

**Curriculum Guide**

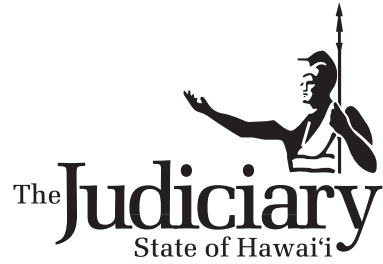
**JUDGES IN THE CLASSROOM**

**Juvenile Crime**

**Judiciary History Center**

**Honolulu, Hawai'i**

© 1997



The Judiciary, State of Hawai'i  
Ronald T.Y. Moon, Chief Justice

Office of the Administrative Director of the Courts  
Michael F. Broderick, Administrative Director

Judiciary History Center  
T. Lani Ma'a Lapilio, Executive Director

# Table of Contents

---

<b>Introduction</b>	1
<b>Lesson 1: Juvenile Justice - Introduction</b>	2
Handout 1. Teacher Lesson	4
Handout 2. How Should Minors Be Treated?	7
Post Test	8
<b>Lesson 2: Juvenile Justice - Disposition</b>	9
Handout 3. Probation Officer's Recommendation	10
Handout 4. Juvenile Disposition Case Study	12
Post Test	14
<b>Lesson 3: Family Court Adjudicatory Hearing</b>	16
Handout 5. Mock Disposition Hearing Packet	19
Handout 6. Mock Disposition Hearing Evidence/ Statements	20
<b>Law-Related Education Supplementary Lessons</b>	23
Laws In Our Daily Lives	24
The Paper Clip Game	26
Invasion!	27
Children's Court	28
Who's Who in the Trial	30
Word Search	31
Courtroom Puzzle	33
Which Court?	35

## Introduction

---

*Judges in the Classroom* is a law-related education curriculum for judges, produced by the Judiciary History Center. The curriculum offers judges who visit schools either a three lesson unit requiring three consecutive classroom visits, or one of several non-related lessons requiring just one classroom visit.

The three lesson unit, intended for grades 7-12, introduces students to Hawai‘i’s Family Court system. Students learn the meaning of the term *minor*. They examine the disposition process and review sentencing options. Finally, they participate in a simulated Family Court hearing. The unit is modeled after a four lesson unit, *Juvenile Justice*, funded by and distributed through Washington state, Office of the Administrator for the Courts. The remaining lessons consist of non-related learning activities including a crossword puzzle, word search, and “what if” scenario.

Law-related education has evolved from the assumption that students who understand the reasons for laws and the institutions that support them are more likely to function responsibly in society. Students exposed to law-related education are better able to predict consequences of breaking the law. They may also be more capable of resolving disputes independent of the court system. Studies indicate that appropriate use of outside resources, such as judges, is critical to the success of law-related education.

The Judiciary History Center wishes to acknowledge Washington state, Office of the Administrator for the Courts, for providing examples of their curriculum. Their guidance and feedback was instrumental in the development of this curriculum. We also wish to thank Hawai‘i’s judges for their commitment to education and their valuable contributions to Hawai‘i’s youth.

# Lesson 1: Juvenile Justice - Introduction

---

Lesson 1 introduces the topic of juvenile crime. The lesson, intended for grades 7-12, assumes that teachers have already introduced criminal law, its purposes, and general nature. The activity takes approximately 50 minutes.

## Objectives

- Students will be able to define the legal meaning of minor.
- Students will develop opinions on how to treat minors who break the law.

## Materials

Handout 1, Teacher Lesson

Handout 2, How Should Minors Be Treated?

Post Test

## Procedure

1. Handout 1 must be sent to the school and completed by the students before your visit.
2. Begin the class by introducing yourself. Briefly explain your job and the purpose of the Family Court. Ask students to define the term minor and under what circumstances a minor can be tried in the adult court. The italicized terms and phrases might require clarification through example.

In Hawai‘i a “minor” is defined as someone less than eighteen years of age. In some cases the Family Court can *retain jurisdiction* of a minor after s(he) has turned eighteen; for example, if a minor turns eighteen after committing an offense, but before completing the *full term of any order entered*, or if a minor turns eighteen during the course of proceedings against him or her.

The Family Court can also *relinquish jurisdiction* over minors. If a minor is fourteen and has committed either a *class A felony*, a felony resulting in serious bodily

injury to the victim, or has a *prior adjudication*, the Family Court can waive the minor to the adult court. If a minor of any age is alleged to have committed murder or attempted murder, s(he) can be waived to the adult court.

3. Tell the students that the next part of the class involves their opinions. Pass out Handout 2, How Should Minors Be Treated? Give students ten minutes to read the statements and indicate whether they (A) agree, (D) disagree, or are (U) undecided. Use the information for Handout 2 provided below to help guide the discussion. Tell students there are no right or wrong opinions, but they should have reasons for their opinions. Complete the first statement as a group, either by providing your own opinion, or soliciting that of a student volunteer. Ask students if they understand the task.
4. Review student opinions by asking several students to state the reasons for their opinions. Spend a few minutes on each statement. After students express their opinions, the judge should inform students of the law and current sentencing practices in the state of Hawai‘i.

## Information for Handout 2

---

Inform students that these are not the only answers. Rather they describe the Family Court practice in the state of Hawai‘i. Students’ opinions are valid and worthy of affirmation, provided they are supported by reason.

- a. **Statement:** All minors who commit the same offense should get the same penalty.

**Response:** False. Avoiding undue disparity, judges consider the individual circumstances of each case. Factors such as past criminal history, how long ago the prior offenses occurred, age at the time of present offense, and severity of present offense are commonly taken into consideration by the judges.

- b. **Statement:** The Family Court should be used to put minors in programs like alcohol and drug counseling in which they otherwise would not participate.

**Response:** False. While alcohol and drug counseling are disposition options, these are treatment services to be used after fairly determined penalties have been developed.

- c. **Statement:** Minors who break the law should be treated the same as adults who break the law.

