court program ~~(i) if the juvenile has been referred to a teen court program previously, or (ii)~~if the juvenile is alleged to have committed any of the following offenses:

(1)        Driving while impaired under G.S. 20‑138.1, 20‑138.2, 20‑138.3, 20‑138.5, or 20‑138.7, or any other motor vehicle violation;

(2)        A Class A1 misdemeanor;

(3)        An assault in which a weapon is used; or

(4)        A controlled substance offense under Article 5 of Chapter 90 of the General Statutes, other than simple possession of a Schedule VI drug or alcohol."

**SECTION 2.**  This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 17th day of June, 2019.

                                                                    s/  Philip E. Berger

                                                                         President Pro Tempore of the Senate

                                                                    s/  Tim Moore

                                                                         Speaker of the House of Representatives

                                                                    s/  Roy Cooper

                                                                         Governor

 Approved 2:35 p.m. this 21st day of June, 2019

**What is a Restorative Teen Court?**

Teen Court can be an **alternative system of restorative justice**.

It is a court where low level offenses are heard by the jury or panel and defendants admit responsibility for their actions.

Student volunteers may take the roles of Clerk of Court, Bailiff, Defense and Prosecuting Attorneys, and Jurors. (age limits may be established for participation in certain roles listed above)

Teen Court is a **diversion program as defined above** designed to intercept the process of sending certain youthful offenders through the traditional juvenile justice system.

Teen Court **does not determine the guilt or innocence**; admission of responsibility is a requirement for admission to this voluntary program.

The Teen Court’s mission is **to deliver a fair, reasonable, and meaningful sentence** **or sanction** based on the incident.

Teen Court is a **real courtroom with real cases** and provides an excellent opportunity for offenders and volunteers to learn about the legal system.

Teen Court will focus on separating “the deed from the person”, and implements restorative practices that will provide a **safe and meaningful environment** for all participants, families’, and volunteers.

The main program goal of Teen Court is to **reduce the number** of youthful offenders (ages 11-17) who are or maybe referred to juvenile court.

Successful outcomes are achieved when the offending youth completes the consequences (sanctions or sentence), education or training, and other life skills development plans established by the jury or panel members.

**Who is Involved in a Restorative Teen Court?**

**Defendant:** Youth Offender who admits responsibility and his/her parent(s) or legal guardian(s) – written consent of parents to participate is required

**Victim (person harmed):** his/her parent(s) or legal guardian(s)

**Referral Source:** SRO, School administration, School staff, Juvenile Justice, etc.

**Adult Roles:**

**Teen Court Coordinator or Program Staff:** Adult who runs the program

**Judge:** Adult Honored Community Member (Appendix B)

**Jury Room Attendant:** An Adult who assists the Jury

**Community Service Coordinator or Program Staff:** Adult who runs the program

**Life Skills Trainers or Other Educators:** Adults who train Youth and Parent/Guardians

**Youth Director/Center Director:** Adult who supervises both Coordinators

**Youth Roles:**

**(5-8) Prosecuting Attorneys:** Youth Volunteer who has been trained to Prosecute (Appendix F)

**(5-8) Defense Attorneys:** Youth Volunteer who has been trained to Defend (Appendix E)

**(5-8) Teen Jurors:** Youth Volunteers and Previous Defendants (Appendix C)

**(2) Clerk of Court:** Youth Volunteer who has been trained to Record

**(2) Bailiff:** Youth Volunteer who has been trained to Keep Order

**(2) Victim Advocate:** Adult or Youth Volunteer Who Represents the Victim(s)

(A total of 30 volunteers are possible!)

**Section 2 - Our Local Restorative Teen Court**

**Overview:** Teen Court brings a youthful offender into a court environment comprised of peers from local schools who are volunteers, and formerly sanctioned defendants serving jury duty. Teen volunteers may assume the roles of defense/prosecuting attorneys, bailiffs, court clerks, and jurors. The only adults involved in Teen Court are the judge, Teen Court staff member(s), volunteers, interested school personnel, and invited guests.

**The purpose and intent of the program:** Is to provide an opportunity to young people who have caused harm to take responsibility for their actions. To give the community an active role in dealing with young people who have committed crimes or exhibited negative behavior against other community members. The final intent of the program is to reduce recidivism rates of young people and to restore their relationship to the community.

**The Mission of the Local Teen Court:** To fairly and efficiently address the offense and offender properly brought before the jury or panel members, by discharging their judicial duties and responsibilities in accordance with the program rules and customs. The Teen Court volunteers will be independent, impartial, well-managed, and respected, providing justice to all who come before them.

**Parental Involvement**: Teen Court program staff shall attempt to involve parent(s)/legal guardian(s) by setting expectations of their involvement in the proceedings.

**Training for Youth Teen Court Volunteers**

a. Volunteers must complete an initial 1.5 hours of introductory training covering restorative practices and the Teen Court Process. Additional annual in-service training as deemed appropriate and necessary for the position may also be required and as job task dictates in areas related to juvenile delinquency, at-risk youth, and family issues.

b. **Youth volunteers in the role of prosecutors and defense attorneys must complete a minimum of four (4) hours of training that is directly related to these roles. This will include mentoring hours as back up counsel during a Teen Court session.**

c. The in-service training will also cover, Standard of Conduct, Confidentiality, Professional Conduct and Responsibilities, Code of Ethics, Dress Code, Disciplinary Action or Review, Conflict of Interests, Safety Plans, Restorative Practices, and Courtroom Processes as set out below.

**Standard of Conduct:** All participants involved in the Teen Court program shall follow the program rules, regulations, and general conduct expectations. The conduct procedures are set out in more detail below.

The following values form the basis for the Mission Statement of Teen Court.

Youth and adults involved in Teen Court will hold the following values and desires to operate in a manner that is, and will be perceived as:

Independent, Fair and impartial, Efficient, Accountable, Accessible, Competent, Consistent

Respectful, Service-oriented, and Valuing custom and tradition

Participants shall not have weapons of any kind, illegal drugs or paraphernalia of any kind while participating in Teen Court service. Violation of this is immediately reported to DPS per policy and procedures and is a ground for dismissal of service and participation in the program.

Program staff, interns, contractors, and volunteers are prohibited from providing or making available any alcoholic beverages, tobacco products or controlled substances to any referred youth or members of the referred youth’s family. Violation of this is immediately reported to DPS per policy and procedures and is a ground for dismissal of service and participation in the program. *(critical standard)*

The Teen Court session will be suspended if it appears that a participant is under the influence of alcohol or any controlled substance without a prescription or has alcohol or a controlled substance in their possession. *(critical standard)*

All Teen Court participants shall maintain good standing at school, while participating on athletic teams or while serving in other community organizations.

All adult and youth volunteers shall be respectful to others at all times, and follow the code of ethics guidelines as set out more specifically below.

**Confidentiality**: Teen Court adult or youth fully accepts the obligation to not disclose to unauthorized persons any information concerning matters involved with Teen Court.

Teen Court adults or youth do not seek to benefit personally by any confidential information which has come to him/her by virtue of his/her assignment.

All volunteers must agree to keep secret all information discussed in a Teen Court session and fully understand that any disclosure of confidential information is cause for dismissal from the Teen Court Program and a breach of the fiduciary duty assigned by the position.

**Professional Conduct and Responsibilities:**

a. Standard of Conduct: Adults and youth will conduct their private and professional lives in such a manner as to avoid bringing the Teen Court into disrepute or embarrassment.

b. Loyalty: Loyalty to the Teen Court and its associates is an important factor in morale and efficiency.

c. Performance of Duty: Adults and youth shall perform their duties as required or directed, performed promptly and using the values of Teen Court as a guideline. Failure to comply may result in dismissal from service or disciplinary action.

d. Extended Action: Repetitious violations by participants of any rule or rules shall be considered grounds for dismissal. Three or more violations for which disciplinary action is imposed within a span of twelve months is considered “repetitious” for disciplinary purposes.

e. Samples of Rule Violations: impaired through substances, use of physical force, personal preferment, commission of any criminal act, gifts received, falsification of records, conduct other than respect, sleeping, impartial attitude, overbearing conduct, absences, conduct toward the public, criticism of orders, failure to follow rules of courtroom behavior and disclosing confidential information.

**Code of Ethics:** Teen Court is an honorable calling. Service in this field demands a professional rather than an occupational philosophy. Personal honor, a desire for professional status, and devotion to serve others above self, are the motives which impel a Teen Court adult or youth to discharge this responsibility in full measure. He/she is faithful and loyal to his/her organization; constantly striving to cooperate with and to promote better relations with all associated agencies and their representatives in matters of mutual interest and obligation. He/she is respectful and courteous to all persons.

Teen Court adult or youth fully accepts the obligation to serve in Teen Court without bias or display of emotion, and to consider all information coming to his/her knowledge by virtue of his/her position, as a sacred trust, to be used for official purposes only. He/she performs the functions of his/her position without favor or prejudice and does not engage in unlawful or improper practices.

Rigid adherence to the principles set out above is mandatory for anyone accepting a position in Teen Court. Any failure to comply with the duties or responsibilities set out herein may subject the participant to disciplinary review, dismissal from service and/or consequences.

Teen Court adults or youth selected by the Teen Court Program should understand that they will represent not only the Teen Court Program, and the center, but they will also represent the court. Selection should include but is not limited to the following criteria:

1. The ability to work as a team member.
2. Demonstrate high levels of self-motivation and initiative.
3. Excellent verbal communication skills.
4. Good writing skills.
5. The ability to work within adult supervision.
6. The ability to interact positively with community members.
7. Minimal discipline history.
8. Strives to keep all confidential information from unauthorized persons.

All Teen Court adults or youth volunteers will report for duty at the designated site at their designated time. Punctuality is a priority for all Teen Court adults and youth volunteers. Generally, the hours are 5:00 pm -7:30 pm on \_\_\_\_\_\_\_\_\_ evenings at the \_\_\_\_\_\_\_\_\_\_\_\_\_ location in \_\_\_\_\_\_\_\_\_, North Carolina. Everyone will be clean and well-groomed and will follow the Teen Court dress code set out below.

**Dress Code for Staff and Participants**:

Our description of appropriate and inappropriate attire for youth participants, staff, and volunteers is set out below:

* 1. Youth volunteers should be dressed in modest, casual business attire. This will be discussed by program staff during the Teen Court training process and enforced by the program staff.
  2. Casual business attire is expected for all adults, both staff and volunteer.
  3. Referred youth should be dressed in modest, casual business attire.

**Guide for Disciplinary Action or Review for Volunteers:**

The Teen Court Program has an established set of operational rules set out above. If a volunteer should violate any rule or regulation of the program. The program staff will determine by a preponderance of evidence and establish that there has been violation of rule or regulation by a participant. The violation shall be sufficient to justify the implementation of disciplinary action or review under these rules.

* Minimum Action – suspension from participation for 2 Teen Court evenings
* Maximum Action – dismissal from service
* Written Reprimand – used when action needed is less than the Minimum Action
* Other action – as deemed appropriate by program staff

**Restorative Practices:** Volunteers and participants shall be given an overview on restorative practices with their initial volunteer training. This will explain the differences between restorative consequences and punitive punishments.

**Program Scheduling**: Program Staff are responsible for notifying youth, volunteers, families, and referral agencies of any changes made to the program’s schedule and documenting those changes in program records (contact log).

* 1. Teen Court is held according to a published schedule from August through June, annually.
  2. Youth and their families are given notice in writing during the intake process as to the date and time of their Teen Court session.
  3. Youth and their families are given notice in writing during the Teen Court session exit interview as to the date and time of all future events, such as skills classes.
  4. Youth and their families are provided information to connect them to other community service, substance abuse assessment, counseling and other providers of resources as needed and the families/youth are expected to make those contacts to complete the program.

**Safety/Emergency Action Plan**: *(Critical Standard) Agency Emergency Action Plan-Revised 10/25/2021 and reviewed with Staff on 10/20/21.*

Addresses the safety and well-being of juveniles, staff, and volunteers within the program in the event of fire, natural disasters, hostile situations, pandemic, or other situations that pose a threat or danger while participating in a Teen Court session.

In case of an emergency in the office or program site, personnel/youth/parents are to stay in the building, they will be sheltered in an area away from windows.

* A fire-escape plan is posted
* First Aid Kit is onsite
* Staff trained in First Aid
  + Emergency telephone numbers are included in this handbook, see Appendix J.

**Emergency plan**: *(Critical Standard)*

* 1. Distributed to staff and review with volunteers during initial training.
  2. Includes names and phone numbers of individuals to be notified
  3. Provides specific procedures to follow in event of serious injury or death or staff, participant, visitor, or volunteer
  4. Department of Public Safety must be notified *(mandated)*
  5. After-hours department contacts are identified (Appendix J)

Should a situation arise under this policy, the JCPC Representative will be notified as soon as feasible.

Staff, contractors, volunteers, and interns who work with program-involved youth will undergo training on an annual (or more frequent) basis to review these safety procedures and update training as deemed appropriate.

Supervision of participants by program staff is required for every Teen Court event. Staff should arrive early to greet participants and stay until the last participant is picked-up from an event.

In case of pandemic, the staff, participants, and volunteers will follow agency (CRC) masking, temperature check, and social distancing guidelines in place at the time.

