

You decide:

A jury simulation

A jury simulation is an effective and exciting learning activity for students. When confronted with the facts and evidence that the two opposing sides might introduce during a trial, the students engage in a lively discussion as they try to determine whether or not the defendant is guilty or not guilty.

Only after they reach a verdict and realize no one is going to provide them with the “right” answer or with “what really happened,” do the students begin to grasp the magnitude of a juror’s responsibility. This simulation allows students to begin investigating such legal concepts as “*guilt beyond a reasonable doubt*” and “*innocent until proven guilty*,” as well as gain some insights into the role of a juror.

The fact pattern of this simulation is based on the case introduced in the jury video, “*Your Share in Justice - The Minnesota Jury System*.” *This lesson can be done independent of the video.*

Students will:

1. Understand the role of the people who participate in the judicial system.
2. Understand the legal and judicial process and how decisions are made.

Materials needed: Copies of **Student Handout: YOU DECIDE**,
Student Handout: JURY FORM,
Student Handout: THE RESPONSIBILITIES OF JURORS, and
Student Handout: WHO STOLE THE COOKIES?

Time needed: 1 class period

Grade level: Grades 7-12

Procedure:

1. Review the role of a jury in a criminal trial. Why is the jury an important part of a trial? What is their job? What is a verdict? What is meant by jury deliberations? Who tells the jury what to do? What information do they consider in making their decision? How many jurors must agree to a verdict?

Much of this information can be found in the video “*Your Share in Justice - The Minnesota Jury System*” or in the background information contained in the lesson entitled **The Minnesota Jury System: Your Share in Justice**.

2. Have students read the **Student Handout: THE RESPONSIBILITIES OF JURORS** and complete the activity **WHO STOLE THE COOKIES?** The activity will have students apply the information about standards of proof to very simple facts, thus gaining an understanding of the different standards used to prove a fact in a court of law.

Procedure cont.

3. Introduce the simulation by telling students they will be stepping into the shoes of jury members who have listened to a criminal case. Tell them that all of the evidence has been presented, and that it is time for the jury to begin deliberations.
4. Read the **JUDGE’S INSTRUCTIONS TO THE JURY** in which the students are informed of the charges against the defendant, the definition of first-degree burglary, and a definition of “*innocent until proven guilty*” and “*guilty beyond a reasonable doubt.*”
5. Hand out the **Student Handout: YOU DECIDE**. Divide the class into small groups. Students will review the facts and reach a verdict of either guilty or not guilty. Each group should choose a jury foreperson who receives the **JURY FORM**. Small group discussion should last 15-20 minutes. Make sure the foreperson writes the verdict down on the **JURY FORM**.
6. After each group reaches a verdict, the jury foreperson will announce the verdict to the class explaining how the group members reached the decision, which facts swayed them the most, and what questions they felt were left unanswered.
7. Compare and contrast each group’s verdicts. Did every jury decide the same way? What factors influenced jurors’ decisions? How important is it to observe witnesses as they testify? Is it easy to be a juror? What are the responsibilities of jurors in making decisions?

(The jury simulation strategy was adapted from a lesson published in UPDATE, Fall 1986 by Joseph O’Brien, director of the Virginia Institute for Law and Citizenship Studies at Virginia Commonwealth University in Richmond, VA)

JUDGE'S INSTRUCTIONS TO THE JURY

Ladies and gentlemen of the jury, in this case the state of Minnesota has charged the defendant, Ed Jones, with first-degree burglary.

The burden of proof is on the state of Minnesota. The state must prove the defendant guilty beyond a reasonable doubt, but not beyond all possible doubt. Reasonable doubt may be defined as a doubt for which a reason may be given.

The defendant in this case comes to you clothed with the presumption of innocence. This presumption stays with the defendant until you are convinced beyond a reasonable doubt that he is guilty. At that time the presumption ceases.

