

STEPS IN A CRIMINAL TRIAL

Learning Objectives: Students will

1. Identify the steps in a trial.
2. Describe what is meant by burden of proof.

TEKS: SS 3rd– 3.14B; 3.15A, 4th-4.19B, 4.21A, 5th-5.21B; 5.25A, 7th-7.20B; 7.22A, 8th -8.29B; 30A, Govt-19A; 20A

Materials Needed: Five or six sets of “Steps in a Trial” footsteps (Handout 1) cut out, “Steps in a Trial” (Transparency 2).


Vocabulary: prosecuting, opening statement, defense attorney, direct examination, cross-examination, defendant, rebuttal

Vocabulary:

1. Opening Statement—the attorneys from both sides introduce themselves, inform the jury about the facts, issues and evidence of the case, and ask for the verdict they want.
2. Direct Examination—the questioning of witness by the attorney who called the witness to testify.
3. Cross-Examination—when the opposing attorneys question witnesses.
4. Closing Argument—the attorneys from both sides speak to the jury, emphasizing the strengths of their case and try to persuade them that they have proven their side of the case.
5. Rebuttal—an additional argument given by the prosecution after the defense has presented its closing argument.
6. Verdict—the decision made by a judge or jury during a criminal trial.

Teaching Strategy:

1. Have the class brainstorm the various steps in a trial. The teacher should record responses on the chalkboard or overhead.
2. Divide the class into groups of three or four students. Give each group an envelope containing a set of “Steps in a Trial” footsteps (Attachment 1). Ask each group to arrange the strips in the order in which they think each event occurs during a trial in the courtroom.

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3. Debrief the activity by reviewing the correct order of the steps and discussing or clarifying any questions about courtroom procedures. IMPORTANT: Point out that because our legal system assumes the defendant is not guilty until proven guilty in a court of law, the prosecution goes first because the “burden of proof” is always on the prosecution.
 4. The correct order of the steps in a trial is as follows:
 1. The bailiff calls the case.
 2. The judge enters the room and takes his or her seat (the bench).
 - A) Judge calls the case before the court
 - B) Prosecutor reads the charges aloud
 - C) Defendant pleads “not guilty”
 3. The prosecution’s attorney makes an opening statement.
 4. The defendant’s attorney makes an opening statement.
 5. The prosecution’s attorney questions witnesses that will help its side of the case (direct examination).
 6. The defendant’s attorney cross-examines witnesses for the prosecution.
 7. The defendant’s attorney questions witnesses that will help the defendant’s side of the case (direct examination).
 8. The prosecution’s attorney cross-examines witnesses for the defense.
 9. The prosecution’s attorney gives closing argument.
 10. The defendant’s attorney gives closing argument.
 11. The prosecution’s attorney gives a rebuttal (optional).
 12. The judge explains to the jury how they are to determine if the defendant is not guilty or guilty (jury instructions).
 13. The jury decides the verdict.
 14. The decision is announced in court.



