



# Welcome to Street Law!



Spring 2023

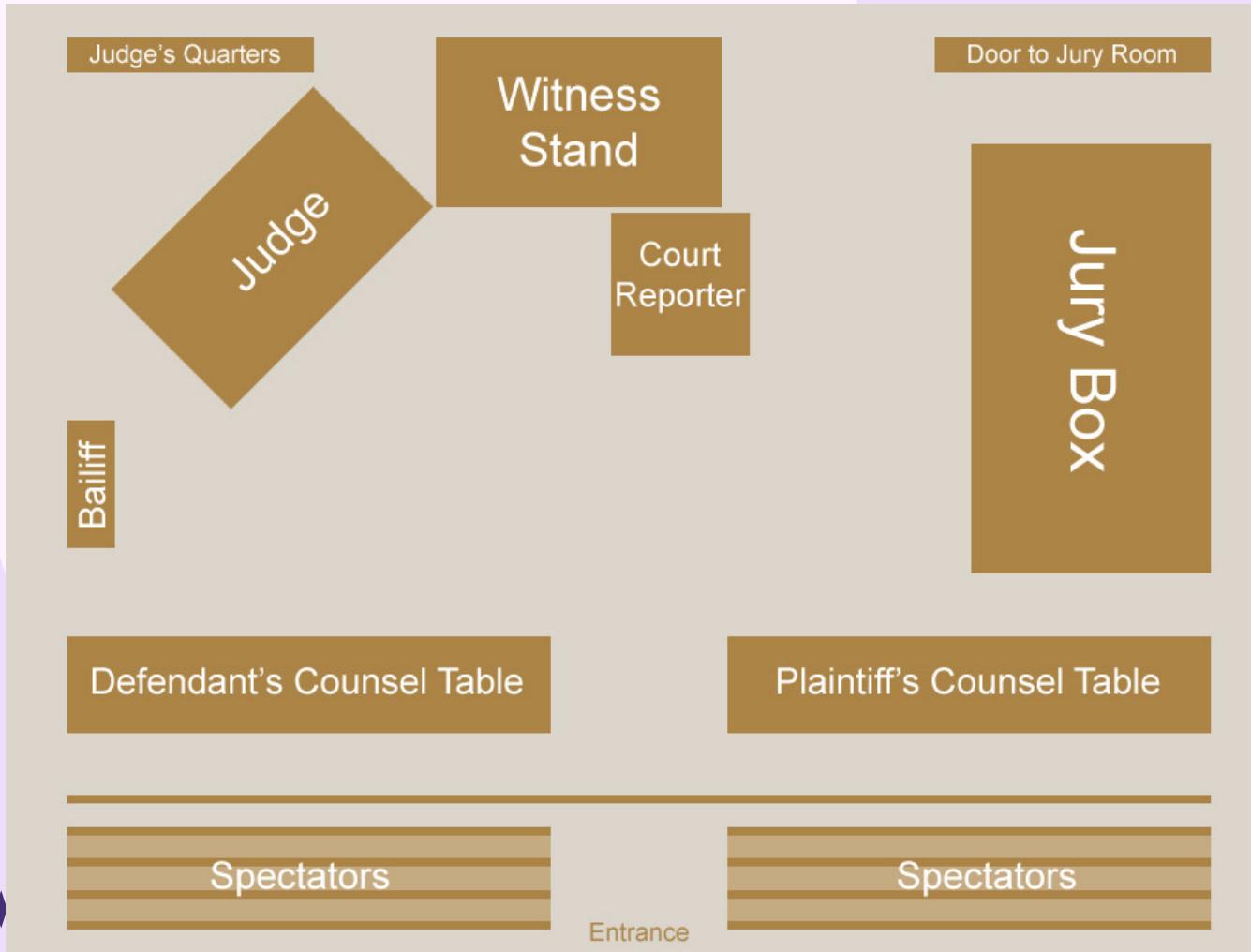
# Brainstorm

What are the different **stages** of a trial?