**Conflict of Interest:** If participants know each other or have a working relationship with each, this may create a conflict of interest. There is agreement to adhere to all department standards, policies, and procedures related to the provision of the program’s service type by all adults and youth involved with Teen Court. There will be immediate identification of potential or realized conflicts of interest to the JCPC Program Manager.

**Courtroom Process for Participants**: Appendix A-H contains the information needed by volunteers to fulfill their roles in Teen Court. Every volunteer is given a copy of Appendix A to become familiar with the terms used in Teen Court. The Judge volunteer will be given a copy of Appendix B. Volunteers who will be attorneys will be given a copy of Appendix E or F to become familiar with their Teen Court Roles. Volunteers who will be Jurors will be given a copy of Appendix C. The Script for the proceedings located in Section III of Appendix B will be given to volunteers who are in court personnel roles. This will allow them to follow along during the Teen Court session. A copy of this Handbook will be available at every session of Teen Court.

**Transportation to and From Teen Court Locations:** All Staff, contracted mediators, interns, volunteers, visitors, and participants provide their own transportation to and from any session of Teen Court. **The program staff do not transport volunteers, referred youth or their family member to or from any event.**

**Conclusion of Teen Court Duties:** All parties are reminded of their oath of confidentiality before being dismissed from a session of Teen Court. The Teen Court Judge will advise the volunteers for that session of Teen Court that their service is concluded; however, unless they are assigned to the next case to be heard at that session. Program staff are responsible for collecting all the notes and case files from all participants for safekeeping. Program Staff then follow-up with the offending youth and their parent(s)/legal guardian(s) once court is adjourned. All other participants are excused until their next assigned date of service.

In the event of a **no-show** for a Teen Court session, the Teen Court Judge will advise the participants accordingly during that session of Teen Court. If an offender withdraws their consent to participate mid-trial, the Teen Court Judge will instruct everyone on the next steps for the session.

If an offending youth **fails to comply** with a sentence or sanction imposed by the jury, the program staff will handle that non-compliance in accordance with policies more specifically set out in the JCPC/DPS policy section of the protocol manual for Teen Court.

**Appendix A**

**Words and Definitions for Teen Court**

**Adjourn:** to postpone or briefly delay a court proceeding.

**Adjudicate:** after evidence is presented, the court will make a decision about what needs to be done.

**Advocate:** to speak in favor of; one who supports or defends a cause; one who pleads in another’s behalf.

**Bailiff:** an officer of the court charged with keeping order and taking care of the jury.

**Closing Statements**: the **attorney’s final statement to the judge or jury in a trial.**

**Complaint:** a written statement of the essential facts that supports the charge against the offender.

**Code of Ethics**: is**a guide of principles designed to help professionals conduct business honestly and with integrity.**

**Confidential:** communicated or effected secretly; entrusted with the confidence of another.

**Conflict of Interest**: A situation in which an individual has **competing interests or loyalties**. Conflicts of interest involve a person who has two relationships that might compete with each other for the person's loyalties. (having a friend as a jury member would be an example).

**Constructive Sentence:** in Teen Court, a sentence given that makes the offender responsible for his/her actions. The sentence allows the offender to repay the community or school through community service hours, serving as a Teen Court Jury Member, prison visits, plus several other sentencing options.

**Contradictory:** to express or assert the opposite of (a statement); to deny the state of; to be inconsistent with; to utter a contradictory statement.

**Court:** the building, hall or room in which cases are heard and decided; the regular session of a judicial assembly; can also be used to describe the judge hearing a case.

**Court Clerk, Courtroom Clerk or Clerk of Court:** the person responsible for completing and maintaining the paperwork for each case; administers an Oath to tell the truth to each witness before testimony is given.

**Cross-Examination:** the questioning of a witness by someone other than the person who originally put that witness on the stand to clear up something said or to discredit information.

**Defendant:** one against whom an action is brought.

**Defense:** something that defends or protects; an argument in support or justification; the action of the defendant in opposition to complaints against him or her.

**Defense Attorney:** an attorney who tries to help (or defends) the person accused of an offense or wrong-doing.

**Deliberation:** formal discussion and debate of all sides of an issue; thoughtfulness in action or decision; when the jurors meet together in private to consider the testimony given and decide upon an appropriate sentence.

**Demeanor:** the way in which one behaves or conducts himself, including facial expressions and body gestures.

**Direct Examination:** the first questioning of a witness by the person who asked the witness to testify.

**Distortion:**  a false misrepresentation or stretching the truth.

**Evidence:**  **something that gives proof or leads to a conclusion;** the data on which a conclusion or judgment may be based; documents, physical items and testimony may be considered “evidence” in a case.

**Guilty:** the word used by the offender to admit what he/she is accused of doing.

**Immaterial or Irrelevant:** the information is not important or appropriate to the case being discussed.

**Inadmissible:** not admissible; objectionable.

**Judge:** a public official authorized to hear and decide cases brought before a court of law; to act or decide as a judge.

**Juror (jury member):** a peer of the offender who listens to the information given in court and decides what the offender needs to do to repay the school or community for the offense committed.

**Jury Foreperson:** a jury member selected to lead the deliberation process and then present the court with the Jury’s decision.

**Oath of Confidentiality:** a promise to keep certain information learned private.

**Oath to Tell the Truth:** before giving testimony, a witness is sworn in by the Clerk, and promise that all the information given will be the truth.

**Object (or Objection):** to disagree with a particular question or information given because it is improper.

* The question has already been asked and answered
* The question is argumentative
* The question is compound – asking two or more questions at a time

**Offense:** a violation of law: Crime; a breach of social or moral code: Sin.

**Omission:** an act or instance of omitting; something left out or neglected.

**Opening Statements**: An**introductory statement made by the attorneys for each side at the start of a trial.**

**Overruled:** a court’s denial of a motion or point raised to the Court such as in overruling an objection. (i.e. the Judge overruled the objections because he found the objection of the attorney lacked merit).

**Prosecute:** to initiate legal or criminal court action against someone; to seek to enforce or obtain by legal action; to initiate and conduct legal proceedings; to act as prosecutor.

**Prosecutor or Prosecution:** an attorney who works for the State (or the “people” of the State) and tries to punish (sanction) the offender for the wrong committed.

**Sentence:** a judicial decision; the penalty imposed to a defendant found guilty or by admitting guilt, by a court; or fixed by law for a particular offense.

**Summation:** a concluding statement containing a summary of principle points especially of a case before a court of law.

**Sustained:** to support; approve; to adequately maintain (i.e. the Judge sustained the objections because he found the objection of the attorney valid).

**Testimony:**

* A declaration of affirmation of truth or fact, as given before a court
* Evidence in support of a fact or assertion: PROOF
* Collective written and spoken testimony offered in a legal case.
* Information given to the court by a witness under oath

**Verdict:** a decision on a disputed issue in a civil or criminal case or an inquest; the finding or answer of a jury given to the court concerning a matter submitted to their judgment.

**Appendix - B**

**TEEN COURT – JUDGE’S ROLE**

**Section I – General Overview**

**Please consider the following**

1. According to hearsay evidence, we would like to remind you that, although the information from the police report is on the brief, this particular information is not admissible in the court hearing unless confirmed or offered by the defendant.
2. We ask that you take time to hold a pretrial meeting with the Teen Attorneys. This is the time where the attorneys will introduce themselves to you.
3. Please make sure that the jury is paying attention, is on task, and is behaving in an orderly fashion. Do not hesitate to speak to the jurors or to dismiss a juror who does not heed a warning.
4. If the defendant cannot be heard, please make sure that he/she speaks into the microphone so that everyone can hear. We are attempting to educate everyone in the courtroom, including those observing in the back.
5. As the judge you may ask questions to clarify the defendant's testimony. This usually happens after the defense has completed their re-cross. If new information has come out it is customary to ask if the attorneys have any question solely based on the questions that the judge has asked.
6. While jurors are deliberating, please make sure that attorneys and observers maintain a courtroom environment.
7. You do have the authority to overrule the verdict or add additional sanctions, if you feel the jury’s decision is inappropriate. Please use this with discretion, as it will disrupt the process.
8. If a client or their parents have a question regarding the logistics of the sanctions imposed, please refer their questions to the Teen Court staff. Remind defendants and parents that it is mandatory for them to meet briefly with the Teen Court Coordinator or program staff after their hearing. Many questions can be answered in that meeting. (This is in the script)
9. If you are unable to come on your scheduled night for Teen Court, please call The agency (CRC) at 828-397-2566 (office) or \_\_\_\_\_\_\_ @ \_\_\_\_\_\_\_\_\_\_\_\_. Please allow at least 4 hours’ notice for all emergency cancellations.

**Section II - Instructions for Judges**

1. Overview of a “Restorative” Teen Court
2. Teen Court Eligibility
3. Role of the Teen Court Judge
4. Trial Proceedings
5. Withdrawals from Teen-Court mid-hearing
6. Evidentiary Objections
7. Witnesses Statements
8. Procedural questions from Student Attorneys
9. Sentencing
10. Critical facts not brought out during questioning

This section is designed to achieve consistency on the part of our Teen Court Judges and throughout the program. Please be aware that participation in Teen Court is contingent upon adherence to the rules of **confidentiality**. You will have access to various case files and other records. These may never be copied or in any way removed from the court. Our judges, students, volunteers, and staff all work together as a team to maintain the integrity of the Teen Court Program.

1. **Overview:**

Teen Court brings a referred participant into a court environment comprised of peers from local schools who are volunteers, and sanctioned defendants serving jury duty. Teen volunteers may assume the roles of defense/prosecuting attorneys, bailiffs, court clerks, and jurors. The only adults involved in Teen Court are the judge, Teen Court staff member(s), volunteers, interested school personnel, invited guests, and law enforcement.

A restorative Teen Court is unique. Restorative Justice is a theory that holds there are no victimless crimes. In certain types of crime, the victim is easily named or identified; (i.e.) the victim of a robbery, the owner of a vandalized house, or the assaulted victim in a fight. On the other hand, some people argue that certain different types of crimes such as drug possession and disorderly conduct have no victims. To that, proponents of Restorative Justice would respond that in every crime, the community is a victim. The logic behind this is that every time someone commits a crime, it damages the efficacy and nature of the community. The law officials and police officials who spent their time bringing justice to a certain individual were consequently removed from other duties that may have needed to be fulfilled and which taxpayers pay them to fulfill. Also in every crime, the family of the respondent is considered a victim, as they suffer from the negative aftermath of their son or daughter’s actions alongside them, as the respondents are underage. Therefore, the focus is on **the harm done** to the victim and community, and accountability is defined as assuming responsibility and taking action to **repair the harm done**.

There is an emphasis on helping the young person rebuild relationships to others (e.g., family, friends, victims, community) that have been damaged as the result of the crime. This is a **crucial distinction (i.e., punishment v. reparation)** that Teen Court Program Staff and Judges must make to be successful.

Restorative Justice conveys that **punishment alone is not effective** in changing behavior and may even be disruptive to community harmony and good relationships. Emphasis is on an increased focus on continued dialogue, understanding, and empathy.

Everyone plays an active role; offenders, victims, and community members, as much as is possible in a court setting. Community justice is solution-focused for the benefit of all parties involved.

**The goal of the message to the offender/defendant:** Your actions have consequences; you have wronged someone or the community through your offense or negative behavior. You are responsible for your crime or actions and are capable of restoring the victim or repaying the damages.

**The goal of the message to the victim:** The juvenile justice system believes you are important and will do its best to ensure that to the degree possible the offender repays the debt incurred to you from the crime or negative behavior.

**The goal of the message to the community:** We need the help of the community; you are a key player in holding youthful offenders accountable.

1. **Teen Court Eligibility:**

First time youthful offenders between the ages of 11 and 17 who admit responsibility to most misdemeanor crimes are eligible for participation. Participation is voluntary, and families can withdraw from Teen Court at any point in the process and subsequently be referred back to the original referral source (often to be ushered to Juvenile Justice or District Criminal Court). The defendant must have a parent(s)/legal guardian(s) present at all proceedings.

1. **Role of the Teen Court Judge:**

In many ways, the role of the Judge is that of facilitator. The Judge is responsible for ensuring the fairness and smooth flow of the proceedings, rulings on any objections during trials and protecting the rights of all participants. The Judge should show in demeanor and spoken word that they respect everyone who enters the courtroom and expects everyone to be on their best behavior.

The Judge must remain in control over the courtroom. Laughter or other inappropriate conduct by the teen participants which creates the appearance of bias, prejudice or even a lack of seriousness about the events transpiring in the courtroom should be dealt with swiftly and effectively since such conduct undermines the integrity of the entire program. This can be difficult at times, especially when the jury exits the courtroom to deliberate leaving the defendant and family behind. Any volunteers, bailiffs, staff, or others remaining in the courtroom must be mindful of the family’s presence and maintain decorum. Since staff assists with the jury deliberation, it falls to the Judge to make sure the conversations taking place among the student attorneys are appropriate and that all participants are as comfortable as possible.

**4.** **Trial Proceedings:** (script for Judge to follow is found below in Section III)

The Teen Court Judge is responsible for handling the trial proceedings. The defendant, jurors, witnesses, bailiff, clerk, and attorneys are part of the trial proceeding. All participants and visitors must follow the rules of court at all times.