**Response:** False. The state of Hawai‘i recognizes that there are differences between minors and adults. Under Hawai‘i state law, convictions of minors are not deemed criminal convictions, and the minor should not be considered a criminal as a result of any proceeding. All dispositions should provide an incentive for reform or deterrence from future misconduct.

- d. **Statement:** The goal of the Family Court should be to punish minors who break the law.

**Response:** False. The Family Court seeks to achieve a number of goals including protection of victims’ rights,

promotion of public safety, ensuring uniformity and easy accessibility to the judiciary, and the protection of minors themselves. How the judge decides to treat a particular case will depend on his or her evaluation of how to best achieve these diverse goals.

- e. **Statement:** Minors who break the law should get the death penalty for certain crimes.

**Response:** False. The state of Hawai‘i does not allow the death penalty for adults or minors. The United States Supreme Court has recently ruled that states have the authority to set their own age limits regarding when to impose the death penalty.

- f. **Statement:** If judges think a minor will commit another crime, then they can give the minor a worse penalty.

**Response:** True. In order to protect public safety, judges can use the number of prior offenses to predict who will offend again and adjust the penalty accordingly.

5. Conclude by reviewing the objectives.  
6. Teacher to conduct post test.

## Teacher Lesson

---

Aloha. Please use the following information and handout to prepare your students for the judges’s visit. If you have any questions concerning this information, please call the Judiciary History Center’s Education Specialist at 539-4994.

### Procedure

1. Inform students that a judge will be visiting to teach them about Hawai‘i’s Family Court.

The Family Court hears all legal matters confronting children such as delinquency, waiver, status offenses, abuse and neglect, termination of parental rights, adoption, guardianship, and detention. The Family Court also hears traditional domestic relations cases including divorce, nonsupport, paternity, uniform child custody jurisdiction cases, and miscellaneous custody matters. Children under the jurisdiction of the Family Court are referred to as “minors.”

2. Brainstorm with students the definition of minor. The italicized terms and phrases might require clarification through example.

In Hawai‘i a “minor” is defined as someone less than eighteen years of age. In some cases the Family Court can *retain jurisdiction* of a minor after s(he) has turned eighteen; for example, if a minor turns eighteen after committing an offense, but before completing the *full term of any order entered*, or if a minor turns eighteen during the course of proceedings against him or her.

The Family Court can also *relinquish jurisdiction* over minors. If a minor is

fourteen and has committed either a class A felony (i.e.: sexual assault in the first degree, kidnapping, carrying or use of a firearm in the commission of a separate felony), a felony resulting in serious bodily injury to the victim, or has a prior adjudication (court appearance in which s(he) has been found guilty), the Family Court can waive the minor to the adult court. If a minor of any age is alleged to have committed murder or attempted murder, s(he) can be waived to the adult court.

3. Check for student understanding of the definition of minor by using Who Is A Minor? Give students 10 minutes to work in pairs and to decide whether or not these persons are minors. Use the following information to help you facilitate discussion.

### Information for Who Is A Minor?

---

**Hypothetical 1:** Claire is 15 years old. She and her 18 year old brother, Daryl, go to the shopping mall together. Daryl convinces Claire to shoplift a part he needs to repair his car. She puts it in her vest and walks out of the store. They are both caught.

- a. Can Claire be tried in the Family Court? Why or why not?

**Yes. Claire can be tried in the Family Court because she is under 18.**

- b. Can Daryl be tried in the Family Court?

Why or why not?

**No. Daryl was 18 at the time he committed the crime so he will be tried in an adult court.**

**Hypothetical 2:** Henry is 13 years old. He is charged with attempted murder. Last year he committed criminal assault and burglary, which are both felonies. Family Court waives his case and it is heard in the adult court.

- a. Can Family Court waive Henry's case to the adult court?

**Yes. Minors of any age who are charged with murder or attempted murder may be tried in the adult court.**

- b. If Henry had been arrested for criminal assault instead of attempted murder, could he still be waived to the adult court?

**No. In cases other than murder or attempted murder, minors must be at least 14 years old before their case can be waived to the adult court.**

**Hypothetical 3:** Natasha, who is 17, is charged with auto theft. Natasha turns 18 one week before her trial. The judge knows that Natasha has four prior arrests for shoplifting. She has been placed on probation for theft, and has also served time at the detention home. The Family Court judge finds her guilty and orders her confined to the detention home until her 19th birthday.

- a. Should Natasha have been tried in the adult court instead of the Family Court?

**No. She was seventeen when the crime was committed so she falls within the jurisdiction of the Family Court. However, if the judge thinks it**

**is a serious enough offense, a hearing can be held to determine if her case should be waived.**

- b. Should the Family Court use Natasha's past history in determining her sentence? **The judge has the discretion to take a number of factors into account, including past history, the possibility of threat to the public, whether the offense was aggressive, premeditated, or violent, and the minor's sophistication.**



## Who is a Minor?

---

**Directions:** Decide whether or not each of the following persons is a minor and answer the questions following the case descriptions.

1. Claire is 15 years old. She and her 18 year old brother, Daryl, go to the shopping mall together. Daryl convinces Claire to shoplift a part he needs to repair his car. She puts it in her vest. They are both caught.
  - a. Can Claire be tried in the Family Court? Why or why not?
  
  
  
  
  
  
  
  
  
  
  - b. Can Daryl be tried in the Family Court? Why or why not?
  
2. Henry is 13 years old. He is charged with attempted murder. Last year he committed criminal assault and burglary, which are both felonies. Family Court waives his case and it is heard in the adult court.
  - a. Can Family Court waive Henry's case to the adult court?
  
  
  
  
  
  
  
  
  
  
  - b. If Henry had been arrested for criminal assault instead of attempted murder, could he still be waived to the adult court?
  
3. Natasha, who is 17, is charged with auto theft. Natasha turns 18 one week before her trial. The judge knows that Natasha has four prior arrests for shoplifting. She has been placed on probation for theft, and has also served time at the detention home. The Family Court judge finds her guilty and orders her confined to the detention home until her 19th birthday.
  - a. Should Natasha have been tried in the adult court instead of the Family Court?
  
