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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 terms2. Examine the interaction between police and prosecutor in filing complaints and deciding to charge3. 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 bailB. Bail bondsman – one who provides bail as a surety for a criminaldefendant’s releaseC. Bail bond – a bond given to a court to guarantee the defendant willappear in court; obtains the defendant’s release from confinementD. Excessive bail – bail that is unreasonably high considering the offense and the risk that the defendant will not appearE. 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
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| **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 TermsA. Bail-jumping – defaulting on one’s own bailB. Bail bondsman – one who provides bail as a surety for a criminaldefendant’s releaseC. Bail bond – a bond given to a court to guarantee the defendant willappear in court; obtains the defendant’s release from confinementD. Excessive bail – bail that is unreasonably high considering the offenseand the risk that the defendant will not appearE. Surety – the person primarily liable for the payment of another’s debt orthe performance of another’s obligationII. Police and Prosecutor InteractionsA. Role of the Prosecutor1. Supervise the legality of the procedures during the investigationand bring the criminal action to court2. Impact police work by returning cases for further investigation and refusing to sign warrants that are lacking probable cause3. Check police investigations against due process4. Give instructions on certain acts or decisions concerning mattersB. Joint Roles1. Police and District Attorney (DA) investigators may both be responsible for the investigation2. Prosecutors without police cooperation will have problems investigating and presenting evidence in court3. Police and prosecutors often have conflicting views about the dispositions of cases4. Both parties want justice for the victims5. Both parties present evidence at the trialC. Role of the Police1. Investigate the crime2. Protect the victim3. Provide evidence and testimony in court4. Depend on prosecutors to advise them on legal issues and hold them accountable regarding constitutional rights5. Criticize prosecutors when they choose not to prosecute6. 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 courtIII. Pre-trial ProceedingsA. Rules of Discovery1. Discovery is the formal process by which the defense and prosecution exchange information relevant to a criminal investigationa. Provides pertinent informationb. Aids in adequate preparation for the trialc. Helps the criminal justice system reach reliable outcomesd. Evidence can be appropriately scrutinized and then give the accused a meaningful opportunity to challenge and test it2. Code of Criminal procedure (CCP, Art. 39.14)B. Rules of Evidence1. General purposea. Restricts the content and manner of presentationb. Ensures that the trial runs smoothlyc. Protects against unfair trialsd. It is the role of the prosecutor and defense to challenge rule of evidence violations2. Rules Regulating Testimonya. Purpose is to influence opinion of the judge and juryb. Testimony must be logically connected to the issue and deemed admissiblec. Testimony that is logical to issues is not always admissibled. 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 firstg. Witness credibility can be challenged by attacking honesty and criminal activityh. If no good character evidence is entered, then the defendant’s past convictions cannot be enteredi. Rape victims are shielded from attacks on their sexual history under the Rape Shield lawsj. Hearsay rules prevent testimony that is not firsthand from being admittedk. Statements not subjected to cross-examination are not permittedl. Expert testimony may include opinions and references to previous witness’ testimony. Expert testimony may be paidm. 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 trial3. Rules Regarding Scientific Evidencea. Includes scientific or forensic evidenceb. Scientific evidence entered by both sidesi. DNAii. Fingerprintsiii. Ballisticsc. Polygraph results are not considered reliable and are not admissibled. Other forms of altered consciousness statements are not acceptede. The judge determines admissibility by consideringi. Validity of the evidenceii. Credibility of the science behind itiii. How influential the evidence may be4. Rules Regarding Confidential Informationa. Privileged relationships prevent the disclosure of private information. Privileged relationships includei. Spouseii. Medical doctors and patientsiii. Attorneys and clientsiv. Ministers and church membersa. Private information cannot be released without the consent of the holderb. Confidentiality Exceptionsi. A client telling his or her attorney he or she will commit a crime in the futureii. The holder of privileged information also elects to includea third party in the communicationC. Bail Process1. Order of Processa. Arrestb. Booking (jail)c. Arraignmenti. The judge determines if the subject is eligible for bail and the costii. The judge considersa) Seriousness of the crimeb) Flight riskc) Criminal historyd) Ties to the communitye) Danger to others2. Types of Baila. Cash Bail – the accused pays the full amount of bail in cash.The court may accept checks or credit cardsb. 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 relativeii. 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 courta. Release on Citation – the suspect is issued a citation to appear before a court at a later dateb. 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 courtc. 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
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| **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.htmDo 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
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| **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) |

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| 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.  |

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| **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)