

# The Final Stages of a Trial

## Reading Preview

### Key Concepts

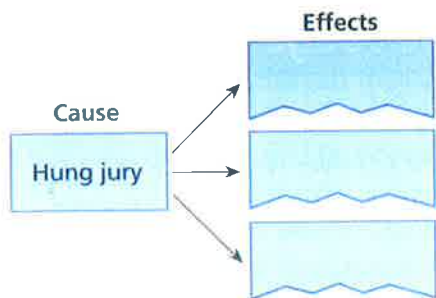
- How does a jury reach a verdict?
- What happens after a defendant is found guilty?

### Key Terms

- verdict
- foreperson
- probation
- appeal

### Target Reading Skill

**Relating Cause and Effect** As you read, identify three possible effects of a hung jury. Write the information in a graphic organizer like the one below.



## Discover Activity

### Is the Evidence Persuasive?

A woman is accused of kidnapping a man and collecting a ransom. The following evidence is presented during the trial.

1. A witness claims she saw the woman push the man into a van.
2. The woman has a marked bill from the ransom.
3. A man provides an alibi for the woman. He says she was having dinner with him at the time of the kidnapping.

### Think It Over

**Posing Questions** Work with a partner. Think of at least three questions you would want answered before you decided whether the defendant was guilty.

Greek citizens had key roles in trials in ancient Athens. There was no public prosecutor. Instead, one citizen could bring a charge against another. A public official would decide if there was probable cause to hold a trial.

At the trial of the philosopher Socrates, 500 citizens were chosen to decide the case. They sat on benches in a public square and listened to the arguments. The accusers had three hours to argue their case. Socrates had three hours to respond.

After the arguments, the citizens were asked to vote. They used a flat disk with a short hollow rod in its center to vote guilty. They used a disk with a solid rod to vote not guilty. Socrates was found guilty by a vote of 280 to 220 and sentenced to death.

In a jury trial in the United States, citizens also vote. But that is not all they do.



Not guilty



Guilty



## The Case Goes to the Jury

The jury has listened carefully to the lawyers and witnesses. Now it is time for the jurors to respond to what they have heard. Unlike the citizens of ancient Athens, the jurors will not simply vote guilty or not guilty at the end of the trial. **The jurors must meet and discuss the evidence before they decide a case.** The judge will guide them through the process.

**The Judge Instructs the Jury** The last words to the jury before it meets come from the judge. The judge will review the charges. She will explain that the jury must follow the law. The decision it reaches, the **verdict**, must be based on the evidence that was presented.

Suppose the prosecutor presents clear proof that a defendant is guilty. Then the verdict should be guilty. But what if the defense has persuaded the jury that there is a good reason to doubt the evidence? Then the verdict should be not guilty.

**The Jury Discusses the Case** The jurors meet in a closed room. One juror is chosen to be a foreperson. The **foreperson** manages the discussion. He or she should make sure that all jurors have a chance to speak.

Finally, the jurors are free to discuss the case. They will find out whether they tend to agree. The foreperson will ask them to review the evidence in an orderly way. During this process, they may decide that they can't trust what a witness said. Or they may not agree with the inferences that an expert drew from the evidence. They may ask the judge if they can look at an exhibit or have some testimony read to them.

FIGURE 13

### The Jury Deliberates

When the jurors meet, they review the evidence. The foreperson encourages all jurors to take part in the discussion.

**Developing Hypotheses** *Why do you think that the jurors meet in a closed room?*

**The Jury Makes a Decision** When the jurors vote, the foreperson counts the votes and announces the result. On the first vote, jurors may all vote the same way. Often, however, the first vote will be split with some jurors voting guilty and some voting not guilty.

In the end, all 12 jurors must agree; that is, the verdict must be unanimous (yoo NAN uh mus). If the jurors do not agree, they must continue to discuss the case. Suppose the vote is eight to four. The eight voters in the majority may try to convince the four in the minority to change their votes.

Those in the minority may change their votes after further discussion. But sometimes they cannot be persuaded. Then the foreperson will tell the judge that the jury is too divided to make a unanimous decision. A jury that cannot reach a verdict is called a hung jury. Three things can happen when there is a hung jury. The prosecutor may decide not to retry the defendant. The prosecutor may retry the defendant with a new jury. Or the opposing sides may agree on a plea bargain.



**Reading Checkpoint**

What is a unanimous verdict?

## Math

### Analyzing Data

#### Sentences for Felony Convictions

A defendant who is found guilty of a felony may be sent to a state prison or to a local jail. Or the defendant may be given probation. Use the graph to answer the questions below.