**5. Withdrawals from Teen Court Mid-Hearing:**

Participation in Teen Court is voluntary. In order to participate, the defendant must admit that he/she has committed the act in question. Thereafter, the only issue is the appropriate sentence for the act committed. At any point during the proceedings or even following sentencing, the defendant or his/her parent/guardian have the right to withdraw from participation in the Teen Court program.

Withdrawal from participation may occur in a subtle form. For example, rather than standing before the court and directly addressing the judge on his/her intent to withdraw from participation, the defendant may merely deny in his/her testimony that he/she committed the act in question.

In the event a situation occurs in which the defendant or his/her parent/guardian indicate in some fashion a desire not to continue participation, you should interrupt the proceedings to question the defendant and his/her parent/guardian as to this point. If they indicate they do not wish to continue, call a recess and direct the bailiff to take the jury into the jury room. See Appendix A for instructions.

**6. Evidentiary Objections:**

You may be presented with

* 1. Ambiguous and/or unintelligible
  2. Asked and answered
  3. Argumentative
  4. Assumes facts not in evidence
  5. Compound question
  6. Calls for speculation
  7. Irrelevant
  8. Leading
  9. Beyond the scope of direct examination

In the event of any objection, stop the proceedings and if appropriate, ask the attorney making the objection to explain his/her basis. If explanation is needed, be patient. This is very new to the participants’ and they may be extremely nervous. Once the attorney has stated their basis for the objection, ask for a response from the other side. Then make a ruling. Include in your ruling any explanatory statements which you feel are necessary but try to make your explanations brief and to keep the flow of the proceedings going as much as possible. You do not want the jury to dwell on the objection or the attorneys instead of the issues at hand. Unnecessary objections can appear to be grandstanding and detract from the purpose of Teen Court.

**7. Witnesses’ Statements:**

There are two statements read to the court.

The first is the **“Parent Impact Statement”** which is a letter written to the defendant by his/her parent/guardian. This statement has been screened for appropriateness by Teen Court staff. It is intended to evoke empathy and offer support to the defendant.

The second statement is the **“Victim Impact Statement”** which is written by the Victim or the Community, with the support of the Teen Court staff. This statement is optional depending upon what is in the best interest of the proceeding.

**8. Procedural questions from Student Attorneys:**

During the proceedings one or both of the attorneys may have question(s) about what they may or may not ask the defendant or say to the jury. If such a situation occurs, call the attorneys up to the bench for a conference (out of hearing of the jury) and try to resolve the problem.

**9. Sentencing (Imposing Sanctions or Consequences)**

The jury is in possession of the sentencing guidelines and has complete discretion as to the appropriateness of the sentence (consequence) within the bounds of this program. Adult Teen Court staff/volunteers will provide guidance if needed in deliberation, and the staff reviews the contract with the defendant after the hearing and verdict are completed. The attorneys are aware of the possible sanctions and often include a sentencing (consequence) recommendation in their opening or closing statements. Should an attorney request a sentence not allowable in some way, please correct it during the jury instructions. And, in the event an important aspect has been overlooked in the sentence, please advise Teen Court staff of your opinion and the contract can be modified outside the courtroom setting.

**10. Critical facts not brought out during questioning:**

On occasion, you may feel, based on your review of the summary, that certain salient facts have not been brought out during the questioning of the attorneys. If this is the case, call both of the attorneys to the bench for a conference out of the hearing of the jury before closing statements are made. Indicate to the attorneys the facts that you feel have been overlooked and direct the attorneys to question the defendant about those facts. The prosecutor should proceed first. Most often your interest will generate additional questions.

*Being a Teen Court judge can be a rewarding experience. This court is designed to positively influence teen defendants and volunteers who will benefit from your experience, expertise and patience. We would love to hear from you. Please direct any suggestions/concerns to the Teen Court Coordinator or Program Staff. We rely on you. Thanks for all you do!*

**Section III - Script for #4 above - Trial Proceedings**

Open Court: JUDGE: Mr/Ms Bailiff will you please open Court.

BAILIFF: (will stand up and address the courtroom. Speak loudly and clearly) Say: ***Everyone please rise: Oyez, Oyez, Oyez. Teen Court is now open and sitting for the dispatch of its business. The Honorable \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ presiding. God save the State and this honorable court. Please be seated and come to order.***

JUDGE:

* ***Good evening.***
* ***I want to thank each of you for being here tonight and participating in the Teen Court Program.***
* ***Everything that occurs in this courtroom is to remain confidential.***
* ***This particularly includes the names of the defendants and the details of each case.***
* ***You are not to discuss what occurs here tonight with persons who are not present.***
* ***If you do, you are breaching your sacred trust and are subject to disciplinary action as set out in the Teen Court Handbook.***
* ***At this time, everyone in the courtroom is asked to take the Oath of Confidentiality to be administered by the courtroom clerk.***
* ***Please stand and following the instructions of the clerk.***

CLERK: (stand up and address the courtroom. Speak loudly and clearly) (pause at the \* to allow for all to repeat) pick the option below to use.

***Option 1 – If a Bible is used: (Say: Please place your left hand on the Bible and Raise right hand)***

***I solemnly swear \* that I will not divulge \* any information or names \* which may be revealed to me \* in the course of \* a Teen Court hearing \* and that I will keep secret \* all said proceedings \* which may be held in my presence \* so help me God.***

***Option 2 – If No Bible is used: (Say: Please raise your right hand)***

***I solemnly affirm \* that I will not divulge \* any information or names \* which may be revealed to me \* in the course of \* a Teen Court hearing \* and that I will keep secret \* all said proceedings \* which may be held in my presence \* this is \* my solemn affirmation.***

JUDGE: once oath completed by all

* ***At this time, anyone who will be serving as a member of the jury tonight, please remain standing to be sworn by the clerk and all everyone else may be seated.***

CLERK: (**Reminder,** all jury members for tonight’s session are sworn at the beginning of court here. )

* Stand and address the jury. Speak loudly and clearly.)
* ***Option 1 – If a Bible is used: (Please place your left hand on the Bible Raise right hand)***

***Do you solemnly swear to listen carefully to all of the evidence and arguments which are presented in this case and to fulfill your duty to determine a sentence which is appropriate and fair to the defendant, the victim and the community? If so, please say “I do.”***

* ***Option 2 – If NO Bible is used: Please raise your right hand.***

***Do you affirm to listen carefully to all of the evidence and arguments which are presented in this case and to fulfill your duty to determine a sentence which is appropriate and fair to the defendant, the victim and the community? If so, please say “I do.”***

JUDGE: once oaths completed

* ***Members of the Jury you may be seated.***
* ***Your duty tonight will not be to determine whether the defendant is guilty or not guilty.***
* ***The defendant in each case has already accepted to come to the Teen Court Program instead of going through the Juvenile Court System.***
* ***Your duty will be to determine a fair and appropriate sentence for the defendant based on the evidence presented tonight.***
* ***These cases are real and your verdict has real consequences.***
* ***Therefore, you should take your duty and responsibility as jurors seriously.***

JUDGE: \*\*\*\*(First Case Continues / you will start second case here)

* ***At this time, will ALL defendants, their parent(s) or guardian(s) and any witnesses who may testify tonight please come forward to be sworn.*** (this includes the VICTIM ADVOCATE if there is one in this case).
* ***Mr/Ms Clerk will you please swear the witnesses.***

(BAILIFF should make sure everyone who may testify stands and is sworn by the Clerk)

CLERK:

* (Stand and address those who are being sworn. Speak loudly and clearly.)
* ***Option 1 – If a Bible is used: (Say: place your left hand on the Bible Raise right hand)***

***Do you solemnly swear that the testimony you are about to give the Court in this matter is the truth, the whole truth and nothing by the truth so help you God? If so, please say “I do”.***

* ***Option 2 – If No Bible is used: (Say: Please Raise your right hand.)***

***Do you solemnly affirm that the testimony you are about to give the Court in this matter is the truth, the whole truth and nothing by the truth this is your solemn affirmation? If so, please say “I do”.***

(Offender and all others being sworn should answer with**: *“I do”)***

JUDGE:

* ***Thank you. You may be seated.***
* ***The procedure for all of tonight’s cases is as follows:***
* ***Both the prosecution and the defense will question the defendant and the defendant’s parent or legal guardian.***
* ***Members of the Jury will also be given a chance to question the defendant and so will I.***
* ***After the testimony is done, both sides will present a closing argument to you.***
* ***I will then instruct you on the legal principles that apply to the case.***
* ***Then you will go to the jury room to consider your verdict.***
* ***Are there any questions? (respond as needed)***
* ***Thank you again for your time and service.***

*(to everyone in the courtroom)*

* ***Before we call Case # \_\_, I remind everyone that the business of this court is very serious.***
* ***Everyone in the courtroom is to remain quiet during the proceedings and give their complete attention to what happens. If you fail to do this, I will ask you to leave.***
* ***Will the Clerk please announce the first (or second) case?***

CLERK:

* ***Calling Case #\_\_ in the matter of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.***

JUDGE:

* **Mr/Ms \_\_\_\_\_\_\_\_\_\_\_\_ (person charged) will you come forward.**
* ***Please state your full name and your age for the jury members?*** *(defendant responds****) Are you ready to proceed tonight?*** *(defendant responds)* ***Thank you, Mr/Ms \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****(defendant).* ***Please be seated next to defense counsel.***
* ***Is the parent or legal guardian of Mr/Ms. \_\_\_\_\_\_\_\_\_\_\_ present? Please state your full name(s)?*** *(parents respond****) Thank you for being here tonight.***
* ***Will the Prosecuting Attorney please state his or her name for the record? (response) Thank you Mr/Ms \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.***
* ***Will the Defense Attorney please state his or her name for the record? (response) Thank you Mr/Ms \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.***

JUDGE: (to the jury) (use Teen Court Case Summary Sheet for Information)

* ***Members of the jury, the case you are about to hear involves an incident that occurred on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.***
* ***On this date, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ was charged with \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a Level \_\_\_\_ offense.***
* ***Members of the Jury, it is your duty to determine what sentence is appropriate for the defendant(s).***
* ***To be sure you are impartial and be able to fulfill this obligation, I must ask you some questions.***
* ***If the answer to any of my questions is “yes,” please raise your hand and I will ask you some additional questions.***

**(Ask the following questions, as well as any others you would like to ask, to determine if all who are present can sit on the jury.)**

* ***Do any of you know the defendant?***
* ***Are any of you familiar with the incident which occurred?*** (if the answer to either of the first questions is YES from any juror, please excuse them from Jury Duty. Ask them to take a seat in the courtroom to observe the hearing.)
* ***Have any of you heard anything about the defendant or his/her attorney/s which might prejudice you about this case?***
* ***I realize that many of you may know each other through your involvement with the Teen Court Program or maybe you were former classmates. If you do know the attorneys here tonight, do you think you would have a hard time being impartial or fair in deciding the sentence for the Defendant?***

JUDGE: (evidence)

* ***Members of the jury, I have read the relevant details of the defendant’s crime. You should consider all of the evidence and testimony presented, not just that facts contained in the following brief summation.***
* **Mr/Ms (Prosecuting attorney) you may now give your opening statement to the jury.**

PROSECUTING ATTORNEY (Opening Statement)

* (The opening statement is the introduction to the case.
* The prosecuting attorney introduces all the members of the prosecution.
* Opening statements are not argumentative, save that for the closing argument.
* Provide enough information to set the stage for appropriate consequences.
* Be clear and concise.
* Use simple, direct statements, and be brief.
* Refer to the offender by “the Defendant” and refrain from calling him/her by name.)
* ***Good evening ladies and gentlemen of the jury; I am \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and I represent the prosecution.***
* ***Today’s trial involves \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.***
* ***The defendant \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (general info and aggravating factors).***
* ***It will become clear that \_\_\_\_\_\_\_\_\_\_\_\_ (brief explanation of what will be brought out during the hearing).***
* ***We request that the Jury listen carefully and return a fair and just consequence in the case.***

JUDGE:

***Mr/Ms (Defense Attorney) you may now give your opening statement.***

DEFENSE ATTORNEY (Opening Statement)

* (The opening statement is the introduction to the case.
* The defense attorney introduces all the members of the defense.
* State the defendant’s name and explain the case from the defendant’s point of view.
* Explain mitigating factors that make the case less serious, make the defendant less responsible for his actions, and describe actions taken by the defendant to apologize or make restitution.
* Don’t state facts that you will not be able to prove during testimony.
* Personalize the defendant by referring to him/her by first name.)
* ***Good evening ladies and gentlemen of the jury; I am \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and I represent the defense.***
* ***\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(general information).***
* ***\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(mitigating factors).***

***We will show. . .\_\_\_\_\_\_\_\_\_\_\_ (brief explanation of what will be brought out during the hearing).***

* ***We request that the Jury listen carefully and return a fair and just consequence in the case.***

JUDGE:

* ***Are the attorneys ready to begin?*** (heads nod)
* ***Will the defendant please take the witness stand?***
* ***Mr/Ms \_\_\_\_\_\_\_\_\_\_(defendant), please speak loudly and clearly while testifying.***
* ***Mr/Ms\_\_\_\_\_\_\_\_\_\_ (defendant), I remind you that you are under oath to tell the truth.***
* ***Mr/Ms \_\_\_\_\_\_\_\_\_\_\_(Defense Attorney) You may now ask your questions of this witness.***

JUDGE: **Mr/Ms\_\_\_\_\_\_\_\_\_ (defense attorney) you may question the witness.**

DEFENSE ATTORNEY:

* (These questions will reveal all of the facts favorable to your position.
* Ask the witnesses to tell their story; make the witnesses credible.
* Ask open-ended {not leading} questions.
* You will lead the defendant by asking appropriate questions that will remind the defendant of key points that he should explain to the jury.
* It is important that the testimony comes from the defendant, and not just an affirmation of a statement that comes from you.
* As a general rule, witnesses may not be asked leading questions by you [one that suggests the answer you want, and often requires a “yes” or “no” answer].
* Direct questions should be phrased to evoke a set of facts.
* In preparation for this trial, you should have 10 questions written down and ready for the defendant. Ask each of the RESTORATIVE JUSTICE PRIMARY questions, and 5-6 from the others.)

