



# **Competency Attainment Curriculum: Defendant Workbook**

2025

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*Upon request, this material will be made available in an alternative format such as large print, braille, or audio recording. Printed on recycled paper.*



## Introduction

This workbook is meant to help you become competent so that you can resolve your criminal case. It includes information about what happens in court, the things you'll need to know to help in your defense, and the things you'll need to know to help your lawyer. You can use this workbook to learn on your own, with a forensic navigator, with another professional, or in a combination of ways.

The information in this workbook is organized into short lessons. This is your workbook, so you can write in it as you read and study the information. If you have questions or do not understand something, make notes in the section, and ask the person helping you.

Each lesson focuses on a different topic. The sections that you'll see in each lesson are:

1. **Check-in:** This gives you a chance to slow down and check in with yourself and share or write down anything that has come up since your last lesson.
2. **Goals:** These will tell you what you will learn in the lesson.
3. **Learning Content:** This is the stuff you need to know!
4. **Discussion and Reflection:** A chance for you to connect the information to your own situation.
5. **Activities:** Practice, videos, short stories, and worksheets to help you reach the learning goals.
6. **Check for Understanding:** A chance for you to show what you know and what you have learned for each lesson.

Some of the lessons will be short, some will be a little longer. Some will have videos or activities. Remember, all of this is to help you be competent again so you can finish your court case.

Once the person you're working with on competency education thinks you have learned enough about the legal process, the judge will order another competency examination. You must get a new evaluation at least every six months, but the judge can order one sooner than that. The court will review each evaluation report and make a new decision about if you're competent to go to trial.

As a defendant in a criminal case, you have the right to remain silent. This means that you don't have to talk to anyone or answer questions about your case and/or what happened to lead to the charge(s). If you share this kind of information with others, it may not be private anymore. If you choose to keep notes about your case in this workbook, make sure that you keep it in a safe place to protect your private information.

Before starting with the rest of the curriculum, it's important to get a clear understanding of what you already know. You are answering these questions to show what you might already know about competency-related topics, or where you might need some more learning and practice. Do the best you can, it's okay if you don't know the answer.

1. What does it mean to be competent to stand trial?
  - a. You know how to talk to a judge
  - b. You can help your attorney, be a part of your defense, and understand what's happening in court
  - c. You understand every person's job in a courtroom
  - d. You can get to court hearings on time
2. Who makes the final decision about if you are competent to stand trial?
  - a. The judge
  - b. The attorneys
  - c. The jury
  - d. The prosecutor
3. Who is in charge of the courtroom?
  - a. The attorneys
  - b. Witnesses
  - c. The judge
  - d. The court reporter
4. Who helps you, the defendant, in court?
  - a. The prosecuting attorney
  - b. The defense attorney
  - c. The jury
  - d. The court reporter
5. What is the prosecutor's job in court?
  - a. To protect the judge
  - b. To help you, the defendant
  - c. To type out everything that is said in court
  - d. To prove that you, the defendant did the crime
6. What is the defense attorney's job?
  - a. To prove that you, the defendant did the crime
  - b. To protect the judge
  - c. To help you, the defendant
  - d. To type out everything that is said in court
7. What is a felony?
  - a. A small, less serious crime
  - b. The most serious crime
  - c. A crime that is in the middle of less serious and very serious
8. What is a misdemeanor?
  - a. A small, less serious crime
  - b. The most serious crime
  - c. A crime that is in the middle of less serious and very serious
9. What happens if you plead guilty to your charges?
  - a. You get to go home right away
  - b. You are not punished
  - c. The jury chooses your attorney
  - d. There will be no trial
10. What is a sentence?
  - a. The punishment after you plead or are found guilty
  - b. One of the attorneys
  - c. Where the jury sits
  - d. A question an attorney may ask
11. What is a plea bargain?
  - a. A type of jury trial
  - b. A deal where you plead guilty for a smaller punishment
  - c. When you get your sentence

12. Who must approve a plea bargain?
- The jury
  - The judge
  - The clerk
  - The bailiff
13. What is evidence?
- Rules you must follow
  - A punishment
  - Things that show what happened in the alleged crime
  - Where the jury sits
14. What is it called when a witness promises to tell the truth in court?
- Oath
  - Verdict
  - Plea
  - Sentence
15. Which is one of your rights in court?
- The right to stay silent
  - The right to pick all the witnesses
  - The right to choose your judge
  - The right to choose your trial date
16. Which is another one of your rights in court?
- The right to a judge
  - The right to a fair trial
  - The right to pick everyone on your jury
  - The right to choose your sentence
17. Who decides the verdict in a bench trial?
- Prosecutor
  - Clerk
  - Judge
  - Jury
18. Who decides the verdict in a jury trial?
- Prosecutor
  - Clerk
  - Judge
  - Jury
19. What should you do if you don't agree with your attorney?
- Yell at them in court
  - Talk to them and try to work it out
  - Leave the courtroom
  - Tell the judge to stop the trial
20. How should you act in court?
- Take a nap
  - Pay attention and listen
  - Talk to your family and friends
  - Yell at the other attorney

## Lesson 1: What is Competency?

The word ‘competency’ in a criminal case is a legal term that means that you can understand the charges against you, understand what happens in the courtroom, and can help with your defense. If the judge decides you cannot do these things, you are found **not competent**. Your case is put on hold until you become competent. This process happens to make sure that you receive your constitutional right to a fair trial.

### Check-In

- What’s been going well for you lately?
- Where could you use more support?
- What is this workbook and learning meant to help you with?

### Goals

After you finish this section, you should be able to:

1. Understand and explain what competency means.
2. Explain why you were found not competent to stand trial.
3. Describe the competency attainment process.

### Lesson Content

In this first lesson, you will learn what it means to be competent. You will also learn a few reasons why you may have been found not competent to stand trial at this time. You are going through this learning process because you have been found not competent, and the goal is that you will learn the information and skills you need to be found competent and move forward with your case. Lastly, you will learn about the competency attainment process.

#### 1. What it means to be competent

Being competent means you can do these things right now:

- You can talk with your attorney about what happened in your case in a calm, respectful, and realistic way.
- You understand the crime or crimes with which you are charged.
- You understand your rights. And you know what could happen if you are found guilty.
- You don’t have to agree with what the police say you did, but you do need to understand what they say you did and why you are in court.
- You know what some important legal words mean and what the people in the courtroom do.
- You can make rational decisions

## 2. Not competent to stand trial

Sometimes people need help learning and remembering. They might need medicine or other kinds of treatment to help with a mental illness, substance use, or a brain disorder.

One of the attorneys or the judge believed that you might not know or understand the things it takes to be competent, and the judge ordered a competency evaluation. A competency evaluation is when a mental health professional talks with you and can then help the court understand if you understand what is going on with your case and your options. That professional is a doctor, usually a psychologist or psychiatrist, called a court examiner. The court examiner's job is to learn about you so they can help the judge understand if you are competent or not.

You met with a court examiner, and they wrote a report about that meeting and filed it with the court. The judge read the report and decided that you are not competent to go forward with your case. This means your case is on hold.

### Discussion and Reflection

1. Why do you think this happened in your case?
2. What did the examiner say were the reasons you are incompetent?
3. What do you know about your charges and your rights?
4. Do you know what the judge and the attorneys do?
5. Do you have any things going on in your life that might make it hard to learn about the court process?

## 3. Becoming competent

The best way for you to become competent and finish your case is to get the help that has been recommended for you. This will be different for every person, and everyone has different types of people who can support them in this process.

People may get help in different settings which could include a hospital, jail, other placements, or in the community. Some examples of the kinds of help you may receive include:

- Medication
- Therapy
- Case Management
- Mental health treatment
- Drug and/or alcohol treatment or support groups
- Competency Education

### Discussion and Reflection

1. Do you know what kind of help you need, or has been recommended for you?

2. What do you think about the help offered to you?
3. How has it helped you understand your case better?
4. What things can you focus on during your treatment to help you be found competent?

## Lesson 1 Videos

- Video: [Competency Hearing](#)
- Video: [Competency Evaluation](#)

## Lesson 1 Activity: What do the three parts of competency mean for you?

The word ‘competency’ in a criminal case is a legal term that means that you can understand the charges against you, understand what happens in the courtroom, and can help with your defense.

