

# The Court



## The Student's Guidebook

October 2015

# PART I

## Introduction

Laws are words that help how we live. Some laws tell us what to do. Some laws tell us things not to do. Somebody said you broke a law. Now you need some help.

You have what is called a charge. The **State of Florida** is deciding what to do about your charge. The State has given your charge to a Court. A Court is a special place with people trusted to decide the outcome of your charge. The Court will decide if your charge is true or not. That is, the Court will decide if you broke the law or not.

You have rights. Rights are laws that protect you.

You have the right not to speak to the police. The police try to find out what happened when something went wrong, or when somebody says that you broke a law. The police can arrest you, put you in jail. The police can say what kind of crime they believe you did. Then they tell an attorney working for the state.

The law says that you are innocent unless somebody can prove that you are guilty. Guilty means that you did break a law, that you did the crime. Innocent means that you did not break a law, that you did not do the crime. You cannot be punished unless somebody can prove in Court that you broke a law, that you did the crime.

You have the right to have somebody to help you with your case. This person is called an attorney. The attorney knows how to read the law, to find out what happened to you, and to get the best for you.

You have a right to a trial. A trial is a meeting in Court with other people to see if you broke a law.

Nobody can make you tell anything.

## QUIZ for PART I

	Yes	No
1. Somebody said I broke a law.		
2. The State of Florida is trying to figure out what to do about my case or problem.		
3. I have rights.		
4. Rights are laws that protect me.		
5. I have a right to have an attorney help me.		
6. The police can make me talk to them.		
7. The law says that I am innocent unless I am proven Guilty.		
8. I have the right to a trial.		
9. Innocent means that I broke a law.		
10. The Court will decide if I broke the law.		

Now let's turn the page and take a closer look at things.

# PART II

## What are Charges?

The police say I broke a law and they told a prosecutor. A prosecutor is a lawyer that works for the State of Florida. The prosecutor collects or gathers facts about what the police say you did. Facts are things that people know. Prosecutors look at facts and see if they may prove a law was broken. Then they file charges with the Court.

Charges state what somebody may have done wrong. Charges are a special way of saying what crime somebody may have done.

Misdemeanor charges are important but they are not the most serious crimes. If you are found guilty of a misdemeanor, you can be kept in the jail for one year for some charges.

Felony charges are the biggest problems or crimes. Felony charges can send you to a special state jail called a prison or a correctional facility. You have to be found guilty to go to a prison or correctional facility. Guilty means you admit to doing the charge, or that the prosecutor proved in Court that you did the charge or crime.

Some felony charges have to do with:

selling, making, or having street drugs;  
trying to cheat somebody out of money or property;  
taking money from somebody;  
hitting or hurting somebody;  
trying to kill somebody;  
threatening to hit or hurt somebody;  
trying to get away from the police;  
driving while drunk;  
sex behaviors that harm others;  
having or using a weapon like a gun or knife;  
setting something on fire;  
going on somebody's property when they didn't say yes;  
holding somebody against their will, and  
lying in Court.

**What are the Charges Against Me?**

*Please write your charges below. Ask for help if you cannot write or don't know your charges*

<b>List your charge(s)</b>	<b>Felony (F)/ Misdemeanor (M)</b>	<b>Possible Time in Jail or Prison</b>

# PART III

## The Court

The Courtroom is a special place to decide about your charges.

## The Defendant

The defendant is a person in the Courtroom. The defendant is the person with a charge or charges. You are the defendant at this time. You are trying to get out of trouble the best you can. And you have rights. Remember, rights are laws that protect you.

- You have the right to have an attorney.
- You have the right not to tell on yourself.
- You have a right to see and hear the facts against you.
- You have a right to see people who are saying things against you.
- You have a right to be in the Courtroom.
- You have a right to have a group of people called a Jury listen to your case. (The Jury can say if you did the crime or not.)
- You have the right to choose the plea you enter in court.

The defendant tells his lawyer what happened.

## The Defendant's Quiz

	Yes	No
1. I am the defendant.		
2. I am the one that has a charge.		
3. I have a right to have an attorney.		
4. I have a right to see and hear facts against me.		
5. I have a right to be in the Courtroom.		
6. I have a right to have a Jury listen to my case.		
7. I have a right not to tell on myself.		

## Your Attorney

Your attorney is a special person called the Defense Attorney. Sometimes your attorney is called a Public Defender. You have a right to an attorney even if you cannot pay for one. The Court will put an attorney on your case. Your attorney will try to make sure your rights are not stepped on or violated. He or she will try to get the best for you in Court. Your attorney went to school to learn the law. They know how to help you. What you say to your attorney is secret. Here are some things you can do to help your attorney.

- Listen to your attorney.
- Don't argue with your attorney.
- Your attorney is going to ask you what happened, tell them.
- Don't hide anything from your attorney if they ask you.
- Work with your attorney to figure out what is best for you.
- Trust your attorney.

## Defense Attorney Quiz

	Yes	No
1. I have the right to have an attorney.		
2. A defense attorney is in Court to help me.		
3. A defense attorney went to school to know the law.		
4. I should argue with my attorney.		
5. I should hide things from my attorney.		
6. I should listen to my attorney.		
7. I should tell my attorney what happened.		
9. I should trust my attorney.		