JUDGE: (When defense is finished asking questions) **Mr/Ms\_\_\_\_\_\_\_\_\_ (prosecuting attorney) you may question the witness.**

PROSECUTION (Cross Examination)

* (Ask leading questions, requiring a “yes” or “no” because you are not trying to get information from the witness, but rather to have the witness agree that what you say is true.
* Ask short questions. Use simple words.
* Use headlines (introduce new topics by telling everyone what the next subject is). That makes it easier for everyone to follow what you say.
* Ask for facts, not opinions.
* Avoid fancy vocabulary that makes you “sound like a lawyer.” (such as: “Isn’t it a fact . . .” “please state . . .” “isn’t it true that . . .”)
* Work on one fact at a time. Put the picture together. Only try to make two or three main points. Keep it simple. By trying to do more, you will achieve less.
* Remember, we are a “restorative” teen court and we will be: kind, respectful, courteous, and fair.
* Questions: (write down all questions in advance)

JUDGE:

* **ASK** the Prosecuting Attorney and Defense Attorney if they have any further questions.

JUDGE:

* ***Members of the jury, both the prosecution and the defense have now concluded the evidence in this case.***
* ***At this time, I will give you an opportunity to ask questions of the defendant.* Please raise your hand to be recognized by the court.** *(once all questions asked)*
* ***Mr/Ms. \_\_\_\_\_\_\_\_\_\_\_ (prosecuting attorney) based on the questions asked by the jury do you have any follow up questions of the witness.***
* ***Mr/Ms \_\_\_\_\_\_\_\_\_\_\_(defense attorney) based on the questions asked by the jury do you have any follow up questions of the witness.***
* **Judge may ask final** questions of the Defendant, if necessary at this point.
* **Then ASK** the defendant if they want to say anything on their own behalf about this matter.
* If the defendant has scripted an apology letter, please **ASK** him/her to read it aloud.
* **ASK** the defendant to read the Parent Impact Statement Aloud.

– If there is none, and the Defense/Prosecution has not questioned the parent/guardian,

* **ASK the Defense and Prosecution attorneys** if they have any questions for the parent/guardian.

PARENT/GUARDIAN: May give final statement to the Judge and jury members. (This is not evidence in the case, but may help guide the jury in determining what {if any} punishment or sanction has already been imposed on the defendant by his/her parent/guardian. It may also be used by the Judge and jury members to determine if the parent/guardian has failed to impose a punishment or sanction on the defendant for his/her actions.

VICTIM ADVOCATE: (read Victim Impact Statement aloud)

**(Introduce yourself**, say who you are representing, explain how this crime impacted the victim, using the form provided)

**If no Victim Advocate**, the prosecution attorney should be asked to read the Victim Impact Statement aloud**.**

JUDGE: Ask – Defendant (or witness) to return to their seat if all questioning is concluded. Then address the jury members.

* ***Members of the jury, all testimony has been completed.***
* ***The attorneys will now present their closing statements/arguments.***
* ***Please remember, what the attorneys say is NOT evidence. However, do listen carefully. They are intended to aid you in understanding the case.***
* ***The Prosecuting Attorney may now present closing statements and recommendations to the jury.***

CLERK should listen carefully to attorneys: The Clerk will fill in the sentence information set out by the defense and the prosecution on the verdict sheet. Be ready to hand the verdict sheet to the judge to be delivered to the bailiff and jury.

PROSECUTING ATTORNEY: (Closing statements) (approaches jury box and makes recommendations to jury, with supporting rationale)

JUDGE: **Thank you Mr/Ms \_\_\_\_\_\_\_\_\_\_\_\_\_ (prosecuting attorney), and I will now call upon Mr/Ms \_\_\_\_\_\_\_\_\_\_ (defense attorney) to make your closing statements and recommendations to the jury.**

DEFENSE ATTORNEY: (Closing Argument) (approaches jury box and makes recommendations to jury, with supporting rationale)

CLERK: The Clerk will fill in the sentence information set out by the defense and the prosecution on the verdict sheet. Be ready to hand the verdict sheet to the judge to be delivered to the bailiff and jury.

JUDGE: (instructs the jury, waits for the clerk to complete the verdict sheet then gives the Bailiff the verdict sheet, who in turn gives it to the jury foreperson in the jury room for completion.)

* **Ms/Mr. Clerk – have you prepared the verdict sheet with the attorney recommendations? Clerk responds**
* ***Members of the jury, you are now charged with an important and solemn duty.***
* ***You are charged with evaluating all the evidence you have heard here today and reaching a fair and just consequence for the defendant.***
* ***The Teen Court Sentencing Guidelines will be given to you in the jury room by the bailiff.*** (found in Appendix D below)
* ***Consider all circumstances surrounding the defendant’s conduct in deciding what consequence is fair in this case.***
* ***However, consider only that evidence which has been presented in court tonight.***
* ***You should base your decision on the evidence which was revealed through the testimony of the defendant (and other witnesses if any called).***
* ***Guilt is not an issue in this case. The defendant has admitted that he/she has committed the act in question and takes full responsibility for his/her actions.***
* ***Therefore, your only duty is to consider those factors discussed here today which weigh in favor of or against the consequences you will consider.***
* ***When you reach the jury room, you must first choose a foreperson.***
* ***The foreperson’s responsibility is to lead deliberations. He or she must ensure that all jury members have an opportunity to express their opinions.***
* ***The jury’s decision must be unanimous. That is, each and every person must agree on the same consequence(s). Therefore, the foreperson must guide the jury to a compromise if members of the jury become unable to agree on any part of the consequence.***
* ***The jury foreperson is responsible for completing the verdict form after deliberation is concluded and will hand the completed verdict sheet to the bailiff when instructed to do so by the Court.***
* ***At this time, the bailiff will take you to the deliberation room where you pick a foreperson and then decide upon the appropriate consequence. When you are finished, please notify the bailiff by knocking on the courtroom door.***
* ***Mr/Ms. Bailiff – will you please give the verdict sheet to the jury members.***

BAILIFF: (retrieves verdict sheet from the judge or clerk and takes the jury to the deliberation room)

JUDGE: (announces that the court is in recess until the jury’s deliberations are completed, and to remain in the courtroom, and speak quietly)

* ***This court stands in recess during the Jury’s deliberations.***

* ***You may move about the courtroom and speak quietly among yourselves, but no one should leave the courtroom.***
* ***Upon being notified that the jury has completed its deliberations, please return to your seat at once and remain quiet.***

(reconvene)

BAILIFF: (brings JURY back into the courtroom)

* ***Option 1 - Same night: Everyone remain seated and come to order Teen Court is back in session.***
* ***Option 2 - Use for different night Everyone please rise, Oyez, Oyez, Oyez, this honorable session of Teen Court is now reconvened and setting for the dispatch of its business. The Honorable \_\_\_\_\_\_\_\_\_\_\_\_\_ presiding. God save the state and this honorable court. Please remain standing (to swear in court room participants to confidentiality) Return to above***

JUDGE: (asks if they have reached a verdict) (asks the foreperson to hand the sentencing form to the Bailiff who will in turn hand it to the Judge) (reviews the sentencing form silently, initials it, and hands it to the clerk for reading)

* ***Will the attorneys and defendant(s)please rise and face the jury. (if anyone else is standing – ask them to be seated.***
* ***Who is the foreperson of the jury? (response)***
* ***Mr/Ms Foreperson have the members of the Jury reached a unanimous verdict in case #\_\_\_\_? (****Response)*
* ***Mr/Ms. Bailiff \_\_\_\_\_\_ please retrieve the verdict form from the foreperson and deliver it to the bench?*** *(Judge Reviews and gives to the Clerk*

JUDGE: (Ask the Clerk to stand and read the verdict) (attorneys and defendant should still be standing) if not ask them to stand.

**Mr/Ms. Clerk will you take the verdict of the jury?**

CLERK: (reads the verdict)

***Case #\_\_ in the matter of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The Jury finds that the Mr/Ms* \_\_\_\_\_\_\_\_\_\_ (defendant) shall perform**

**\_\_\_\_ hours of Community Service,**

**Serve \_\_\_ sessions of teen court jury duty, and**

**\_\_\_\_\_\_\_\_\_\_\_\_\_** *(what ever is on the form for defendant to complete.)*

*Be sure to read the jury statement to the Defendant. Sit down when you are done.*

JUDGE: ***Members of the Jury Please Stand. Is the verdict of the jury as read by the Clerk? If so say “Yes”***

**Mr/Ms. Foreperson is there anything else you would like to say to the defendant in this matter?** (wait for response)

**Members of the jury you may be seated.**

JUDGE: (Address seated jurors and **ASK** the Defendant if he/she wants to make a statement to the people in the courtroom.)

* **Members of the Jury, I want to thank you for your service.**

***Note: If the sentence is unfair – here is the time to take a break and fix it – otherwise proceed!*** The Judge has the authority to throw out or modify a verdict. This should only be done if the Judge feels justice has not been served.

* ***Mr/Ms Defendant is there a statement you would like to make at this time?***

Note: The Defendant has a right to tell the Judge that he does not wish to talk.

(After the Defendant speaks or declines, the Judge will then explain the verdict and ask the Defendant if he understands the verdict.

JUDGE: to defendant

* ***Mr.Ms. \_\_\_\_\_\_\_\_\_\_\_\_ Do you understand the verdict rendered by the jury?*** (Give defendant time to answer yes/no) If defendant says he/she does not understand the verdict, then the Judge will explain the verdict. Once misunderstandings are clarified, the Judge then says:
* ***Mr/Ms Defendant do you accept the verdict rendered by the jury?***
* ***The Court having heard the evidence now finds the jury’s verdict to be appropriate and fair. Judgment is hereby entered on the jury’s verdict and the defendant is hereby ordered to perform the following: (read from jury’s verdict)***
* ***At this time, you are remanded to the Teen Court Staff who will answer any questions you may have, explain the jury’s verdict, and supervise completion of your contract.***
* ***I wish you well and hope that you successfully complete this program. Etc.. if needed***

(In concluding, the Judge may make personal observations to reinforce the verdict or bolster the defendant’s self-esteem. Feel free to give “law lessons” comparing Teen Court to juvenile court and/or adult court.)

JUDGE: (conclusion first Case – Option 1)

* ***Option 1 – This concludes the first case for the evening. Please remember you have a duty to uphold the Oath of Confidentiality concerning these proceedings.***
* ***All Teen Court volunteers are asked to stay in the courtroom to review the processes of this case.***
* ***Mr/Ms Clerk\_\_\_\_\_\_\_ – do we have any other business for the court to address.***

*If yes, - clerk will call 2nd case – if no other cases – use* ***option 2*** *below to close court.*

*(THE SECOND CASE MAY BEGIN IMMEDIATELY OR A BRIEF RECESS MAY BE CALLED) \*\*\*\* GO BACK TO SECTION ABOVE FOR NARRATIVE IF OPTION 1*

JUDGE: (Close Court) **OPTION 2 *-*** *This concludes this Teen Court session for the evening.*

* ***Members of the jury, attorneys and court personnel, thank you for the respect you have given the defendant and the law. (special comments for the personnel if appropriate)***
* ***Our next Teen Court Session is scheduled for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_***
* ***Remember as you leave that you have a duty to uphold the oath of confidentiality concerning these proceedings.***
* ***All Teen Court volunteers are asked to stay in the courtroom to review the processes of this case.***
* ***Mr/Ms Bailiff you may now close court.***

BAILIFF: Oyez, oyez, oyez, this session of Teen Court stands adjourned until \_\_\_\_\_\_\_\_\_\_\_\_ (next Teen Court Session). God save the state and this honorable court. Visitors and guests may now exit the courtroom.

**Section IV - Script: How to Handle Withdrawals from Teen Court Mid-Hearing:** (No. 5 Above)

If the parents or youth wish to withdraw from court mid-hearing or by their actions withdraw from court mid-hearing, instruct the jury as follows:

***(suggested language)*** “Members of the jury, at this time, I am asking the bailiff to take you to the jury room for a brief recess while the Court determines whether to continue with this proceeding. Your removal from this court is in no way to be considered negatively. Rather, it is merely to protect your impartiality as jurors while I confer with the defendant, his/her parent/guardian, and the attorneys to this case. Thank you for your patience.”