The defendant is charged with first-degree burglary. This means that the defendant is charged with entering a dwelling without consent and with intent to commit a crime while another person who is not an accomplice is present in the dwelling. In order to find the defendant guilty each of these elements must be proven:

1. The defendant entered a dwelling (house) without the consent of the person in lawful possession (owner).
2. The defendant intended to commit a crime. In other words, the defendant meant to do an act which is against the law.
3. There was someone else in the house (for example, the owner) at the time the burglary took place.

I ask you to retire and consider your verdict, ladies and gentlemen. I remind you that whatever decision you reach must be a unanimous one, with all jurors agreeing with the verdict. You should appoint one of your members as a foreperson, and upon reaching a verdict, it should be written on the **JURY FORM** from which the foreperson will read your decision.

Student Handout: YOU DECIDE

Information accepted as fact by the Court

Below is the information introduced by the prosecution and defense and accepted as fact by the court. Use this information in reaching your verdict.

Prosecution's Case

Fact: Ed Jones owns a pry bar that has his initials carved in the handle.

Fact: Jones' pry bar was found by Mr. Faber on the ground near Faber's house.

Fact: Mr. Faber testified that he was awakened suddenly during the night of September 14 by a strange noise. He went downstairs to investigate and found his rare coin collection missing and the den window broken. He called the police.

Fact: Mrs. Harper said shortly after hearing the noise, she saw a man running across her back yard to the alley. She described him as being 6 feet tall, about 176 lbs., brown hair, wearing wire rimmed glasses and dark clothes, and carrying a small box under his arm. The man drove away in a 1975 Chevette that had been parked in the alley. Mrs. Harper saw the man's face and picked Jones out of a police lineup.

Fact: A 1975 Chevette is registered in Ed Jones' name.

Fact. Mrs. Faber testified that earlier on the day of September 14, Ed Jones had stopped over to look at her husband's rare coin collection he had advertised for sale. Mr. Faber took Mr. Jones to the den at the back of the house where he kept his coin collection. Mrs. Faber also testified that the two men got into a heated argument over the price of the coins, and she overheard Jones say there are other ways to add coins to a collection.

Fact: Mr. Faber testified that he met Jones for the first time when he came to look at the coin collection.

Fact: Nothing else was stolen from the house.

Fact: Jones' next door neighbor testified that Jones left his home after the 10:00 p.m. news on September 14 dressed in dark clothes.

Student Handout: YOU DECIDE cont.

Defense's Case

Fact: Jones testified that his pry bar had been stolen from his garage along with other construction tools while he was on vacation during the last week of July. Jones is a carpenter and does home remodeling projects.

Fact: Jones testified that he had his girlfriend over for dinner the evening of September 14 and they were watching video movies until 2:00 a.m. He said he never left his home that evening.

Fact: Jones testified that he had disagreed with Dwayne Faber over the price of the rare coin collection he was selling and that his comment about “other ways to get coins” meant that he would check out other coin dealers.

Fact: The girlfriend said she brought dinner and rented videos over to Jones' house about 7:00 p.m. She testified that Jones was in a bad mood because he had finally found the perfect coins to add to his collection but that the seller was asking too high a price. She testified that Jones was with her the entire evening and that she left around 2:00 a.m.

Fact. Mr. Faber's insurance agent testified that Mr. Faber insured his rare coin collection for twice its value and that he often said his collection would protect his future.

Fact. Mr. Faber's neighbor across the alley testified that some neighbor kids were walking through the alley about 12:45 a.m.

Student Handout: THE RESPONSIBILITIES OF JURORS

The proper functioning of the jury system is founded upon the idea that each juror possesses intelligence, integrity, sound judgment, and complete impartiality in the performance of his/her duty. Members of the jury differ from other members of the general public because they have heard all of the evidence concerning a case and have promised to find a verdict that each one believes to be true. This verdict is based on facts and is not influenced by bias, fear, or favor.

The duty of the jury is to decide the disputed questions of fact and apply to them the law, which is given to them by the judge. The jurors are the sole judge of the facts. They also are the only ones to decide upon the believability of the witnesses and the importance of each witnesses' testimony.