In this activity, we will take a closer look at what each of these areas of competency means. For the questions, you can write or draw your answers.

### Understanding the charges against you

Do you know what you have been charged with?	What does the word “charge” mean to you?
What might these charges mean for you?	How does that feel?

### Understanding what happens in the courtroom

What do you know about what happens in court?	Who will you see or hear in the courtroom?
What is expected of you in court?	Where have you learned about courts or what happens in courtrooms?

### Helping with your defense

Who helps with your defense in court?	How do you talk to that person?
What kinds of things should you tell that person?	What are some ways you can cooperate with them?

What other questions or thoughts do you have about competency?

## Check your Understanding

1. What does competency mean?
  - a. Showing that you can be reasonable and rational in court
  - b. That you know your charges and the penalties you could face if convicted
  - c. Knowing basic legal terms, rights, and the legal system
  - d. Any symptoms of your mental health do not interfere with making decisions about your case
  - e. All the above
  
2. Why could a person be referred for a competence examination?
  - a. Did not understand the legal system
  - b. Defendant showed active symptoms of mental illness
  - c. The behavior of the defendant was out of control
  - d. All the above
  
3. Your treatment team may refer you for re-evaluation of your competency when you can show that your mental health is stable, know the facts about your criminal charges and you have benefitted as much as possible from treatment?
  - a. True
  - b. False
  
4. What happens after you have met with the court examiner and completed the evaluation?
  - a. The report is written and sent to the court.
  - b. The judge will use the report to decide if you are not competent.
  - c. A competency hearing may be scheduled
  - d. If found competent, you can now move forward with your charges.
  - e. All the above

## Lesson 2: Your Criminal Case and Your Competency

Lesson two gives information about criminal cases and why you are receiving competency services.

### Check-In

- What's been going well for you lately?
- Where could you use more support?
- What are the three areas of competency?

### Goals

After you finish this section, you should be able to:

1. Understand and explain why you are getting competency services.
2. Understand and explain the roles of the people in the courtroom and others connected to your case.
3. List other people who are helping you become competent and explain what they do.

### Lesson Content

You were charged with a crime and have been ordered by the judge in your criminal case to do some things to become competent again so your case can move forward. The things you have to do might include going to treatment, taking medications, and/or meeting with a doctor, therapist, or other professional regularly.

The reason the court is making you do this is because the court has decided that you are not competent to continue with your case at this time. The things you must do are to help you understand your legal rights, what goes on in court, how you can work with your defense attorney, and help you take part in the criminal proceedings.

The judge must make sure that you are competent before your criminal case can continue. Competency has three parts and means that you understand enough about the legal proceedings. When you are competent, you can cooperate with your attorney, and you can understand the charge or charges against you and the consequences if you are found guilty. It also means that you understand the legal process, including the duties of the people in the courtroom. Finally, it means that you can engage rationally with your defense attorney and in the process.

#### 1. Why you are receiving competency services

The judge in your case decided that you need help to understand your rights and what happens in court before your case can move forward. The judge made that decision based on input from the attorneys, the court evaluator, and maybe other people connected to your case.

Every case is different, but here are a few examples of why the court might have found you not competent:

- You might not have enough knowledge or understanding of the legal system.
- You might not be able to understand the crimes you've been charged with or what the possible punishments are if you are found guilty.
- You might have a hard time working with your attorney.

There may be several reasons why you are not able to do the things listed above. Here are a few examples:

- You have a mental illness and have not been following the treatments recommended by your doctor, like taking your medication regularly.
- You have other medical issues.
- You continue to use drugs and/or alcohol.

### **Discussion and Reflection**

- A. Do any of these examples seem like your situation?
- B. Is there something else you're experiencing that makes it hard to understand the legal system and work with people on your case?
- C. Why do you think the court thinks you are incompetent, and not ready move forward with your case?
- D. What kind of help do you need or want?
- E. Who do you think can help you?

## **2. Competency attainment services**

Competency attainment are the words the court uses when talking about the things you do to become competent. There are a lot of services that can help you become competent, and you can get them in a lot of different places and from different people.

Examples of services are:

- Mental health or substance use treatments
- Working with a treatment team for support
- Using this workbook to learn about court processes

Examples of places might include a hospital, a jail, or other locations around the town or city where you live, like a clinic, group home, or other professional office. The judge might order you to get services at a specific location.

### **Discussion and Reflection**

- A. Which services do you think would help you?
- B. Do you know which services, if any, the court is requiring you to get?

### 3. The people in the courtroom

In this section, you'll be introduced to each person in the courtroom and learn a little bit about what they do.

- **Defendant:** This is you; the person charged with doing something that is a crime or against the law.
- **Defense Attorney, Defense Attorney, or Public Defender:** This is **your** attorney. Your attorney works for you. You might have a private defense attorney or a public defender.
- **Prosecutor, Prosecuting Attorney, County Attorney:** This is the attorney working for the county or the state. Their job is to prove or show the judge or jury that you did what the police and/or prosecutor say you did.
- **Judge:** The judge is the person in charge of the courtroom. Their job is to make sure that your rights are protected and that the attorneys follow the law, and the rules of the courtroom.
- **Witness:** This is a person who saw something or knows something about the situation that caused the charges. Both sides of the case may have witnesses to help explain what happened. The prosecutor and the defense attorney will ask the witnesses questions about the case.
- **Court Reporter:** This person types everything that is said in court. They are neutral and not on anyone's side. They don't really participate; they just listen and record what is said. Sometimes there will not be a court reporter present, there will be electronic recording instead.
- **Clerk of the Court:** This person works for the judge and is like a secretary. They are neutral and not on anyone's side.
- **Bailiff:** This person is like a police officer in court. Their job is to protect and serve the court under the direction of the judge. Sometimes there will not be a bailiff.
- **Jury:** This is a group of 6 or 12 citizens who decide together if you are guilty or not guilty of the crime. There will not always be a jury, like if you make a plea bargain or have a bench trial.

#### Discussion and Reflection

- A. Are there other people you've seen in a courtroom that are not listed here that you have questions about?
- B. Any questions about any of these people or groups?

### 4. Other professionals you might work with and other supports

- **Forensic evaluator, court examiner:** This person is a psychiatrist or psychologist who is ordered by the judge to meet with you and ask questions related to competency. They write a report for the court after meeting with you to tell the court what they think about whether or not you are competent and what services you may need.
- **Forensic navigator:** A forensic navigator will help you connect with all the people and professionals you need to help you become competent. They will help you remember appointments and when to

be at court. They might also help you access mental health and community services or with other things like housing, food, transportation, and health insurance.

- **Pre-trial Services:** This program provides information to the judge to decide if you should be in or out of custody before trial. You may have a pre-trial officer who checks in with you in the community.
- **Probation Services:** This program provides supervision if you have been sentenced and are not in custody but are living in the community. You may have a probation officer who checks in with you.
- **County case manager:** You may have a case manager in the community who helps you get the services and support you need.
- **Civil commitment case manager:** If you have a civil commitment, a case manager will help you get mental health treatment and services that the court has ordered. Their job is to make sure you are getting the right treatment and staying safe.
- **Competency attainment program:** This is where you will learn about the skills and information you need to show the court that you are competent.

There are many other people you may be able to get help from while you are trying to become competent again. Some might already be assigned to your case and others you might need to reach out to and ask for help.

- **Personal supports:** Family, friends, co-workers, and neighbors
- **Community supports:** Outreach worker, housing worker, financial worker, spiritual leaders, or spiritual community members

### Discussion and Reflection

- A. Who else might be able to help you?
- B. Is there anyone like this who you could reach out to for help and support?
- C. Do you know how to contact them?

## 5. Completing competency attainment services

If you are working with a competency attainment program and they think that you are competent again, they will ask the court to order a new competency evaluation by a court examiner.

If you are found competent then your criminal case will move forward. You will decide how you want to plead and work with your attorney to resolve your charge or charges in the best possible way for you. You will learn more about this in Lesson 5: Pleas and Sentences.