After the jury has been led from the courtroom, provide the following information to the defendant and his/her parent/guardian.

***(suggested language****)* “Based upon your actions in this courtroom, it appears to this court that you have shown an intent to withdraw from participating in the Teen Court program. In order to assist you in making an informed decision, I wish to provide you with the following information. First, Teen Court is a one-time opportunity, and you will not receive another chance to participate in the program. Rather, your case will be referred-back to the source that referred you to this court for a decision on how to proceed going forward. The admission to committing the offense that you made in order to participate with Teen Court proceedings will not be admissible against you in your regular court proceedings. Do you have any questions? (answer) At this time, it is your desire to discuss your concerns with staff or do you wish to withdraw from participation with the Teen Court Program?”

If they choose to withdraw, direct the bailiff to call back the jury and indicate to them that the defendant has withdrawn from the Teen Court program. Thank the Jury for their services.

If the answer is that they wish to continue participating, direct the defendant to return to his/her seat and instruct the bailiff to return the jury. Thank the jury for their patience, and state that the defendant desires to continue with the court process.

**Appendix C**

**WHAT IS MY ROLE AS A TEEN COURT JUROR?**

Since the defendant has admitted guilt and accepted responsibility for the offense, it is your job to decide on a sentence that is fair and just after listening to the testimony.

* Before the hearing begins, the defendant (person charged with an offence) will be introduced to you. This is to determine if anyone on the jury knows the defendant or if the defendant knows anyone on the jury. If you know the defendant or information about the offense, it is important that you raise your hand when the Judge asks the jury. This will allow us to determine whether you can remain as a jury member for this hearing. It is extremely important that the defendant has a fair and impartial jury for the sentencing hearing.
* The jury will be instructed to sit in the jury box. It is important that you maintain proper courtroom behavior because you are now one of the most important people in the Teen Court process.
* When the hearing is about to begin, the Teen Court Clerk will “swear you in.” The Teen Court Judge will give instructions to the jury and will ask you to listen to the facts that you are about to hear.
* It is your job to listen carefully to the Judge’s instructions. You are to base your decision on the evidence you hear when the Teen Prosecution and Teen Defense Attorneys question the defendant. These cases are a serious matter and should be carefully decided. As you listen to the evidence, it is your job to consider if:
  + The defendant is sorry for his/her actions
  + The age and maturity of the defendant
  + The seriousness of the offense
  + Whether the defendant acted willfully
  + Whether there was a loss to the persons harmed, and
  + Whether there were consequences from the school and the parents/guardians
* You are required to decide how many community service hours and jury duties the defendant must serve with the Tee Court Sentencing Guidelines. You also may choose to include additional sanctions that would benefit the defendant such as letters of apology, projects, educational classes, etc. per Sentencing Guidelines found in Appendix D.

**Jury Deliberation Process**

Adult Jury Room Attendant will review the rules of the deliberation process and the possible selections available.

1. Pick a Jury Foreman from the “jury members present”

THE JURY FOREMAN LEADS THE PROCESS FROM HERE and should select a notetaker from the group to keep track of everyone’s concerns and suggestions:

1. Debrief and review the facts and circumstances of the case by asking each jury member the following question . . .

Restorative Question: What are the key issues of this offense or incident?

1. Make a determination of the harm caused (i.e., who has been affected by the incident and how) (defendant, defendant’s family, person’s harmed, community) by asking each member of the jury the following questions. . .
   1. Restorative Question: Who has been harmed and how were they harmed?
   2. Restorative Question: How has the defendant taken responsibility for the harm?
2. Determine what needs to be done by asking each jury member the following question.

Restorative Question: What can be done to repair the harm?’

5. OPEN DISCUSSION TIME: EVERYONE’S THOUGHTS ARE IMPORTANT TO CONSIDER… One person speaking at a time so the note taker can make notes for the foreperson

6. Determine an appropriate sentence that will help meet the needs of the affected parties and reach consensus by completing A-D below. . . (for each item on the sentencing guidelines list)

* + 1. Review the Defense and Prosecution’s suggestions for punishment.
    2. The level of sentencing is \_\_\_\_\_\_\_\_\_\_.
    3. Restorative Question: What do you think is fair?
    4. (Jury Foreman or note taker tracks the answers to all questions)
    5. Repeat for each item, until completed.
       1. # of Jury Duties
       2. # of hours of Community Service
       3. Optional Sentence Needed (discussion)
       4. Swapping optional item for mandatory item

7. Choose a Jury Statement(s). Jury will select one or more of the statements below that will be read to the youth offender. (Check appropriate one and give to clerk to read when the verdict is read)

Question: Which statements (a)-(i) do you want to use? The jury foreperson may suggest an item from the following list to guide the group.

* 1. We hope you will find other options other than \_\_\_\_\_\_\_\_\_\_\_\_\_\_. Maybe talk with someone at school or family who can get you involved with good local resources.
  2. We all have to learn from our mistakes. The jury hopes your Teen Court experience will remind you to make good decisions.
  3. This case could have been much worse. We hope you will really think about the consequences of your choices for you and for other people.
  4. We all make bad decisions sometimes. Don’t be afraid to ask for help from a safe and responsible adult.
  5. Don’t let other people have a bad influence on you. It’s like letting them have control over your present and future.
  6. Try to stay focused on your future goals. It will help you make better decisions now.
  7. We hope you will get more involved in school or community activities. It will help you now and in the future.
  8. We hope you will find ways to help you stop and think before you act. Then practice those ways until you find what way works best for you.
  9. We hope you will take this experience more seriously. Next time you might be in Juvenile or Adult court. Teen Court can help you get things back on the right track.

8. Complete the Verdict Form that explains the rationale for the sentence being imposed (Jury Statement). Complete the Jury Statement by checking an appropriate block for the clerk to read.

9. Alert Bailiff you are done.

10. Go back to the Courtroom and follow the Judge’s instruction.

**Appendix D – Sentencing Guidelines**

|  |  |  |
| --- | --- | --- |
| **Level 1 Offenses** | **Mandatory**  **Restitution $1-$50 Service Hours 1-8** | **Optional Sanctions for All\*** |
| * Trespassing * Truancy * Disorderly Conduct * Public Disturbance * Undisciplined * Affray (Simple: no injury) * Property Damage * Vandalism * Larceny * Changing Price Tag * Other: as approved by CRC | TC Jury Duty 1-3 times  Community Service (0-8 hours)    Maintain Satisfactory Grades  Follow School Rules & Regulations  Obey Home Rules & Curfew as Assigned | **Optional Sanctions for All\***   * Letters of Apology and to whom * Essay (Book Report) * Restitution ($ or other) * 30 days Acts of Kindness (keep a daily log) * Anger Management Class * Conflict Resolution Education * Victim/Offender Conferencing * Theft or Shoplifting Class * Family Group Conferencing * Educational Video Online   + Alcohol   + Marijuana   + Making Good Choices   + Substance Abuse Education   + Restorative Project: Topic \_\_\_\_\_\_\_\_\_\_\_   + SASSI (Substance Abuse Assessment)   Other: with Judge’s approval  Describe |
| **Level 2 Offenses** | **Mandatory**  **Restitution $51-$99 Service Hours 9-14** |
| * Larceny * Underage Drinking * Cyber/Internet Bullying * Property Damage * Weapon/School Ground * Communicating Threats * Harassing Phone Calls * Other (subject to screening) | TC Jury Duty 2 – 5 times  Community Service (5-8 hours)    Maintain Satisfactory Grades  Follow School Rules & Regulations  Obey Home Rules & Curfew as Assigned |
| **Level 3 Offenses**  **Ages 15-17** | **Mandatory**  **Restitution $100-$200**  **Service Hours 10-20** |  |
| * Assault * Misd. B&E * Larceny * Possession of Alcohol, Drugs and/or Paraphernalia * Property Damage * Unauthorized use of a Motor Vehicle * Underage Drinking (no driving charges allowed per NCGS) * Cyber/Internet Bullying * Harassing Phone Calls * Weapon/School Ground * Communicating Threats   Any chargeable offense | TC Jury Duty 5 - 8 times  Community Service (8-10 hours)  Maintain Satisfactory Grades  Follow School Rules & Regulations  Obey Home Rules & Curfew as Assigned |
| **Vaping** | **Mandatory** | **Optional Sanctions** |
| * Repeat Offenses * Addiction | TC Jury Duty 2-6 times | * + SASSI (Substance Abuse Assessment)   + Substance Abuse Education |

|  |  |
| --- | --- |
| **Retributive Teen Court** | **Restorative Teen Court** |
| Focus is on law-breaking; crime is an act against the state, a violation of a law | Focus is on the harm done to victim and community; crime is an act against another person and the community |
| Offender accountability is defined as taking punishment; the focus is on sanctions, treatment, and acknowledgement of the crime committed | Accountability is defined as assuming responsibility and taking action to repair the harm; the focus is on acknowledgement of the harm caused, addressing the issues, and repairing the harm done |
| Accountability is to the system (Teen Court) | Accountability is to the victims and community |
| Emphasis in hearings is focused on testimony, procedure, and evidence | Emphasis includes an increased focus on dialogue, understanding, and empathy |
| Punishment is effective, and:   1. Threat of punishment deters crime 2. Punishment changes behavior | Punishment alone is not effective in changing behavior and may be disruptive to community harmony and good relationships |
| Youthful offender is the main client to be tracked, punished, treated and restrained | Youth, victim and community receive balanced attention as client/customers of the system who are each targets of intervention and partners in the response to crime |
| Options for victims involvement are limited and constrained; victims are peripheral to the process | Options for victim involvement are varied and respect the victims’ choice; victims are central to the process of resolving a crime |
| Service options for offenders are prescribed by the program and focus on completion of tasks assigned by Teen Court | Service options for offenders are varied and related to their strengths, benefit the community, and address the concerns of the victim and community whenever possible |
| Outcomes work towards offenders completing assignments | Outcomes work to strengthen the relationship between offenders and the community |
| Program is based on procedure and policy | Program is based on principles and flexibility |
| Teen court officials play an active role; the role is passive for victims, offenders, and community | Everyone plays an active role; offenders, victims, community, and juvenile justice professionals |
| Training of youth teen court participants is focused on teen court operations and courtroom procedure | Training of adult facilitators includes broader issues related to conflict resolution, community involvement, and problem-solving skills |
| Offenders recognize their crime | Offenders recognize the harm they caused to the victim and the community; gain empathy for the victim and the community |
| Offenders are ordered to behave appropriately so as to make the community safer | Victims and communities directly confront the offender’s actions to address safety issues in the process of a “meeting of the minds” and relationship building; public safety increases when offenders develop internal controls, community members resolve conflict, community justice is solution-focused and community justice partnerships are developed |
| Offenders move past the offense through punishment and community service | Offenders, victims and communities move past the offense through a process of dialog, commitment to repair the harm, competency development, and commitment to future behavior |
| Goal is to reduce recidivism of offenders through peer pressure from pro-social peers, adherence to sentence, completion of tasks, influencing their perceived fairness of the system, and bonding with the jury they serve on | Goal is to reduce recidivism of offenders through youth exiting the system being more capable of being responsible and productive in the community; needs and strengths of the offender are addressed |
| Competency development leaves youth stronger in character and develops transferable skills | Competency development leaves youth stronger in character, more connected to community, remorseful, empathetic, recognizes one’s potential and builds on it, and develop transferable skills |
| **Goal of the Message to the Offender**: You chose to commit an offense and we will sanction you to deter you from future offending. We will do this through approved processes and programs, peer accountability, and supervision. | **Goal of the Message to the Offender:** Your actions have consequences; you have wronged someone or the community through your offense. You are responsible for your crime and capable of restoring the victim or repaying the damages |
| **Goal of the Message to the Victim**: Our first concern is to make offenders face the consequences of their crime. You will benefit because the offender will be punished. | **Goal of the Message to the Victim:** The juvenile justice system believes you are important and will do its best to ensure that to the degree possible the offender repays the debt incurred to you from the crime. |
| **Goal of the Message to the Community:** We will do our best to protect you by identifying offenders and sending a message through punishment to would-be offenders that crime will not be tolerated. | **Goal of the Message to the Community:** Requiring offenders to repay victims and the public for their crimes receives highest priority in the juvenile justice system. We need the help of the community. The community is a key player in holding offenders accountable. |

**Appendix E**

DEFENSE ATTORNEY – YOUR ROLE

Description: The Defense Attorney represents teen defendants in jury trials. He/she has the duty to work to the best of his/her ability to attain a constructive sentence that is in the best interest of the defendant. The Defense Attorney must be knowledgeable of courtroom conduct and MUST arrive on time and dress appropriately for court.

Duties: Review your defendant’s case and ask the Teen Court Coordinator or program staff for clarification on any information which is not clear. Each case must be processed by:

1. Advising the defendant regarding case facts, procedures, and methods of testimony prior to court.
2. Preparing your case using the “Data Collection” form.
3. Presenting the case to the Judge and jury with direct examination and a closing argument.
4. Requesting an appropriate sentence.