## Pleas

Below are some things you should know to work with your attorney. The things below are called pleas. A plea is something you say to the Court that tells what you believe about the case.

- Not Guilty means I'm saying I did not do the crime.
- Guilty means saying I did the crime. Some persons have a deal to plead guilty to a lighter charge to get less time in jail or prison. The deal is called a plea bargain.
- No Contest means I'm not fighting the charges. It means that I do not want to say whether I did the crime or not. The Judge usually views the No Contest Plea as a guilty plea. Sometimes you receive less time in jail.
- Not Guilty by Reason of Insanity means I didn't know what I was doing at the time of the crime; or I didn't know that what I was doing was wrong.

## The Plea Quiz

	Yes	No
1. Guilty means I did the crime.		
2. No Contest means I'm not fighting the charge.		
3. A Plea Bargain means working a deal for less time.		
4. Not Guilty means I'm saying that I did not do the crime.		
5. Not Guilty by Reason of Insanity means I didn't know what I was doing at the time of the crime; or I didn't know that what I was doing was wrong.		

## The Other Side

- In Court, your attorney has to go up against somebody who is saying you are guilty.
- The person saying you are guilty is the Prosecutor.
- The prosecutor is a person who knows the law. He or she has looked at the facts.
- The prosecutor is trying to show or prove that you did the crime.
- The prosecutor is not on your side.

## The Prosecutor Quiz

	Yes	No
1. The prosecutor is on my side.		
2. The prosecutor is trying to prove you did the charge.		

## The Jury

- The Jury is a group of six or twelve people who listen to both sides of the story.
- The Jury decides if you did the crime or not after they listen to both sides. The Jury is not on anybody's side.
- Your attorney helped pick the Jury.
- If you don't want a Jury to decide what to do, you can have a Judge do it.

## The Jury Quiz

	Yes	No
1. The Jury listens to both sides of the story.		
2. The Jury is on nobody's side.		
3. Your attorney helps to pick a jury.		
4. I have a right to have a Jury decide my case.		
5. The Jury has 6 or 12 people.		
6. I can have a Judge decide my case.		

## The Judge

The Judge is a person who controls the Courtroom. He or she is the boss. The Judge has many jobs:

- Keeping order in the Court. People who don't act right can be arrested and taken out of the Courtroom.
- Listening to your attorney and the prosecutor.
- Keeping things fair.
- Making decisions about when to do things.
- Telling everybody what needs to be done and when.
- Sometimes deciding if a person did a crime.
- The Judge tells me how much time I have in prison if I'm found guilty.
- The Judge is not on anybody's side (he or she is neutral).

## Quiz About the Judge

	Yes	No
1. The Judge keeps things fair.		
2. The Judge says when to do things.		
3. The Judge tells me how much time I have in prison if I'm found guilty.		
4. The Judge can take sides in the Courtroom.		
5. The Judge is the boss of the Courtroom.		

## **Witnesses**

Witnesses are people who come to the Courtroom. A witness tells what they know about your case. Sometimes what a witness has to say can help your case. Sometimes what a witness has to say can hurt your case.

### **The Witness Quiz**

	<b>Yes</b>	<b>No</b>
1. A witness tells what they know about my case.		
2. Sometimes what a witness has to say may help my case.		
3. Sometimes what a witness has to say may hurt my case.		

## **The Bailiff**

The Bailiff is a police officer in the courtroom. The Bailiff listens to the Judge and keeps everybody safe.

## **The Clerk**

The Clerk is somebody that keeps a record of what happens in the Courtroom.

## **How I should behave in the courtroom?**

- Dress neat and clean.
- Sit and remain quiet.
- Watch and listen.
- Whisper or write notes to your attorney if needed.
- If you are asked questions by the judge or lawyers, speak so people in the court room can hear you, but don't yell.
- Do not yell, jump up or down, make threats, you may have a new charge.

## **The Behavior Quiz**

	<b>Yes</b>	<b>No</b>
1. I should jump and shout in the courtroom.		
2. I should watch and listen in the courtroom.		
3. I should yell when speaking to my attorney.		
4. I may whisper or write notes to my attorney.		
5. I should make threats in the courtroom.		
6. I may have a new charge if I act wrong.		

## People in the Court at a Jury Trial\*



- 1 Judge
- 2 Clerk
- 3 Witness
- 4 Clerk
- 5 Defense Attorney
- 6 Defendant
- 7 Prosecutor
- 8 Prosecutor
- 9 Jury

\*This page is from the Oregon State Hospital guide to restore competency revised on 12/08/2006.

# PART IV

## What Can Happen in the End?

- You cannot do time for the charge against you if a Judge or Jury says you didn't do the crime.
- You may have to go to a hospital and get some help if the Court said you were Not Guilty by Reason of Insanity.
- A number of things could happen if you are guilty.

### **The judge could order you to do time in these ways:**

- By having you go to a prison or correctional facility for a long time (a prison or correctional facility is a place where people are held if they did crimes. You lose your freedom but you also have some rights);
- By having you go to a county jail for a stay less than a year;
- By having you go on probation (having somebody keep up with what you are doing in the community);
- By having you go someplace to get treatment for a problem;
- By having you work in the community;
- By having you pay a fine;
- By telling you that you can't go to certain places; and
- By having you take tests for alcohol and drugs.