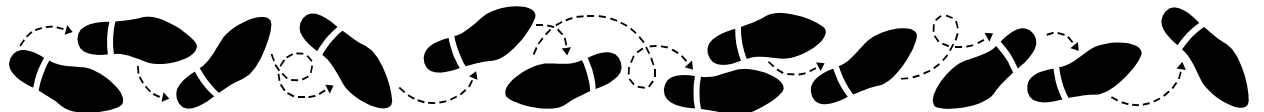
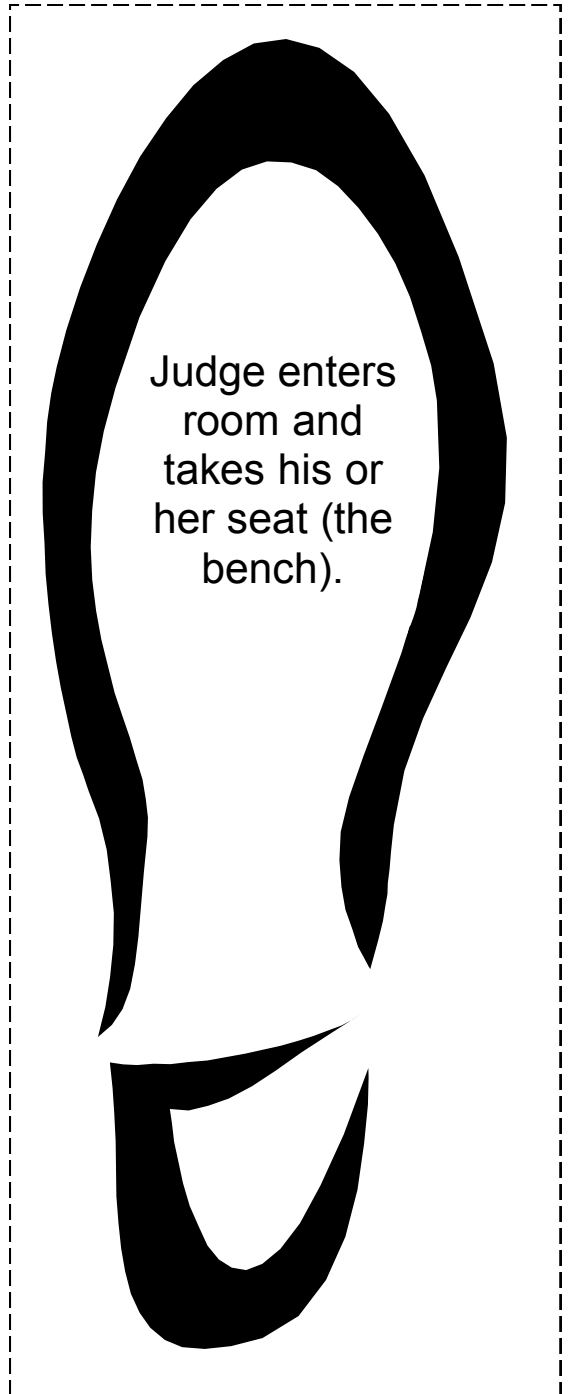
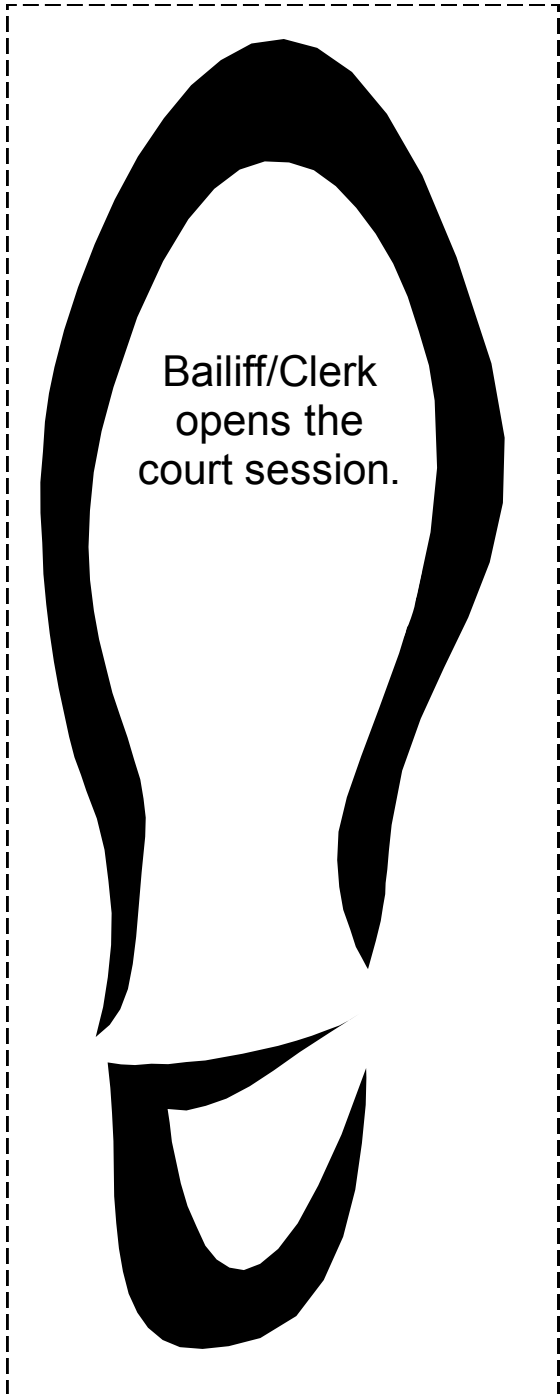
STEPS IN A TRIAL