Prior to Court: Defense Attorneys are to meet with his/her defendant and family privately prior to court to discuss the facts and strategy for the case. 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.

1. Defense Attorneys can discuss the case with the other Defense Attorneys but not with the Prosecutor.
2. Make sure your defendant is seated near the front of the courthouse to await his/her case being called.

When Court is in Session:

1. You must act appropriately at all times and present a professional attitude.
2. Be courteous and respectful to all witnesses and fellow attorneys.
3. Speak Loudly and Clearly.
4. Display confidence in your questioning and remarks to the court.
5. No food, drink, or chewing gum.
6. Always stand when addressing the Judge. Have your defendant stand with you while the jury exits and enters, and when the sentence is being read.

At the End of Court: Please return ALL casework to the Teen Court Director.

**ATTORNEY – ANALYZING CASE INFORMATION**

**Defense**

When trying to determine the types of questions you might want to ask or arguments you might want to make during the hearing, the following factors are some things you might want to consider or be able to answer regarding your case.

Facts Relating to the Circumstances of the Case

* Effect on Victim/Harm Caused by the Incident
  + Can you identify a direct victim(s)? Who and how?
  + Was the victim(s) particularly vulnerable, weak, or defenseless (e.g., senior citizen, disabled person, young child)
  + Did the defendant take advantage of the victim’s trust?
  + How was the community/school affected?
  + How was the defendant’s family affected?
  + Did the incident involve violence or the threat of violence?
  + Did the incident involve any acts that were cruel or harmful to others?
  + Did the incident cause someone to lose money or something personal?
  + Did the incident result in damage to someone else’s property?
* Other Facts and Circumstances of the Incident
  + What is the offense the offender was charged with?
  + When and where did the incident occur?
  + Did the incident involve substance use (alcohol, marijuana, other)?
  + Did the defendant plan ahead of time to commit the offense?
  + Is this the defendant’s first offense?
  + Did the defendant get others to help him/her commit the offense?
  + Did the defendant take a leadership role in committing the offense?
  + Was the offense related to gang affiliation?
  + Was there a risk or danger to innocent bystanders?

Facts Relating to the Defendant

* History of Behavior
  + Has the defendant committed this type of offense before? If so, how many times and how long ago?
  + Has the defendant ever been disciplined in school for misconduct? If so, how many times and how long ago?
* Defendant’s Understanding of His/Her Behavior
  + Has the defendant shown that he/she understands the impact of his/her actions on others? On him/herself?
  + Has the defendant admitted his/her responsibility for the incident? Must Be YES
  + Is the defendant trying to excuse his/her actions?
  + Does the defendant show any remorse (regret, guilt or shame)?

For the Defense only

* Does the defendant make good grades and attend school regularly?
* Does the defendant do what he/she is told to do at home (e.g., obey his/her parents)?
* How old is the defendant?
* Are there any other factors related to the defendant’s background that should be brought up in this case?
* Has the defendant cooperated with the Teen Court process?
* Has the defendant already paid or made restitution to the persons harmed (e.g., paid monetary restitution, made an apology, performed community service)?
* Has the defendant reached out to other agencies for help for mental health or substance abuse issues? If recommendations were made by the provider, did the defendant follow through with any recommended treatment?

**ATTORNEY OBJECTIONS**

**“Objection, your Honor”**

Any attorney may object to a question asked of a witness on the stand or the admission of an exhibit if he/she feels that it does not follow a rule of evidence. The judge is the deciding factor and will determine whether the witness’ testimony or the evidence is admissible.

Possible Reasons for Objections (also known as “Grounds for Objection”)

**Leading question:**

Prosecutors must allow their witnesses to tell their own stories; they must not lead their witnesses through the story. Defense attorneys must follow the same rule when questioning their witnesses. This only applied in Direct Examination.

**Immaterial and irrelevant:**

The information is not closely related to the case, and is therefore not important.

**Calls for an opinion or calls for a conclusion:**

Unless the witness is an expert (such as a doctor testifying about medical issues), he or she should not give professional opinions or conclusions.

**Non-responsive answer:**

The witness is not answering the question asked.

These are only a few objections. They are probably the most common ones used.

They will adequately serve your needs.

When you feel that an attorney has asked a question that breaks a rule of evidence, stand up and say **“Objection, your Honor”** and give the rule of evidence that you feel was broken.

The opposing attorney may state why he/she feels he is not breaking the rule.

**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.

**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.

**Repetitive (or Asked and Answered):**

Questions are objectionable when they eek 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: “What were you thinking at the time?”

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.

Judge’s possible response:

“SUSTAIN or SUSTAINED”

- the judge agrees that the rule has been broken, the jury should disregard the

question, and the witness should not answer the question.

“OVERRULE or OVERRULED”

- the judge does not think a rule has been broken and the witness can answer

the question that was asked.

**AS DEFENSE ATTORNEY FOR THIS CASE, YOU MUST:**

Upon receipt of this case file, read all information enclosed.

* From the Teen Court Sentencing Guidelines, review the incident and applicable Level (one, two or three).
* Write down all questions you want to ask the defendant (restorative questions below). This makes the sessions flow smoothly, and you are prepared instead of grasping for questions.
* On the night of the session, introduce yourself to your client(s) and his/her parent or guardian when they arrive. Invite them out into a private space to discuss what will happen when the session begins. You should spend a few minutes discussing courtroom procedures, and answering any questions they might have. If there are concerns that you cannot address, please come get your coordinator or program staff.
* While the session is taking place, take notes about any new information that is brought out through the questioning. This will help you prepare your closing statement. Some of you may want to work on the closing statement prior to night of the trial session.
* However, please **remember to listen carefully to what the Prosecution requests during his/her closing statement**. As Defense Attorney, you do not want to ask for more sanctions than the Prosecution. Since you have already determined what level the offense is, be sure that you ask the jury for the sanctions which fall within that level.
* At the end of the session, put everything back into the case file (this includes all of your notes) and turn it back in.

**If at any time you have questions, please ask your coordinator or program staff. We want each of you to gain as much knowledge and experience from our Teen Court Program as possible. Please do not hesitate to ask questions and/or provide suggestions.**

Thank you for your time and service!

**Defense Attorney Opening Statement**

(The opening statement is the introduction to the case.) The defense attorney introduces all the members of the defense. State the defendant’s name and explain the case from the defendant’s point of view. Explain mitigating factors that make the case less serious, make the defendant less responsible for his actions, and describe actions taken by the defendant to apologize or make restitution. Don’t state facts that you will not be able to prove during testimony. Personalize the defendant by referring to him/her by first name.

* ***Good evening ladies and gentlemen of the jury; I am \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and I represent the defense.***
* ***(general information)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_***
* ***(mitigating factors) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_***
* ***(brief explanation of what will be brought out during the hearing) We will show. . .***
* ***We request that the Jury listen carefully and return a fair and just consequence in the case.***

***Sample for the Defense:***

***Good evening 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 a tenth grade student who 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 close 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.***

**Restorative Questions (to ask the defendant):**

* **Please tell the court, in detail, your version of the incident.**
* **What happened? (primary question)**
* **When and where did the incident occur**? (if not answered in question above)
* **What were you thinking of at the time? (primary question)**
  + Did you plan to commit the offense ahead of time?
  + Did others help you or were you pressured to participate by others?
  + Did you take a leadership role if others were involved?
  + How did you take a leadership role? (if yes to question above)
  + Did the offense involve substance use (alcohol, marijuana or other drugs)?
* **What have you thought about since? (primary question)**
  + Is this your first offense?
  + Have you ever been disciplined in school for misconduct? If yes, What was the misconduct and the disciplined you received?
  + How are your grades and attendance?
  + Are you involved in extracurricular activities?
  + Would your parents say that you do what you are told to do at home? If No, ask why would make them say that?
  + Did this incident present a risk or danger to innocent bystanders?
  + Have you done anything like this since?
* **Who has been affected by what you have done? (primary question)**
  + In what way?
  + Can you identify a direct victim(s) that was affected?
  + If so, who was it and how was the victim affected?
  + Was the victim(s) particularly vulnerable, weak, or defenseless (e.g., senior citizen, disabled person, young child?
  + Did you take advantage of the victim’s trust when you committed the offense?
  + How was the community and/or school affected by the offense?
  + How was your family affected by the offense?
  + Did the offense involve actual violence or the threat of violence?
  + Did the offense involve any acts that were cruel or harmful toward others?
  + Did the offense cause someone to lose money or lose something of personal value?
  + Did the offense result in damage to someone else’s property?
  + How was your family affected by the incident?
  + Have you apologized for your actions?
* **What do you think you need to do to make things right? (primary question)**
  + What have you learned from the incident?
  + What impact has this had on you?
  + What consequences did you receive at school?
  + What consequences did you receive at home?
  + What has been the hardest thing for you?
  + What are your future goals?

**WRITING CLOSING ARGUMENTS**

Your closing statement is your final chance to present your recommended disposition for the offender and explain why you feel it is the most appropriate option for the defendant/respondent. Your closing must be based on the evidence that was presented during the hearing – this is not the time to introduce new evidence or factors

Depending upon whether you are serving as a prosecuting or defense attorney, your closing should:

* Summarize the evidence that was presented during the hearing.
* Rebut or refute (i.e., disprove or show false) arguments that you expect the opposing counsel to make.
* Discuss any factors that are favorable to your side of the argument (e.g., aggravating factors, mitigating factors, defendant’s respondent’s attitude and demeanor, defendant’s/respondent’s efforts to avoid or take responsibility for his/her actions).
* Recommend a disposition (i.e. sentence) for the offender.

Here are some tips for writing your closing statement:

* Keep your closing statement short and to the point – include only the facts that were brought out during the hearing.
* Know your case. Think carefully about what you want to say and why. It also helps to know what the other side may say as well.
* Be persuasive. Use your closing statement to explain to the jury or judge panel that the disposition you are recommending is right considering all the circumstances.
* Don’t be overly theatrical – use theatrics only to make a point.
* Don’t attack opposing counsel.
* Don’t make unnecessary attacks on the defendant’s/respondent’s character.
* Show respect for everyone, including the jury or judge panel.

**Closing Argument for Defense**

**Purpose:**

* to tell the Jury what sentence is appropriate for the defendant.
* To highlight the information most important along with explanations as to why that information should be important to the jury.
* And, how that information justifies the sentence they give.

Thank the jury for their attention and for giving the case the proper consideration

A closing statement does not need to be long and drawn out.

Remember, you can only include the information revealed by the testimony.

Be persuasive but don’t be overly theatrical.

Don’t attack opposing counsel.

Show respect for everyone.

**Make an outline** of your closing argument after initially reviewing the case and interviewing your defendant.

**Types of information to include:**

* The seriousness of the incident
* How the incident affected others
* Potential harm to self and others
* What lessons were learned
* What kind of additional punishment (school, home) was already given
* Summarize the evidence presented
* Rebut or refute (i.e. disprove or show false) arguments that you expect the opposing counsel to make
* Discuss any factors that are favorable to your side of the argument (e.g., aggravating factors, mitigating factors, defendant’s attitude and demeanor, defendant’s efforts to avoid or take responsibility for his/her actions)
* Recommendation of a sentence

***You may want to alter your closing argument after the case is heard.***

Take the time to look it over before presenting it to the jury and make sure it covers the appropriate information.

Courtroom Etiquette

(1) Never raise your voice in front a of judge

(2) Don’t point your fingers at a judge or opposing counsel.

(3) Counsel must refer to an opposing counsel as my Mr/Ms Name

(4) Limit movement at your table when you aren’t asking questions.

(5) Use proper titles in addressing the judge. Your Honor, the Court. (examples: if it pleases the Court, Your Honor may I approach the witness)

(6) Rise when the Judge and Jury enter and leave the courtroom

(7) Never interrupt others when they are talking

(8) Stand when speaking to the judge, meeting with the judge or raising an objection. Witnesses in NC are always questioned by counsel from a seated position, unless you ask the judge for permission to approach the witness to show them a document or retrieve a document from them.

(9) Always request to approach the judge, witness, or jury members.

(10) Put your mobile technology on airplane mode when in court.

(11) Dress appropriately, in a manner that shows respect for the court.

**Appendix F**

PROSECUTING ATTORNEY – YOUR ROLE

Description: The Prosecuting Attorney represents the State in jury trials. He/she has the duty to work to the best of his/her ability to attain a constructive sentence that is in the best interest of the defendant. The Prosecuting Attorney must be knowledgeable of courtroom conduct and MUST arrive on time and dress appropriately for court.

Duties: Review each case and ask the Teen Court Coordinator or program staff for clarification of any information which is not clear. Each case must be processed by:

1. Preparing the State’s case using the “Attorney Case Analysis” form.
2. Presenting the State’s case to the Judge and jury with direct examination and a closing argument.
3. Requesting an appropriate sentence.

Prior to Court: Prosecutors may confer with one another about each case but not with the Defense. Prosecutors must spend time developing strategies for each case in order to provide the jury with enough information to deliver a fair and just sentence.

NOTE: it is your responsibility to be in the courtroom and ready to proceed when the court is ready to hear your case. PLEASE BE PREPARED

When Court is in Session:

1. You must act appropriately at all times and present a professional attitude.
2. Be courteous and respectful to all witnesses and fellow attorneys.
3. Speak loudly and clearly.
4. Display confidence in your questioning and remarks in court.
5. No food, drink or chewing gum.