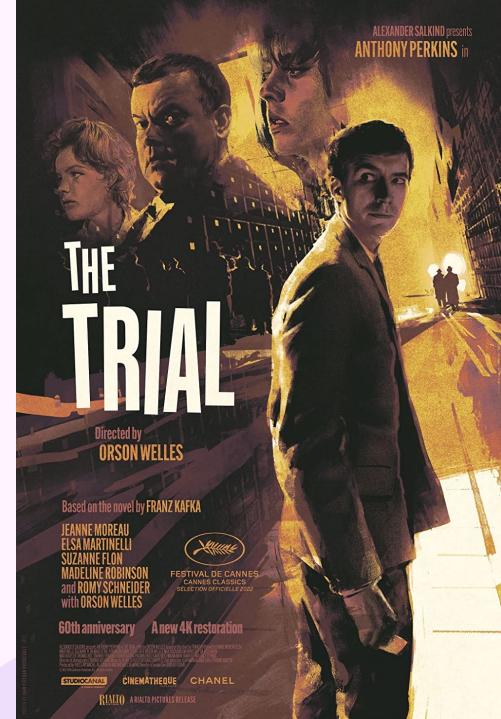
# The Trial & Opening Statements





# The Parts of a Trial

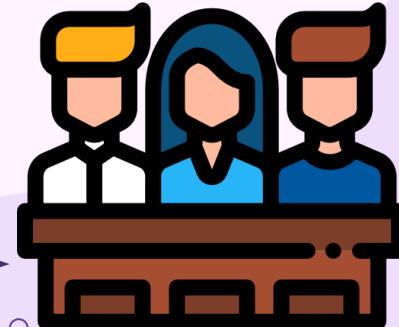
- (1) Jury Selection**
- (2) Opening Statements**
- (3) Presentation of Prosecution/Plaintiff's Case**
- (4) Presentation of Defense's Case**
- (5) Closing Arguments**
- (6) Jury Deliberations**
- (7) Verdict**
- (8) (If Criminal) Sentencing Phase**



# Jury Selection

The **jury** is an assembly of citizens called to court to listen to all the evidence and witnesses surrounding a criminal case.

Attorneys (or the judge) may **dismiss jurors** based on **“cause”** and **“peremptory”** challenges.



# Jury Selection Practice

You are the **prosecutor** for a 25 year old woman accused of **involuntary manslaughter**. She verbally abused her boyfriend by texting him hundreds of messages per day telling him to harm himself. Her boyfriend committed suicide, and she is now being prosecuted. You are conducting jury selection for the trial.

**What kind of jobs, hobbies, experiences, etc. do you think would make a juror more likely to find her guilty?**

# Opening Statements

When both sides get to present their stories to the jury. Unlike a closing, the attorney may **only discuss facts that will be shown, not their arguments about the law.**



# Presentation of Prosecution/Plaintiff's Case

The presentation of the case is where **evidence** (such as documents, videos, texts, and testimony) is shown.

Witnesses may testify for the prosecution/plaintiff (**direct examination**), but they can be questioned by the defense (**cross examination**)



# Presentation of Defense's Case

The presentation of the case is where **evidence** (such as documents, videos, texts, and testimony) is shown.

Witnesses may testify for the defense (**direct examination**), but they can be questioned by the prosecution/plaintiff (**cross examination**)



# Presentation of Case Practice

Terry is accused of committing a burglary at his local Target, but he knows that he was out of town the weekend he is accused. In fact, Terry was at a high school reunion, at which he MC'ed for most of the night.

What kind of questions would the **defense** attorney ask Terry on **direct examination** to show he did not commit the crime?