### Discussion and Reflection

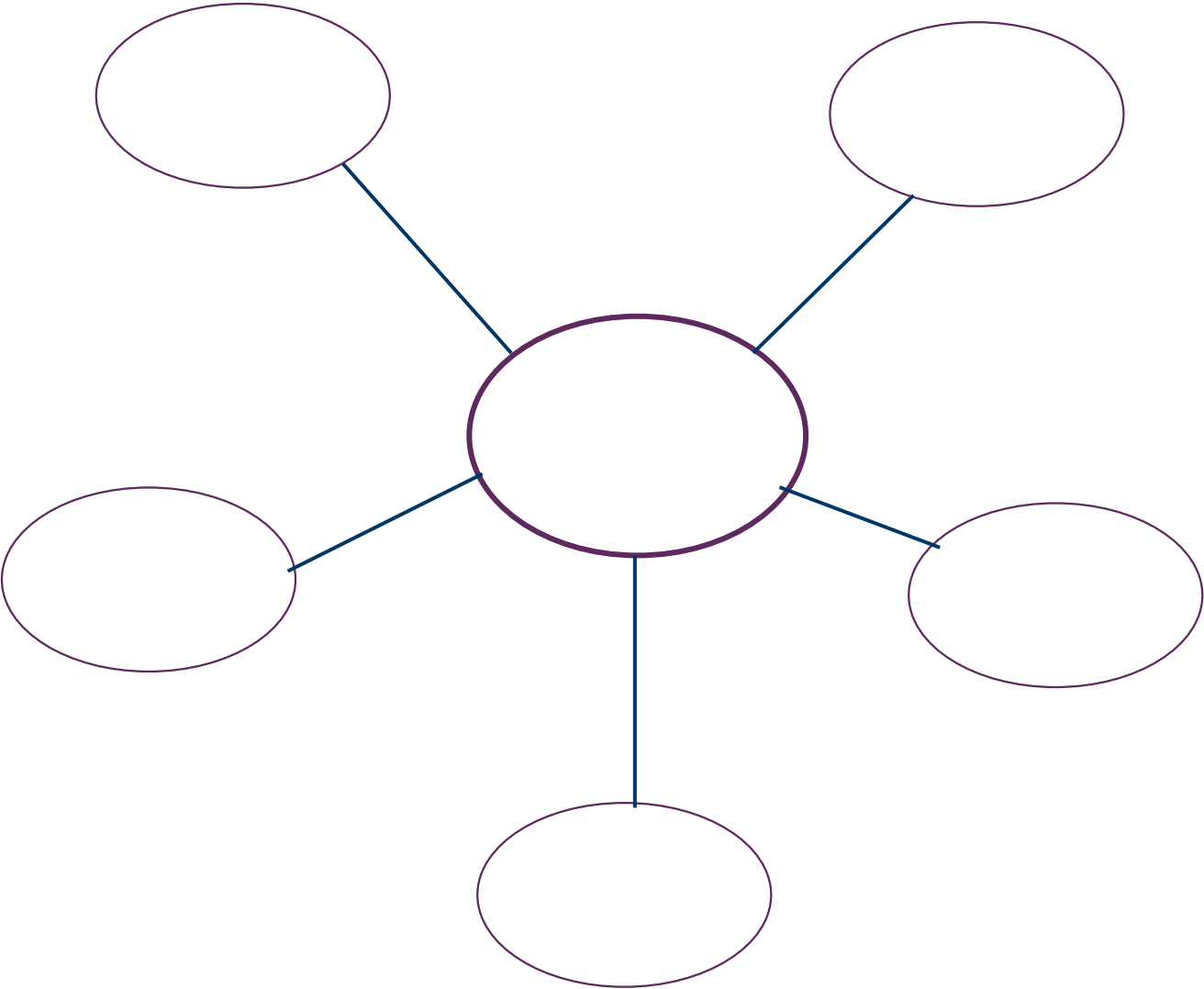
- A. What are two things in your life that are important to you?
- B. Why might returning to competency be a priority for you?

# Lesson 2 Video

- Video: [People in the Courtroom](#)

## Lesson 2 Activity 1: Create a Map of Support

During this lesson, you discussed people outside of the courtroom who might be supporting you during this time. Below, draw a map of support showing all the people who are giving you support. Write your name in the middle circle, then add your support people or groups around the outside. You can add more circles if needed. You can add as much detail, images, or descriptions as you would like.



## Lesson 2 Activity 2: Matching Activity-People in the Courtroom

*Directions:* Write the letter of the definition that matches the person in the courtroom. Use the information in your workbook to help you if needed.

\_\_\_ Judge

\_\_\_ Witness

\_\_\_ Court Reporter

\_\_\_ Bailiff

\_\_\_ Defendant

\_\_\_ Prosecutor, Prosecuting Attorney

\_\_\_ Jury

\_\_\_ Defense Attorney, or Public Defender

\_\_\_ Clerk of the Court

- A. This is you, the person charged with doing something that is a crime or against the law.
- B. This is your attorney. Your attorney works for you.
- C. This is the attorney working for the county or the state. Their job is to prove or show the judge or jury that you committed the charges against you.
- D. The person in charge in the courtroom. Their job is to make sure that your rights are protected and that the attorneys follow the law and the rules of the courtroom.
- E. This is a person who saw something or knows something about the situation that caused the charges.
- F. This person documents everything that is said in court. They are neutral and not on anyone's side. They don't really participate; they just listen and record what is said.
- G. This person works for the judge and is like a secretary. They are neutral and not on anyone's side.
- H. This person is like a police officer in court. Their job is to protect and serve the court under the direction of the judge.
- I. This is a group of 6 to 12 citizens who decide together if you are guilty or not guilty of the crime.

## Lesson 2 Activity 3: Courtroom Map

The diagram below shows what a courtroom might look like. The courtroom you are in may be arranged differently, will have the witness stand or court reporter table in a different place, or might not have a jury box. This diagram is just to give you a general idea of what to expect in a courtroom.

The courtrooms you see on TV are usually fancy, with big windows and lots of wooden walls. Lots of courtrooms don't look like that, so don't be surprised if the courtroom you are in looks different!

### Courtroom Roles

**Defendant:** The person accused of breaking the law.

**Defense Attorney / Defense Attorney / Public Defender:** The attorney who helps the defendant.

**Prosecutor / Prosecuting Attorney / District Attorney / County Attorney:** The attorney who tries to prove the defendant did the crime.

**Judge:** The boss in the courtroom who makes sure rules are followed.

**Jury:** A group of people from the community who decide if the defendant is guilty or not guilty.

**Witness:** A person who saw, heard, or knows something about the case.

**Court Reporter:** The person who types everything said in court.

**Clerk of the Court:** The judge's helper who handles papers, schedules, and swears in witnesses.

**Bailiff:** A police officer in the courtroom who keeps it safe.

Look at the courtroom diagram on the next page. Can you identify each of the roles above in the diagram?



## Check your Understanding

1. Why are you in competency education?
  - a. To get a job in the courtroom
  - b. To learn how to become an attorney
  - c. To understand your rights and what happens in court
  - d. To help the judge make decisions
  
2. What do you need to do before you can go to trial?
  - a. Learn how to be a judge
  - b. Be able to help your attorney and understand the court
  - c. Finish school
  - d. Talk about your case with your friends
  
3. Who should you talk to about your case?
  - a. Your best friend
  - b. Your forensic navigator
  - c. Your attorney or public defender
  - d. Anyone who asks
  
4. What can a forensic navigator do?
  - a. Tell you what to say in court
  - b. Give you legal advice
  - c. Help you get support
  - d. Decide if you are guilty

## Lesson 3: The Roles of the Defense and the Prosecution

Lesson three explains what the defense attorney and the prosecuting attorney do in a criminal case. These two attorneys are on opposite sides of the case and have different goals. The defense attorney is on your side and is helping you. The prosecuting attorney is working for the state of Minnesota. They are trying to show that you are guilty of the charges.

### Check-In

- What's been going well for you lately?
- Where could you use more support?
- Who are some of the people that work in the courtroom?
- Who are some of the people you might work with in the community?

### Goals

After you finish this section, you should be able to:

1. Understand and describe the role of the defense attorney and the prosecuting attorney.
2. Be familiar with and describe the goal(s) of each attorney.

### Lesson Content

#### 1. Defense Attorney

Some other names that are used for this person are: defense counsel, public defender, private defense attorney, and your attorney.

A public defender is a defense attorney the court has assigned to you if you cannot afford to pay for your own attorney. Even though the Public Defender is appointed to you by the judge, they are NOT working for the court, the judge, or the state. They are NOT on the side of the prosecutor. They are on your side and want to help you. It is important to tell them everything about your case.

