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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** | Sentencing and Punishment |
| **TEKS Student Expectations** | **130.340. (c) Knowledge and Skills**(3) The student explores the roles and responsibilities of members of courtroom work groups. (D) The student is expected to discuss the dynamics of assembly line justice and discretion found in court proceedings.(5) The student examines the steps by which a criminal charge is processed through pretrial, trial, adjudication, and the appellate stages. (E) The student is expected to identify the trial process from pretrial to sentencing(6) The student explains the structure and provisions of the U.S. Constitution and the Bill of Rights and how they impact the criminal trial process. (F) The student is expected to describe the due process rights of a criminal suspect in the trial and sentencing 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 the defendant’s rights during sentencing2. Describe what is considered in a presentence report and when a judge assigns probation3. Analyze an interaction between a defendant and a probation officer in a scenario4. Construct a report as a defense attorney trying to get a client a lightsentence in a scenario5. Evaluate the argument another student makes for a lighter sentence for their client |
| **Rationale** |

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| A defendant has certain rights when it comes to sentencing. It is important for |
| the defendant’s attorney to know these rights to be certain his or her client is |
| treated fairly in a constitutional way. |

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| **Duration of Lesson** | 2 to 4 hours |
| **Word Wall/Key Vocabulary***(ELPS c1a,c,f; c2b; c3a,b,d; c4c; c5b) PDAS II(5)* |  |
| **Materials/Specialized Equipment Needed** | Sentencing and Punishment computer-based presentation |
| **Anticipatory Set**(May include pre-assessment for prior knowledge) | Use the following scenario and questions for a class discussion. Scenario:You are found guilty of a crime. You will be sentenced for the crime.Questions: What are some actions that you can take to help your standing with the judge or the jury in getting the best sentence possible? What are some things you should not do? Use the Discussion Rubric for assessment. |
| **Direct Instruction \*** |

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| I. | Sentencing |
|  | A. When someone is found guilty of the crime he or she is accused of, the |
|  | next phase of the criminal justice system is sentencing |
|  | B. There are different types of sentencing options which range from fines, |
|  | to probation, to community service, to incarceration |
|  | C. Sentencing may be done by a jury or a judge |
| II. | When Sentencing Occurs |
|  | A. Sentencing may occur right away or after the judge has had a |
|  | presentence report |
|  | B. A presentence report is an investigation that may be done by a |
|  | probation officer between the conviction and sentencing date of the |
|  | defendant, and includes |
|  | 1. The circumstances of the offense |
|  | 2. The defendant’s personal history and criminal record |
|  | 3. A victim impact statement |
| III. Presentence Report |
|  | 1. It is the duty of a good defense attorney to make sure the probation
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officer hears about positive aspects of the defendant1. The probation officer might meet with the defendant to discuss the defendant’s
	1. Presentence report
	2. Version of the criminal act
	3. Reason for the crime
	4. Prior criminal record
	5. Personal and family history
	6. Education and employment history
	7. Health, and potential alcohol and drug abuse
	8. Financial status
	9. Military record
2. The defendant should be prepared to answer the probation officer’s questions in the most favorable light possible and show remorse for his or her actions
3. The defendant usually has access to the report but not always to the recommendations made in the report
4. The defendant’s attorney can do the following during a presentence report to help the defendant’s case
	1. Research alternate sentences to suggest to the probation officer
	2. Assist the defendant with finding a job or enrolling in a drug rehab program in order to improve his or her profile
	3. Meet with the probation officer to present helpful information
	4. Prepare a written statement explaining why the defendant should receive a light sentence
	5. Have a private presentence report done for a hefty fee

