



Talbot County Teen Court Manual

Purpose/About Us

The Talbot Teen Court program is a voluntary youth diversion program for first-time misdemeanor offenders. The program uses components of restorative justice to hold youth accountable for their offenses while avoiding formal criminal proceedings.

Respondents participate in a Teen Court hearing with a jury of peers. Prior to the hearing, the Respondent must admit involvement in the criminal activity for which he or she was charged. During the hearing, the Teen Court jury will determine appropriate sanctions. Teen Court also seeks to connect young people and their families to resources that help promote positive youth development.

Teen Court is administered by the Talbot County Sheriff's Office via funding from the Governor's Office of Crime Control and Prevention and supplemental funding from the Talbot County Council.

Program Overview

Talbot Teen Court uses the peer jury model, where youth court members assume the roles of judge, jurors, bailiff, clerk, and attorneys. A key feature of this model is consensus decision-making when determining sanctions. Sanctions may include community service, writing assignments and workshops or classes.

Talbot Teen Court receives youth referrals from participating partners, including law enforcement, for certain non-violent offenses. The program is open to Talbot County youth, ages 13-17, who are first-time offenders. Respondents must admit involvement in the criminal activity for which he or she was charged, prior to participation and agree to complete a mental health and substance abuse questionnaire. Failure to complete the program results in referral to the Department of Juvenile Services.

The following offenses are considered eligible for the Program:

1. Alcoholic Beverage Citation
2. Assault 2nd degree
3. Burglary 4th degree
4. Department of Natural Resources Violation
5. Disorderly Conduct / Disturbing the Peace
6. Disturbing School Operations
7. Drug Paraphernalia
8. Electronic Mail/Harassment
9. Malicious Burning



10. Malicious Destruction of Property
11. Marijuana Citation
12. Possession of a weapon on school property
13. Possession of CDS – Marijuana
14. Rogue and Vagabond
15. Telephone Misuse
16. Theft
17. Trespassing
18. Any other crime approved in conjunction with Talbot County Sheriff's Office and the Department of Juvenile Services

Talbot Teen Court is run by Talbot County student volunteers in grades 9-12 who pledge an oath of confidentiality and have completed the volunteer training program. Student volunteers agree to participate for at least one school semester and may receive service-learning hours.

Program Goals

- Reduce the number of youthful offenders entering the Juvenile Court system by using the Teen Court diversionary program, and at the same time exposing youthful offenders to an educational and realistic experience in the courtroom environment.
- Reduce the overall recidivism rate in Talbot County.
- Ensure that each Respondent receives a fair and just disposition, and that those Respondents who successfully complete the Teen Court Program will have no criminal record.
- Encourage Respondents to take responsibility for their actions and make them aware of the effect of their actions on any potential victim or complainant as well as the community.
- Educate Teen Court members through their participation as volunteers in the Teen Court program. The youths who volunteer will develop a better understanding of the criminal justice system and learn the various facets of the system. Participants will develop confidence and self-esteem through public speaking and positive peer group interaction. The Program will promote good citizenship.
- Use peer interaction as a positive influence.
- Provide a productive community service activity for youth who volunteer for the program. (Students may receive credit for service-learning hours)
- Meet and balance the needs of Respondents, victims, and the Talbot County community.

Student Volunteer Responsibilities/Requirements

- Complete training sessions.
- Attend scheduled meetings and/or court sessions.
- Honor confidentiality oath for the Teen Court process.
- Participate with other Teen Court members in determining fair consequences for the Respondent.

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- Demonstrate the ability to treat each case with objectivity and without prejudice. Students must have the ability to communicate cooperatively with others and have the desire to work in a group. Each student is to conduct themselves in a mature manner during all phases of the process.
- Volunteers must be residents of Talbot County, and students in grades 9 through 12.
- A minimum time commitment of one school semester – approximately 4 months - is desired.
- Each participant must abide by the Conduct, Behavior and Dress Codes.

Teen Court Respondent Eligibility

- Respondent must admit involvement in the offense(s) charged.
- Respondent must be a first-time offender.
- Respondent must be a resident of Talbot County, between the ages of 13-17.
- Respondent must complete imposed sanctions within 60 days of receiving the disposition. Time extensions may be granted by the TCC in extenuating circumstances, on a case-by-case basis.
- A Respondent who is admitted to the Teen Court program and subsequently exhibits delinquent behavior before completing the program, will be removed from the program, and be referred to the Department of Juvenile Services.
- Respondents are eligible for Teen Court only one time.



TALBOT COUNTY TEEN COURT COURTROOM ROLES

Teen Court Coordinator: The Teen Court Coordinator (TCC) has responsibility for running all aspects of the Teen Court Program. The TCC decides whether a Respondent may be admitted into the Program; interviews the Respondent and his/her family before any Teen Court Hearing; oversees the Teen Court training and hearings; and follows up with Respondents after dispositions are imposed by Teen Court. The TCC also administers the Oath of Confidentiality to all Teen Court members and all persons present during Teen Court hearings.

Judge: The Judge presides over the hearings, rules on objections, instructs the jury on how to devise sanctions, and renders a disposition in accordance with the jury recommendations.

Bailiff: The Bailiff assists the Judge and the Teen Court Coordinator in always maintaining order in the courtroom. The Bailiff calls the court to order, and directs people to their proper seating areas, receives the Jury's disposition and gives it to the Judge.

Court Clerk: The Court Clerk assists with the sign-in process of Teen Court participants, calls the cases, administers the oath to Respondent and Jury, and reads out loud the results from the Jury Findings Form.