The correct order of the steps in a trial is as follows:

1. Bailiff/Clerk opens the court session.
2. Judge enters room and takes his or her seat (the bench).
3. Prosecuting attorney makes an opening statement.
4. Defense attorney makes an opening statement.
5. Prosecuting attorney questions witnesses that will help its side of the case (direct examination).
6. Defense attorney cross-examines witnesses for the prosecution.
7. Defense attorney questions witnesses who will help the defendant's side of the case (direct examination).
8. Prosecuting attorney cross-examines witness for the defense.
9. Prosecuting attorney gives closing argument.
10. Defense attorney gives closing argument.
11. Prosecuting attorney gives a rebuttal (optional).
12. Judge explains to the jury how they are to determine if the defendant is guilty or not guilty.
13. The jury decides the verdict.
14. The decision is announced in court.

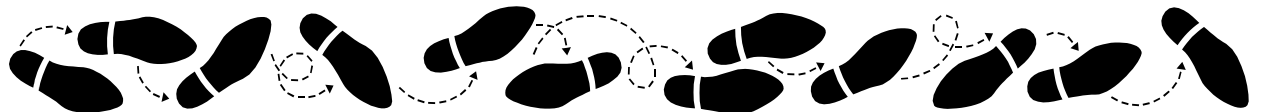
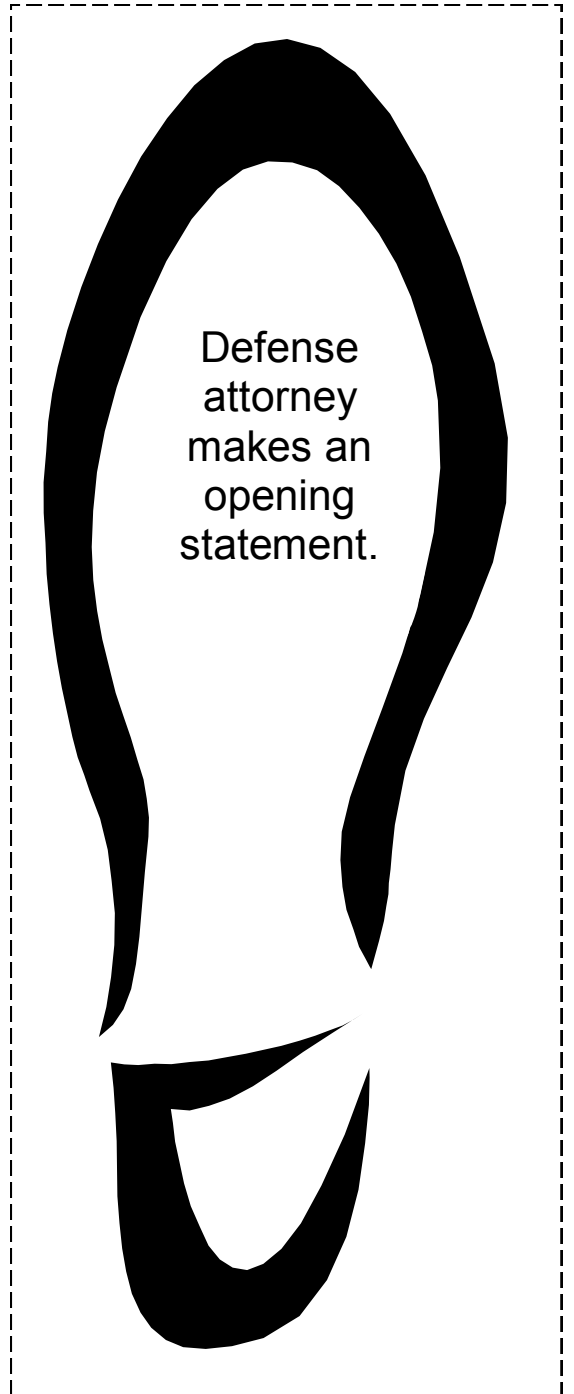
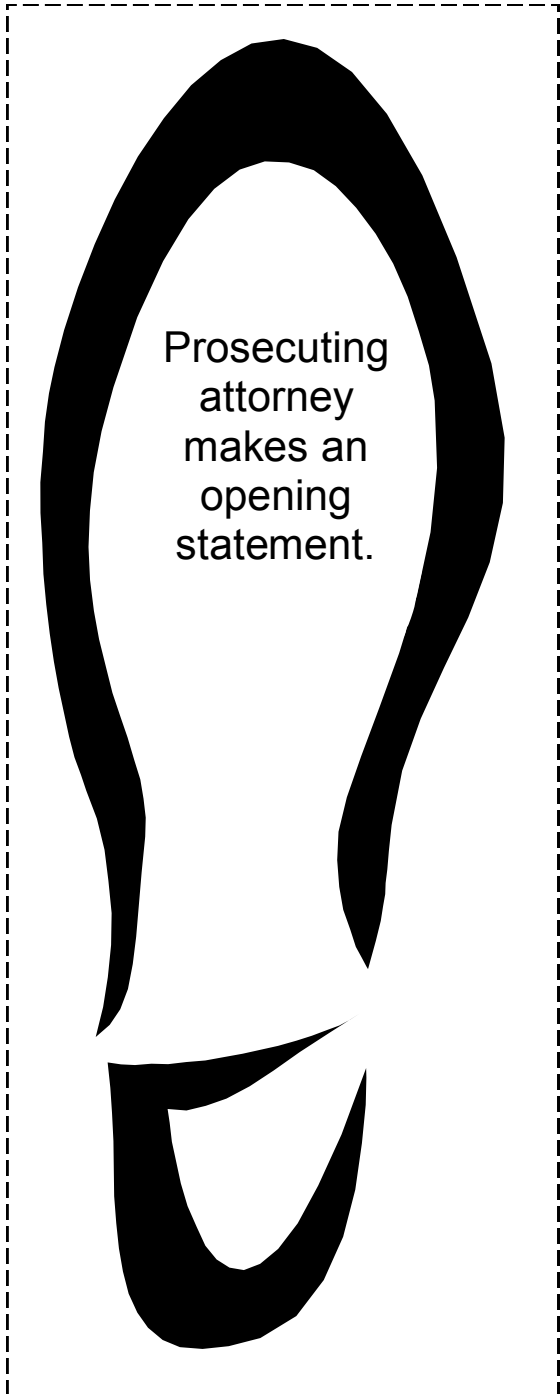


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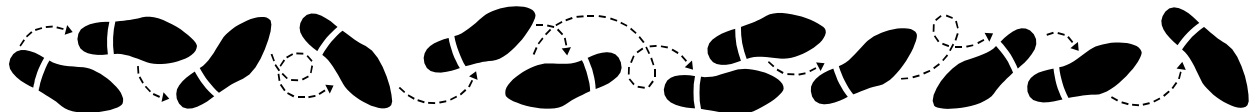