  
  
  
  
  
  
  
  
  
  - b. Should the Family Court use Natasha's past history in determining her sentence?

## How Should Minors Be Treated?

---

### Opinion Poll

**Directions:** Read the statements below and decide whether you (A) agree, (D) disagree, or are (U) undecided. Be prepared to give reason for your opinions. There are no right or wrong answers. Every opinion is good when you can provide reasons for that opinion.

- \_\_\_\_\_ a. All minors who commit the same offense should get the same penalty.
- \_\_\_\_\_ b. The Family Court should be used to put minors in programs like alcohol and drug counseling in which they otherwise would not participate.
- \_\_\_\_\_ c. Minors who break the law should be treated the same as adults who break the law.
- \_\_\_\_\_ d. The goal of the Family Court should be to punish minors who break the law.
- \_\_\_\_\_ e. Minors who break the law should get the death penalty for certain crimes.
- \_\_\_\_\_ f. If judges think a minor will commit another crime, then they can give the minor a worse penalty.

## Judges in the Classroom

Name: \_\_\_\_\_

---

Choose the one best answer to the following multiple choice questions.

1. What is the legal definition of a minor?
  - a. Someone who is 13 to 17 years of age.
  - b. Someone under the age of 21.
  - c. Someone under the age of 18.
  
2. Minors who break the law are usually tried in...
  - a. the Family Court.
  - b. the Intermediate Court of Appeals.
  - c. the District Court.
  
3. Minors can be tried in the adult courts when...
  - a. they are fourteen years of age or older.
  - b. they have a history of criminal activity.
  - c. both (a) and (b).

Answer true or false to the following questions.

- \_\_\_\_\_ 4. Minors who commit the same offense always receive the same penalty.
- \_\_\_\_\_ 5. A 13 year old minor with a history of violent crime can be tried as an adult.
- \_\_\_\_\_ 6. If a person commits a crime when (s)he is a minor, but turns 18 before the trial, (s)he must go to the adult court.

**Complete the following sentence with as much information as possible. (Use reverse side if necessary)**

After listening to the judge and completing today's lesson, I learned \_\_\_\_\_

---

---

---

---

---

## Lesson 2: Juvenile Justice - Disposition

---

Lesson 2 continues the topic of juvenile crime by introducing the disposition and Family Court sentencing options. The lesson, approximately 50 minutes long, should follow Lesson 1. Judges may choose to share recent examples of dispositions that they have imposed on minors, substituting them for the case studies.

### Objectives

- Students will be able to give examples of types of sentences judges may impose on minors.
- Students will be able to apply disposition rules to a case study.

### Materials

Handout 3, Probation Officer's Recommendation

Handout 4, Juvenile Disposition Case Study  
Post Test

### Procedure

1. Begin the class by introducing yourself. Tell students that today's activity will make them all judges and give them a chance to decide what sentence to impose on a minor.
2. Write the word "disposition" on the board and ask for a definition. Disposition in the Family Court is similar to sentencing in the adult criminal system. Disposition is the process of deciding what penalties will be given to a minor for committing an offense.
3. Brainstorm with students the possible penalties a judge may impose on a minor. Spend about 5 minutes on this activity. Record student responses on the board.
4. Distribute Handout 3, Probation Officer's Recommendation, and tell students that these are possible penalties a judge may impose on a minor. Explain the options that are either particularly punitive, or hard for the students to understand. If possible, provide students examples of dispositions that you have ordered.
5. Distribute Handout 4, Juvenile Disposition Case Study, and tell students to take a few minutes to read it. After 5 minutes, review it with the class to make sure they all understand the case.
6. Break the class into groups of two to three students. Tell students they have 5 minutes to write the penalties they would impose on Lance and Joseph on the back of Handout 4. Ask students if they understand their assignment.  
  
Students are not being asked to apply Hawai'i state law, but to determine what seems like a fair penalty.
7. Have student groups report their dispositions to their other classmates. Record the penalties on the board. Students should justify the penalties they have imposed with reasoned arguments.
8. Tell the students what type of disposition you might have imposed. Conclude by having students restate the meaning of "disposition," and the types of penalties family court judges may impose on minors.
9. Teacher to conduct post test.

---

Next week's lesson requires students to role play. Give teachers Handout 5, Mock Dispositions Hearing Packet and Handout 6, Mock Disposition Hearing Evidence/ Statements. Selected students should practice their parts before the simulated hearing.

## Probation Officer's Recommendation

<b>STATE OF HAWAII</b> FAMILY COURT FIRST CIRCUIT	<b>PROBATION OFFICER'S          RECOMMENDATION</b>	CASE NUMBER  FC-J No.
<b>CASE NAME</b>		<b>DATE</b>
<b>PROBATION OFFICER</b>		
<ol style="list-style-type: none"> <li>1. Judicial Action</li> <li>2. Continue For _____ Day(s) for Social Study and Disposition</li> <li>3. Dismissal: Petition No. _____</li> <li>4. Counsel and Release</li> <li>5. Protective Supervision By _____</li> <li>6. Legal Custody To _____</li> <li>7. Probation</li> <li>8. Continue Probation</li> <li>9. Continue Protective Supervision By _____</li> <li>10. Stayed Mittimus: Continue Probation</li> <li>11. Issue Mittimus Commit For _____ ; Continue Probation</li> <li>12. Issue Mittimus; Commit for Minority; Discharge From Court's Jurisdiction</li> <li>13. Issue Mittimus; Commit For Minority; Extend Jurisdiction to _____</li> <li>14. Authorize P.O. To Remove and Place In _____ , Effective _____</li> <li>15. Authorize Ct. Clerk to Expend Ct. Funds for Placement, Effective _____</li> <li>16. Order _____ To Make Monthly Reimbursement of \$ _____ , Effective _____</li> <li>17. Suspend Automobile/Motorcycle License For _____</li> <li>18. Restrict From Obtaining Automobile/Motorcycle License Until _____</li> <li>19. Release From Probation And Discharge From Court Jurisdiction</li> <li>20. Revoke Protective Supervision Order And Release From Ct. Jurisdiction</li> <li>21. Community Service _____ hours; to be complete by _____</li> <li>22. Confined to Detention Home _____ to _____</li> <li>23. Revoke Legal Custody Order of _____</li> <li>24. Revoke Placement Authorization Order of _____ , Effective _____</li> </ol>		

## Probation Officer's Recommendation

25. Revoke Payment Authorization Order Of \_\_\_\_\_ , Effective

26. Revoke Reimbursement Order Of \_\_\_\_\_ , Effective

27. Revoke License Suspension Order Of \_\_\_\_\_ , Effective

28. Revoke License Restriction Order Of \_\_\_\_\_ , Effective

29. Other:

## Juvenile Disposition Case Study

---

Lance and Joseph were charged with second degree murder in the death of William. Lance is 15. Joseph is 16. Police say this is what happened.