Prosecuting Attorney: The Prosecuting Attorney represents the state's position against a Respondent and ensures that the interest of the victim and community are heard.

Defense Attorney: The Defense Attorney represents the Respondent and presents evidence of mitigating circumstances to minimize the sanctions imposed on the Respondent.

Juror: Each Juror serves as a member of the (at least) 6-person jury. It is the Jury's responsibility to listen carefully to both sides of the case without prejudice, cooperate with other jurors, and follow the Judge's instructions when devising appropriate sanctions for the Respondent.

Jury Foreperson: The Jury Foreperson is appointed by the Judge to lead deliberations. The Jury Foreperson ensures that all jurors have an opportunity to express their views on appropriate sanctions. The Foreperson must also guide the jury to a compromise if the jury becomes unable to agree on a disposition. The Jury Foreperson also fills out the Jury Findings Form and delivers it to the Bailiff when instructed to do so by the Judge.



**TALBOT COUNTY TEEN COURT
COURTROOM TERMS**

RESPONDENT: The person in Teen Court who is charged with committing a delinquent act.

INVOLVED: The Respondent has admitted to participating in a delinquent act, such that his or her actions would subject him or her to juvenile criminal charges.

STATEMENT OF FACTS: A document that explains the offense(s) that the police charged against the Respondent.

DOCKET: The schedule of cases to be heard at a court session. Information in the Teen Court docket includes the Respondent's name and docket number.

OPENING STATEMENT: A statement given by both the Prosecuting Attorney and the Defense Attorney summarizing the facts of the case and the aggravating and mitigating factors that jurors should consider when devising sanctions.

DIRECT EXAMINATION: Questions posed to the Respondent by the Defense Attorney. In Talbot County Teen Court, the only person called to testify is the Respondent. He or she has already admitted his/her involvement in the offense, and there are no other witnesses needed.

CROSS EXAMINATION: Questions posed to the Respondent by the Prosecuting Attorney.

OBJECTION: A challenge made by an Attorney that requires a ruling by the judge. Attorneys may object to prevent admission of improper evidence. Attorneys may also object to the form of a question. (See "Types of Objections in Attorney Guidelines/Tips Section")

OVERRULE: The ruling of a Judge after an objection finding that the attorney's question is proper and therefore the witness may answer the question.

SUSTAINED: The ruling of a Judge after an objection finding that the attorney's question seeks to elicit evidence that is inadmissible, or that the form of the attorney's question is improper.

AGGRAVATING FACTORS: Circumstances that add to the seriousness of the offense.

MITIGATING FACTORS: Circumstances that lessen the Respondent's responsibility for the offense.

CLOSING ARGUMENT: Summary of the evidence given by both the Prosecuting Attorney and the Defense Attorney after all evidence is complete. The Attorneys make recommendations for disposition to the Jury during Closing Arguments.

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DISPOSITION: The final settlement of a case. The disposition is the sanctions devised by the Jury and imposed on the Respondent by the Judge. The disposition generally includes community service hours, and jury service. The disposition may also include educational programming, essays, apology letters, or any other sanction the Jury feels is appropriate, so long as the sanction is consistent with the Sanction Guidelines and approved by the Adult Teen Court staff assigned to assist the Jury.

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TALBOT COUNTY TEEN COURT DRESS CODE & BEHAVIOR GUIDELINES

Dress Code

- Tops must have shoulder straps.
- Clothing cover areas from one armpit across to the other armpit, down to approximately 3 to 4 inches in length to the upper thighs.
- See-through or mesh garments must not be worn without appropriate coverage underneath that meet the minimum requirements of the dress code.
- Shoes must be worn. No slippers.
- No shorts.
- Clothing may not depict, imply advertise, or advocate illegal or lewd conduct, weapons or the use of alcohol, tobacco, marijuana or other controlled substances.
- Clothing may not depict or imply pornography, nudity or sexual acts.
- No hats or sunglasses.

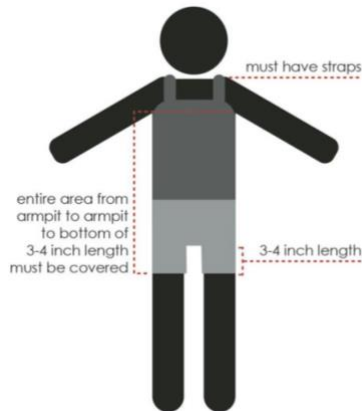


Image credit: Roanoke County School

Behavior Guidelines

- Arrive on time for trainings and hearings.
- Be courteous and respectful to all participants.
- Do not conduct private conversations while court is in session.
- Do not use profane language or make obscene gestures.
- Do not chew gum, tobacco, or eat or drink in the courtroom.
- Do not question the Judge's decision in open court - if you have an issue, please address that with the Teen Court Coordinator.
- NO CELL PHONES permitted – cell phones will be kept outside the courtroom.