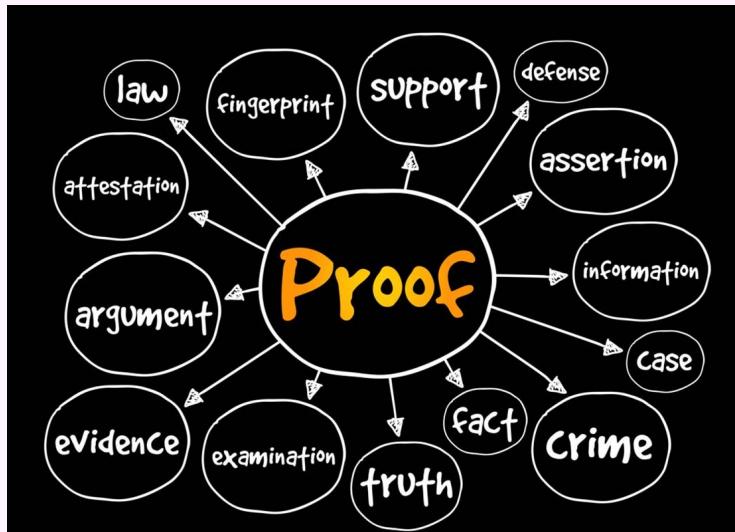
# Closing Argument

The closing argument is NOT like the opening statement. Unlike an opening, the attorneys may **argue the facts** presented at trial. They may also **instruct the jury** on the law.



# Closing Argument Practice

Which chart is the **defense** more likely to use? Which chart is the **prosecution** more likely to use?



# Closing Argument

The closing argument is NOT like the opening statement. Unlike an opening, the attorneys may **argue the facts** presented at trial. They may also **instruct the jury** on the law.



# Jury Deliberations

When the jury is given their instructions on the law, and they discuss who should win the case. They usually answer specific questions on a **verdict form**.

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK		COURT EXHIBIT # <u>9</u>
UNITED STATES OF AMERICA,		DATE : <u>3/13/2013</u>
-against-		TIME : <u>1:17:26 PM</u>
GILBERTO VALLE,		CASE : <u>12CR847 (766)</u>
Defendant.		12 Cr. 847 (PGG)
<u>VERDICT FORM</u>		
<u>COUNT ONE</u>		
1. Conspiracy to commit kidnapping		
<input checked="" type="checkbox"/> Guilty		
<input type="checkbox"/> Not Guilty		
<u>COUNT TWO</u>		
2. Accessing a federal government computer database on May 31, 2012, without authorization.		
<input checked="" type="checkbox"/> Guilty		
<input type="checkbox"/> Not Guilty		
Please sign and date the form and tell the Marshal that the jury has reached a verdict:		
March 13, 2013		
 Signature of Foreperson		

When they discuss what specific

, and they answer

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

GILBERTO VALLE,

Defendant.

COURT EXHIBIT # 9

DATE : 3/12/2013  
TIME : 11:12 AM  
CASE : 12CR 847 (PGG)

12 Cr. 847 (PGG)

VERDICT FORM

COUNT ONE

1. Conspiracy to commit kidnapping.

Guilty

Not Guilty

COUNT TWO

2. Accessing a federal government computer database on May 31, 2012, without authorization.

Guilty

Not Guilty

Please sign and date the form and tell the Marshal that the jury has reached a verdict:

March 12, 2013

  
Signature of Foreperson

# Verdict

Possible verdicts in a criminal case:

- (1)
- (2)
- (3)

Possible verdicts in a civil case:

- (1)
- (2)



# Verdict

Possible verdicts in a criminal case:

- (1) **Guilty**
- (2) **Not Guilty**
- (3) **Hung Jury**

Possible verdicts in a civil case:

- (1) **Plaintiff wins**
- (2) **Defendant wins**



# Sentencing Phase

If the defendant is found guilty, then the attorneys will argue about the **sentence**. The **defense** will present evidence as to **why the sentence should be shorter**, and the **prosecution** will usually present evidence as to **why the sentence should be longer**.