William used to date Lance's sister. He was arrested in January for punching Lance's sister. The Judge sentenced William to six months in prison and one year probation. After serving his sentence, William was released from jail. He got a job at the same restaurant where Joseph worked.

One night, after work, Joseph heard William say bad things about Lance's sister. Joseph told Lance. The next night, Lance came to the restaurant and waited for William to finish work. When William finished work, Lance and Joseph attacked him. They stabbed William several times. William fell to the ground and Lance and Joseph ran away. Paramedics took William to the hospital where he was pronounced dead. Lance and Joseph were arrested an hour later at Lance's sister's house. The two boys were placed in custody at the Alder Street detention home pending Family Court action.

Lance has one prior arrest for a felony. Joseph has never been arrested, but last year he dropped out of high school.

## Juvenile Disposition Case Study

---

For Lance:

For Joseph:



## **Judges in the Classroom**

**Name:**

---

You live on an isolated island, part of the independent state of Canine. Dogs are the most sacred life forms in your community. Mistreatment of dogs is absolutely forbidden and the worst kind of crime. Citizens who mistreat dogs are punished.

Your assignment is to compile a list of sentencing options for citizens who are charged with abusing dogs on Canine. Make sure your list of sentencing options covers very serious crimes against dogs (i.e., resulting in death), as well as less serious crimes (i.e., harassment). You can use the **Probation Officer's Recommendation** handout to get you started.

### **RECOMMENDATIONS:**

## Judges in the Classroom

---

**Complete the following sentence with as much information as possible.**

After listening to the judge and completing today's lesson, I learned \_\_\_\_\_

---

---

---

---

---

---

---

---

---

---

## Lesson 3: Family Court Adjudicatory Hearing

---

In Lesson 3, students participate in a Family Court hearing. The lesson, approximately 50 minutes long, is the culmination of Lessons 1 and 2.

### Objectives

- Students will be able to define the role of prosecutor and the role of defender.
- Students will be able to identify the steps in a Family Court hearing.
- Students will demonstrate listening, speaking, and critical thinking skills.

### Materials

Handout 5, Mock Disposition Hearing Packet  
Handout 6, Mock Disposition Hearing Evidence/Statements

### Procedure

1. Begin the class by introducing yourself.  
Tell students that the purpose of this mock hearing is to familiarize them with the Family Court process and to help them understand more about juvenile law.
2. Start the hearing by following this agenda:

(1) Bailiff calls court to order  
Judge enters.

(2) Judge summarizes proceedings  
Announce the case of State v. Nathan Ortiz and read aloud the following:

This is a criminal case brought by the State of Hawai'i charging the defendant, Nathan Ortiz, with robbery in the second degree. In support, the State claims that on March 15, Nathan Ortiz, a 15 year old minor, robbed an Aloha Gas Station of \$227 by threatening the attendant with injury. The State denies that the defendant acted out of duress.

Nathan Ortiz admits that he was present during the robbery on March 15, but claims that he participated in the robbery under force from Raymond Carr who threatened to inflict immediate death or bodily harm upon his mother if he refused to participate.

The burden of proof in this case is on the prosecution and is proof beyond a reasonable doubt. The defendant is presumed innocent until proven guilty.

The case will now follow in this order. The prosecutor will begin with an opening statement, outlining the evidence to be presented to support the prosecution's case. The defense lawyer will then make an opening statement, outlining the case for the defense. The prosecutor will then introduce evidence. At the conclusion of the prosecutor's presentation, the defense may introduce evidence. After all the evidence has been presented, the lawyers will make closing arguments. Then I will decide the case.

(3) Judge's statement

Ask counsel to introduce themselves and their clients.

(4) Prosecution's opening statement  
(3 minutes)

Time for each activity is tracked by clerk who notifies the judge and lawyer of

remaining time by holding up cards indicating “2 minutes,” “1 minute,” “0” remaining.

(5) Defense’s opening statement  
(3 minutes)

(6) Prosecution’s case

Consists of three witnesses with direct examination of 4 minutes each and cross-examination of 3 minutes each:

Officer Tina Chun  
Dana Valerno, Gas Station Attendant  
Raymond Carr, participant in robbery

(Note: Have the bailiff swear in the witness.)

(7) Defense’s case

Consists of three witnesses with direct examination of 4 minutes each and cross-examination of 3 minutes each:

Nathan Ortiz, defendant  
Mrs. Ortiz, defendant’s mother  
Kimberly Koto, participant in robbery

(8) Judge’s comments

After all of the testimony, read aloud the following so that the students will understand the Family Court process:

For me to find that Nathan Ortiz committed the offense of robbery in the second degree, the prosecutor must have proven either of the following elements beyond a reasonable doubt:

- (a) While committing theft or while fleeing immediately after committing theft, the defendant attempted to kill another, or intentionally inflicted, or tried to inflict serious bodily injury;

or

- (b) While committing theft or while fleeing immediately after committing theft, the defendant used force against a person to overcome their resistance, or threatened the use of violence against another person who was not present in order to compel acquiescence.

Duress is a valid defense to a charge of robbery in the second degree. To establish the defense of duress, Nathan Ortiz must show that:

- (a) He broke the law because he was coerced to do so by the use of force, or threatened use of force, against him or another person;

and

- (b) A reasonable person in the same situation also would have acted in the same manner.