**ANY violation or failure to perform your duty could result in suspension or expulsion from the program!*



COURTROOM ACTIVITIES

- TCC or their designee will make sure all Teen Court Participants are aware of their responsibilities.
- Proceedings will begin promptly. All participants should be present in the courtroom and the Respondent should be present in the waiting area. The Oath of Confidentiality will be administered by the TCC to all persons present in the courtroom.
- At the Judge's direction, the Clerk calls the first case. The Bailiff will go into the adjoining waiting area and direct the Respondent to the defense table and the Respondent's parent or guardian to a seat nearby.
- The Judge will provide a short factual summary of the case.
- The Clerk will call the Jurors to be seated in the jury box.
- The Judge will inquire as to whether any member of the Jury knows the Respondent or has any reason why he/she cannot serve as a juror on a particular case or render a fair disposition. The Judge will ask the Attorneys and the Respondent if they are satisfied with the Jury. Should the Attorneys or Respondent want a jury member dismissed (for good cause only), that jury member will be removed and replaced with an alternate juror.
- The Clerk will swear in the members of the Jury.
- Presentation of the case:
 - Prosecuting Attorney makes an Opening Statement.
 - Defense Attorney makes an Opening Statement.
 - Bailiff directs the Respondent to the witness stand.
 - Clerk swears in the Respondent.
 - Judge will ask the Respondent to state his/her name and age for the record.
 - Direct examination of Respondent by Defense Attorney.
 - Cross-examination of Respondent by Prosecuting Attorney.
 - Opportunity for re-direct by Defense Attorney.
 - Statement by the Respondent (optional).
 - Jurors permitted to ask the Respondent any questions that they feel may have gone unanswered.
 - Prosecuting Attorney presents Closing Argument (including recommendation).
 - Defense Attorney presents Closing Argument (including recommendation).
- Jury Instructions:
 - Judge instructs the Jury on the appropriate range of sanctions according to the Disposition Guidelines.

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- Judge instructs the Jury that the disposition must be a unanimous decision.
 - Judge appoints a Jury Foreperson.
 - Clerk provides the Jury Foreperson with a Jury Finding Form (which includes Sanction Guidelines).
 - Judge orders the Jury into deliberation room.
 - Bailiff escorts the Jury to the deliberation room.
 - Jury deliberates case and reaches unanimous agreement on disposition. Teen Court staff member is present during deliberations to ensure that the disposition is appropriate and fair.
 - Foreperson completes the Jury Findings Form.
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- The Jury returns to the jury box, escorted by the Bailiff.
 - Jury Foreperson hands over the completed Findings Form to the Bailiff.
 - Bailiff hands the Jury Findings Form to the Judge.
 - Judge reviews the form to ensure that the Jury's Findings are consistent with the Sanctions Guidelines. The Jury may not give sanctions above the Guideline range but may give sanctions below the Guidelines range.
 - The Judge then gives The Jury's finding form back to the Bailiff who then hands it to the Clerk to read aloud.
 - The Respondent and Defense Attorney will stand while the disposition is read aloud by the Clerk.
 - Judge asks the Respondent a series of questions (outlined in Judge's Guidelines).
 - Respondent is escorted outside of the courtroom with his/her parent/guardian to meet with the Teen Court Staff.
 - Jury is excused.



Judge's Guidelines

TCC will have Administered the following Confidentiality Oath to all persons present in the courtroom, including the judge:

"Everyone present in the courtroom, please stand and raise your right hand. Do you solemnly swear and affirm that you will keep confidential any information that comes to your knowledge in the course of these Teen Court case proceedings and that you will not directly or indirectly, either audibly or in writing, identify any person participating as a Respondent in the Teen Court Program." All must say Yes.)

Proceedings before Evidence is given:

- Judge directs the Clerk to call the first case.
- Judge asks the Bailiff to retrieve the Respondent from the waiting area. Bailiff will direct the Respondent to the defense table and the Respondent's parent or guardian to a seat nearby.
- Judge will ask the Clerk to call the Jurors to be seated in the jury box.
- The Judge will give a short summary of the facts of the case.
- The Judge will inquire as to whether any member of the Jury knows the Respondent or has any reason why he/she cannot serve as a juror on a particular case or render a fair disposition.
- The Judge will ask the Attorneys and the Respondent whether they are satisfied with the Jury. Should the Attorneys or Respondent want a jury member dismissed (for good cause only), that jury member will be removed and replaced with an alternate juror.
- The Judge directs the Clerk to swear in the members of the Jury.

Judge gives Jury a summary of procedures:

"You have been selected as Jurors and have promised to do a good job. You must decide the facts of the case from what you hear from the Respondent. What the lawyers tell you is only their opinion or explanation -- it is not evidence."

"First you will hear Opening Statements from the lawyers. They will tell you what they think the Respondent will say and what they expect the evidence will show. The Respondent will then testify, through direct and cross-examination. The Respondent will be given an opportunity to make a statement to the court. The Respondent may choose not to give a statement. At the conclusion of the evidence presented by the parties, you the jury will be permitted to ask the Respondent any questions that you feel may have gone unanswered."

"The lawyers will then present Closing Arguments. They will also give you recommendations toward disposition."

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“Please listen carefully and don’t make up your mind until you begin deliberating in the jury room. Your unanimous disposition must be based on the evidence – that is the Respondent’s answers and statement – not on the Attorneys’ Statements and Arguments. Keep in mind that this is a real case. Your community, the Respondent, and this court are relying on you to make a fair and just decision.”

Evidence Begins

“Is the Prosecution ready to begin? Counsel for the defense, are you ready to proceed?”
(*Opening statements are given – Prosecuting Attorney goes first, followed by Defense Attorney*)

“Would the Respondent please take the stand.”
(Bailiff directs the Respondent to the stand)

“Would the Clerk please administer the oath to the Respondent.”

“Would the Respondent please state their name and age for the record.”

