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| **TEXAS CTE LESSON PLAN**  [www.txcte.org](http://www.txcte.org) | |
| **Lesson Identification and TEKS Addressed** | |
| **Career Cluster** | Law, Public Safety, Corrections & Security |
| **Course Name** | Court Systems and Practices |
| **Lesson/Unit Title** | Unit X Pre-trial: Criminal Procedure |
| **TEKS Student Expectations** | **130.340. (c) Knowledge and Skills**  (5) The student examines the steps by which a criminal charge is processed through pretrial, trial, adjudication, and the appellate stages.  (A) The student is expected to examine the interaction between police and prosecutor in filing complaints and deciding to charge such as Defenses to Prosecution and application of various definitions of intent  (B) The student is expected to explain pretrial court proceedings such as rules of discovery, challenges to evidence, and the bail process |
| **Basic Direct Teach Lesson**  (Includes Special Education Modifications/Accommodations and  one English Language Proficiency Standards (ELPS) Strategy) | |
| **Instructional Objectives** | The student will be able to:  1. Identify key terms  2. Examine the interaction between police and prosecutor in filing complaints and deciding to charge  3. Explain pretrial court proceedings such as rules of discovery, challenges to evidence, and the bail process |
| **Rationale** | There are many steps in the criminal trial process. Students need to be familiar with the guidelines that impact the pretrial, trial, adjudication, and appeal processes. Students must also understand the delicate relationships that impact these steps. |
| **Duration of Lesson** | 2 hours |
| **Word Wall/Key Vocabulary**  *(ELPS c1a, c, f; c2b; c3a, b, d; c4c; c5b) PDAS II (5)* | A. Bail-jumping – defaulting on one’s own bail  B. Bail bondsman – one who provides bail as a surety for a criminal  defendant’s release  C. Bail bond – a bond given to a court to guarantee the defendant will  appear in court; obtains the defendant’s release from confinement  D. Excessive bail – bail that is unreasonably high considering the offense and the risk that the defendant will not appear  E. Surety – the person primarily liable for the payment of another’s debt or the performance of another’s obligation |
| **Materials/Specialized Equipment Needed** | * Criminal Procedure computer-based presentation * Texas Code of Criminal Procedure handout (coming soon) * Internet access * Computer * Projector * Supplies to make brochures or desktop publishing software |
| **Anticipatory Set**  (May include pre-assessment for prior knowledge) | Explore roles and responsibilities of the courtroom workgroup;  Understand the impact of the U.S. Constitution on criminal trial process |
| **Direct Instruction \*** | *Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*  I. Key Terms  A. Bail-jumping – defaulting on one’s own bail  B. Bail bondsman – one who provides bail as a surety for a criminal  defendant’s release  C. Bail bond – a bond given to a court to guarantee the defendant will  appear in court; obtains the defendant’s release from confinement  D. Excessive bail – bail that is unreasonably high considering the offense  and the risk that the defendant will not appear  E. Surety – the person primarily liable for the payment of another’s debt or  the performance of another’s obligation  II. Police and Prosecutor Interactions  A. Role of the Prosecutor  1. Supervise the legality of the procedures during the investigation  and bring the criminal action to court  2. Impact police work by returning cases for further investigation and refusing to sign warrants that are lacking probable cause  3. Check police investigations against due process  4. Give instructions on certain acts or decisions concerning matters  B. Joint Roles  1. Police and District Attorney (DA) investigators may both be responsible for the investigation  2. Prosecutors without police cooperation will have problems investigating and presenting evidence in court  3. Police and prosecutors often have conflicting views about the dispositions of cases  4. Both parties want justice for the victims  5. Both parties present evidence at the trial  C. Role of the Police  1. Investigate the crime  2. Protect the victim  3. Provide evidence and testimony in court  4. Depend on prosecutors to advise them on legal issues and hold them accountable regarding constitutional rights  5. Criticize prosecutors when they choose not to prosecute  6. Lack of shared common goals can lead to police developing practices that are not compatible with prosecutorial purposes, such as relying on evidence that is inadmissible in court  III. Pre-trial Proceedings  A. Rules of Discovery  1. Discovery is the formal process by which the defense and prosecution exchange information relevant to a criminal investigation  a. Provides pertinent information  b. Aids in adequate preparation for the trial  c. Helps the criminal justice system reach reliable outcomes  d. Evidence can be appropriately scrutinized and then give the accused a meaningful opportunity to challenge and test it  2. Code of Criminal procedure (CCP, Art. 39.14)  B. Rules of Evidence  1. General purpose  a. Restricts the content and manner of presentation  b. Ensures that the trial runs smoothly  c. Protects against unfair trials  d. It is the role of the prosecutor and defense to challenge rule of evidence violations  2. Rules Regulating Testimony  a. Purpose is to influence opinion of the judge and jury  b. Testimony must be logically connected to the issue and deemed admissible  c. Testimony that is logical to issues is not always admissible  d. The witness must testify only on firsthand information (Personal Knowledge Rule)  e. Testimony of character by the defendant or others (The Mercy Rule)  f. “Bad character” evidence may not be submitted unless “good character” evidence is presented first  g. Witness credibility can be challenged by attacking honesty and criminal activity  h. If no good character evidence is entered, then the defendant’s past convictions cannot be entered  i. Rape victims are shielded from attacks on their sexual