#### What is the defense attorney's job?

Your defense attorney is ON YOUR SIDE. They are required to help you as much as possible with your criminal case. Your attorney:

- Will review the evidence and discuss your options with you
- Will explain what you should expect in court
- Will help you make decisions about the different options for your case.
- Might have to give you information you dislike

Your attorney may talk to the prosecuting attorney outside of the courtroom to discuss possible ways to resolve your case without having a trial.

If your attorney has concerns about your ability to understand your charges or options about your case, they must tell the judge. If you don't agree with your attorney on this, this may make you unhappy with your attorney. It's ok to be unhappy but it is meant to be for your benefit so that you are in the right frame of mind to make decisions about your case. It is not a violation of your privacy. If the judge, prosecuting attorney, or defense attorney asks for a competency evaluation, it's because the law requires it.

### **What is the defense attorney's goal?**

The goal of your attorney is to protect your rights and to keep the prosecutor from proving you are guilty or help achieve the best possible outcome in your situation. Your defense attorney does NOT have to prove that you are not guilty.

Your attorney will give you information and answer your questions to help you make important decisions about your case, like:

- If you want to plead guilty or not guilty,
- If you want a trial by jury or judge
- If you want to testify.

### **Why should you help your defense attorney?**

Your defense attorney needs your help to do the best job they can. It is helpful for them to know everything you know or remember about the crime you are being charged with.

If you keep information from your defense attorney, it could come out later and hurt your case and your defense.

It's important that you only talk about what happened or what you remember with your attorney. Anything you tell your attorney in private is CONFIDENTIAL. This means they can't tell anyone what you told them without your permission. This includes the judge. Your attorney will tell you what confidential information they think would be good to use in your case and share with the judge or the jury, and what would not be helpful. You get to make the final decisions.

### **Discussion and Reflection**

- A. Have you met your defense attorney?
- B. Have they talked to you about any of the things that were just covered?
- C. What questions do you have about working with your attorney?
- D. Why is it important to tell your defense attorney the truth, even if it's hard to talk about?

## 2. Prosecuting Attorney

Other names for prosecuting attorneys include district attorney (DA), state's attorney, prosecutor, or county attorney.

### **What is the prosecuting attorney's job?**

The prosecuting attorney is NOT on your side. Their job, or role, in the case is to prove to the jury or the judge that you did what you are being charged with.

### **What is the prosecuting attorney's goal?**

The prosecuting attorney uses witnesses and evidence to make the jury or judge believe that you are guilty "beyond a reasonable doubt." The prosecuting attorney may offer you a plea bargain. If you accept, you admit guilt for an agreed upon charge and there will be no trial. You will learn more about pleas and plea bargaining in Lessons 5 and 6.

### **What does 'beyond a reasonable doubt' mean?**

Beyond a reasonable doubt is the highest level of proof required to find someone guilty of a crime in the United States. It means that the prosecuting attorney must convince the judge or the jury that you committed the crime you are accused of without any other reasonable explanation for the situation. The evidence provided must be so strong that all other options seem impossible.

## **Discussion and Reflection**

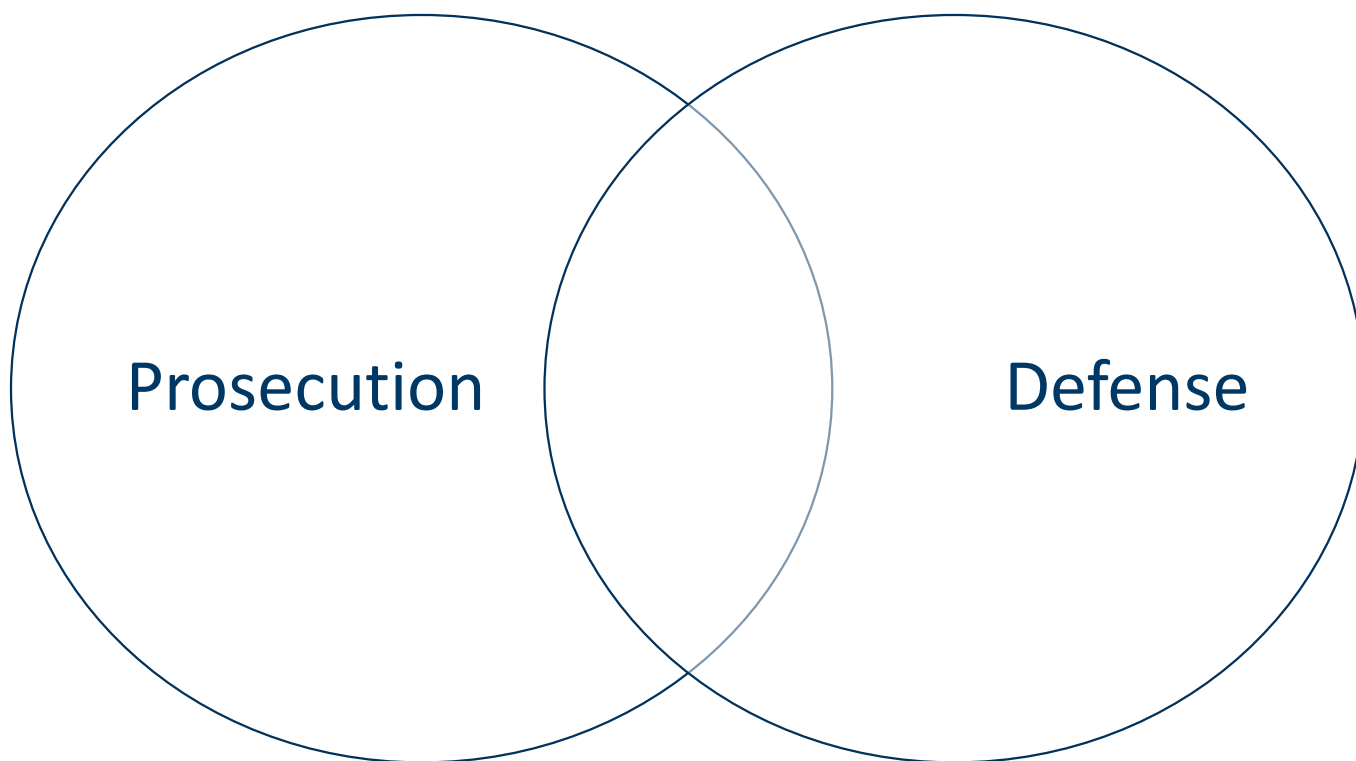
- A. How is a prosecuting attorney different from a defense attorney?
- B. What questions do you still have about what a prosecuting attorney does?

## Lesson 3 Activity: Compare and Contrast the Prosecuting and Defense Attorneys

In the left circle, write what is unique about the prosecution attorneys.

In the right circle, write what is unique about the defense attorneys.

In the overlapping center, write what is the same about both sides.



Anything else you'd like to add?

## Check your Understanding

1. What is the job of your defense attorney?
  - a. To prove you are guilty
  - b. To help the judge make a decision
  - c. To help you with your case and be on your side
  - d. To tell the prosecutor everything you said
  
2. Who gives you a public defender if you can't pay for an attorney?
  - a. Your parents
  - b. The prosecutor
  - c. The judge/court
  - d. The police
  
3. What is the goal of the prosecuting attorney?
  - a. To help you stay out of trouble
  - b. To prove you are not guilty
  - c. To prove you are guilty to the judge or jury
  - d. To be your friend
  
4. What does "confidential" mean when talking to your attorney?
  - a. You have to keep secrets from your attorney
  - b. Your attorney tells everything to the judge
  - c. Your attorney can tell your friends
  - d. Your attorney keeps what you say private
  
5. Which of these is a name for a prosecuting attorney?
  - a. Public defender
  - b. District attorney
  - c. Your attorney
  - d. Private attorney

## Lesson 4: Charges

Lesson four explains charges and criminal complaints. You will also learn the difference between the three charging levels in Minnesota: misdemeanors, gross misdemeanors, and felonies.

### Check-In

- What's been going well for you lately?
- Where could you use more support or help?
- What does the defense attorney do in court?
- What does the prosecutor do in court?