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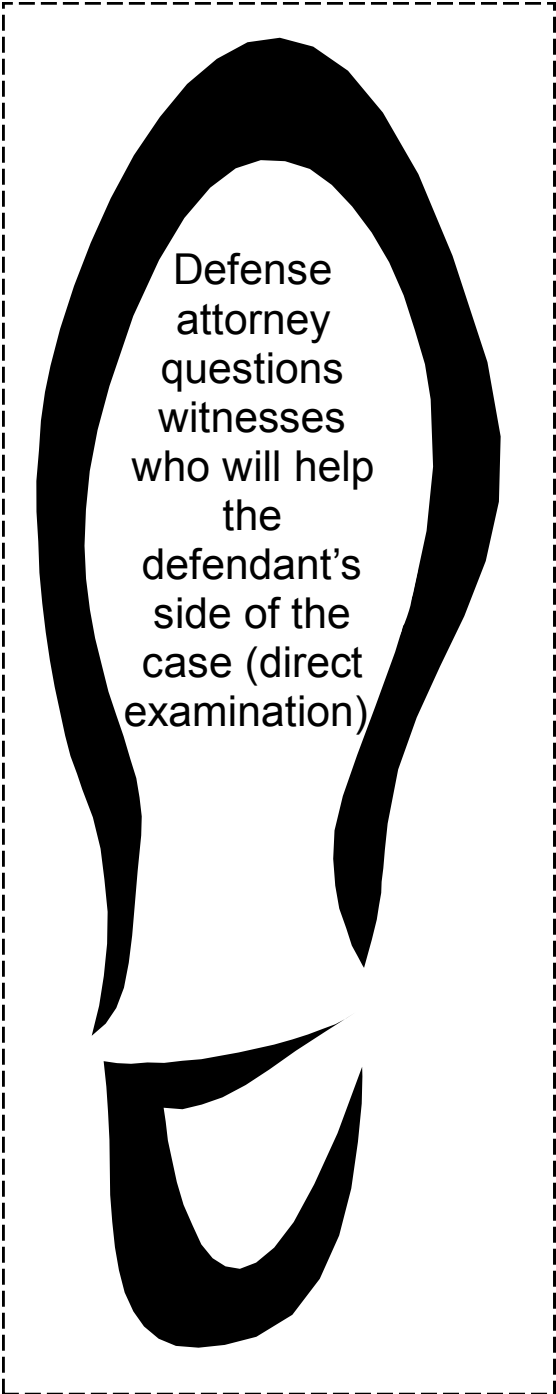
Prosecuting attorney questions witnesses that will help its side of the case (direct examination).

Defense attorney cross-examines witnesses for the prosecution.

