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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** | Law Enforcement 1 |
| **Lesson/Unit Title** | Defenses to Criminal Prosecution |
| **TEKS Student Expectations** | **130.336. (c) Knowledge and Skill**  (8) The student analyzes procedural and substantive criminal law.  (D) The student is expected to analyze types of criminal defenses. |
| **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:   * Discuss the various types of prosecution. * List various defenses to prosecution. * Describe who can use these defenses. * Demonstrate the ability and knowledge of applying the information to the actual applications of the law. |
| **Rationale** | Upon completion of this assignment, the student will be able to comprehend various criminal defenses against prosecution, as defined within the Texas Penal Code and the Texas Code of Criminal Procedure. This is an important element in the court system. |
| **Duration of Lesson** | 2 to 6 Hours |
| **Word Wall/Key Vocabulary**  *(ELPS c1a,c,f; c2b; c3a,b,d; c4c; c5b) PDAS II(5)* |  |
| **Materials/Specialized Equipment Needed** | **Materials**   * Computers with Internet access * Presentation materials or computer-based presentation software for student presentations * Peer Evaluation Rubric * Presentation Rubric * Role Play Rubric |
| **Anticipatory Set**  (May include pre-assessment for prior knowledge) | Use the following information for a class discussion. For almost every imaginable crime there are an equal number of defenses available. These help the accused either avoid prosecution or enter a plea that will facilitate the introduction of a plea of nolo contendre, or plea for a crime with a lesser penalty.  In many cases such defenses to prosecution are justifiable, such as in the “battered woman syndrome.” Questions to consider: Did the woman use just enough force to stop the assault or probable assault against her? Did she have knowledge beforehand that would lead a normal, prudent person to leave the situation entirely?  In other cases, such as those with a defendant with Post Traumatic Stress Disorder (PTSD), the questions concerning a normal, prudent person are difficult to apply because a combat veteran is not a normal, prudent person. That is not to say that a veteran is not a normal person. It simply means that a combat veteran has experienced events and horrors that normal people will never experience in an entire lifetime. Also, the veteran is trained to react in a certain physical manner towards certain situations, during which a normal person would simply dial 911 for resolution.  Use the Discussion Rubric for assessment. |
| **Direct Instruction \*** | 1. Describe various types of prosecution    1. Violations       1. Types       2. Punishments    2. Misdemeanors       1. Types/Class       2. Punishments    3. Felonies       1. Types/Degree       2. Punishments 2. Various criminal defenses and who are eligible to use each defense    1. Personal Defenses for Women       1. Battered Woman Syndrome          1. History of abuse          2. Fear of injury          3. Victim’s history of abusing       2. Pre-Menstrual Syndrome (PMS) defense          1. Similar to temporary insanity          2. Used in Europe, not in U.S. yet    2. Defenses for Veterans       1. Post-Traumatic Stress Disorder (PTSD) defense          1. Based on             1. Traumatic combat experience             2. The relation of their combat experience to their present actions    3. Juvenile/Age/Infancy       1. Juvenile is defined in the State of Texas as any child not older than 16 years of age and not younger than 10 years of age.       2. A juvenile delinquent has either broken a penal code law or is a child with conduct in need of supervision.       3. Cases are treated as civil offenses       4. Records are sealed when the child is 17 years of age, unless the child’s criminal record continues up to and beyond the age of 17.       5. A court order is required to open sealed records.       6. When a child is “Taken into Custody”          1. Transported, without delay, to a Juvenile Processing Office          2. Taken before a Magistrate and given a Magistrate’s warning             1. The child is advised of his or her rights.             2. The charges against him or her are explained.          3. Given an opportunity to give a written or oral statement to law enforcement (if the child chooses to)          4. Fingerprinted and photographed (Both fingerprints and photos are destroyed within one year of the date of the offense, unless further criminal activity occurs)          5. Released to their parents or guardians, or turned over to Juvenile Probation for further processing    4. Duress       1. Coerced to commit a crime       2. No criminal history       3. In fear of bodily injury    5. Entrapment       1. Law enforcement sets up an enticement       2. Offender does not have a record of similar offenses    6. Irresistible Impulse       1. Lack of self-control       2. Another action triggers the impulse    7. Public Duty Defense       1. Action in the line of duty       2. Action in the legal defense of another    8. Necessity Defense       1. Committed crime to avoid a greater evil       2. No other reasonable alternatives    9. Accidental Defense       1. Not a premeditated action       2. No desire to harm anyone    10. Self-Defense        1. Justifiable against unjustifiable force        2. Only necessary force was used        3. Force stopped when the other stopped his or her assault    11. The Durham Rule        1. Temporary insanity        2. A normal, prudent person may have responded in same way    12. The M’Naughten Rule        1. Incapable of discerning right from wrong        2. Mental capability, or the lack of, is proven in court        3. The jury agrees   *Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*  none |
| **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 \*** | Assign students one of the criminal defenses discussed. While working independently, they will research that defense to determine the elements/requirements needed to prove the defense. Work with students on an individual basis to revise their research and establish the amount of student, research time.  Upon completion of all research, place the students in teams, categorized by criminal defense(s). The teams will create hypothetical situations of the various criminal defenses, portraying their comprehension. Each team will present their criminal defense to the rest of the class. Each presentation will include the definition of their criminal defense, the elements required to prove such a defense in court, and the team’s hypothetical situations. The teams may choose their own methods to present to the class (Ex: computer-based presentation, poster, handouts, etc.), but should act out the situations. Establish the amount of time for the presentation. Use the following rubrics as needed for assessment: Peer Evaluation Rubric, Presentation Rubric, and the Role Play Rubric.  *Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*  none |
| **Lesson Closure** |  |
| **Summative/End of Lesson Assessment \*** | Criminal Defenses Exam and Key  *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 and Texas State Penal Code  <http://www.statutes.legis.state.tx.us/>  Supreme Court Case: The State of Washington v. Joseph Henry Maish  Entrapment and Due Process  Do an Internet search for the following:  • essays.cc battered woman syndrome defense arn49  • review journal insanity defense: killer’s mental illness recedes  • defense witness calls death of cop's wife accidental  • tncrimlaw defense entrapment |
| **Additional Required Components** | |
| **English Language Proficiency Standards (ELPS) Strategies** |  |
| **College and Career Readiness Connection[[1]](#footnote-1)** | **Social Studies Standards**  IV. Analysis, Synthesis, and Evaluation of Information  D. Reaching conclusions   1. Construct a thesis that is supported by evidence. 2. Recognize and evaluate counter-arguments. |
| **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 reinforcement, the students will list specific criminal defenses and explain who can claim such a defense, and under what circumstances. Use the Individual Work Rubric for assessment.  For enrichment, the students will research recent court cases where criminal defenses were claimed, will give a summary of the court cases, and will give the outcome of each court case. Use the Research Rubric for assessment. |
| **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)