history under the Rape Shield laws  j. Hearsay rules prevent testimony that is not firsthand from being admitted  k. Statements not subjected to cross-examination are not permitted  l. Expert testimony may include opinions and references to previous witness’ testimony. Expert testimony may be paid  m. The “Chain of Custody” rule regulates the admissibility and credibility of evidence to ensure evidence is not tampered with or somehow altered prior to the trial  3. Rules Regarding Scientific Evidence  a. Includes scientific or forensic evidence  b. Scientific evidence entered by both sides  i. DNA  ii. Fingerprints  iii. Ballistics  c. Polygraph results are not considered reliable and are not admissible  d. Other forms of altered consciousness statements are not accepted  e. The judge determines admissibility by considering  i. Validity of the evidence  ii. Credibility of the science behind it  iii. How influential the evidence may be  4. Rules Regarding Confidential Information  a. Privileged relationships prevent the disclosure of private information. Privileged relationships include  i. Spouse  ii. Medical doctors and patients  iii. Attorneys and clients  iv. Ministers and church members  a. Private information cannot be released without the consent of the holder  b. Confidentiality Exceptions  i. A client telling his or her attorney he or she will commit a crime in the future  ii. The holder of privileged information also elects to include  a third party in the communication  C. Bail Process  1. Order of Process  a. Arrest  b. Booking (jail)  c. Arraignment  i. The judge determines if the subject is eligible for bail and the cost  ii. The judge considers  a) Seriousness of the crime  b) Flight risk  c) Criminal history  d) Ties to the community  e) Danger to others  2. Types of Bail  a. Cash Bail – the accused pays the full amount of bail in cash.  The court may accept checks or credit cards  b. Surety Bond (Bail Bond)  i. The bail bondsman pledges to pay the full value of the bond if the accused does not appear in court. The bail bondsman charges 10–20% and collects some sort of collateral that usually involves a friend or a relative  ii. If the defendant fails to appear before the court, the bail bondsman is responsible for paying the entire bail amount iii. A bounty hunter is then contracted to locate the defendant and bring him or her before the court  a. Release on Citation – the suspect is issued a citation to appear before a court at a later date  b. Release on Own Personal Recognizance – the suspect is responsible for showing up to court dates and does not pay bail. It is highly unlikely the person will flee and not appear for court  c. Property Bonds – the defendant provides property as a bond and a lien is placed on the property. If the defendant fails to show for court the property is foreclosed on to recover the bail |
| **Guided Practice \*** | *Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*  NONE |
| **Independent Practice/Laboratory Experience/Differentiated Activities \*** | Texas Code of Criminal Procedure. Give each student a Texas Code of Criminal Procedure (CCP, Art. 39.14) handout. Have the students read over the Rules for Discovery as outlined in this article of the CCP. Have students make a list of all the items that must be disclosed according to this rule. Then have students write a brief interpretation of the rules of discovery. Use the Writing Rubric for assessment.  *Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*  Have students prepare a brochure of their choice, explaining the bail process. Include the five types of bail with a description of each one, and how each bail is granted. |
| **Lesson Closure** | bring in two guest speakers, one police officer and one prosecutor (either city or county), and have them talk about their relationship in the criminal justice system. Before the speakers come, but after completing this lesson, have students write five questions for each speaker. The questions must be submitted to the instructor for review. The worthiest questions will be selected to ask the guest speakers during their presentation. Use the Individual Work Rubric for assessment. |
| **Summative/End of Lesson Assessment \*** | * Criminal Procedure Exam and Key * Criminal Procedure Brochure Rubric * Discussion Rubric * Individual Work Rubric * Writing Rubric   *Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*   * NONE |
| **References/Resources/**  **Teacher Preparation** | Texas Code of Criminal Procedure (CCP, Art. 39.14) http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.39.htm  Do an Internet search for the following:   * Cold case resulted in heated relationship between police chief, prosecutor * Law firms evidence in criminal trials * How bail works * Relationship between the Prosecution Service and the Police |
| **Additional Required Components** | |
| **English Language Proficiency Standards (ELPS) Strategies** |  |
| **College and Career Readiness Connection[[1]](#footnote-1)** |  |
| **Recommended Strategies** | |
| **Reading Strategies** |  |
| **Quotes** |  |
| **Multimedia/Visual Strategy**  **Presentation Slides + One Additional Technology Connection** |  |
| **Graphic Organizers/Handout** |  |
| **Writing Strategies**  **Journal Entries + 1 Additional Writing Strategy** |  |
| **Communication**  **90 Second Speech Topics** |  |
| **Other Essential Lesson Components** | |
| **Enrichment Activity**  (e.g., homework assignment) | |  | | --- | | For enrichment, have students prepare a brochure explaining the bail process. The brochure should include the five types of bail, an outline of the bail process,  and specific information about how bail is granted. The brochure should  be tri-fold and easy to read. Use the Criminal Procedure Brochure Rubric  to assess student understanding. | |
| **Family/Community Connection** |  |
| **CTSO connection(s)** | SkillsUSA |
| **Service Learning Projects** |  |
| **Lesson Notes** |  |

1. Visit the Texas College and Career Readiness Standards at <http://www.thecb.state.tx.us/collegereadiness/CRS.pdf>, Texas Higher Education Coordinating Board (THECB), 2009. [↑](#footnote-ref-1)