### Goals

After you finish this section, you should be able to:

1. Understand and explain what a charge is in criminal court.
2. Understand and define a criminal complaint.
3. Describe the differences between misdemeanors, gross misdemeanors, and felonies.

### Lesson Content

In Lesson 3, you learned about the two different types of attorneys that work in the court. The defense attorney is on your side, they are working to help you. The prosecuting attorney is working to prove that you are guilty of the charges that have been brought against you. In this lesson, you will learn more about those charges. You will learn about the three levels of charges and what they mean.

#### 1. Criminal charges

A criminal charge is when the prosecuting attorney officially accuses someone of committing a crime or breaking a law. It is an **allegation**. That means you are accused of breaking a law but there is not a decision about guilt or innocence. It is the first step in a criminal case and the reason you are in court.

#### Discussion and Reflection

- A. Do you know why charges are important to a criminal case?
- B. What questions do you have about criminal charges?

#### 2. Criminal Complaints

A criminal complaint or citation is a document that is filed with the court to start a criminal case. The document tells the court what the prosecuting attorney thinks happened and what the defendant is accused of doing. The complaint will include a list of the crimes you are accused of and information to show why you are accused of

breaking those specific laws. It also might give details about what kind of evidence the prosecuting attorney has, including the names of people who might have information about the alleged crime.

### Discussion and Reflection

- A. Do you know what you are charged with?
- B. What questions do you have about criminal complaints or citations?

### 3. Levels of Charges

- **Misdemeanor:** This is the least serious kind of crime. It is also called a minor crime. Usually, the punishment is less serious, like community service, probation, or paying a fine. Some examples of misdemeanor offenses are:
  - First time DUI, Driving Under the Influence
  - Theft of less than \$500
  - Driving without a valid driver's license
- **Gross Misdemeanor:** This is more serious than a misdemeanor but not as serious as a felony. Some offenses that are usually considered misdemeanors can be raised to a gross misdemeanor if there are **aggravating factors**. An **aggravating factor** is a special circumstance around the crime. Some examples are a prior criminal record, using a weapon, if the victim is a child or elderly person, or other factors. In Minnesota, the maximum sentence is one year in jail and a \$3,000 fine. Some examples include:
  - Repeat assault
  - Drug possession
  - Interfering with 911 calls
  - Theft between \$500 and \$1000
- **Felony:** This is the most serious kind of crime. Felonies can lead to the biggest punishments. In Minnesota, sentencing for felonies will depend on how serious the crime was. Examples of a felony are:
  - Theft over \$5000
  - Check forgery
  - Fleeing a peace officer
  - Murder

### Discussion and Reflection

- A. Why do you think it is important to know the level of charge, like if an offense is a misdemeanor or a felony?
- B. Do you understand what level of charge has been brought against you in this case?
- C. What other questions do you have about charge levels?

## Lesson 4 Activity 1: Understanding your charges

Understanding the charges against you is an important part of competency. When you understand your charges, you can work with your attorney better and make better decisions in court.

1. Look back at your chart from the activity in lesson 1. Do you have anything to add?

### Understanding the charges against you

Do you know what you have been charged with?	What does the word “charge” mean to you?
What might these charges mean for you?	How does that feel?

2. For a little more practice, fill in the blanks. You can use this word bank (**attorney, broke, punishment**)
  - a. A charge is when the prosecutor says you \_\_\_\_\_ a law.
  - b. If you understand your charge, you can better work with your \_\_\_\_\_ to make decisions.
  - c. The level of charge (misdemeanor, gross misdemeanor, felony) tells you how serious the \_\_\_\_\_ might be.
3. Do you have anything else you’d like to add about charges?

## Lesson 4 Activity 2: Match the example to the charge

*Directions:* Write the number of the correct level of charge next to the example.

Charges	Examples
<b>1. Misdemeanor</b>	___ First-time DWI (driving while intoxicated)
<b>2. Gross Misdemeanor</b>	___ Theft of less than \$500
<b>3. Felony</b>	___ Driving without a valid driver's license
	___ Repeat assault
	___ Drug possession
	___ Interfering with a 911 call
	___ Theft between \$500 and \$1000
	___ Theft over \$5000
	___ Check forgery
	___ Fleeing a peace officer
	___ Murder

### Check your Understanding

1. What is a charge?
  - a) A report about what happened during your hearing.
  - b) A report about your work.
  - c) An accusation that you broke the law.
  - d) A type of money.
2. What is a criminal complaint?
  - a) A list of all your favorite things.
  - b) A statement saying what law you are accused of breaking and information about the crime.
  - c) A plan for your scheduled court dates.
  - d) A letter from the judge.
3. Which charge is the MOST serious?
  - a) Misdemeanor
  - b) Gross misdemeanor
  - c) Felony

## Lesson 5: Pleas and Sentences

In lesson five, you will learn about the three different types of pleas that you might make. You will also learn the three different types of sentences, or punishments you may receive if you are found guilty in a criminal case.

### Check-In

- What's been going well for you lately?
- Where could you use more support?
- What are the three levels of charges?

### Goals

After you finish this section, you should be able to:

1. Define what a plea is and how and when you will tell the court your plea.
2. Understand the difference between the three types of pleas.
3. Explain what happens after making each of the three types of pleas.
4. Understand and explain the different types of sentences.

### Lesson Content

In Lesson 4, you learned about the different levels of charges. You learned about the differences between a misdemeanor, a gross misdemeanor, and a felony. You also learned that each charge comes with different levels of punishment. In this lesson, you will learn about making your plea in court and what sentences could look like for your charges if you are found guilty. Remember, you should always ask your attorney if you have questions about your specific charges, your plea, or your possible sentence. They will be able to give you more specific details connected to your case.

#### 1. Making a Plea

- A plea is your answer to the court about whether you committed the crime you have been charged with.
- Your defense attorney helps you give your plea in court. You must understand what is happening and be competent before you can provide your plea.
- A judge will listen to your plea. The judge cannot accept your plea if they do not think it is fair.

#### 2. Types of Pleas

There are three main types of pleas:

1. **Not Guilty:** You say you did **not** do the crime you have been charged with
2. **Guilty:** You say you did do the crime you have been charged with.

**3. Not Guilty by Reason of Mental Illness or Cognitive Impairment:** You say you did the crime, but you should not be guilty because you were so mentally ill or confused at the time that you were not able to understand that what you did was wrong or illegal.

### Discussion and Reflection

- A. Why is it important to understand the type of plea you give in court?
- B. Who can you talk to about what plea you should make?
- C. What questions do you have about the kinds of pleas?

### 3. What happens after you make your plea

- **If you say Not Guilty:**
  - Your case keeps going. You may have more court hearings.
  - Later, you may have a trial where a judge or jury decides if you are guilty or not.
- **If you say Guilty:**
  - There is no trial because you said you did the crime.
  - The judge will have a sentencing hearing. That is when the judge decides your punishment.
- **If you say Not Guilty by Reason of Mental Illness or Cognitive Impairment:**
  - You and your attorney must show proof that your symptoms of your mental illness made you unable to understand what you were doing at the time of the offense, or that it was wrong. This may include a new evaluation.
  - You may still have a trial in front of a judge or jury
  - If the judge or jury agrees that your mental illness made you unable to understand what you were doing or that what you were doing was wrong, you will be found Not Guilty by Reason of Mental Illness and would not receive a criminal sentence. Your charge might go away.
  - If this happens, you may have to go to a hospital for treatment. You could stay there longer than if you went to jail.

### Discussion and Reflection

- A. What are the differences between a guilty plea and a not guilty plea?
- B. What questions do you have about what happens after your plea?

## 4. Sentences

A sentence is the decision the judge makes about your punishment if you are found guilty of the crime. This only happens if you say you are guilty or if you are found guilty at a trial by a judge or jury.

The judge decides what the punishment will be. This can be things like jail, a fine (paying the court money), or setting other rules you must follow.

### Special Situations (Mitigation)

Sometimes there are special reasons why your punishment may not be as serious should be lighter. For example, if you are sick or have mental illness, tell your attorney. This is a topic you should talk about with your attorney.