# Sentencing Activity

Mulan Fah is a 22 year old Chinese-American who committed identity theft. She forged U.S. military documents so she could pose as her father when he was drafted into active service. She is now facing a sentence that could be between **3 months and 10 years**. You are her defense attorney.

What are some **arguments** you could make to the judge about her sentence? Consider her background, the crime itself, and other factors.



# The Parts of a Trial

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# The Opening Statement

**It is very different from the closing argument:**

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**It is very different from the closing argument.**

<b>Opening</b>	<b>Closing</b>
Talk about facts <b>to be</b> established at trial	Talk only about facts <b>already</b> established at trial
Arguments from facts are <b>not</b> allowed	Arguments from facts <b>are</b> allowed (and the <b>goal</b> )
Little or no discussion of the law	More explanation and discussion on the law

# Outlining the Opening Statement

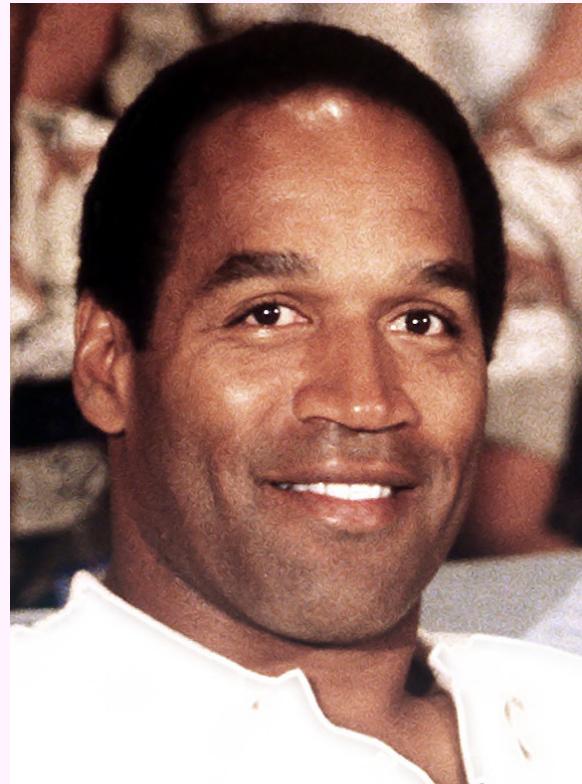
An opening statement needs a **theory** and a **theme**.  
A **theme** is a catchy phrase that captures the main argument. A **theory** is your version of the story.



# Outlining the Opening Statement

What was the defense's **theme**?

What was the defense's **theory**?



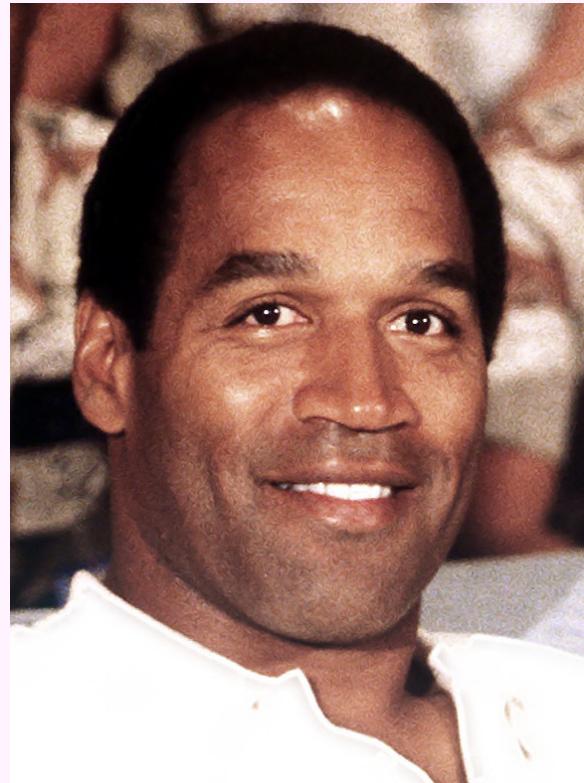
# Outlining the Opening Statement

What was the defense's **theme**?