“Defense Attorney, you may question the Respondent.”
(Defense Attorney conducts Direct Examination of the Respondent)

“Prosecuting Attorney, you may cross examine the Respondent.”
(Prosecuting Attorney conducts cross examination of the Respondent)

“Defense Attorney, do you have any further questions?”
(If yes, Defense Attorney conducts re-direct examination)
(If no - proceed with Respondent Statement)

Look at the Respondent, “At this time you are permitted to make a statement to the court, do you wish to make such a statement?”

(If yes – listen to statement)
(If no – proceed to jury questions)

“Ladies and Gentlemen of the Jury, would you like to ask the Respondent any questions?”
(If yes – jury members ask questions of the Respondent)

Excuse the Respondent back to defense table.
(Bailiff directs Respondent back to defense table)

“Both lawyers have finished their presentation of the case. They will now make Closing Arguments. Closing Arguments are an opportunity for attorneys to summarize the case and persuade you to accept their explanation of the facts. Remember, what they say is not evidence.”

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“Prosecution, you may proceed with your Closing Argument.”

“Defense, you may proceed with your Closing Argument.”

Jury Instructions and Deliberations

“Ladies and Gentlemen of the Jury, thank you for your attention during this hearing. You are charged with evaluating the evidence presented during this hearing, and upon consideration of that evidence, you must reach a unanimous, fair and just disposition. Involvement is not an issue in this case. The respondent has already admitted their involvement in this offense. Therefore, your only duty is to consider those factors discussed here today which weigh in favor of or against a particular disposition.”

“Ladies and Gentlemen of the jury, your disposition options are set forth on the Jury Finding Form, that you will take back to the Jury Room with you.”

“I will appoint a Foreperson who will help guide your deliberations. All jurors MUST agree on the disposition. During your deliberations, if you have questions, please write them down and the Bailiff will bring them to me.”

Appoint Jury Foreperson – NAME SOMEONE!

“Bailiff – please show the jury to the jury room, please.”

When the Bailiff brings the Jury back into the courtroom after reaching a disposition -

“Foreperson, has the Jury reached a disposition? Please hand the Jury Finding Form to the Bailiff. Bailiff, you will hand me the disposition.”

(Judge reviews disposition, only to ensure that the disposition is within the Sanction Guidelines. The Sanctions can be below the guidelines, but cannot exceed the guidelines.)

Once the Judge has approved the Disposition, Judge hands disposition to Bailiff.

Judge asks:

“Would the Respondent and Defense Attorney please rise. Clerk, please read aloud the disposition”. (Clerk reads aloud the disposition)

Judge looks at respondent, “Do you understand your disposition? You also understand that you have 60 days to complete this disposition? You are aware that should you not complete your disposition within the 60 days that a petition may be filed to authorize a formal complaint with the Division of Juvenile Services which may result in a juvenile conviction?”

“At this time, the Respondent and their parent/guardian will need to meet with Teen Court

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Staff outside of the courtroom to sign documents and gather important information. Ladies and Gentlemen of the Jury, thank you for your service in the case let me remind you that you are not to discuss this case outside of this courtroom. You are now excused from your service.”

If another case is on the docket, return to the front page....



TALBOT COUNTY TEEN COURT DUTIES OF THE PROSECUTING ATTORNEY

The Prosecuting Attorney has the responsibility to seek justice and not simply be an advocate for the highest possible disposition. The prosecution should be familiar with both the aggravating and mitigating circumstances of the case.

Before Court:

The Prosecuting Attorney should review the case and the statement of facts. They should have their opening statement, and cross-examination question ready for the case prior to the court hearing. The Prosecuting Attorney can seek the assistance of the TCC.

When Court Begins:

The Prosecuting Attorney should stand whenever addressing the court (e.g., making an objection)

The Prosecuting Attorney will make a brief Opening Statement (the Prosecuting Attorney goes first, followed by the Defense Attorney). After Opening Statements, and after the Defense Attorney questions the Respondent during Direct Examination, the prosecutor will ask the Respondent questions during cross-examination. The Prosecuting Attorney's questions should be leading questions – essentially, the prosecutor can ask the Respondent questions that require a yes or no answer. The Prosecutor should seek to bring out the aggravating factors of the case. For example, these questions may seek to elicit why the Respondent committed the act or how the Respondent participated in the offense. The Respondent's answers to the questions should justify the prosecutor's disposition recommendation.

After questioning the Respondent, the Prosecutor will tell the Judge that he/she has no further questions for the Respondent and will then be seated. The Prosecuting Attorney should listen very closely to the Defense Attorney's questions during Direct Examination and the Respondent's answers so that the Prosecuting Attorney does not ask repetitive questions.

After both Attorneys have completed questioning of the Respondent, the Respondent is then given an opportunity to make a statement on his or her own behalf. The Judge will then give the Jurors an opportunity to ask questions of the Respondent. All answers and statements given by the Respondent are evidence in the case and may be used by the Attorneys in their Closing Arguments.

The Prosecuting Attorney then gives a Closing Argument (the prosecution goes first followed by the Defense Attorney). During the Closing Argument, the Prosecuting Attorney makes a recommendation to the Jury for a fair and appropriate disposition, supported by evidence that was admitted during the Court hearing, and within the range set forth in the Disposition Guidelines.



**TALBOT COUNTY TEEN COURT
DUTIES OF THE DEFENSE ATTORNEY**

The Defense Attorney has the responsibility to represent the Respondent. The Defense Attorney should be familiar with both the aggravating and mitigating circumstances of the case and request a disposition that would be most favorable to the Respondent.