However, the defense of duress cannot be used if:

- (a) Nathan recklessly placed himself in a situation where he would probably be subjected to duress;

or

- (b) Nathan was negligent in placing himself in the situation.

(9) Prosecution’s closing argument  
(2 minutes)

(10) Defense’s closing argument  
(2 minutes)

(11) Prosecution's rebuttal  
(1 minute)

(12) Verdict

The judge should then announce the verdict for the state or for the defendant.

(13) Debriefing

After the hearing, the judge should convene the students for debriefing. During the debriefing, the judge should acknowledge the contributions of the bailiff and clerk. The judge should then offer constructive comments to the students, explaining the reasons for rulings on objections, discussing the effectiveness of their strategies, and commenting on the performance of the witnesses. The judge may describe how this mock hearing differs from actual cases. The judge may also describe how juvenile dispositions differ from adult trials, particularly with the absence of juries.

(14) Adjournment

3. Conclude by reviewing the objectives and answering any questions the students might have.

## Mock Disposition Hearing Packet

---

### Stipulated Facts

Nathan Ortiz, a 15 year old minor, is accused of robbery in the second degree. On the night of March 15, Officers Tina Chun and Ryan Makalei saw three youths come out of the Aloha Gas Station and run toward the alley behind the gas station. Confirmed by a radio call that the station had just been robbed, the police with a backup car apprehended Nathan Ortiz, Raymond Carr, and Kimberly Koto in the alley. Nathan Ortiz had a paper bag with \$227 in his pocket. The station attendant identified the three as robbers.

Raymond Carr and Kimberly Koto pleaded guilty to robbery in the second degree. Nathan Ortiz went to Family Court where he is claiming the defense of duress. If he was under duress, he must be found not guilty.

### The Law

#### Robbery in the second degree (Hawai'i Revised Statutes 708-841)

Robbery in the second degree, in the course of committing, or fleeing immediately after committing, theft, involves:

- I. The attempt to kill another or intentionally inflicts, or attempts to inflict serious bodily injury on another; or
- II. The person either uses force against a person to overcome their resistance or threatens the use of force against a person who is not present in order to compel acquiescence.

#### The defense of duress (Hawai'i Revised Statutes 702-231)

It is a defense to a penal charge that the defendant engaged in the conduct because he was coerced to do so by the use of, or threat to use, unlawful force against his person or the person of another, which a person of reasonable firmness in his situation would have been unable to resist.

This defense is unavailable if:

- I. The defendant recklessly placed himself in a situation in which it was probable that he would be subjected to duress; or
- II. If he was negligent in placing himself in that situation.

In other words, Nathan must prove that he participated in the robbery under force from Raymond Carr who threatened or used force to make Nathan believe that if he did not participate, his own mother would be killed or injured. Nathan must also prove that it was reasonable for him to believe this and that he would not have participated in the robbery except for the duress involved.

## Mock Disposition Hearing Evidence/Statements

---

### Evidence

The prosecutor has the money bag with \$227

### Witnesses for the prosecution

Officer Tina Chun

Dana Valerno, Aloha Gas Station attendant

Raymond Carr, participant in the robbery

### Witnesses for the defense

Nathan Ortiz, defendant

Mrs. Ortiz, defendant's mother

Kimberly Koto, participant in the robbery

### Witness statements

Officer Tina Chun

“On March 15, at about 10:27 p.m., as I was cruising the Aloha Gas Station on Kapahulu Avenue, I saw three darkly-clad individuals run out in the direction of the alley behind the station. A call then came through over the radio that the alarm at the station had just gone off.

With some assistance, we apprehended the three individuals, identified as Nathan Ortiz, Raymond Carr, and Kimberly Koto. During the search, we found a bag containing \$227 in Nathan Ortiz's pocket. All three wore a spent shell casing around their neck, a symbol of a new gang in the area; the Shooters. Raymond Carr and Kimberly Koto each wore several gold chains, an expensive watch, and a beeper. Nathan Ortiz did not.

Nathan Ortiz asked to talk to me privately. I took him to the car and Raymond Carr yelled, ‘You better remember what I told you, Nathan.’ In the Police car, Nathan stated that he had only become involved with the Shooters because they threatened to kill his mother.”

Dana Valerno, Aloha Gas Station attendant

“This is the fourth time our gas station has been robbed in three months—something has to be done. I was working the night of March 15, when three young people came in. Each had an empty shell casing around the neck. That one, the defendant, did all the talking. He was real macho, keeping his hand in his pocket and saying he'd mess me up if I didn't turn over the money. So I gave him the money I had, \$227, and pushed the silent alarm at the same time. They left with the money and then the police came back about 45 minutes later with all three. I was glad to see them caught.”

## Raymond Carr

“I am 17 years old and I plead guilty to robbery in the second degree for the robbery of the Aloha Gas Station on March 15. I belong to the Shooters, but I’m determined to change.

I met Nathan in August when my ex-girlfriend moved into Nathan’s mother’s house. Nathan followed me and my friends around, trying to join our group, the Shooters. We weren’t really interested; he just seemed like a loser. He asked how he could get some nice clothes and gold like we all wore. I told him we didn’t need him, but he pushed us and finally we agreed to give him a chance to prove himself.

In early October, Nathan showed us a newspaper article about a gas station that had been robbed a bunch of times and said it must be an easy target. My ex-girlfriend, Kimberly, and I decided this might be a good test for Nathan to join the Shooters. We did the job, with Nathan acting like a big hero, talking mean to the gas station attendant.

Then we got caught, and he acts like a little kid, trying to make like we forced him to do something he didn’t want to do. I don’t remember saying anything to Nathan when we got caught. The truth is he wanted to be a Shooter and now he can’t take his medicine.

My ex-girlfriend and I split up around that time because I was seeing another lady. She’s angry at me now and lying to get even with me.”

## Nathan Ortiz

“I’m 15 years old and a junior at Radford High School. My mother runs a rooming house; that’s all the money we have for me, my mother, and my two sisters.