### Kinds of Sentences, based on level of charge

Minnesota law says that a judge can give you one or more of these punishments based on the charges you are found guilty of. If you are charged with a **misdemeanor**: You may have to pay, go to jail, and/or be on probation. The fine may be any amount but no more than \$1,000. Your time in jail cannot be longer than 90 days. If your charge is a **gross misdemeanor**: You may pay a fine up to \$3,000, go to jail for up to one year, and/or be on probation. If you are charged with a **felony**, you may go to prison for more than one year, pay a fine, be on probation, or all three.

### Other Possible Consequences

- **House Arrest**: Sometimes you do not have to spend time in prison. Instead, you may stay at home or spend time in a workhouse or wear an ankle monitor. This is called house arrest. You still have to follow rules and be watched closely.
- **Probation**: When you are on probation, a probation officer checks on you. You must follow rules like:
  - Take your medicine
  - Don't use drugs or alcohol
  - Be home by a certain time
  - Go to school or get a job
  - Don't spend time with others on probation
  - Don't have weapons
  - Wear an ankle monitor
- **Fine**: You may have to pay money to the court. Sometimes you can work off the fine by doing community service.
- **Restitution**: If you broke or stole something, you may have to pay the owner to fix or replace it.

## Discussion and Reflection

- A. What happens if you are found guilty of your crime?
- B. What are some of the different types of punishments a judge can give if someone is found guilty?
- C. If you are ordered to follow rules as part of your sentence, who will check on you?

## Lesson 5 Activity: Pleas and Sentences

Fill in the steps of the flow chart. You can use the word bank below:

plea	trial	sentencing	proof	sentence
------	-------	------------	-------	----------



## Check your Understanding

1. What is a plea?
  - a) When you find out if the jury has found you guilty or not guilty of the crime you are charged with.
  - b) When you are acting out in a courtroom and the Judge dismisses you from the courtroom.
  - c) When you answer to your criminal charge with a response of "Guilty," "Not Guilty," or "Not Guilty by Reason of Mental Illness."
  - d) When you get on your knees and beg the court for mercy.
  
2. What happens when you plead NOT GUILTY?
  - a) You get sentenced
  - b) Your case stops
  - c) Your case keeps going, maybe to trial
  
3. What happens when you plead GUILTY?
  - a) You get sentenced
  - b) Your charge goes away
  - c) You go to trial
  
4. What happens if you are found NOT GUILTY?
  - a) You get sentenced
  - b) Your charge goes away
  - c) You go to trial
  
5. This is a punishment, or consequence, you receive when you are found guilty or admit to a crime.
  - a) Sentence
  - b) Plea
  - c) Verdict
  - d) Jury
  
6. Types of sentences include:
  - a) Prison
  - b) Fine
  - c) Restitution
  - d) House Arrest
  - e) Probation
  - f) All of the above

## Lesson 6: Plea Bargaining

Lesson six covers information about plea bargains, sometimes called plea agreements or plea deals. It also explains the process of making a plea bargain in court.

### Check-In

- What's been going well for you lately?
- Where could you use more support?
- What are the three types of pleas you might make in court?
- What is a sentence?

### Goals

After you finish this section, you should be able to:

1. Understand plea bargains.
2. Explain the steps of making a plea bargain.

### Lesson Content

In Lesson 5, you learned about making your plea in court and what the possible sentences could be for your charges. This lesson will teach you about an option that you might have in your case. Making a plea bargain can be something that you discuss with your attorney. It is important to learn as much as you can about plea bargains so that you can make the best decision for yourself. There are a few steps that need to be followed for plea bargains to work out, and you will learn about how it works in this lesson. As always, if you have specific questions about your case, ask your attorney.

#### 1. Understanding plea bargains

A plea bargain might also be called a plea agreement or a plea deal. It is important to understand all there is to know about plea bargains so you can make the best choice for your situation. Your attorney will help you with the decision, but it is your choice.

You will agree to plead guilty, and you avoid going to trial. One thing that usually happens when you make a plea bargain is you can have more serious charges taken down to a lesser charge. This can also mean a lighter sentence. Plea bargains make things move more quickly through the court system, which can help with cost and reduce stress.

If you agree to a plea bargain, you do have to admit that you are guilty of the crime. This impacts your criminal record and can have long-term consequences. You will not have a trial, and you will have to speak in front of the judge. Most of the time, if you accept a plea bargain, you are not allowed to appeal your sentence. This means

that you have to accept whatever consequence is given to you. It is important that you ask lots of questions and carefully think about if a plea bargain is right for you.

### Discussion and Reflection

- A. Why might you choose to take a plea bargain instead of going to trial?
- B. What benefits do you get if you take a plea bargain? What are some things that could be not so great about taking a plea bargain?

## 2. The steps of making a plea bargain

Making a plea bargain requires both your attorney and the prosecutor to talk to each other to come up with a plea bargain that both sides agree on. Then your attorney will talk with YOU about the plea bargain, and you get to make the decision about if you'd like to take it or not. If you agree to the plea bargain, the judge must agree that it follows the law. If everyone agrees, you say you are guilty in court. By saying you are guilty in court, you give up your right to a trial, your right to stay silent, and your right to an appeal. Your attorney will explain these rights to you. Making a plea deal is a serious and important decision.

### Discussion and Reflection

- A. Who can help you understand your rights and decide about a plea bargain?
- B. Why is it important to understand your rights before agreeing to a plea bargain?
- C. What other questions do you have about plea bargains/plea agreements?

## Lesson 6 Activity: Steps in a Plea Bargain

Number the steps of a plea bargain in the correct order (1–5).

\_\_\_\_\_ The prosecutor and your attorney talk about a possible deal.

\_\_\_\_\_ The judge decides if the deal is okay.

\_\_\_\_\_ You decide if you want to accept the deal.

\_\_\_\_\_ If you accept, you plead guilty in court.

\_\_\_\_\_ Your attorney explains the deal to you.

What other questions or thoughts do you have about plea bargains?

## Check your Understanding

1. The plea bargain is usually arranged between:
  - a) The prosecution attorney and the defense attorney
  - b) The prosecution attorney and the defendant
  - c) The defense attorney and the judge
  - d) The defense attorney and the defendant
  
2. For a plea bargain to be accepted, who must agree to it?
  - a) The prosecution attorney
  - b) The defense attorney
  - c) The defendant
  - d) The judge
  - e) All of the above
  
3. What rights do you give up when accepting a plea bargain?
  - a) Your right to a trial, your right to an appeal, and your right to stay silent
  - b) Your right to an attorney
  - c) Your right to ask witnesses questions

## Lesson 7: Evidence and Testimony

In lesson seven, you will learn that evidence is proof that shows whether someone did or did not commit a crime.

You will also learn about witnesses, who are people who saw or know something about the crime. They answer questions in court and must tell the truth.

You do not have to testify in court. It is your choice, and your attorney will help you decide.

### Check-In

- What has been going well for you lately?
- Where could you use more support?
- What is a plea bargain?
- Why might someone choose to make a plea bargain?

### Goals

After you finish this section, you should be able to:

1. Understand what evidence is.
2. Describe the difference between the types of evidence.
3. Describe what a witness is and what they do in court.
4. Understand your rights about having to testify or not in court.

### Lesson Content

If you and your attorney choose not to make a plea bargain with the court, you will likely take part in a trial. You will learn more about trials in lesson 9. In this lesson, you will learn about the different things you might see in a trial, including evidence and witnesses. There are two types of evidence and three types of witnesses for you to learn about. Both evidence and witnesses can be good for your case or not so good for your case. You will also learn your rights about testifying in court.

#### 1. Evidence

Evidence is anything that helps show if someone did or did not commit a crime. It can help the prosecutor or help your attorney. Sometimes evidence is called “proof.” Evidence can be used **for you** or **against you** in court.

#### 2. Types of Evidence

There are two different types of evidence that are used in court. They are direct, physical evidence and indirect, circumstantial evidence. Both types of evidence are important.

**Direct and Physical Evidence:** Direct evidence is when a witness says they saw, heard, or experienced an event. It is also physical objects that you can see, hear, touch, or smell.

Examples of physical evidence can be:

- A witness saying what they say or heard.
- Fingerprints
- Weapons, like a knife or gun
- Photos
- Body fluids/DNA
- Documents
- Video/Audio tape

**Indirect and Circumstantial Evidence:** This is when something suggests a person did something, even if no one saw it.

Examples of circumstantial evidence can be:

- Someone saw you go into a home and run out quickly, and the home was robbed. They didn't see you rob the home, just what happened outside.
- Motive – You needed money, so you might have had a reason to commit that crime of robbery.
- Opportunity – You had the keys to the house where it happened, or you knew the homeowners were out of town.