- "If the glove doesn't fit, you must acquit."

What was the defense's **theory**?

- There was another man who committed the crime.



# Video

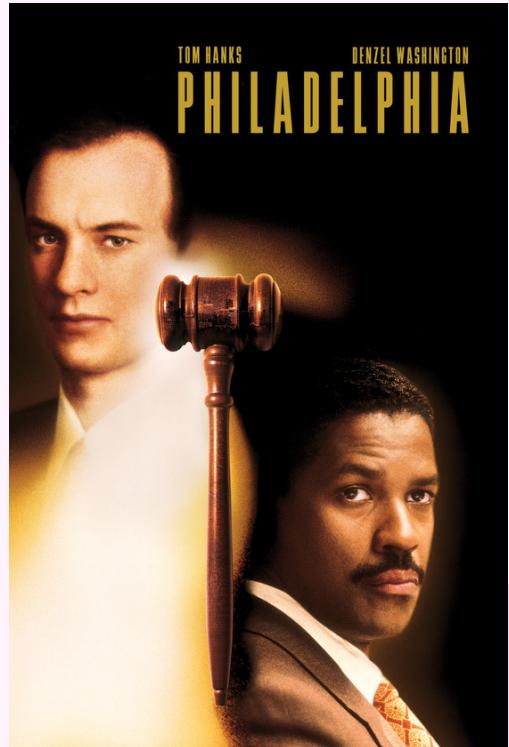
[https://www.youtube.com/watch?v=iXTY7v\\_fFEQ](https://www.youtube.com/watch?v=iXTY7v_fFEQ)



# Video

What was the defense's **theme**?

What was the defense's **theory**?



# Video

What was the defense's **theme**?

- **“Fact”**

What was the defense's **theory**?

- **“Andrew Beckett wanted someone else to pay for his mistakes.”**



# Writing the Opening

- (1) Introduction
- (2) **Introduce** the parties
- (3) Paint a picture of the **scene**
- (4) Explain the **theory** (aka the story) using evidence that will be introduced
- (5) Explain the basis of **guilt/non-guilt**
- (6) **Refute** the other side's arguments
- (7) Ask the jury to find a **verdict** for your side



THE CASE OF...  
The Shipwrecked Sailors



**T**hree sailors on an ocean-going freighter were cast adrift in a life raft after their ship sank during a storm in the Atlantic Ocean. The ship went down so suddenly that there was no time to send out an SOS. As far as the three sailors knew, they were the only survivors. In the raft, they had no food or water. They had no fishing gear or other equipment that might be used to get food from the ocean.

After recovering from the shock of the shipwreck, the three sailors began to discuss their situation. Dudley, the ship's navigator, figured that they were at least one thousand miles from land and that the storm had blown them far from where any ships would normally pass. Stephens, the ship's doctor, indicated that without food they could not live longer than thirty days. The only nourishment they could expect was from any rain that might fall from time to time. He noted, however, that if one of the three died before the others, the other two could live awhile longer by eating the body of the third.

On the twenty-fifth day, the third sailor, Brooks, who by this time was extremely weak, suggested that they all draw lots and that the loser be killed and eaten by the other two. Both Dudley and Stephens agreed. The next day, lots were drawn and Brooks lost. At this point, Brooks objected and refused to consent. However, Dudley and Stephens decided that Brooks would die soon anyway, so they might as well get it over with. After thus agreeing, they killed and ate Brooks.

Five days later, Dudley and Stephens were rescued by a passing ship and brought to port. They explained to authorities what had happened to Brooks. After recovering from their ordeal, they were placed on trial for murder.

The state in which they were tried had the following law: Any person who deliberately takes the life of another is guilty of murder.

# *Winning Group... (4/17)*

