

# Unit 03: The Criminal Case and the Courts

Content Area: **Social Studies**  
Course(s):  
Time Period: **Marking Period 1**  
Length: **5 Weeks**  
Status: **Published**

## Brief Summary of Unit

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Unit III is a behind-the-scenes look at how our criminal justice system processes a criminal case, and the philosophies and procedures that help shape the system we have today. Students will gain an understanding of the differences between criminal and civil law. Students will also trace the process from arrest and arraignment to sentencing by creating scenarios that lawyers and officers of the court encounter in a trial. The elements, levels, and types of crime will be explored and the types of defenses will be examined.

## Standards

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LA.L.11-12.1	Demonstrate command of the conventions of standard English grammar and usage when writing or speaking.
LA.L.11-12.2	Demonstrate command of the conventions of standard English capitalization, punctuation, and spelling when writing.
LA.L.11-12.3	Apply knowledge of language to understand how language functions in different contexts, to make effective choices for meaning or style, and to comprehend more fully when reading or listening.
LA.L.11-12.4	Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grades 11–12 reading and content, choosing flexibly from a range of strategies.
LA.L.11-12.5	Demonstrate understanding of figurative language, word relationships, and nuances in word meanings.
LA.L.11-12.6	Acquire and use accurately general academic and domain-specific words and phrases, sufficient for reading, writing, speaking, and listening at the college and career readiness level; demonstrate independence in gathering vocabulary knowledge when considering a word or phrase important to comprehension or expression.
LA.RH.11-12.1	Accurately cite strong and thorough textual evidence, (e.g., via discussion, written response, etc.), to support analysis of primary and secondary sources, connecting insights gained from specific details to develop an understanding of the text as a whole.
LA.RH.11-12.2	Determine the theme, central ideas, information and/or perspective(s) presented in a primary or secondary source; provide an accurate summary of how key events, ideas and/or author’s perspective(s) develop over the course of the text.
LA.RH.11-12.3	Evaluate various perspectives for actions or events; determine which explanation best accords with textual evidence, acknowledging where the text leaves matters uncertain.
LA.RH.11-12.4	Determine the meaning of words and phrases as they are used in a text, including analyzing how an author uses and refines the meaning of a key term over the course of a text (e.g., how Madison defines faction in Federalist No. 10).
LA.RH.11-12.5	Analyze in detail how a complex primary source is structured, including how key sentences, paragraphs, and larger portions of the text contribute to the whole.
LA.RH.11-12.6	Evaluate authors’ differing perspectives on the same historical event or issue by assessing the authors’ claims, reasoning, and evidence.