At the End of Court: Please return ALL casework to the Teen Court Coordinator or program staff.

**ATTORNEY – ANALYZING CASE INFORMATION**

**Prosecution**

When trying to determine the types of questions you might want to ask or arguments you might want to make during the hearing, the following factors are some things you might want to consider or be able to answer regarding your case.

Facts Relating to the Circumstances of the Case

* Effect on Victim/Harm Caused by the Incident
  + Can you identify a direct victim(s)? Who and how?
  + Was the victim(s) particularly vulnerable, weak, or defenseless (e.g., senior citizen, disabled person, young child)
  + Did the defendant take advantage of the victim’s trust?
  + How was the community/school affected?
  + How was the defendant’s family affected?
  + Did the incident involve violence or the threat of violence?
  + Did the incident involve any acts that were cruel or harmful to others?
  + Did the incident cause someone to lose money or something personal?
  + Did the incident result in damage to someone else’s property?
* Other Facts and Circumstances of the Incident
  + What is the offense the offender was charged with?
  + When and where did the incident occur?
  + Did the incident involve substance use (alcohol, marijuana, other)?
  + Did the defendant plan ahead of time to commit the offense?
  + Is this the defendant’s first offense?
  + Did the defendant get others to help him/her commit the offense?
  + Did the defendant take a leadership role in committing the offense?
  + Was the offense related to gang affiliation?
  + Was there a risk or danger to innocent bystanders?

Facts Relating to the Defendant

* History of Behavior
  + Has the defendant committed this type of offense before? If so, how many times and how long ago?
  + Has the defendant ever been disciplined in school for misconduct? If so, how many times and how long ago?
* Defendant’s Understanding of His/Her Behavior
  + Has the defendant shown that he/she understands the impact of his/her actions on others? On him/herself?
  + Has the defendant admitted his/her responsibility for the incident? Must Be YES
  + Is the defendant trying to excuse his/her actions?
  + Does the defendant show any remorse (regret, guilt or shame)?

For the Defense only

* Does the defendant make good grades and attend school regularly?
* Does the defendant do what he/she is told to do at home (e.g., obey his/her parents)?
* How old is the defendant?
* Are there any other factors related to the defendant’s background that should be brought up in this case?
* Has the defendant cooperated with the Teen Court process?
* Has the defendant already paid or made restitution to the persons harmed (e.g., paid monetary restitution, made an apology, performed community service)?
* Has the defendant reached out to other agencies for help for mental health or substance abuse issues? If recommendations were made by the provider, did the defendant follow through with any recommended treatment?

**ATTORNEY OBJECTIONS**

**“Objection, your Honor”**

Any attorney may object to a question asked of a witness on the stand or the admission of an exhibit if he/she feels that it does not follow a rule of evidence. The judge is the deciding factor and will determine whether the witness’ testimony or the evidence is admissible.

Possible Reasons for Objections (also known as “Grounds for Objection”)

**Leading question:**

Prosecutors must allow their witnesses to tell their own stories; they must not lead their witnesses through the story. Defense attorneys must follow the same rule when questioning their witnesses. This only applied in Direct Examination.

**Immaterial and irrelevant:**

The information is not closely related to the case, and is therefore not important.

**Calls for an opinion or calls for a conclusion:**

Unless the witness is an expert (such as a doctor testifying about medical issues), he or she should not give professional opinions or conclusions.

**Non-responsive answer:**

The witness is not answering the question asked.

These are only a few objections. They are probably the most common ones used.

They will adequately serve your needs.

When you feel that an attorney has asked a question that breaks a rule of evidence, stand up and say **“Objection, your Honor”** and give the rule of evidence that you feel was broken.

The opposing attorney may state why he/she feels he is not breaking the rule.

**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.

**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.

**Repetitive (or Asked and Answered):**

Questions are objectionable when they eek 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: “What were you thinking at the time?”

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.

Judge’s possible response:

“SUSTAIN or SUSTAINED”

- the judge agrees that the rule has been broken, the jury should disregard the

question, and the witness should not answer the question.

“OVERRULE or OVERRULED”

- the judge does not think a rule has been broken and the witness can answer

the question that was asked.

**Restorative Teen Court**

Prosecuting Attorney Guidelines

1. From the Teen Court Sentencing Guidelines, review the offense and applicable Level. You MUST do this so that you know which sanctions apply.
2. Write down all questions you want to ask the defendant. This makes the sessions flow smoothly and you are prepared instead of grasping for questions.
3. You have a different role than the Defense Attorney. . . the defendant has admitted to the offense. There is often information in the case file that is provided that the Defense Attorney hopes you don’t see . . . things that may make your case stronger. If you don’t bring these things up, neither will the Defense Attorney.
4. Always stand when addressing the Judge.
5. Usually, the opening question from the Prosecuting Attorney is something like, “Could you please tell the Court what happened on (date), the day you were charged with (offense).” Once this question is answered, you can begin to ask other more specific questions.
6. While the session is taking place, take notes about any new information that is brought out through the questioning. This will help you prepare your closing statement. As Prosecutor, you will give your closing statement first. Since you have already determined what level the offense is, be sure that you ask the jury for the sanctions which fall in that level.
7. At the end of the session, put everything back into the case file (this includes all of your notes) and turn it in to the Teen Court Coordinator or program staff.

If at any time you have questions, please call the Teen Court Coordinator or program staff. Please do not hesitate to ask questions and provide suggestions. Thank you for your time and service!

**Restorative Teen Court- Prosecution Questions**

* Did the incident involve substance use (alcohol, marijuana, or other drugs)?
* Did you plan to commit the offense ahead of time?
* Did others help you or were you pressured to participate by others?
* Is this your first offense?
* Have you ever been disciplined in school for misconduct?
* Are you involved in any extracurricular activities?
* Are your grades good?
* Would your parents say that you do what you are told to do at home?
* Did this present a risk or danger to innocent bystanders?
* Have you done anything like this since?
* Were the person(s) harmed particularly vulnerable, weak, or defenseless (e.g., senior citizen, disabled person, young child)?
* Did you take advantage of the person harmed’s trust when the incident happened?
* Did the incident involve actual violence or threat of violence?
* Did the incident involve any acts that were cruel or harmful toward others?
* Did the incident cause someone to lose money or lose something of personal value?
* Did the incident result in damage to someone else’s property?
* Have you apologized for your actions?

**Prosecuting Attorney Opening Statement**

(The opening statement is the introduction to the case. The prosecuting attorney introduces all the members of the prosecution. Opening statements are not argumentative, save that for the closing argument. Provide enough information to set the stage for appropriate consequences. Be clear and concise. Use simple, direct statements, and be brief. Refer to the offender by “the Defendant” and refrain from calling him/her by name.)

* ***Good evening ladies and gentlemen of the jury; I am \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and I represent the prosecution.***
* ***Today’s trial involves \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.***
* ***(general info and aggravating factors) The defendant \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.***
* ***(brief explanation of what will be brought out during the hearing) It will become clear that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.***
* ***We request that the Jury listen carefully and return a fair and just consequence in the case.***

**WRITING CLOSING ARGUMENTS**

Your closing statement is your final chance to present your recommended disposition for the defendant and explain why you feel it is the most appropriate option for the defendant/respondent. Your closing must be based on the evidence that was presented during the hearing – this is not the time to introduce new evidence or factors

Depending upon whether you are serving as a prosecuting or defense attorney, your closing should:

* Summarize the evidence that was presented during the hearing.
* Rebut or refute (i.e., disprove or show false) arguments that you expect the opposing counsel to make.
* Discuss any factors that are favorable to your side of the argument (e.g., aggravating factors, mitigating factors, defendant’s respondent’s attitude and demeanor, defendant’s/respondent’s efforts to avoid or take responsibility for his/her actions).
* Recommend a disposition (i.e. sentence) for the defendant.

Here are some tips for writing your closing statement:

* Keep your closing statement short and to the point – include only the facts that were brought out during the hearing.
* Know your case. Think carefully about what you want to say and why. It also helps to know what the other side may say as well.
* Be persuasive. Use your closing statement to explain to the jury or judge panel that the disposition you are recommending is right considering all the circumstances.
* Don’t be overly theatrical – use theatrics only to make a point.
* Don’t attack opposing counsel.
* Don’t make unnecessary attacks on the defendant’s/respondent’s character.
* Show respect for everyone, including the jury or judge panel.

**PROSECUTING ATTORNEY CLOSING ARGUMENTS**

**Purpose:**

* to tell the Jury what sentence is appropriate for the defendant.
* To highlight the information most important along with explanations as to why that information should be important to the jury.
* And, how that information justifies the sentence they give.

Thank the jury for their attention and for giving the case the proper consideration

A closing statement does not need to be long and drawn out.

Remember, you can only include the information revealed by the testimony.

Be persuasive but don’t be overly theatrical.

Don’t attack opposing counsel.

Show respect for everyone.

Make an outline of your closing argument after initially reviewing the case and interviewing your defendant.

**Types of information to include:**

* The seriousness of the incident
* How the incident affected others
* Potential harm to self and others
* What lessons were learned
* What kind of additional punishment (school, home) was already given
* Summarize the evidence presented

Making an outline of the closing argument will help you. This should be made after initially reviewing the case.

Take the time to look it over before presenting it to the jury and make sure it covers the appropriate information.

Courtroom Etiquette

(1) Never raise your voice in front a of judge

(2) Don’t point your fingers at a judge or opposing counsel.

(3) Counsel must refer to an opposing counsel as my Mr/Ms Name

(4) Limit movement at your table when you aren’t asking questions.

(5) Use proper titles in addressing the judge. Your Honor, the Court. (examples: if it pleases the Court, Your Honor may I approach the witness)

(6) Rise when the Judge and Jury enter and leave the courtroom.

(7) Never interrupt others when they are talking.

(8) Stand when speaking to the judge, meeting with the judge or raising an objection. Witnesses in NC are always questioned by counsel from a seated position, unless you ask the judge for permission to approach the witness to show them a document or retrieve a document from them.

(9) Always request to approach the judge, witness or jury members.

(10) Put your mobile technology on airplane mode when in court.

(11) Dress appropriately, in a manner that shows respect for the court.