Kimberly Koto moved into the rooming house in August. She was a member of the Shooters and used to have noisy parties all the time. The people who came to her parties all wore bullets around their neck and dressed in fancy clothes and jewelry. She paid her rent on time, and soon a lot of the Shooters moved in.

I never wanted to have anything to do with the Shooters, but it was hard to ignore them since I was living in the same building. Raymond Carr, Kim’s boyfriend, started to hassle me to join the Shooters, telling me I’d get money, nice clothes, and jewelry. When I kept telling him no, he said that he had a way to get me to join. He told me if I didn’t join up, he’d kill my mother. I was afraid. I’d known other people who’d gotten mobbed because they didn’t join.

On March 15, in the afternoon, Raymond came by and said this was the day. He said his patience had run out and I was either going to help out with a robbery at the gas station or I could say goodbye forever to my mother. I only went with Raymond and Kim that night because I was afraid they would kill my mother if I didn’t come.”



Mrs. Ortiz

“My son is a good boy. I warned him to stay away from that gang. I had to keep those people in my rooming house because the neighborhood has gotten so bad and they are the only paying customers. The police have been to the house several times for fights at their parties. They’re a mean bunch, and I’m sure my son is innocent. I know they forced him to do what he did.”

Kimberly Koto

“I am 20 years old and I’ve lived at the Ortiz’s rooming house for about a year. I used to be Raymond Carr’s girlfriend, but we broke up just after the Aloha Gas Station robbery. Raymond used to be so cool, but when he started threatening Nathan’s mother, I said forget it.

I met Nathan in August when I moved into the rooming house. He was a nice kid, but kind of lonely and insecure. I think he looked up to us older kids who seemed to have it all—you know, like cars, money, jewelry, clothes. Raymond decided to play a game with Nathan—just to see how far he would go. He knew that Nathan and his mother were real close, so he played that to get Nathan to rob the gas station. I wasn’t there when Raymond talked to Nathan, but I’m sure he told him he’d hurt Nathan’s mother if Nathan didn’t join up with us.”

## **Law-Related Education Supplementary Lessons**

---

The following activities target students from grades 4 to 12 and are reprinted from a number of sources including the Hawai'i State Department of Education, Office of Instructional Services. Use them to compliment discussion of various topics including the need for law, the different roles in a courtroom, and jurisdiction of courts. Please call the Judiciary History Center at (808) 539-4999 for additional activities relating to other topics.

## Laws In Our Daily Lives

---

This activity illustrates the pervasiveness of law in our daily lives. Students examine the positive nature of law, both criminal and civil, and note that most laws are protective, not punitive.

### **Objective**

Students will brainstorm a list of laws pertaining to their daily life.

### **Material**

Chalkboard

### **Procedure**

1. Begin the class by introducing yourself. Briefly explain your job and the purpose of the courts. Explain the concept of protective versus punitive law. Tell students that many of the activities they like to do are supported by protective laws. For example, beach use is protected by public access and environmental law.
2. Working in small groups or as a class, have students develop lists of things that they enjoy doing. Then have them identify laws that pertain to these things. Discussion may be of an informal nature, or students can use the structured grid. (See following page)
3. Summarize the findings with the students. Students may need help in ascertaining whether a law is federal, state, or local.
4. Ask students if they can think of an activity which is not affected by the law. Have the class develop a concluding statement about law based on this exercise. (For example, laws support things that we like to do.)

## Laws In Our Daily Lives - Activity

---

ACTIVITIES	AFFECTED BY LAW?	FEDERAL, STATE OR LOCAL LAW?	REASONS FOR THE LAW	SHOULD THE LAW BE CHANGED? WHY?
1. Surfing				
2. Riding the bus				
3.				
4.				
5.				
6.				
7.				
8.				

# The Paper Clip Game

---

The Paper Clip Game helps students understand the value of law. Students also consider the concepts of fairness and discrimination. Students should be sitting in rows to play the game.

## Objectives

- Students will discuss the importance of rules.
- Students will develop a working definition of “law.”

## Material

Paper clips

## Procedure

1. Begin the class by introducing yourself. Briefly explain your job and the purpose of the courts. Tell students that the class will begin with a game.
2. Give the first student in each row 10 paper clips. Tell students to begin playing.
3. Ignore the students’ requests for directions for at least 30 to 60 seconds. After a minute or so, explain the game by telling the students to pass the clips one at a time to the back of the row, and then back to the front. The first team to finish wins.
4. Start the students and then quickly stop them. Tell them that they forgot to pass the clips over their left shoulders only. Students may complain about this new rule. Do not respond to any complaints.
5. As the clips are passed back to the front row, stop the game. Select just one of the rows and tell the students that the game had to be stopped because the particular row has more (or fewer) boys (or girls).

Tell the students that the row will have to pass two extra clips back and forth in order to win.
6. Restart the game and allow it to conclude.
7. When the winners are announced, most of the remaining students are likely to be angry about the way the game was run. Ask the students what they thought of the game. Did anything about the game make them angry? Was the game fair? Emphasize three key elements in the class discussion:
  - a. A game cannot be enjoyed without a clear and consistent set of rules announced to all participants before it begins.
  - b. The rules cannot be changed in the middle of the game without feelings being hurt.
  - c. Certain groups of individuals cannot be discriminated against arbitrarily.
8. Ask the students to compare rules of a game to laws of a state. One way to do this is to ask, “Why would a class about the law start off with a game about paper clips?”
9. Have the class brainstorm a definition of law based on the class experience in the game. Guide the definition as you see fit.

## **Invasion!**

---

We have just been invaded by space aliens. While observing our country from their planet they have noticed that we have too many freedoms and too many laws protecting these freedoms. They have issued an ultimatum. We must get rid of a law each and everyday until they are all gone. The aliens will then declare their legal system as the only one on this planet.

List the five most important laws that affect you. Number one will be the first one that will be taken away. Save what you consider the most important law for last.