LA.RH.11-12.7	Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, qualitatively, as well as in words) in order to address a question or solve a problem.
LA.RH.11-12.8	Evaluate an author's claims, reasoning, and evidence by corroborating or challenging them with other sources.
LA.RH.11-12.9	Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.
LA.RH.11-12.10	By the end of grade 12, read and comprehend history/social studies texts in the grades 11-CCR text complexity band independently and proficiently.
LA.SL.11-12.1	Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with peers on grades 11–12 topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.
LA.SL.11-12.3	Evaluate a speaker's point of view, reasoning, and use of evidence and rhetoric, assessing the stance, premises, links among ideas, word choice, points of emphasis, and tone used.
LA.SL.11-12.4	Present information, findings and supporting evidence clearly, concisely, and logically. The content, organization, development, and style are appropriate to task, purpose, and audience.
LA.SL.11-12.5	Make strategic use of digital media (e.g., textual, graphical, audio, visual, and interactive elements) in presentations to enhance understanding of findings, reasoning, and evidence and to add interest.
LA.SL.11-12.6	Adapt speech to a variety of contexts and tasks, demonstrating a command of formal English when indicated or appropriate.
LA.WHST.11-12.1.A	Introduce precise, knowledgeable claim(s), establish the significance of the claim(s), distinguish the claim(s) from alternate or opposing claims, and create an organization that logically sequences the claim(s), counterclaims, reasons, and evidence.
LA.WHST.11-12.1.B	Develop claim(s) and counterclaims using sound reasoning and thoroughly, supplying the most relevant data and evidence for each while pointing out the strengths and limitations of both claim(s) and counterclaims in a discipline appropriate form that anticipates the audience's knowledge level, concerns, values, and possible biases.
LA.WHST.11-12.1.C	Use transitions (e.g., words, phrases, clauses) to link the major sections of the text, create cohesion, and clarify the relationships between claim(s) and reasons, between reasons and evidence, and between claim(s) and counterclaims.
LA.WHST.11-12.1.D	Establish and maintain a style and tone appropriate to the audience and purpose (e.g., formal and objective for academic writing) while attending to the norms and conventions of the discipline in which they are writing.
LA.WHST.11-12.1.E	Provide a concluding paragraph or section that supports the argument presented.
LA.WHST.11-12.2	Write informative/explanatory texts, including the narration of historical events, scientific procedures/experiments, or technical processes.
LA.WHST.11-12.2.A	Introduce a topic and organize complex ideas, concepts, and information so that each new element builds on that which precedes it to create a unified whole; include formatting (e.g., headings), graphics (e.g., figures, tables), and multimedia when useful to aiding comprehension.
LA.WHST.11-12.2.B	Develop the topic thoroughly by selecting the most significant and relevant facts, extended definitions, concrete details, quotations, or other information and examples appropriate to the audience's knowledge of the topic.
LA.WHST.11-12.2.C	Use varied transitions and sentence structures to link the major sections of the text, create cohesion, and clarify the relationships among complex ideas and concepts.
LA.WHST.11-12.2.D	Use precise language, domain-specific vocabulary and techniques such as metaphor, simile, and analogy to manage the complexity of the topic; convey a knowledgeable stance

	in a style that responds to the discipline and context as well as to the expertise of likely readers.
LA.WHST.11-12.2.E	Provide a concluding paragraph or section that supports the argument presented.
LA.WHST.11-12.4	Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.
LA.WHST.11-12.5	Develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach, focusing on addressing what is most significant for a specific purpose and audience.
LA.WHST.11-12.6	Use technology, including the Internet, to produce, share, and update writing products in response to ongoing feedback, including new arguments or information.
LA.WHST.11-12.7	Conduct short as well as more sustained research projects to answer a question (including a self-generated question) or solve a problem; narrow or broaden the inquiry when appropriate; synthesize multiple sources on the subject, demonstrating understanding of the subject under investigation.
LA.WHST.11-12.8	Gather relevant information from multiple authoritative print and digital sources, using advanced searches effectively; assess the strengths and limitations of each source in terms of the specific task, purpose, and audience; integrate information into the text selectively to maintain the flow of ideas, avoiding plagiarism and overreliance on any one source and following a standard format for citation.
LA.WHST.11-12.9	Draw evidence from informational texts to support analysis, reflection, and research.
LA.11-12.SL.11-12.2	Integrate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, orally) in order to make informed decisions and solve problems, evaluating the credibility and accuracy of each source and noting any discrepancies among the data.
SOC.6.1.12	U.S. History: America in the World: All students will acquire the knowledge and skills to think analytically about how past and present interactions of people, cultures, and the environment shape the American heritage. Such knowledge and skills enable students to make informed decisions that reflect fundamental rights and core democratic values as productive citizens in local, national, and global communities.
SOC.6.2.12	World History/Global Studies: All students will acquire the knowledge and skills to think analytically and systematically about how past interactions of people, cultures, and the environment affect issues across time and cultures. Such knowledge and skills enable students to make informed decisions as socially and ethically responsible.
SOC.6.3.12	Active Citizenship in the 21st Century: All students will acquire the skills needed to be active, informed citizens who value diversity and promote cultural understanding by working collaboratively to address the challenges that are inherent in living in an interconnected world.

## Transfer

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## Essential Questions

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- • How do everyday citizens take part in the judicial process?
- • Is everyone entitled to the same defense, and do the accused have the same rights as law-abiding citizens?
- • What is the role and function of a judge, a defense attorney, a prosecutor (district attorney), and

a juror?