Before Court:

The Defense Attorney should review the charging documents and interview the Respondent. After becoming familiar with the case, the Defense Attorney should devise a proposed disposition, and prepare questions for the Direct Examination of the Respondent. Those questions should aim to elicit mitigating factors from the Respondent. The Defense Attorney should also prepare an Opening Statement. The Defense Attorney should also help the Respondent decide whether and how to give a statement in open court.

When Court Begins:

The Defense Attorney should listen attentively to the Prosecuting Attorney's Opening Statement to challenge prosecution's interpretation of the facts, and present facts that are favorable to the Respondent. The Defense Attorney should stand when addressing the court, including when making an objection. The Defense Attorney may object to questions posed by the Prosecuting Attorney during cross-examination, if appropriate. The Defense Attorney can re-direct the Respondent when the prosecution has finished their line of questioning. The Defense Attorney should also listen carefully to the Respondent's answers to cross-examination and answers to questions from the Jury, if any.

The Defense Attorney should include in their Closing Argument the mitigating circumstances that the Respondent testified about. The Defense Attorney's Closing Argument should focus on the mitigating factors and provide a recommendation to the jury that is favorable to the Respondent.

The Defense Attorney and Respondent should rise when the Clerk reads aloud the disposition in open court.



**TALBOT COUNTY TEEN COURT
CASE ANALYSIS FORM**

Attorneys: Look over all the information that you have about the case and complete this form. You should write down the questions you plan to ask the Respondent, as well as your Opening Statement and Closing Arguments. You should write down your recommended disposition.

Name of Respondent: _____ Age: _____

Name of Victim:

Damages to victim or property:

Date the incident occurred:

Time the incident occurred: _____ AM or PM

Day of the week incident occurred:

Nature/details of the offense (including the specific role that the Respondent played):

What consequences or discipline has the Respondent received at home or at school?

Aggravating or Mitigating Factors:



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ATTORNEY PREPARATION SHEET**

Respondent's Name: _____ Age: _____

Offense: _____

Date and Time offense occurred: _____

Location of offense:

Name of victim or entity:

Issues to think about in all cases:

*Severity of facts (aggravating or mitigating circumstances)

value of goods taken

multiple victims

any personal injury or property damages

*Time offense took place

night vs. day

weekday vs. weekend

within curfew

*Did the respondent's parents know where he/she was?

Was he/she out with permission?

Were they staying away from home when the incident occurred?

*Location of offense

School vs other places

*Number of people involved and the role of each (effect of peer pressure)

Was the respondent the leader of the group?

Does the respondent continue to associate with others in the group?

*What did the respondent plan to do on the day the offense occurred? Was the offense planned or spur of the moment?

*Why did the respondent commit the offense?

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*What was the attitude of the respondent when they committed the offense?

*Has the respondent paid restitution? Written an apology letter? Was the merchandise returned?

*What was the reaction of the school or parents?

*What has the Respondent learned from this experience?

*Is the Respondent involved in any extra-curricular activities?

*Does the Respondent participate in community-based organizations?

*Does the Respondent have a job?

*What grades does the Respondent receive in school?

*What disposition is appropriate for this Respondent? The victim? The community?

*Why do you feel this disposition is appropriate?



TALBOT COUNTY TEEN COURT OPENING STATEMENT

The success of the Opening Statement depends on the attorneys' preparation. Using the opening statement form, you should be able to formulate your own Opening Statement. Make an outline of the mitigating and aggravating factors involved in the case, and what you expect the evidence will show. Do not overstate the evidence, as you will want the jurors to trust you and your recommendation. Make sure that the evidence you summarize in your Opening Statement is elicited by you during your examination of the witnesses.

Be natural, firm, and confident. Speak conversationally, but with correct grammar and pronunciation. Look at the jury as much as possible, though you can refer to your notes. The purpose of the Opening Statement is to tell a brief story of what happened so that the jury can understand the offense and issues that will help them decide an appropriate disposition. Do not exaggerate the Opening Statement, be factual in your presentation. When you have strong points to deliver, be sure to emphasize them by pausing and changing the tone in your delivery.



**TALBOT COUNTY TEEN COURT
OPENING STATEMENT FOR THE PROSECUTION**

Ladies and gentlemen of the jury, my name is _____ and I am the prosecuting attorney in State vs. _____.

The respondent ___ (name) _____ has admitted their involvement in the offense of: _____.

I expect the evidence will show that (insert aggravating factors, e.g., what the respondent did, the day, the time, the location, was it planned, were there others involved, were their damages, was there a victim, etc.)

Please listen carefully to the facts of the case and pay close attention to the answers given by the Respondent to the questions posed by me and the Defense Attorney. You will also have an opportunity to ask the Respondent questions. Listen carefully to his/her answers. At the close of the case, I will return and request that you enter a fair and just disposition that is designed to hold _____ (insert respondents name) accountable for their actions to the victim and to our community. Thank you.



OPENING STATEMENT FOR DEFENSE COUNSEL

Ladies and gentlemen of the jury, my name is _____, and I represent my client, _____(name)_____ who has admitted their involvement to _____.

The testimony will show that:

Please keep in mind that (Respondent), is: (present mitigating factors, e.g., good grades, community involvement, home/school sanctions, apology etc.)

My client is truly sorry for his/her actions and stands ready to accept a fair and just disposition in this case. Please listen to the Respondent's answers carefully. I will return at the end of the case and ask that you deliver a fair and appropriate disposition in this matter.

Thank you.