**Appendix G – Flow Chart for Teen Court**

Scheduled for Teen Court

Teen Court Intake

* Interested & Eligible

----------------

* No interest or Ineligible

Or NO interest or Ineligible

Return to SRO, LEA, School, Juvenile Justice or District Court

Other options May Be Considered

Completes the program successfully

Does Not Reoffend

* Attend Hearing
* Receive (verdict/sentence/consequences

--------------------------------------------------

* Doesn’t complete the program

Doesn’t Complete the Program

Referral Source is notified

District Court Charge is Dismissed

Juvenile’s record is Expunged

Juvenile Commits Offense

Referral to Teen Court by SRO, LEA, School, Juvenile Justice or District Court

***Appendix H***

**Forms**

Jury Verdict Sheet

Community Service Regulations

Community Service Log / Worksheet

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **STATE OF NORTH CAROLINA** | | | |  | | | | | **REFERENCE NO / CASE FILE NO** |
| **Catawba** | **County** | | | | | | | | In the General Court of Justice |
|  | | | | | | | | | Teen Court Division |
| **VERDICT (Plan of Action)** | | | | | |  | | | |
| *Youth Name* | | | | | | **Judgment/Disposition**  **Teen Court**  **Jury Verdict (Plan of Action)** | | | |
| *Description of Charge* | | | | | |
| *Name And Address Of Mediation Center*  Conflict Resolution Center  PO Box 1222 /218 A Main Ave East  Hildebran, NC 28637 | | | | | |
| *Telephone No. of Mediation Center*  828-397-2566 | | | | | |
| ***Jury Instructions****: You will retire to the Jury Room and* ***first select a Jury Foreperson*** *to guide the group discussion and keep the Jury on Task. The Jury will deliberate on the facts presented during the hearing and then recommend a Constructive Consequence that is FAIR AND JUST TO BOTH THE OFFENDER AND THE COMMUNITY. Your recommendations must be unanimous. When you have completed your deliberations and are ready to return to the courtroom, please notify your Bailiff by a knock on the door. Be sure to have all Jurors sign the disposition.* | | | | | | | | | |
| *Court Date* | | | | | Level  **Level 1**  **Level 2**  **Level 3** | | | | |
| Prosecution Recommends: | | | | | Defense Recommends: | | | | |
| **We, the Teen Court Jury, find that the Youth named above needs a second chance to improve his/her behavior. In order for the Youth named above to succeed at this second chance, the Teen Court Jury issues the following constructive Disposition at the Level Stated below:** | | | | | | | | | |
| **Mandatory Provision** | | | Community Service Hours | | | | | **\_\_\_\_\_\_\_ Hours** | |
| Jury Duty Service | | | | | **\_\_\_\_\_\_ Sessions** | |
| Follow all school rules and regulations | | | | | **Required** | |
| Maintain Satisfactory Grades | | | | | **Required** | |
|  | | | | | | | | | |
| **Optional Provisions** | | | Letter of Apology | | | | | **Required** | |
| Essay | | | | | **Required** | |
| Monetary Restitution (if Applicable) | | | | | **Required $ \_\_\_\_\_\_\_** | |
| Educational Seminar | | | | | **Required** | |
| Other: | | | | | **Describe:** | |
| Essay Topic: \_\_\_\_\_\_\_\_\_\_\_\_\_\_  Letter of Apology to: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Monetary Restitution payable to: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ - Due Date: \_\_\_\_\_\_\_\_\_\_\_  Educational Seminar: Topic: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Location: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Other: Describe: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | | | | | | | | |
|  | | | | **JUROR SIGNATURES** | | | | |  |
| *DATE* | | | | *Signature of Jury Foreperson* | | | | | *Signature of Juror* |
| *Signature of Juror* | | | | *Signature of Juror* | | | | | *Signature of Juror* |
| *Signature of Juror* | | | | *Signature of Juror* | | | | | *Signature of Juror* |
|  | | | |  | | | | |  |
|  | | | | ***Signatures*** | | | | |  |
|  | | *Signature of Presiding Judge* | | | | | *Signature of Courtroom Clerk* | | |
| *DATE* | |  | | | | |  | | |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Defendant Acknowledgment** | | | | | | |
| *Name:* | | | *Date of Birth:* | | | *Age:* |
| *Address:* | | | | | | |
| *City* | | | *State*  *NC* | | | *Zip* |
| *Telephone Number:* | | *Email address:* | | | | |
| *Offense:* | | | | | | |
| **\_\_\_\_\_\_ (initials) I understand the diversion agreement, and understand how the diversion process works. I am willing to enter into a diversion agreement as a settlement (disposition) in this case. It is, hereby, agreed that the above named youth will be diverted from Court upon completion of the following contract conditions set out below:** | | | | | | |
| **Mandatory Consequences** | | | | | | |
| 1. Restitution: I will pay $\_\_\_\_\_\_\_\_\_\_\_ to the victim(s) for any damages, loss or injury (restitution) that occurred when I committed the offense. These monies will be paid in full on my night of court unless other arrangements are made in advance with the Agency (CRC) Staff  \*make money order payable to : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  2. Jury Duty:  1 time  2 times  \_\_\_times (block checked)  3. Community Service: I will perform \_\_\_\_\_\_\_\_\_\_\_ hours of work in the community. I will provide a letter from  each agency where I perform community service. (Community Service Log available)  4. Anger Management Group: (Assault, Affray, Disorderly Conduct and Communicating Threats charges)  Class Attendance is required if this block is checked, proof of completion of class will be turned in to the  Agency (CRC) Staff.  5. Court Costs in the amount of $\_\_\_\_\_\_\_\_\_\_\_\_\_ are due the day of Court. (Payable by money order, payable to  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.)  6. Shoplifting Prevention Education Class: (for all shoplifting, change price tags and larceny cases)  7. Substance Abuse Assessment for the Completion of Alternative Mental Health provider (drug and alcohol  charges) Proof of completion will be provided to the CRC Staff. | | | | | | |
| **Optional Consequences Imposed by the Jury** | | | | | | |
| 1. Write a letter of apology to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Due by: \_\_\_\_\_\_\_\_\_\_\_\_  2. Essay on the Topic of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Due by: \_\_\_\_\_\_\_\_\_\_\_\_\_  3. Assessment Counseling Due by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  4.  Mediation  Conflict Resolution Education Due by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_  5. Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | | | | | |
| **Special Conditions** | | | | | | |
| 1. You must stay in school (if Checked)  2. You must maintain at least passing grades (if checked) Report cards to be submitted to the Teen Court Coordinator or program staff at the end of each grading period.  3. Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | | | | | |
|  | | | | | | |
| **It is understood and agreed that these conditions will be successfully completed no later than \_\_\_\_\_\_\_\_\_\_\_\_\_ at which time the contract will be reviewed by the Agency (CRC) Staff. It is understood that IF this contract is satisfactorily completed, the Staff will notify proper agencies and recommend dismissal of the charge(s) herein*.***  ***Note: if you are on a Diversion Contract from Juvenile Court, they will be notified of your completion.*** | | | | | | |
| **It is understood that IF the above conditions *have not been* successfully met by completion date or the Defendant engages in any misconduct at Teen Court, school, home or neighborhood, or violates any law or ordinance, this agreement is void and the proper agencies will be notified, and prosecution of the charge(s) may resume in Juvenile Court or District Court.** | | | | | | |
|  | **Signatures** | | | |  | |
| *Defendant Signature* | | | | Parent/Guardian Signature | | |
| *Teen Court Coordinator/Program Staff* | | | |  | | |
| **Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_** | | | | | | |
| The above statements were read to, signed by, and a copy given to the Offending Youth on the date indicated above. | | | | | | |

|  |  |  |
| --- | --- | --- |
| **Guidelines for Consequences for Youth** | | |
| **Level 1**  **Restitution $1-$50 – Services Hours 1-8** | | |
| **Offense** | **Mandatory Sanctions** | **Optional Sanctions** |
| * Trespassing * Truancy * Disorderly Conduct * Public Disturbance * Undisciplined * Affray (Simple: no injury) * Property Damage * Vandalism * Larceny * Changing Price Tag * Other: subject to screening | Community Service (0-8 hours) | Essay (book report)  or  Letter of Apology |
| Jury Duty (1-3 Sessions) | Monetary Restitution  (if applicable) < $50 |
| Follow all school rules and regulations | Project: Topic \_\_\_\_\_\_\_\_\_\_\_\_\_  Victim / Offender Conferencing  Family Group Conferencing  Mediation/ Conflict Resolution  Anger Management Class  Theft or Shoplifting Class  Other with Judge’s Approval  Describe: |
| Maintain Satisfactory Grades |
| Obey Home Rules & Curfew as Assigned |
| **Level 2**  **Restitution $51-$99 – Services Hours 9-14** | | | Obey Home Rules & Curfew as Assigned |
| **Offense** | **Mandatory Sanctions** | **Optional Sanctions** |
| * Larceny * Property Damage * Simple Assault * Shoplifting / Concealment * Misdemeanor Larceny * Changing Price Tag * Resist, Delay Obstruct   Other: Describe | Community Service (5-8 hours) | Essay (book report)  or  Letter of Apology |
| Jury Duty (2-5 Sessions) | Monetary Restitution (if applicable)  $ |
| Follow all school rules and regulations | Project: Topic \_\_\_\_\_\_\_\_\_\_\_\_\_  Victim / Offender Conferencing  Family Group Conferencing  Mediation/ Conflict Resolution  Anger Management Class  Theft or Shoplifting Class  Other with Judge’s Approval Describe: |
| Maintain Satisfactory Grades |
| Obey Home Rules & Curfew as Assigned |
| **Level 3 (Age 15-17)**  **Restitution $100-$200 – Services Hours 15-20** | | |
| **Offense** | **Mandatory Sanctions** | **Optional Sanctions** |
| * Assault * Misdemeanor Breaking & Entering * Larceny * Possession of Stolen Property * Property Damage * Unauthorized Use of a Motor Vehicle * Possession of Alcohol, Drugs and/or Drug Paraphernalia * Underage Drinking (no driving charges allowed per NCGS) * Cyber/Internet Bullying * Harassing Phone Call * Weapon/School Ground * Communicating Threats   Any Chargeable offense not listed above: Describe: | Community Service (8-10 hours) | Essay (Book Report) or  Letter of Apology |
| Jury Duty (5-8 Sessions) | Monetary Restitution (if applicable)  $ |
| Maintain Satisfactory Grades | Project: Topic \_\_\_\_\_\_\_\_\_\_\_\_\_  Victim / Offender Conferencing  Family Group Conferencing  Mediation/ Conflict Resolution  Anger Management Class  Theft or Shoplifting Class  Educational Videos on substance abuse – Making Good Choices etc. |
| Follow All school rules and regulations |
| Obey Home Rules & Curfew as Assigned | Substance Abuse Education  SASSI & Drug Testing  Other with Judge’s Approval Describe: |
|  |  |  |
| **Vaping**  **Repeat Offenses**  **Addiction** | Jury Duty (5-8 Sessions) | Substance Abuse Education  SASSI & Drug Testing |

THE CONFLICT RESOLUTION CENTER

P. O. Box 1222, 218-A Main Ave. East, Hildebran, NC 28637

Phone (828) 397-2566 Fax (828) 397-2954

***Participation Agreement***  Teen Court  Circles

**COMMUNITY SERVICE REQUIREMENTS AND REGULATIONS**

**REQUIREMENTS FOR SUCCESSFUL COMPLETION OF COMMUNITY SERVICE:**

All participants in community service work will be required to:

+ Satisfactorily complete and provide proof of the required number of community service hours ordered by the Teen Court Jury Verdict or by the Restorative Community-Building Circle program.

+ Provide any verification requested by the CRC staff for any incidences of tardiness

or absenteeism.

**COMMUNITY SERVICE WORK REGULATIONS**

+ Participants in Teen Court/Circles must agree to the worksite placement rules and regulations.

+ The worksite is not responsible for keeping up with your hours or timesheet. It is the responsibility of the participant to keep up with their timesheet. If a timesheet is lost, please contact the Conflict Resolution Center office for replacement.

+ Participants will not be permitted to report for community service work or remain at a worksite with an odor of alcohol on his/her breath or who appears to be either impaired or intoxicated from either alcohol or some other substance which is not prescribed by a physician. If a participant appears to be impaired or is caught with either alcohol or other non-prescribed substance in his/her possession, the procedure for the community service worksite personnel and the CRC staff as follows:

* The worksite supervisor will terminate the assignment
* The worksite supervisor will contact the CRC by phone or email with the participant's first and last name
* The worksite supervisor will contact the appropriate law enforcement agency should the participant be unwilling or unable to leave the worksite

+ Participants may not possess or use any tobacco product or vaping product while performing community service work.

+ Participants will not have electronic devices with them at a worksite. The Conflict Resolution Center, or the worksite is not responsible for damaged, lost, or stolen devices. Violators will be terminated from the worksite and will not receive credit for hours already worked. Lost time must be made up before completing community service requirements.

+ Participants will not have friends/visitors or other relatives at the worksite unless this person is a parent/custodian/guardian or authorized worker assisting the participant and has notified the Conflict Resolution Center and has permission by the worksite to be present.

+ Participants will not show any form of disrespect/rudeness or other type of disorderly conduct while at a worksite. Should this take place the procedure for the community service worksite personnel and the CRC staff are as follows:

* The worksite supervisor will terminate the assignment
* The worksite supervisor will contact the CRC by phone or email with the participant's first and last name
* The worksite supervisor will contact the appropriate law enforcement agency

should the participant be unwilling or unable to leave the worksite

+ If a participant is injured at the worksite:

* Take appropriate first aid measures
* The worksite supervisor will contact the CRC by phone or email with the participant's first and last name
* Notify the emergency contact the participant named on the community worksite placement form

**ALL PARTICIPANTS WILL BE REQUIRED TO:**

+ Report to and check out with the worksite supervisor as scheduled

+ Abide by all the rules and regulations of the recipient agency/worksite

+ Follow all instructions of the work site supervisor.

+ Wear clothing appropriate to the setting of worksite in which placed. No open-toed shoes or sandals may be worn. For outdoor: work clothing that provides protection from the weather/elements should be worn. Worksite supervisors have the right to determine if the participant's attire is appropriate for the weather conditions or appropriate in and of itself for the recipient agency's sake. No shirts or other clothing with profanity, nudity, or sexually explicit language will be allowed.

+ Demonstrate a good attitude and willingness to perform assigned duties in a professional manner.

I have read the forgoing rules and regulations and hereby agree to comply with the terms and conditions set out herein while performing my community service obligations. Failure to comply may result in dismissal from the Teen Court or Restorative Community-Building Circles program.

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Participant’s Signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Program Staff or Community Service Coordinator

13a--CRC – Comm Service Participation Agreement

# Community Service Time Sheet Teen Court Circles Other:

| Name: | Hours to Perform: |
| --- | --- |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Worksite | Contact Number | Supervisor’s Signature/Date | Time In | Time Out | Total  Time | Initials |
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**PLEASE FILL IN EACH SECTION AND DATE AFTER SIGNATURE**

13b-CRC – CS Time Sheet **TOTAL TIME**

**Appendix J**

In Case of Emergency Contact:

911

DPS – Catawba Juvenile Justice Office

1175 South Brady Avenue, Newton, NC 28658

Ronn Abernathy, Chief CC (828)228-9987 -State Cell

Chris Norman, CC Supervisor (828)448-4031-State Cell

DPS – Western Area Office

2090 US Hwy 70, Swannanoa, NC 28778

Regina Arrowood, Lead Consultant (828)296-4745 – Office

(828)231-4719 – Cell

Megan Webster, Area Consultant (828)296-4744 – Office

(828)231-1621 – Cell

CRC Office – (828)397-2566 – M-F 8 a.m. – 4:30 p.m.

CRC – Director Cell– (828)781-9191-Cathy Starnes

Program Director Cell – (828)308-4673-Patti Ferree

Program Manager Cell– (336)340-2456 – Chris White

Program Assistant & Educator Cell (704-)648-7691- Chloe Martin