## Children's Court

---

1. A single mother was barely making it in her old run-down house that looked like a big shoe. She was having trouble controlling her 12 kids. There were so many of them and she had so little help. Frequently they were so naughty that she lost control of her temper. On those bad nights, she would feed them some broth without any bread, whip them all soundly and send them to bed.

**What is this mother probably guilty of, and how can the children get help for themselves and for her?**

2. The three Pig brothers had been harassed for weeks by Mr. B.B. Wolf. Mr. Wolf had destroyed the homes of two of the brothers and was now prowling outside the remaining home which was constructed of brick. All three brothers were inside the brick house. Mr. Wolf threatened to huff and puff and to blow the house down if they did not let him in. The three brothers feared for their lives. Mr. Wolf, after all, was reported to have alarming eating habits. When Mr. Wolf's threats didn't work, he climbed on the roof and slipped down the chimney. He landed in a pot of boiling hot water. He was badly burned and lost his appetite.

**Who should be brought to trial and on what charges? Choose a fair punishment for the guilty party.**

## Children's Court

---

3. Seven little men came home from working in the diamond mine one night and they found their pretty young housekeeper collapsed on the floor and seemingly dead. The little men tried desperately to revive her. Earlier that morning a visitor dressed in a black cape had been seen at the front door. After several weeks, as if by miracle, the pretty young housekeeper recovered. She told them that just before she collapsed, she remembered being given an apple by a strange old woman dressed in black. It was an apparent drug overdose.

**If the young girl was to identify the old woman from a line-up, what might the old woman be charged with? What evidence would be useful in court to convince the jury of her guilt?**

4. A ten-year old girl decided to explore the forest one day instead of going to school. She peeked through the window of an empty house and saw three bowls of hot cereal on the kitchen table. She was very hungry so she tried the back door. It was unlocked. She entered the house, ate the hot cereal, wandered around inside, broke a chair, jumped on the beds, and finally fell asleep upstairs. She was frightened away by the sight of three fuzzy creatures staring down at her on the bed. Away she ran.

**If the police were able to find her, what might they arrest her for? How should she be punished?**



## Who's Who in the Trial

---

Match the people involved in a trial with the job that they do. Choose the job from the second column that best matches each person in the first column. Place the letter of your choice in the space provided. One job description will not be used.

- |                         |  |
|-------------------------|--|
| ___1. judge             | A. swears in witnesses and takes charge of the evidence      |
| ___2. jury              | B. presides over the trial and interprets the laws           |
| ___3. plaintiff         | C. represents the accused in a criminal case                 |
| ___4. defendant         | D. records all court proceedings verbatim                    |
| ___5. court reporter    | E. citizens who determine the facts in a case                |
| ___6. bailiff           | F. submits a pre-sentencing report to the judge              |
| ___7. court clerk       | G. individual accused of committing a crime                  |
| ___8. prosecutor        | H. gives sworn testimony about the facts in a case           |
| ___9. witness           | I. person who files a complaint in a civil case              |
| ___10. defense attorney | J. maintains order in the court and takes charge of the jury |
|                         | K. conducts criminal cases on behalf of the state            |

Answers:

- |      |       |
|------|-------|
| 1. B | 6. J  |
| 2. E | 7. A  |
| 3. I | 8. K  |
| 4. G | 9. H  |
| 5. D | 10. C |

## Word Search

---

Find these vocabulary words that are part of our court system in the grid below.

C	S	R	P	Y	R	U	J
O	A	Y	L	I	A	B	U
U	I	L	A	E	T	S	D
R	G	U	I	L	T	Y	G
T	P	L	N	A	I	M	E
A	W	I	T	N	E	S	S
E	T	C	I	D	R	E	V
L	D	E	F	E	N	D	O
P	Q	W	F	L	A	W	S
Y	E	N	R	O	T	T	A

**STEAL**  
**COURT**  
**GUILTY**  
**JURY**

**PLEA**  
**BAIL**  
**DEFEND**  
**LAWS**

**VERDICT**  
**PLAINTIFF**  
**WITNESS**  
**ATTORNEY**

**JUDGE**

## Word Search

---

C	S	R	P	Y	R	U	J
O	A	Y	L	I	A	B	U
U	I	L	A	E	T	S	D
R	G	U	I	L	T	Y	G
T	P	L	N	A	I	M	E
A	W	I	T	N	E	S	S
E	T	C	I	D	R	E	V
L	D	E	F	E	N	D	O
P	Q	W	F	L	A	W	S
Y	E	N	R	O	T	T	A

**STEAL**  
**COURT**  
**GUILTY**  
**JURY**

**PLEA**  
**BAIL**  
**DEFEND**  
**LAWS**

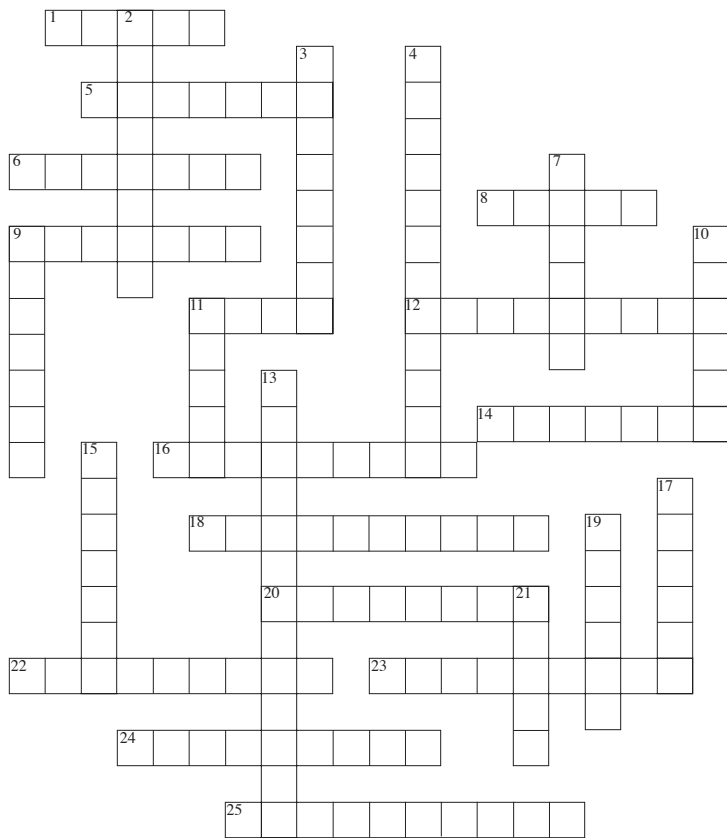
**VERDICT**  
**PLAINTIFF**  
**WITNESS**  
**ATTORNEY**