TALBOT COUNTY TEEN COURT ATTORNEY GUIDELINES AND TIPS

Questioning the Respondent is an art, it is your job to explain to the jury and to the court the circumstances that led up to and involved the Respondent in the incident. The jury already knows that the Respondent has admitted their involvement. Whether you are the Defense or Prosecuting Attorney, it is your job to get the jury to hear the mitigating and aggravating factors from the Respondent's answers to your questions. Those questions should be prepared in advance if possible and clear enough to allow for clear responses from the Respondent.

DIRECT EXAMINATION (Defense Attorney) The purpose of direct examination is for the Defense Attorney to ask the Respondent questions to help the jury understand the case. The Defense Attorney questions the Respondent first, thus "direct examination." The attorneys should ask simple questions, who, what, when, where, and how questions. Clear questions allow the Respondent to tell a logical story as to the events that unfolded and led them to being involved in Teen Court. Questions should be open-ended during Direct Examination so that you are allowing the Respondent to tell the story in his/her own words. You should not ask leading questions, nor should you ask questions that require a "yes or no" answer.

CROSS EXAMINATION (Prosecuting Attorney) After the Defense Attorney has finished his/her Direct Examination, the Prosecuting Attorney cross examines the Respondent. The purpose of Cross Examination is to bring out facts that were not addressed in direct. These facts are either brought out to show the full "picture" or to bring out something desirable or undesirable that the other side does not want the jury to hear. The Prosecuting Attorney should ask leading questions, as narrative answers should be avoided.

REDIRECT EXAMINATION (Defense Attorney) Redirect should be limited to issues that were raised by the Prosecuting Attorney on cross examination. The purpose of this examination is to clear up any possible misunderstanding or to help the jury see the Respondent as a credible witness.



TALBOT COUNTY TEEN COURT OBJECTIONS AND HOW TO USE THEM

Why would an attorney object to another attorney's question? To protect the witness from harassment and unfair tactics of the opposing attorney and to prevent admission of improper testimony or evidence.

How do you object? You should object as soon as you hear the question. Stand up and state your objection, do not wait for the Respondent to answer, or the judge to call upon you.

Example: "Objection Your Honor, counsel is leading the witness."

TYPES OF OBJECTIONS:

Ambiguous - The question is vague, uncertain in meaning, or capable of being understood in more than one way. Ex. "What was she doing when you saw the girls leaving?" It is unclear as to who "she" is.

Asked & Answered - Should be used to stop repetitive questioning.

Argumentative - opposing counsel is arguing with the Respondent and preventing the Respondent from answering.

Assumes Facts not in Evidence - The questions may trap the Respondent into affirming the truth of the assumed fact, without the Respondent meaning to do so. This type of questions sometimes begins with, "Do you know?" or "Have you heard?"

Badgering - The attorney is asking questions in such a way that is intimidating or upsetting the Respondent.

Calls for Speculation - Respondent is asked to just guess at the answer.

Irrelevant - The question or information is unconnected with the case.

Leading - Should be made as soon as it becomes apparent that opposing counsel is testifying for the respondent. Leading questions are proper during cross-examination and therefore this objection should not be made during cross-examination.

Multiple Questions or Compound Question - The question asked is a series of questions, and the jury as well as the respondent may be confused as to which questions is being asked and answered. Example, "Who was with you in the store, and who helped you take the merchandise?"

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Repetitive - Questions needlessly repeats prior questions without adding to the evidence. The question has previously been asked and answered. NOTE: An attorney on cross-examination, may repeat a question asked on direct and may at times repeat his/her own questions for emphasis.



TALBOT COUNTY TEEN COURT CLOSING ARGUMENT GUIDELINES

After both sides have presented evidence, the jury has asked its questions and the Respondent has made a statement (if any), it is time for Closing Arguments. These are addressed to the jury. The Prosecuting Attorney goes first. The purpose of the Closing Argument is to summarize the important facts that were admitted into evidence and argue persuasively to the jury that those facts support the recommended disposition.

Take notes during the Respondent's testimony so that you can remind the jury how the Respondent testified. You may also want to take notes during opposing counsel's Opening Statement to point out those statements which they have failed to prove. The Closing Argument should recap high points of the entire case by summarizing the evidence, stressing key testimony, and showing why particular evidence should be believed. Expose any distortions or omissions and point out lack of credibility.

A clear, direct, and logical discussion of the facts, delivered in a friendly conversational tone can be very effective. It is proper to appeal to the emotions of the Jury, be sure to look at the jury and keep their attention.

The final part of the Closing Argument is a recommendation to the Jury as to a fair and just disposition. In making this recommendation, you should take into account the mitigating and aggravating factors that pertain to this case. Bear in mind the effect that the offense has had on the victim and the community (if you are the Prosecuting Attorney) and the remorse of the Respondent (if you are the Defense Attorney). Disposition recommendations should always be within the Disposition Guidelines range.



**TALBOT COUNTY TEEN COURT
CLOSING ARGUMENT FOR THE PROSECUTION**

Ladies and Gentlemen of the jury, as you know, the Respondent has admitted involvement in the offense of _____.

You have heard the Respondent explain the facts of this case (you should summarize facts).

In determining a fair and just disposition, please keep in mind (mention relative aggravating factors).

Please remember, that as jurors, your responsibility is to enter a fair and just disposition that will hold the Respondent accountable for their actions to the victim (if any) and the community. Therefore, it is the Prosecution's position that the Respondent should receive a constructive disposition of _____ hours of community service, _____ jury duties, and/or _____.

Thank you.