### Discussion and Reflection

- A. What are some examples of evidence that you might see in court?

### 3. Witnesses

A **witness** is someone who saw or heard something or knows something about the crime. Witnesses talk in court and answer questions from attorneys. This is called **testifying**.

#### Types of Witnesses

- **Eyewitness:** Saw the crime happen in real time.  
Example: A store worker who saw someone steal money.
- **Expert Witness:** Knows a lot about a subject, like mental health.  
Example: A doctor who explains your illness to the court.

- **Character Witness:** Knows what kind of person someone is.  
These witnesses usually only talk at sentencing, after someone is found guilty.

### Telling the Truth

All witnesses must promise to tell the truth. This is called an **oath**. Every witness takes an oath before they testify. If a witness lies in court, it's called **perjury**, and that's a crime. If a witness refuses to answer questions, they could get in trouble for what is called **contempt of court**.

### Types of Questions

There are two types of questioning that each witness must answer:

- **Direct examination:** The first attorney asks the witness questions.
- **Cross examination:** The other attorney asks more questions to check the story.  
For example, if your attorney brings in a witness, they will ask questions first on direct examination. The witness will answer all their questions, then the prosecuting attorney gets to ask questions next during the cross examination.

### Discussion and Reflection

- A. Why is it important for witnesses to tell the truth in court
- B. What happens if a witness doesn't tell the truth under oath?

## 4. Testifying in Court

You do NOT have to testify in court. This is one of your rights as a defendant. Since you are the defendant in the case, no one can make you testify. The judge, the prosecutor, even your attorney cannot force you to testify. Your attorney will help you decide if you should testify or not.

If you choose to testify in court, the judge and prosecutor can ask you questions. You must tell the truth.

If you choose to testify, your attorney will prepare you before you take the stand. Your attorney will help you get ready if you decide to testify so that you feel comfortable and ready.

### Discussion and Reflection

- A. Who will help you decide if you should testify in court?

## Lesson 7 Videos

- Video: [Witness and Exhibit List](#)
- Video: [My Cousin Vinny- Expert Witness](#)

### Check your Understanding

1. This is someone who was at the scene of the crime and tells the court what they saw.
  - a) Expert witness
  - b) Character witness
  - c) Eyewitness
2. This is someone who tells the court what they know based on professional experience.
  - a) Expert witness
  - b) Character witness
  - c) Eyewitness
3. Which is an example of **direct or physical evidence**?
  - a) DNA
  - b) Fingerprints
  - c) Pictures
  - d) A weapon
  - e) All the above
4. Which is an example of **indirect or circumstantial evidence**?
  - a) A weapon
  - b) Motive
  - c) Fingerprints
  - d) DNA
5. True or false: You **MUST** testify in court.
  - a) True
  - b) False

## Lesson 8: Your Rights

In lesson eight, you will learn the six basic rights you have when you are in the legal system. It can be hard to remember the rights you have. The acronym **NEWS AT 6** gives you an easy way to remember these six rights.

### Check-In

- What’s been going well for you lately?
- Where could you use more support?
- What is evidence?
- What is testimony?
- Do you have to testify in court? Who will help you decide?

### Goals

After you finish this section, you should be able to:

1. Remember your six basic rights in the legal system.

### Lesson Content

In lesson 7, you learned about evidence and witnesses. There is a little more information about evidence and witnesses that you will see here in this lesson. You also learned about your right to choose if you testify in court. This lesson will teach you about some of the other rights that you have when you are in the court system. There is a lot to remember when you are facing legal challenges, so use this phrase NEWS AT 6 to help you remember. Your attorney can also help you remember, and you can ask them questions at any time.

### Your Basic Rights – NEWS AT 6

This is an easy way to remember your rights in the legal system. Each letter stands for one of the rights. To help, just remember **NEWS AT 6**:

1. **NOT GUILTY:**
  - You have the right to plead **NOT GUILTY**.
  - Even if you did something wrong, you could still say “Not Guilty” and get help from your attorney
  - Your attorney can explain why this might be a good idea.
2. **EVIDENCE:**
  - You and your attorney do not have to show any **EVIDENCE**.
  - You *can* show evidence if it helps you.
  - You also have the right to say if a piece of evidence is not fair or not true.
3. **WITNESSES:**

- If someone saw something that helps your case, your attorney can ask them to come to court as a **WITNESS**.
- You have the right to hear and ask about what other witnesses say about you.
- Your attorney will ask questions to help defend you and show if someone is wrong or lying.

4. **SILENT:**

- You have the right to stay **SILENT** and not talk in court.
- As you learned in lesson 7, your attorney may suggest that you speak in court, but you don't have to. It is your choice.
- This means you don't have to say anything that might get you in more trouble.
- You can choose to testify if you want. If you do, the prosecuting attorney and judge can ask you questions, and you must answer.

5. **ATTORNEY:**

- You have the right to an **ATTORNEY** who will help you.
- If you don't have money, the court will give you an attorney called a public defender.
- Your attorney is there to help you and protect your rights. They are on your side.
- It is important to be honest with your attorney. Everything you tell them stays confidential.

6. **TRIAL:**

- You have the right to a **TRIAL**.
- At a trial, the prosecutor must try to prove you did the crime.
- A trial cannot occur until you are competent to proceed, and you understand what is going on.
- You get to choose if a judge or a group of people called a jury decides your case – you will learn more about the two different types of trials in the next lesson.

**SIX – YOU HAVE SIX RIGHTS!**

**Discussion and Reflection**

- A. Are there any other rights or things that you think would be helpful for you to remember?
- B. Why do you think it's important to have an attorney with you during a trial?

## Lesson 8: Your Rights-Match the Right to the Definition

*Directions:* Write the letter of the definition that matches the right you have. Use the information in your workbook to help you if needed.

\_\_\_ Witnesses

\_\_\_ Not Guilty

\_\_\_ Evidence

\_\_\_ Silent

\_\_\_ Attorney

\_\_\_ Trial

- A. What you can say even if you did something wrong.
- B. Proof that might help you in your trial.
- C. Someone that might have seen something that could help your case. They can come to court and answer questions from the attorney.
- D. Your right to not talk.
- E. The person who will help you in court.
- F. The process you go through where your guilt or innocence is decided on by a judge or jury.

## Check your Understanding

1. What does the **S** in NEWS AT 6 stand for?
  - a) Speak
  - b) Silent
  - c) Share
  - d) Shout
2. What does your attorney do for you?
  - a) Tries to make you look guilty
  - b) Helps the judge
  - c) Helps you understand your rights and defends you
  - d) Gives you new stuff
3. What does the **T** in NEWS AT 6 stand for?
  - a) Talking
  - b) Trial
  - c) Trouble
  - d) Time
4. If you don't have money to pay for an attorney, what happens?
  - a) You don't get an attorney
  - b) The judge is your attorney
  - c) You must defend yourself
  - d) A public defender is given to you
5. Do you always have to show evidence?
  - a) Yes, always
  - b) No, it's up to you and your attorney
  - c) Only if the judge makes you

## Lesson 9: Trials and Hearings

Lesson nine focuses on the various types of hearings that you may encounter while in the legal system. You will learn about trials and their purpose. Finally, you will get information about what a jury is and the purpose of a jury.

### Check-In

- What's been going well for you lately?
- Where could you use more support?
- What are your six basic rights?

### Goals

After you finish this section, you should be able to:

1. Understand the purpose of different types of hearings.
2. Understand the purpose of a trial.
3. Explain the role of a jury.
4. Describe a bench trial.

### Lesson Content

In previous lessons, you have learned a lot about things like people in the courtroom, the different types of attorneys, evidence, witnesses, charges, pleas, sentences, plea bargains, your rights, and much more. In this lesson, you will learn about the different types of hearings and trials that you may attend during your time in the legal system. It is important for you to understand the purpose of the times you are in the courtroom, whether you are in person or attending virtually.