## **Essential Understandings**

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- • everyone has a right to a defense and a fair trial regardless of accusation or standing in the community.
- • evidence must be relevant to the issue in a case and it must have probative value.
- • most of our legal rights and protections are in the Bill of Rights, but several are in the body of the Constitution itself.
- • only 1% of all attorneys practice in the criminal bar, divided into prosecutors and defense attorneys.
- • our adversarial system is central to truth-finding in the criminal case process.
- • our democracy depends on the rule of law and an independent judiciary.
- • procedures and standards are held to different levels between civil and criminal cases.
- • the basic goal of prosecutors is to protect society from crime, whereas the basic goal of the defense is to challenge the prosecutor's case by raising reasonable doubts.
- • trials may end early with settlements or plea bargains rather than verdicts or judgments.

## **Students Will Know**

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- • key terms such as reasonable doubt, jury of peers, indictment, plea, voir dire, the Bar, deliberations, prosecutor, allocution, jurisprudence, adversarial system.
- • the differing roles of the prosecution and the defense in an adversarial system.
- • the preliminary procedures prior to trial and the steps in the trial itself.
- • the rights of criminal defendants.
- • the rules of evidence.
- • when and why juries become involved.
- • why it is that most cases do not go to trial.

## **Students Will Be Skilled At**

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## **Evidence/Performance Tasks**

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- • analyze primary sources and handouts through discussion and writing.
- • be able to succinctly answer the essential overarching questions.
- • be evaluated for their role-playing and successful application of what has been learned about trial procedures in a class-scripted mock trial.
- • be observed and assessed by the teacher in general subject discussions.
- • design their own graphic organizers comparing and contrasting the role of the prosecution v. the

defense.

- • examine landmark trials that have impacted the court system, i.e.; the Lindbergh kidnapping, the Scottsboro Boys, Gideon v. Wainwright, California v. White, California v. Hearst, New York v. Goetz, OJ Simpson, etc.
- • interpret editorial cartoons commenting on our courts and/or specific cases.
- • take objective tests and quizzes on key terms, concepts, historical trends, and theories of jurisprudence.

## Learning Plan

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- • Administer the unit test.
- • Bring in a local trial attorney to describe his/her experiences in court, and their views in general on the trial and criminal justice system.
- • Class-scripted mock trial.
- • Discuss the criminal case process, including pretrial steps and jury selection.
- • Discuss the rights of criminal defendants, as related to the U.S. Constitution.
- • Discuss the two systems of criminal courts: state and federal.
- • Examine the steps and procedures in a trial, from opening statements to sentencing.
- • Examine the work of criminal lawyers; prosecution and defense.
- • Introduce grand juries, as related to the Fifth Amendment and their ability to indict or issue “no bill.”
- • Introduce the unit and explain its organization.
- • Outline key terms, references, themes, theories, ideas, and trends in trial procedure.
- • Possible class field trip to the Union County Courthouse, to include observation of a trial or sentencing in progress.
- • Preview the essential questions and connect to learning throughout the unit.

## Materials

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- Court TV: The Trial of John List (video/local interest murder trial).  
Attorney / lawyer ORPs
- ACLU, American Bar Association web sites.
- Crime and the Law: A Look at the Criminal Justice System. Lynn G. Lempel. The Peoples Publishing Group, Inc., Saddlebrook, NJ, 1995.
- Gideon’s Trumpet (video / Gideon v. Wainwright/Sixth Amendment).
- Great Trials in American History. Lee Arbetman, Richard Roe. National Institute for Citizen Education in the Law, West Publishing Co., St. Paul, MN, 1985.
- My Cousin Vinny (video / courtroom scenes only).
- Text: Criminal Justice in America. 4th ed., Marshall Croddy, Bill Hayes, Todd Clark. Constitutional Rights Foundation, Los Angeles, CA, 2005.
- The History Channel: The Scottsboro Boys (video/racism in jury trials).

## **Suggested Strategies for Modifications**

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- • Self-teaching modules of three to four students each. Each module group will research the role and duties of different officers of the court (judge, bailiff, court clerk, prosecutor, etc.) and orally present their findings to the class.
- • Students research and write their own case submissions to a grand jury composed of their classmates.
- • Visual, hands-on learners would benefit from their researching and creating educational posters on the great trials of the 20th century.