- Reading Graphs** About what percentage of felons were sentenced to probation in 1988? In 2002?
- Interpreting Graphs** Are more felons sentenced to state prisons or local jails?
- Calculating** What percentage of felons went to prison or to jail in 2002?
- Predicting** About what percentage of felons were sent to prison or jail in 2005?
- Calculating** There were about one million felony convictions in state courts in 2002. About how many felons were sent to state prisons in 2002?
- Inferring** In 2000, 24 new state prisons were opened. Do you think the total number of people in prison increased, decreased, or stayed the same between 1988 and 2002? Explain your answer.

**Felony Sentences in State Courts**

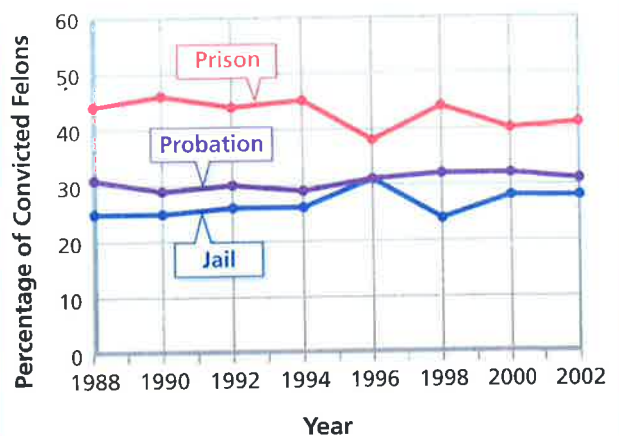




FIGURE 14

**The Verdict Is Read**

After the jury reaches a verdict, the defendant and the lawyers return to court. The defendant listens as the verdict is read.

**Applying Concepts** *What will happen if the verdict is not guilty on all charges?*

## Sentences and Appeals

If the jury does reach a verdict, the defendant and the lawyers return to court. The defendant hears the verdict read by the foreperson. If the verdict is not guilty, the defendant is freed. The case is over. The state will not be able to try the defendant again for the same crime.

If the foreperson says “guilty,” then there is more to do. **When a defendant is found guilty, the judge must decide on a punishment, or sentence. The defense must decide whether to appeal the verdict.**

**Sentencing** If the crime is a misdemeanor, the judge may announce a sentence right away. If the crime is a felony, the court clerk will likely schedule a date for a hearing.

At a sentencing hearing, the victim of a crime or the family of a victim may speak. They will tell the judge what effect the crime has had on their lives. The defendant or people who support the defendant may also speak.

A judge may not have a choice on the sentence. Lawmakers may decide, for example, that the punishment for murder is life in prison. Sometimes the judge has a range of choices. In Maryland, for example, the maximum sentence for auto theft is five years. A judge could send a convicted auto thief to prison for up to five years or to jail for six months. For a first offense, the sentence might be probation. A person on **probation** stays in the community, where he or she is closely supervised by a probation officer.




**FIGURE 15**  
**Making an Appeal**  
This lawyer is doing research while working on an appeal. She is looking for earlier legal decisions that support her argument.

**The Appeal Process** In the United States, there are different levels of courts. At the lowest level are the state trial courts. At the highest level is the United States Supreme Court. If a defendant is found guilty, the defense can decide to appeal to a higher court. An **appeal** is a written request that the verdict in a trial be reversed. The lawyer usually has 30 days to file an appeal.

A lawyer cannot present new evidence as part of an appeal. Instead, the lawyer must argue that the trial judge made mistakes that had an effect on the verdict. Perhaps the prosecutor asked to show the jury a video of the defendant confessing to the crime. The defense lawyer objected. She said that the defendant felt forced to confess. But the judge overruled the objection. The lawyer can argue that the judge made a mistake, and that the video had a major effect on the verdict.

During an appeal, the burden of proof belongs to the defense lawyer. If he can prove that there was a serious error, his client may get a new trial. If not, he may appeal to a higher court. Or he may advise his client to accept the sentence.

## Lesson 3 Assessment

 **Target Reading Skill Relating Cause and Effect** Use the information in your graphic organizer about the effects of a hung jury to help you answer Question 1.

### Reviewing Key Concepts

- Describing** What do the judge and jury do after the lawyers give their closing arguments?
  - Summarizing** What are two things that might happen if the jury cannot reach a verdict?
  - Drawing Conclusions** Why do you think that there is a foreperson on a jury?
- Reviewing** What must the trial judge do after a guilty verdict? What must the defense do?
  - Inferring** Why do you think a victim of a crime might want to speak at a sentencing hearing?
  - Applying Concepts** After the verdict, a lawyer finds some new evidence that could help the defendant. Can the lawyer use this new evidence during an appeal? Why or why not?

## Writing in Science

**Summary** Interview an adult family member or friend who received a notice to report for jury duty. Ask the person to describe what happened when he or she arrived at the courthouse. If the person was selected to serve on a jury, also ask questions about what happened in the courtroom and the jury room. Write a paragraph summarizing what you learned.