**JUDGE**

# Courtroom Puzzle

## Across

1. Cases which involve conflicts between private rights of individuals
5. All jury trials are heard in this court
6. Decision of a jury
8. Jury which determines whether there is probable cause to charge the suspect formally
9. Person who transports prisoners between courts and all state detention facilities
11. Group of people who decide the facts of the case
12. In a civil case, the written document which states what the dispute is about and what action the complainant would like the court to take
14. What the judge says to support an objection
16. The accused
18. Lawyer for the state in a criminal case
20. Court that hears non-jury, traffic and misdemeanor cases
22. Motion to find out about the other side's case
23. System of trial in U.S. where the opposing sides present their contentions before the court
24. The person who sues another in a civil suit
25. The burden of proof in a criminal trial is beyond a \_\_\_\_\_ doubt



## Down

2. Questioning of prospective jurors during the selection process
3. Lawyer
4. Authority of a court over a particular case or kind of dispute
7. Court where cases involving juveniles are heard
9. An appellate court
10. Application to the court, usually held before trial, requesting something
11. Person who makes sure that proper procedures are followed during the trial
13. The burden of proof in a civil case is a \_\_\_\_\_ of evidence
15. Person who gives testimony at the trial
17. A serious crime such as murder
19. Take a case to a higher court for review
21. Wrongs or injuries done to a person for which a lawsuit can be filed

# Courtroom Puzzle

---

## Answers

### Across

1. CIVIL
5. CIRCUIT
6. VERDICT
8. GRAND
9. SHERIFF
11. JURY
12. COMPLAINT
14. SUSTAIN
16. DEFENDANT
18. PROSECUTOR
20. DISTRICT
22. DISCOVERY
23. ADVERSARY
24. PLAINTIFF
25. REASONABLE

### Down

2. VOIR DIRE
3. ATTORNEY
4. JURISDICTION
7. FAMILY
9. SUPREME
10. MOTION
11. JUDGE
13. PREPONDERANCE
15. WITNESS
17. FELONY
19. APPEAL
21. TORTS

## Which Court?

---

**Directions:** Indicate before the cases described below, the court that would most likely handle them. Use the following symbols:

D for District Court

F for Family Court

C for Circuit Court

T for Tax Appeal Court

L for Land Court

S for Supreme Court or Intermediate Court of Appeals

- \_\_\_\_\_ 1. Elaine, a 35-year old teacher, got a ticket for driving 75 miles per hour in a 35 mile per hour zone.
- \_\_\_\_\_ 2. Frank and Linda are getting a divorce. They have two young children.
- \_\_\_\_\_ 3. Jane, 25 years old, was caught stealing \$150 worth of candies from a nearby department store. She had been apprehended by the police twice before.
- \_\_\_\_\_ 4. Miss Evelyn, your fairy godmother, appears and gives you a deed for three acres of beachfront property. Where would you go to register title to the property?
- \_\_\_\_\_ 5. Jan was invited to dinner at Richard's apartment. Richard had just completed mopping the apartment and the floor was still very wet. Jan took two steps into the apartment, fell on her side and broke a finger. She is suing Richard for \$4,900.
- \_\_\_\_\_ 6. Dennis is going on trial tomorrow for robbing Bank of Hawai'i of \$10,000.
- \_\_\_\_\_ 7. After months of police investigation, Darlene and Paula were arrested for kidnapping Lois.
- \_\_\_\_\_ 8. Betsy and Jenny work together in a record store. One afternoon they got into an argument which soon led to physical confrontation. Jenny gave Betsy several solid punches in the face and body. Betsy is suing Jenny for \$15,000 in damages.
- \_\_\_\_\_ 9. Calvin was arrested for disorderly conduct at 3:30 a.m. in May Ann's Bar. He insists the police arrested the wrong man.
- \_\_\_\_\_ 10. Dennis was found guilty of robbing a bank. However, Dennis' lawyer believes that the judge did not give him a fair trial and will appeal the decision.
- \_\_\_\_\_ 11. Cynthia, a seventh grader, hijacked another student of his lunch money. This is the third time since school began two months ago that she has hijacked students.

- \_\_\_ 12. Mrs. Kuwada, mother of two teenagers, forgot to put money into the parking meter and subsequently got a parking ticket.
- \_\_\_ 13. Karen, a thin six-year-old girl, was found by police wandering around the neighborhood at 11:30 p.m. Her body was covered with red welts and fresh burns.
- \_\_\_ 14. Ms. Mow is charged with embezzling \$2,000,000.
- \_\_\_ 15. Charlotte has over 100 outstanding parking violations. She has been summoned to court.
- \_\_\_ 16. Carol, a senior in high school, had just gotten her driver's license. On her way home from the police station, she got a speeding ticket.
- \_\_\_ 17. Judy, a student monitor in the school office, is accused of stealing \$250 worth of pens and pencils.
- \_\_\_ 18. Your father left all of his estate to your eldest brother. You decide to contest the will.
- \_\_\_ 19. A former friend is suing you for \$3,000 for injuries and damages. You decide to have a jury trial.
- \_\_\_ 20. A private property owner thinks that he is paying too much tax for the value of his land.

Answers:

- |       |       |
|-------|-------|
| 1. D  | 11. F |
| 2. F  | 12. D |
| 3. D  | 13. F |
| 4. L  | 14. C |
| 5. D  | 15. D |
| 6. C  | 16. D |
| 7. C  | 17. F |
| 8. C  | 18. C |
| 9. D  | 19. C |
| 10. S | 20. T |