

SHOULD JUVENILES BE TRIED AS ADULTS?

THE CASE

“Shawn” was accused of stabbing his father and claimed that he was not aware that he did it because of sleepwalking. Shawn’s case was ruled by a judge in juvenile court, in which he received the sentence outlined below. How would the outcome have been different had the crime gone to adult court? We’re going to find out!

THE JUVENILE HEARING

Since Shawn's case was so unusual and the testimony in such conflict, Judge Thomas Edwards postponed his determination of Shawn's sentence and sent him for a 90-day evaluation at the California Youth Authority, the state's most restrictive juvenile detention facility. During his first week there, Shawn says he was pressured by a white gang member to force his cellmate to perform oral sex. He says he didn't want to do it, but complied because he was frightened for his own safety.

Judge Edwards ruled that Shawn remain in the Santa Clara County's Juvenile Hall until he turns 19. In addition, Shawn would be allowed to leave the facility during the day to attend community college classes, private counseling sessions, and Narcotics Anonymous meetings. Eventually he was even allowed to go home for meals with his family.-PBS.ORG

THE MOCK TRIAL

In one week _____, your class will be holding the trial of the PEOPLE OF LOS ALTOS VERSUS SHAWN SMITH. Here are the steps for preparing and carrying out the trial.

STEP ONE: Choose a role. _____

You will randomly choose roles in a blind drawing. At that point, you will have exactly ten minutes to trade roles. After that time expires, we will record the people and the roles on the board in the front of the room.

STEP TWO: Prepare for trial. _____

If you are a witness (Shawn’s mom, gang member, doctor, etc.) you will first need to research online as much as you can to find out if you are a real person. If so, find out about Dr. Pelayo, the court psychologist, etc. and base your testimony off of that. If you are a character where there is not too much information about you or you are fictitious (small boy’s mother, for example), come up with your own testimony. Please fill out the witness impact statement (will be projected). Also, anticipate what sort of questions the defense team and prosecution team might ask you (How do you know Shawn? Do you know any reason he would want to hurt his dad?)

If you are on the **prosecuting or defense teams**, you will need to figure out what questions you want to ask each witness. Also, while your witness is being questioned by the opposition, you will want to be writing down questions for cross-examination. In addition, each team will present opening and closing statements.

If you are a jury member, you should be taking notes for the entire trial. At the end of the trial, you will hold a mock deliberation that the rest of the class will witness. You will then have to come to a conclusion about whether or not Shawn is guilty. As a collective

group, you can recommend a punishment; however, the judge will ultimately decide. To prepare for trial, you should research the crime and what kind of sentence the crime would receive in adult court.

STEP THREE- THE TRIAL:

When you come to class, you will sit in your assigned seat according to the character you are playing. Please dress the part. We will use the following outline:

- Introduction of the Judge/Reading of the charges
- Opening Statements-Prosecution Team
- Opening Statements-Defense Team
- Prosecution calls first witness
- Defense cross-examines witness
- Defense calls first witness
- Prosecution cross-examines witness
- This repeats until all witness testimonies are given*
- Closing statements the prosecution
- Closing statements the defense
- Jury Deliberation

The trial will take 1-2 class periods.

READ MORE ABOUT THE TRIAL HERE:

<https://www.losaltosonline.com/news/sections/news/215-news-briefs/7274-J6646>

<http://www.pbs.org/wgbh/pages/frontline/shows/juvenile/four/shawn.html>

THE ROLES

SHAWN (the accused)	BRIDGETT JONES (Defense Attorney)
SHAWN'S MOM	THOMAS EDWARDS (Previous Judge)
SHAWN'S DAD	DR. PELAYO (Sleep Research Expert)
SMALL BOY (previous victim of Shawn)	GANG MEMBER (Shawn met at CYA)
SMALL BOY'S MOTHER	RACIAL EQUALITY EXPERT
FRIEND (with whom he committed robbery)	PRINCIPAL (of school Shawn was expelled from)
COURT PSYCHOLOGIST	PROBATION OFFICER (prior to the incident)
FIRST RESPONDER (police on scene)	DOCTOR (who treated Shawn's dad)
SHAWN'S GIRLFRIEND	LOS ALTOS PROSECUTOR
DEFENSE TEAM MEMBER	PROSECUTION TEAM MEMBER
CHARACTER WITNESS (for Shawn)	CHARACTER WITNESS (for SHAWN)
911 OPERATOR (who took the call)	SHAWN'S SIBLING
DETECTIVE (investigating the crime)	JURY MEMBERS
POLICE OFFICER (who arrested him for pot after his time in juvie)	

WRITING ASSESSMENT:

To end this unit and trial, you will answer three extended response questions in class in which you reflect on the trial experience and demonstrate the ability to write a persuasive composition with a definitive thesis and supporting evidence (which will be provided for you). Your rubric for these questions will be made available the day before the test.