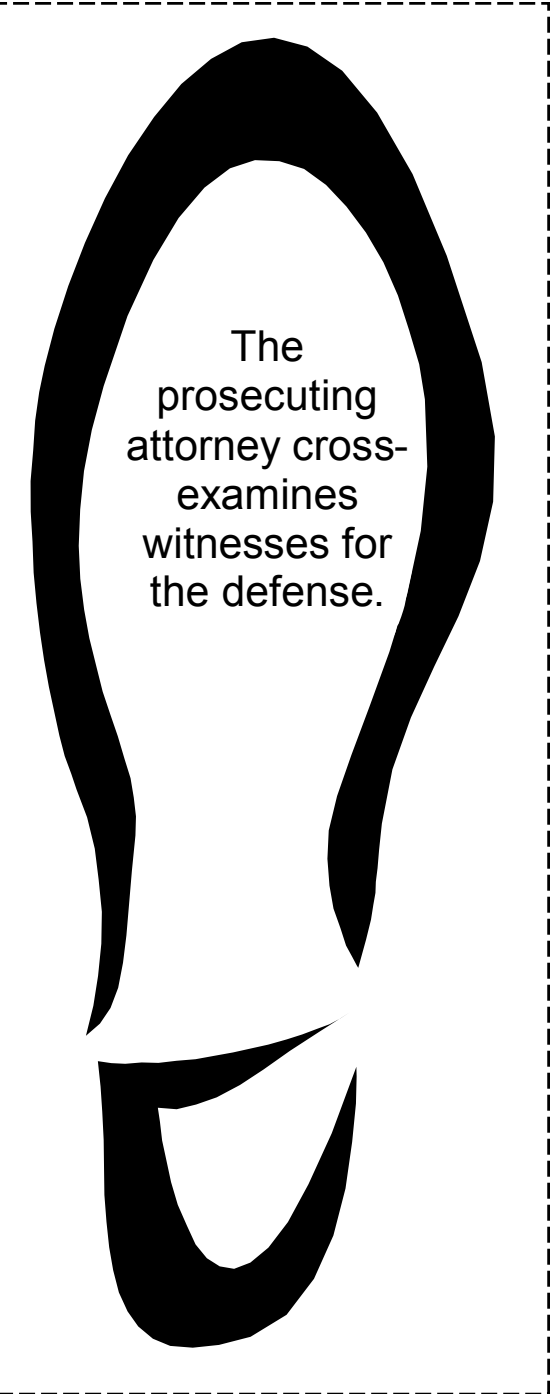




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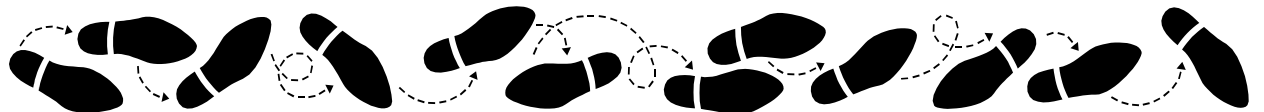
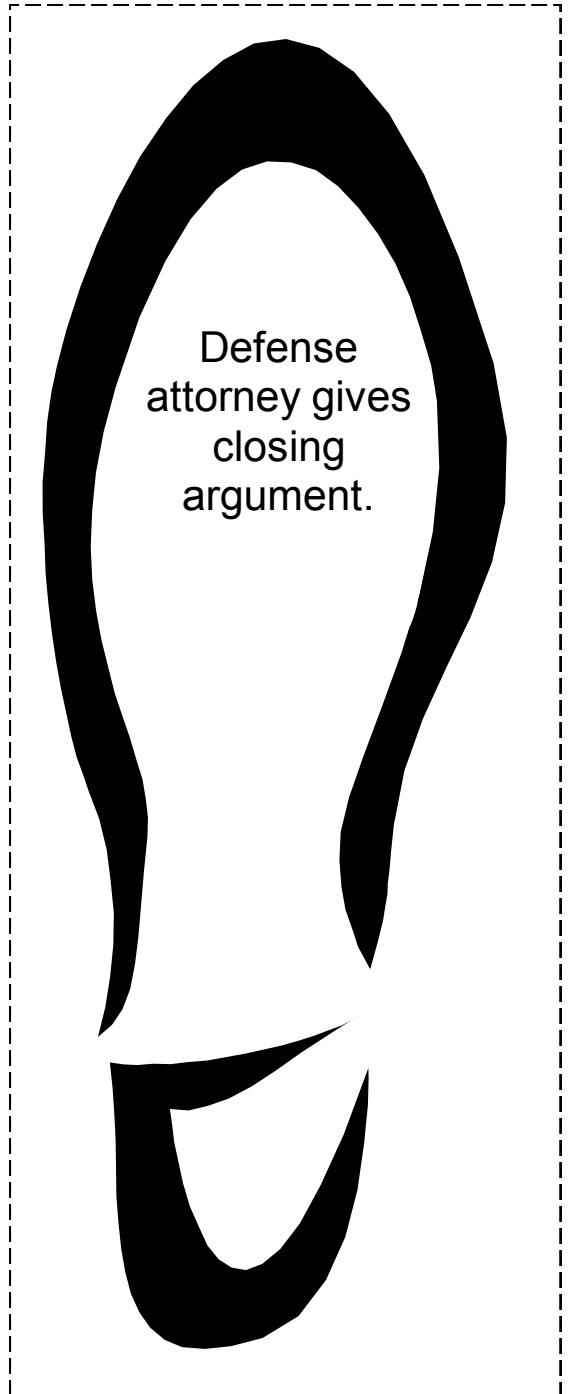
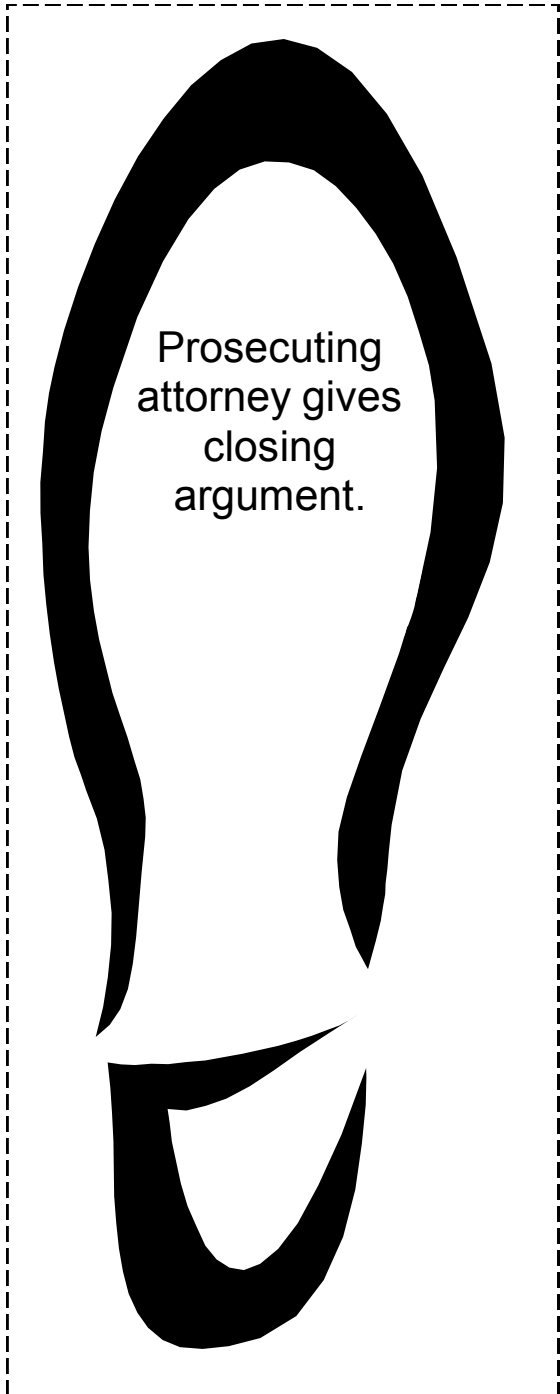
Defense attorney questions witnesses who will help the defendant's side of the case (direct examination)



The prosecuting attorney cross-examines witnesses for the defense.



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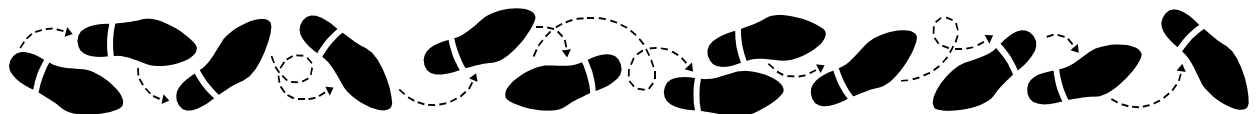


STEPS IN A TRIAL



Prosecuting
attorney gives
a rebuttal.
(optional)

Judge
explains to the
jury how they
are to
determine if
the defendant
is guilty or not
guilty.





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