

Role and Responsibilities of the Teen Court Prosecuting Attorney

The Prosecutor's role is to represent the interests of the State; to represent the public interest by requesting a sentence that is strict but fair.

- During pre-trial, the Prosecutor will prepare for the case. The Prosecutor will be provided with a summary sheet giving facts regarding the particular case to be heard. Case paperwork must be handled in a confidential manner and shredded upon completion of case.
- The Prosecutor should attempt to communicate with any victim in the case.
- After the Jury has been sworn in and the case is called, the Prosecutor begins by giving an opening statement. In the opening statement, the Prosecutor should state the Juvenile Offender's offense. The Prosecutor will explain to the Jury what he/she intends to provide and why he/she plans to advocate a particular disposition.
- Next, the Prosecutor will question the Victim during direct examination. The questions should be relevant to the offense and should elicit responses that justify the Prosecutor's verdict recommendations and should demonstrate any impact of the Juvenile Offender's actions upon the Victim.
- The Prosecutor may also call the Juvenile Offender's parent or guardian and Juvenile Offender as a witnesses during direct examination. The purpose of the questions should be relevant to the offense and should elicit response that justify the Prosecutor's disposition recommendations.
- After direct examination in each instance, the Defense Attorney will be given the opportunity to cross-examine the witnesses so called. This line of questioning is limited to the facts brought out in direct examination.
- Lastly, when the questioning and any cross-examination of the Juvenile Offender is completed, the Prosecutor will give a closing argument to the Jury. It should be organized and supported by the evidence. The Prosecutor can point out the reasons why he/she would like the jury to recommend a particular disposition.

Counsel Guidelines/Suggestions for Teen Court

The main purpose of an attorney at Teen Court is to try to convince the jury of what you believe an appropriate sentence should be. For example,

- The Defense is trying to show that the defendant is sorry for his/her 'mistake' and he/she has had enough punishment already.
- The Prosecution is trying to show that the defendant needs more punishment.

Both Prosecution and Defense should take into consideration all of the facts of the case before they ask for punishments. Prosecution should not automatically ask for the maximum and Defense should not always ask for no consequences. Ask for what you believe would serve the juvenile offender and the community best.

Counsel Must Prepare For The Hearing

Suggestions for preparation are:

- a) Read over documentation. All of the facts about the case are there. If you have any questions, you can call the Teen Court Coordinator or discuss questions with your mentoring attorney or with your client.
- b) Defense attorneys **MUST** meet with their clients or at least talk to them on the telephone before the trial. Discuss the facts of the case and what the juvenile offender's testimony will be. Remember not to coach your clients to change their story. That would be lying. If you do not call or meet with your clients, you will no longer be asked to participate as a teen court attorney.
- c) Decide on a theory of your case. This will help you to decide what kind of facts you want to bring out from the witnesses.
- d) Prepare questions to ask witnesses that you feel will back up your theory of the case. You want to ask questions that will convince the jury of your theory of the case.
- e) Ask relevant questions pertaining to the case in question. Make sure you do not repeat questions that the opposing side has asked unless you are trying to further a point that will help your case.
- f) **Opening Statements-** Prepare opening statements in advance. Make sure you tell the jury your theory of the case and how you plan to prove your theory.
- g) **Closing Arguments-** You may not be able to prepare all of your closing arguments, but you can have a basic outline of what you want to say to the jury. Tell the jury your theory of the case and how you proved it. Then suggest an appropriate sentence. Your client should approve of this sentence suggestion if you are the defense attorney.

Make sure you speak with your mentoring attorney before the hearing to discuss the case. Most mentors have participated in Teen Court before and will be able to help you prepare your case. If you have any other questions, you can always call the Teen Court Coordinator.

Counsel Opening/Closing Statements & Questioning Witnesses

Opening Statement

- Maintain eye contact with the Jury. Do not just read your statement to the jury.
- State the facts of the case clearly. Outline the story of the incident(s).
- Do not overstate your case. Be brief.
- Explain the *issues-facts-charges* of the case.

Closing Argument

- Maintain eye contact with the Jury. Do not just read your statement to the jury.
- *Prosecution*- Make sure the jury has a simple decision by giving them all the facts and reasons they need to give the verdict you asked for. Give a sentencing recommendation.
- *Defense*- Make sure you have shown your client in the best light. Ask for a sentence that you and your client agree would be fair.
- Expose the other side's weaknesses. Tell why they should believe what you have presented.

Questioning Witnesses

- Maintain eye contact with the witness. You don't want to read your questions to the witness. Notes are okay, but only if you use them to help you remember.
- Make sure to ask open ended questions. These are questions that require more than yes or no answers. Example: What were you thinking when you committed this crime?
- Be mobile. Don't stand like a statue when questioning a witness.
- Speak loud enough for everyone in the courtroom to hear your voice. A good guide is to speak a little bit louder than you think you need to speak.
- Try to tell a story with your questions. Use chronological order. You want the jury to see the facts of the case that you want to come out. Start at the beginning of the incident and ask questions that tell what happened at every step of the incident.

Case Preparation

1. The first thing to do is to go over all the materials in the information packet on the case. Be familiar with everything.
2. From the facts, start thinking about your **THEORY OF THE CASE**- This is your idea of the story. Think about all of the circumstances surrounding the case.
 - a. As a Defense attorney, you want to tell a story that will make your client look as good as possible. Remember, the facts are already there, you just want to present them in the best way possible for your client.

3. Talk to your client. Ask about the facts of the case. Ask what the client believes he/she should receive as punishment.
4. In your **Opening Statement** to the court, tell the jury your theory of the case. This is your idea of what happened and why it happened. You want your opening statements to give an outline for the jury of what you want to show them during questioning.
5. **Questioning:** Develop your questions for the case so that a story is told. You want the jury to be able to follow your questions as if they are watching a TV show. When asking the witness to describe the events, you want to start at the beginning and work your way to the end of the event.
 - a. Parents are often a good source of information on punishments and previous behavior problems. Some parents want to be called to the stand. It's a good idea to ask parents if they want to be called to the stand before the trial.
6. Pay attention to the Prosecution's questions. See how the witness responds to the questions and decide what you are going to ask on re-direct, or re-cross examination. You can always talk it over with your mentor during the trial.
7. In your **Closing Argument**, go over your theory of the case again and tell the jury how you proved your theory. Then ask them for a sentence you and your client feel is appropriate. Make sure to discuss this with your client before the trial.