When a person has been charged with an offense against the law and his guilt is established *beyond a reasonable doubt* (in a criminal case) or by a *preponderance of evidence* (in a civil case), there should be no hesitation on the part of the jurors to find the defendant guilty. If the evidence has not established guilt beyond a reasonable doubt, there should be no hesitation in returning a verdict of not guilty.

Before the jury is asked to make its decision, the judge will instruct the jury on the correct standard of proof. Jury instructions may include the following.

Innocent until proven guilty

The defendant is presumed to be innocent of the offense charged. This presumption of innocence goes with the defendant through the entire case. This is the reason defendants are said to have "*allegedly*" committed crimes. Jurors must find the defendant not guilty unless the state, represented by the prosecuting attorney, proves the defendant is guilty beyond a reasonable doubt (in a criminal case).

Reasonable doubt

Jurors cannot simply believe the defendant might be guilty. Merely suspecting guilt does not allow a finding of guilt. Decisions must be based on the evidence presented during the trial. Jurors may not go outside the evidence and guess what might have taken place.

Definition of Reasonable Doubt

Proof beyond a reasonable doubt is proof that leaves a person firmly convinced of the defendant's guilt. There are very few things in this world that are known with absolute certainty. In criminal cases, the law does not require proof that overcomes every possible doubt. If a jury is firmly convinced that the defendant is guilty of the crime charged, it must find the accused guilty. If, on the other hand, the jury thinks there is a real possibility that he/she is not guilty, the defendant must be given the benefit of the doubt and found not guilty.

Definition of Preponderance of Evidence

The plaintiff in a civil case must prove by a preponderance of the evidence that their version of the facts more likely occurred than the defendant's version. This standard leaves more room for doubt than in a criminal case. The jury should find the evidence presented by the plaintiff to be more credible and convincing than the defendant's evidence.

Student Handout: THE RESPONSIBILITIES OF JURORS cont.

Definition of Clear and Convincing

This standard is used in some civil cases. When it is applied, the plaintiff must prove by clear and convincing evidence that his or her version of the facts is much more likely to be true than the defendant's version of the facts. This standard falls between preponderance of the evidence and beyond a reasonable doubt.

When the jurors retire to consider the verdict, the first thing they do is select a foreperson. The foreperson guides the discussion, writes down the jury's verdict, and signs it as foreperson of the jury. The foreperson participates in the discussion of the case and votes along with all other jurors on the issues presented to the jury to decide.

The written instructions of the judge are carried to the jury room for guidance while reaching a verdict. Whenever the jury does not understand the instructions, they have the right and duty to ask the judge to tell them what the instructions mean.

Student Handout: WHO STOLE THE COOKIES?

THE COOKIES ARE MISSING!

With this fact in mind, fill in the standard that fits the crime.

Suspicion
Preponderance of evidence
Clear and convincing evidence
Beyond a reasonable doubt

Q. Your 4-year-old brother, Billy, is seen in the kitchen.

What standard?

Q. Billy is sitting at the table with a glass of milk and a happy face.

What standard?

Q. Billy with a glass partially full of milk, cookie crumbs on the table near his glass.

What standard?

Q. Billy with a glass partially full of milk, crumbs on his shirt and lap.

What standard?

Q. Same, but can see cookie in his mouth?

What standard?

Activity designed by Joseph Daly, Professor of Law, Hamline University School of Law, St. Paul, MN

Answers: WHO STOLE THE COOKIES

Q. Your 4-year-old brother, Billy, is seen in the kitchen.

A. Suspicion

Q. Billy is sitting at the table with a glass of milk and a happy face.

A. Suspicion

Q. Billy with a glass partially full of milk, cookie crumbs on the table near his glass.

A. Preponderance of evidence.

Q. Billy with a glass partially full of milk, crumbs on his shirt and lap.

A. Clear and convincing evidence.

Q. Same, but can see cookie in his mouth.

A. Beyond a reasonable doubt.