**TALBOT COUNTY TEEN COURT
CLOSING ARGUMENT FOR DEFENSE**

Ladies and Gentlemen of the jury, as you know, my client, _____
has admitted involvement in the offense of: _____.

You have heard _____ explain the facts of the case. They testified
(summarize the case)

In determining a fair and just disposition, please keep in mind (point out relevant mitigating
factors)

(Respondent's name) _____ has accepted responsibility for his/her actions
and it truly sorry for them (explain how respondent has accepted responsibility)

Therefore, as consequences to these actions, the Defense recommends a disposition of _____
hours of community service, and _____ jury duties.

Thank you.



TALBOT COUNTY TEEN COURT JOB DESCRIPTION FOR THE BAILIFF

The primary duty of the court Bailiff in Teen Court is to assist the judge and Teen Court Coordinator in maintaining order in the courtroom at all times. The Bailiff maintains order and will enforce those rules listed on the "Behavior, Conduct, and Dress Code" sheet. Specifically, the Bailiff's duties are:

Before Court:

- Ensure that the courtroom is set up properly, that lights are turned on and the courtroom is "ready to go."
- Place files at the appropriate desks (clerk, judge, jury deliberation room).

During Court:

- After the clerk calls the first case, you will go into the waiting area and announce, "All parties involved in State vs. _____, docket # _____ please come to the main courtroom."
- Make sure that you direct the Respondent to the defense table, and their parent/guardian to a seat nearby.
- Maintain order according to the "Behavior, Conduct, and Dress Code."

During Deliberations:

After the jury has heard the case and is ready to leave the courtroom to deliberate, the bailiff will make his/her way to the jury box and escort the jurors to the deliberation room. The Bailiff will then stand outside of the door in case of questions or problems that should arise during deliberation. (Please keep conversation quiet in the deliberation room, as to not disturb the courtroom activities):

- When the jury has reached a disposition, you will inform the judge by stating, "Your honor, the jury has reached a disposition."
- After acknowledgment from the Judge, you will escort the jury back to the jury box and take a position next to the Clerk. You will then take the Jury Findings Form from the Foreperson and hand that to the Judge for their review. After the Judge approves the form, you will hand it to the Clerk of the Court who will read it aloud.
- After the case, you will pick up the Jury Findings Form, Clerk Reporter Sheet, and case folder. You will deliver those materials to the Teen Court Coordinator or their designee. Escort the parents and Respondent to the desk located outside of the courtroom for their instructions.
- Return to the courtroom for the next case to be announced.



**TALBOT COUNTY TEEN COURT
JOB DESCRIPTION FOR THE CLERK**

The job of the Clerk is to record the proceedings of the case. The Clerk is responsible for filling out the Clerk Reporter Sheet, as well as the Community Service Sheet. In addition, the Clerk makes sure that all necessary paperwork finds its way into the Case File. The Clerk of the Court calls the cases to be heard, swears in the Jury and the Respondent.

When Court Begins:

When the Judge instructs, the Clerk calls cases by saying:

In the Matter of: State vs. _____
Docket Number: _____
Charge: _____

When the Judge instructs, the Clerk will stand and swear in the Jury:

“Ladies and Gentlemen of the jury, please stand and raise your right hand. Do you and each of you solemnly promise and declare that you will well and truly consider the evidence in the matter of State vs. _____ and render a fair and just disposition, based on the evidence?”

When the Judge instructs, the Clerk will stand and swear in the Respondent:

“Do you solemnly declare and affirm under the penalties of perjury that your answers and statements given during this hearing will be the truth, the whole truth, and nothing but the truth?”

After Deliberations:

After the jury has deliberated, it is the duty of the Clerk to record and announce the disposition. As directed by the judge, after he or she approves the disposition, the Clerk should stand and face the audience in the courtroom:

“In the matter of State vs. _____, in the Talbot County Maryland Teen Court, we the teen court jury recommend that the Respondent receive the following constructive disposition:”

After the Judge dismisses the jury and Respondent, the Clerk should complete the Clerk Reporter’s Form and Community Service Form. Give these documents to the Bailiff who will then escort the family outside for their instructions.



**TALBOT COUNTY TEEN COURT
JURY INSTRUCTIONS**

As a member of the Talbot County Teen Court Jury, you have the opportunity to participate in a very important part of our democracy. Jury duty is a privilege and serious responsibility. You must listen to both sides of the case without prejudice and render a fair and just disposition. You are required to base your disposition upon the evidence as you hear it in court, the Judge's instructions, and the Disposition Guidelines. Remember, Respondents in Teen Court have already admitted to being involved in the offense, therefore this focuses only on assigning a fair consequence. If you are acquainted with the Respondent and do not feel as though you can be unbiased, please ask the Teen Court Coordinator to excuse you from service on that particular case.

Generally, the Jury will consist of at least six jurors. The jury disposition must be a unanimous decision on behalf of all jurors.

Please review the attached Jury Guidelines Sheet.



TALBOT COUNTY TEEN COURT JURY GUIDELINES

Serving as a Juror is a serious matter. As a Juror, you have the duty and obligation to maintain yourself in a professional and responsible manner. It is by your judgment, as a jury, with guidance from the Teen Court Coordinator, that determines the consequences the Respondent must face for an act of delinquency.