IV. Sentencing Hearing* 1. At the sentencing hearing, defendants can have witnesses testify to their good character and rehabilitative efforts
	2. Defendants have a right of allocution where they speak on their own behalf before the judge
	3. No one can speak on a defendant’s behalf but defendants can work with their attorney beforehand to prepare a statement
	4. The punishment has to be within the range that the law has specified for the category of the crime
	5. Defendants may get credit for time served if they were incarcerated before their trial
	6. The sentence may take effect right away or at a future time; this is determined by the court
1. Probation
	1. Defendants might be eligible for probation
	2. Probation is an alternative punishment to incarceration where defendants remain free while meeting certain requirements determined by the judge
2. When assigning defendants probation, the judge will consider
	1. The defendant’s criminal record
	2. The seriousness and violence of the crime
	3. Whether the defendant is a danger to society
	4. Whether the defendant is willing to make restitution to the victim
	5. What culpability the victim had in the crime
3. Defendants are responsible for reporting to a probation officer
4. If the defendants violates the terms of their probation as reported by the probation officer to the court, they will then be incarcerated
5. Before this occurs, defendants may have a probation revocation hearing where the defense and prosecution will show evidence as to why or why not the defendants should receive the punishment determined by the judge
6. Defendants are entitled to a written notification of the time, place, and reason for the hearing
7. The burden of proof is less and the judge does not have to follow strict rules of evidence during the hearing
8. If the violation of probation is a defendant being charged with a new crime, the probation revocation hearing may occur after the trial for that crime
9. Defendant may be able to take a plea deal that covers both the new offense and the probation violation

VI. Alternative Sentencing – judges can also hand out various types of sentencing such as community service, fines, retribution, and other innovative types of punishmentVII. Appeals1. If defendants do not agree with the conviction or the sentence, they can file an appeal to higher court for a new verdict or a new trial
2. These appeals are usually filed by the defense attorney since the defendants must begin serving their sentence

*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 \*** | Divide the class into partners. Have groups write a script between a probation officer and a defendant having their presentence report interview. The students may be creative with using an actual crime the defendant was found guilty of or a law created by the student that was broken. In the script, the answers to the questions should be favorable towards the defendant. The students will intentionally leave some elements out of the script that the probation officer would normally ask. The students should make a separate list of the types of questions they intentionally left out of the script with answers to those questions. After the scripts are written, the students will go to at least one other pair of students and they will play the role of the defendant’s defense attorney who is with his or her client during the interview. As the “defense attorney”, he or she may raise questions to the “defendant” that the “probation officer” is not asking in an effort to make the defendant look good.After this, the student who played the role of the defense attorney will write at least a one-page paper that will take the place of a written statement presented in the presentence report to the judge. A good paper should consist of items done by the defense attorney (listed in the Sentencing and Punishment computer-based presentation) that would help out the defendant.This paper will then go to a different pair of students who will be presented with the paper of questions intentionally left out of the script with an explanation of whether the omitted questions were eventually asked by the defense attorney. This pair of students will play the role of the judge. They will read the paper written by the defense attorney. They will decide if the sentence would have been harsher or lighter depending on the work done by the defense attorney. If need be, the instructor could require that more than one pair of students grade the paper. The Writing Rubric may be used to assess this activity. |
| **Independent Practice/Laboratory Experience/Differentiated Activities \*** | Completion of the Sentencing and Punishment Quiz. The quiz may be open-note and used as a study guide for the Sentencing and Punishment Exam.*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 \***  | Sentencing and Punishment Exam and KeySentencing and Punishment Quiz and KeyDiscussion RubricResearch RubricWriting Rubric*Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*Students will imagine that they have been convicted of a crime and are about to be sentenced. They will write down the good things about their life that they would want the court to know before they are sentenced. They must give an explanation as to why each thing would be good for the court to hear. Use the Writing Rubric for assessment. |
| **References/Resources/****Teacher Preparation** | 1413310532, The Criminal Law Handbook: Know Your Rights, Survive the System (11th Edition) by Paul Bergman, J.D. and Sara J. Berman, J.D. |
| **Additional Required Components** |
| **English Language Proficiency Standards (ELPS) Strategies** |  |
| **College and Career Readiness Connection[[1]](#footnote-1)** | English/Language Arts1. Writing

A. Compose a variety of texts that demonstrate clear focus, the logical development of ideas in well-organized paragraphs, and the use of appropriate language that advances the author’s purpose.-Determine effective approaches, forms, and rhetorical techniques that demonstrate understanding of the writer’s purpose and audience. |
| **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, students will research alternate, creative types of sentences that judges have handed down. 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)