#### 1. Hearings

A **hearing** is when you go to court, and the judge makes decisions about your case. Some types of hearings are:

- **Arraignment:** when you hear the charges
- **Preliminary hearing:** to decide if there's enough evidence
- **Competency hearing:** to see if you can understand the case and work with your attorney to help with your case.
- **Review hearing:** to see how things are going and update the court on your progress towards competency
- **Sentencing hearing:** to decide your punishment if you have been found guilty

## 2. Trial

A **trial** is when all the evidence is shown in court. A trial is a formal process. The attorneys will call **witnesses** to talk about what they saw or know about the case. You learned about witnesses in a previous lesson. Remember, both your attorney and the prosecution attorneys ask the witnesses questions to get a clear understanding of the details of what happened in the case.

A **judge** or **jury** listens to everything and decides if you are guilty or not guilty. You get to choose if a judge or a jury decides your case; this will be explained later in this lesson.

### Discussion and Reflection

- A. What questions do you have about a trial?

## 3. Jury Trial

A **jury trial** is when your case is decided by a group of **6 or 12 people** chosen randomly from the community, called jurors. They don't know everything about the law. The jury listens to the case and makes a decision about your case based on the evidence, what the witnesses said, and things the attorneys said.

After the trial, the members of the jury talk in a private room and vote on whether you are guilty or not guilty. All jurors must agree. If they don't, it's called a hung jury, and the judge may call a mistrial.

If there is a hung jury or a mistrial, the prosecutor can either drop the case or start over with a new trial. A jury trial can take more time, but the prosecuting attorney must convince everyone on the jury, not just one person.

### Discussion and Reflection

- A. What are the good things about having a jury trial?
- B. What are the not so good things about having a jury trial?
- C. Why do you think all jury members must agree on the verdict?

## 4. Bench Trial

A **bench trial** is a trial with just a **judge**. There is **no jury** in a bench trial. The judge listens to the case and decides if you are guilty or not guilty. This kind of trial is usually faster.

The judge understands the law well, which can help if the case is complicated. Both attorneys must convince one person, the judge, not a whole jury, about your involvement in the charges that have been brought against you.

## Discussion and Reflection

- A. What are the good things about having a bench trial?
- B. What are the not so good things about having a bench trial?

## Lesson 9 Video

- Video: [What to Expect When Going to Court](#)

## Check your Understanding

1. What happens at a hearing?
  - a) A group of people vote
  - b) The judge makes a decision about your case
  - c) You play a game
  - d) You can win a prize
2. Who decides if you're guilty at a bench trial?
  - a) The jury
  - b) The judge
  - c) Your attorney
  - d) The prosecutor
3. How many people are usually on a jury?
  - a) 1
  - b) 5
  - c) 6 or 12
4. What is it called if everyone on the jury can't agree?
  - a) A fair trial
  - b) A hung jury
  - c) A bench trial
  - d) A hearing

## Lesson 10: Aiding Your Defense

Lesson ten is the final lesson in the curriculum. It will give you the information to help you know how to act and dress in court. How you show up in the courtroom is very important.

### Check-In

- What's been going well for you lately?
- Where could you use more support?
- What is a hearing?
- What is a trial?

### Goals

After you finish this section, you should be able to:

1. Explain what appropriate courtroom behavior looks like and sounds like.

### Lesson Content

#### 1. Appropriate Courtroom Behavior

When you go to court, it's important to behave in the right way, dress the right way, and do your best to work with your attorney. There are many things you need to remember about appropriate courtroom behavior. Remember, you can ask your attorney if you have questions, and you should follow the advice your attorney gives you about courtroom behavior.

##### How to Act in Court

- Be quiet in the courtroom. Do not interrupt.
- Sit still and listen to what is being said. If you have questions, you can write them down or whisper to ask your attorney.
- If someone says something that's not true, tell your attorney quietly. You can whisper or write a note.
- Let your attorney do the talking. Only speak up if your attorney says it's okay.
- If you talk to the judge during a hearing or trial, call them "Your Honor" or "Judge (Last Name)."
- Never shout out, use bad words, or call people names.
- Do not talk to your friends or family, or anyone who you know in the courtroom, during a hearing or trial.
- If you are attending court virtually, all these expectations are the same.
- If you are attending court virtually, you can ask to be placed in a breakout room with your attorney so you can have a private conversation with them.

- Try to attend court virtually from a quiet place, do your best to have a plain background, and make sure you are focused only on what is happening in the hearing or trial.

### **What Happens If You Act Inappropriately?**

If you don't act appropriately in court, the judge may give you a warning. You might be asked to leave the courtroom, or your trial might continue without you. You could get into more trouble, like getting extra charges.

### **What to Wear in Court**

- Wear clean and neat clothes. You don't have to dress fancy, just look clean and respectful.
- Take a shower, brush your hair, and look your best.
- Don't wear a hat or sunglasses.
- Don't wear clothes with bad words, gang signs, or anything rude.
- If you need help finding nice clothes, ask your attorney or friends and family for help.

### **Working with Your Attorney**

It's very important to cooperate and work with your attorney. They are there to help you. You can help your attorney by telling them everything you remember about what happened. You should always tell the truth to your attorney. Your attorney must keep anything you say to them private, and they will still work to help you find the best outcome to your charges.

Talk to your attorney about your choices, like if you think you might want to take a plea deal or if you might want to testify during your trial. If you and your attorney don't agree, talk about it together.

If you don't understand something, ask your attorney to explain it.

Your attorney is busy and may be helping other people too. If they don't answer a phone call right away, leave a message. They are still working on your case.

### **Discussion and Reflection**

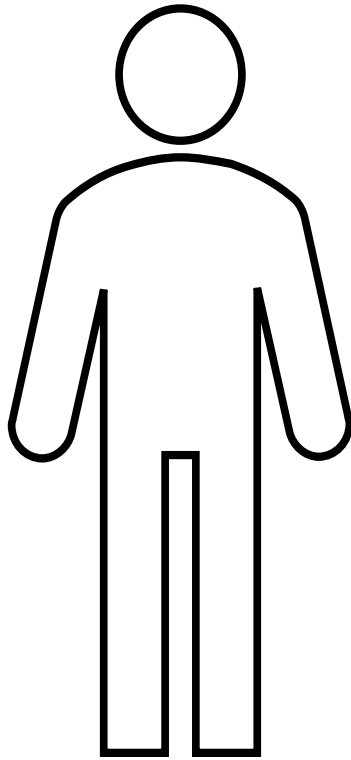
- A. Make a plan: What will you wear to your court appearances?
- B. What does it mean to behave appropriately in court? What does that look like and sound like?
- C. Why is it important to behave appropriately in court?

## **Lesson 10 Videos**

- Video: [What to Wear to Court](#)
- Video: [How to Act in Court](#)

## Lesson 10 Activity 1: Plan what to wear to court

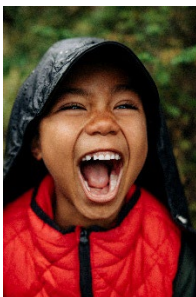
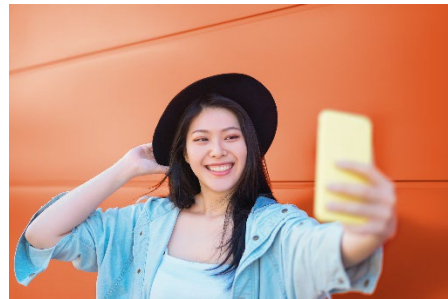
What will you wear to your court hearings and/or trial? You can label the drawing, draw on the person, or write it out below.



Shirt or top I will wear:	Pants or skirt I will wear:	Shoes I will wear:	Jewelry I will wear:
Anything else I can think of:			

## Lesson 10 Activity 2: Expected and Unexpected Courtroom Behavior

Look at the behaviors below. Then write an **E** if it is an expected courtroom behavior or a **U** if it is an unexpected courtroom behavior.



What are some other things you can think of that are expected and unexpected in court?

## Check your Understanding

1. If you are having trouble concentrating in court, you should:

- a) Tell your attorney you are experiencing anxiety, anger, and frustration
- b) Keep notes
- c) Take medications as prescribed
- d) All the above

2. This person is on your side in the courtroom and is trying to prove reasonable doubt that you are guilty.

- a) The Judge
- b) The jury
- c) The defense attorney
- d) The prosecuting attorney

3. When in the courtroom, you should address the Judge as “Your Honor”.

True                      False

4. It is okay for you to interrupt in court, especially when a witness is lying.

True                      False