- When the Judge asks if you know the Respondent, you must be truthful.
- Proper decorum for a juror includes sitting up straight, attentiveness to the proceedings, and maintaining the dignity of the courtroom. Control your emotions (facial expressions, etc.). Do not talk during court sessions.
- Always sit in the same seat in the jury box.
- Jurors will be allowed to take notes during the presentation of the case.
- Before you are brought to the jury room for deliberation, the Judge will appoint a Foreperson. This person acts as the spokesperson for the jury and leads jury deliberations.
- Once in the deliberation room, the Foreperson will lead the discussion in determining the appropriate disposition for the Respondent.
- Each offense has a minimum and a maximum number of community service hours and jury duties to perform. If the jury decides that additional sanctions are appropriate, they may impose them, so long as they are within the Disposition Guideline range. For example, letter(s) of apology, essays, or educational programs (if available). Please keep in mind that the Respondent has 60 days to complete their disposition.
- During deliberations, if questions arise, the jury Foreperson should write them down on a piece of paper, knock on the door, and give them to the Bailiff who will pass the questions along to the Judge. The Judge will answer the question and the bailiff will return the answer.
- Jurors should discuss the mitigating and aggravating factors of the case and work together to decide on a fair disposition.
- The Foreperson should then begin by asking for disposition suggestions based upon the facts presented. All Jurors should pay attention and listen carefully to each juror's opinion. Jurors' conversations should focus only on the case, during deliberations. Each juror should be consulted and allowed to give his/her opinion. Jurors should continue to deliberate until an agreement or compromise is reached. Jurors who have served on prior juries should not compare dispositions from one case to another, as each case disposition is based on unique facts.
- The final, unanimous disposition should be consistent with the Sanctions Guidelines and approved by the Teen Court Coordinator who may be present in the deliberation room. All notes must be turned over to Bailiff at end.



JURY ANALYSIS FOR DISPOSITION

You have been selected to perform a very important responsibility, providing a fair and just disposition for each Respondent who appears in Teen Court.

You **should not** allow any personal prejudice, prior cases, or your own experiences to influence you in determining the appropriate disposition.

The factors that you are to weigh in determining a disposition are mitigating (positive) and aggravating (negative) factors. These factors have been presented to you during the Teen Court hearing.

What is fair and just? Please remember that the Respondent has sixty (60) days to complete sanctions, so it is only fair to assign a disposition that the Respondent can complete within 60 days, given other responsibilities that he or she may have.

Factors to consider:

Age of respondent

Were there any victims? (person, merchants, neighborhood)

Has the Respondent already apologized to the victim(s)?

Does the Respondent seem truly sorry for the consequences of his/her actions?

What day did the offense occur?

Is the Respondent involved in any extra-curricular activities? Are they involved in their community?

Does the Respondent have a job?

Does the Respondent receive good grades?

Was the Respondent punished at home or at school (if committed at school)?

Was the offense planned?

Was peer pressure a factor?

Was the Respondent a leader in committing the offense?



TALBOT COUNTY TEEN COURT
JURY FINDINGS FORM

In the matter of: _____
(Respondent's Name)

We the Teen Court Jury recommend that the respondent receive the following disposition to be completed within 60 days

Please fill in all areas that apply to the Respondent's Disposition (consistent with Disposition Guidelines):

- | | | | |
|-------|-----------------------------------|-------|-------------------------------|
| _____ | Jury Duties | _____ | Mediation/Conferencing |
| _____ | Community Service Hours | _____ | Essay (1-4 pages) |
| _____ | Conflict Management Course | _____ | Apology Letter |

Topic for essay: _____

If apology letter, to whom should the letter be addressed: _____

Jury Foreperson: _____

(The presiding Judge and Teen Court Coordinator have the exclusive right to change the jury's recommendation for disposition, to ensure consistency with Disposition Guidelines)

Amended Disposition per Judge:

Presiding Judge: _____



TALBOT COUNTY TEEN COURT
DISPOSITION GUIDELINES

Disturbing the Peace

Disorderly Conduct

Disturbing School Operations

Disposition Options:

- Min./Max. Number of Jury Cases: 1-2
- Min./Max. Number of Community Service Hours: 4 - 6
- Conflict Management course
- Mediation/Conferencing
- Apology Letter
- Essay

Theft – more than \$100.00

Possession/Use of Firecrackers

Malicious Destruction of Property - valued at less than \$100

Telephone Misuse

Trespassing (schools, park, parking lots, private property)

Possession of Drug Paraphernalia

Disposition Options:

- Min./Max. Number of Jury Cases: 2-3
- Min./Max. Number of Community Service Hours: 6-10
- Conflict Management course
- Mediation/Conferencing
- Apology Letter
- Essay

Alcohol Beverage Citation

Theft – more than \$100 and less than \$150

Malicious Destruction of Property - valued at more than \$100 and less than \$200

Second-Degree Assault

DNR Violations

Malicious Burning

Possession of Marijuana/CDS Possession not Marijuana

Electronic Mail/Harassment

Telephone Misuse

Disposition Options:

- Min./Max. Number of Jury Cases: 2-3
- Min./Max. Number of Community Service Hours: 10-18
- Conflict Management course
- Mediation/Conferencing
- Apology Letter
- Essay

Theft more than \$150

Malicious Destruction of Property more than \$200

Fourth-Degree Burglary

Malicious Burning

Reckless Endangerment

Possession of a weapon on school property

Driving Citation

Disposition Options:

- Min./Max. Number of Jury Cases: 3-4
- Min./Max. Number of Community Service Hours: 18-25
- Conflict Management course
- Conflict Management course
- Mediation/Conferencing
- Handwritten Apology Letter
- Essay

Jurors: Please remember that the respondent has (60) days to complete their disposition!