

**Title:** “Introducing Exhibits at Trial,” by Laura Leizear, Baltimore County

**Grade:** 10

**Content Area/Subject:** Social Studies

**Core Learning Goal:** The student will be able to describe the organization, jurisdiction, and powers of the federal and state judiciary in order to analyze how the court system functions.

**Indicator:** Students will analyze elements, proceedings, and decisions related to criminal and civil law.

**Expectations:** The student will demonstrate an understanding of the structure and functions of government and politics in the United States. The student will evaluate how the United States government has maintained a balance between protecting rights and maintaining order.

### **Materials Needed/ Resources for Teacher Preparation**

Blank stickers to be used as exhibit labels

Evidence description handout (attached at end of lesson)

Teacher-developed or located evidence described in the handout such as:

1. A sock sealed in a zip lock bag with a ‘chain of custody log’ attached
2. A letter written by the defendant to his sister
3. A matchbook sealed in a zip lock bag with a chain of custody log attached
4. A copy of hospital records
5. A check
6. A photograph of a car that had been in an accident

Strips with magnets on them listing the steps for introducing an exhibit into evidence

### **Student Preparation**

Students are to read the chapter in the textbook, Trial Techniques by Thomas A. Mauer, and answer questions about the reading. A copy of these questions is attached at the end of the lesson. The students also should have completed a simple District Court mock trial that did not involve the introduction of any physical evidence.

### **Lesson Development**

#### **Review/Motivation**

Suppose you are trying a case and have some document or physical object that you want to use at trial. How do you get that object into evidence? Give students a few minutes to complete the review/motivation, and then discuss. Place 6 magnet strips in *random* order on the board. On each strip is written one of the steps in admitting exhibits into evidence. Have a student come to the board and put the steps in order. Go over the steps in admitting evidence:

- A. mark exhibit
- B. show exhibit to opponents
- C. get witness to identify the exhibit

- D. lay the foundation
- E. move exhibit into evidence
- F. show exhibit to judge or jury (ask judge's permission).

### **Activities**

Ask students how you lay the foundation (D): show relevance and admissibility. Tell students it will vary depending on the type of evidence. Go over foundation for:

- A. Photos, diagrams, maps- must show fair and accurate representation of what it is purporting to depict.
- B. Other physical evidence- hasn't been tampered with; is in substantially the same condition as when it was seized
- C. Business records - how prepared & by whom, done in the ordinary course of business

3. Tell students that they are going to practice getting physical exhibits admitted into evidence. Students will have a handout on exhibits. Divide students into 6 groups. Each group will be handed a different exhibit and stickers to mark their exhibits (from A, B, etc above). Each group will then develop questions and answers to get their assigned exhibit into evidence. Tell students that after they have finished their questions and answers we will conduct a mock hearing on their exhibits.

4. Conduct mock hearings as follows: members of each group will assume the following roles: attorney, opposing attorney, witness, judge

Students will take notes on each presentation. After the hearings, the class will discuss why the exhibit should or should be admitted into evidence. Approximately 5 minutes before the class ends, the teacher will answer any questions and sum up what we have covered this lesson.

### **Thoughtful Application/ Assessment**

Each presentation will involve an application of the techniques learned, and will also provide an assessment for the lesson. An additional assessment will be provided by the homework assignment, which is to write an essay comparing and contrasting how to introduce different types of exhibits into evidence.

### **Possible Extension Activity**

This lesson has been used as part of the preparation for a mock trial to be conducted by the class. Students will then have to develop their own exhibits and use them in the trial.

### **Attachments**

Exhibit list (Addendum A) and situation description (Addendum B)

## INTRODUCING EXHIBITS INTO EVIDENCE

**Directions:** You have been assigned one of the following items. Your job is to get your item entered as evidence at trial. Please construct questions to get your physical evidence admitted. Don't forget to lay the proper foundation.

1. **Photograph** - This is an automobile accident case. The photo is of the plaintiff's car and shows damage done to the car in the accident. Your witness is the plaintiff.
2. **Socks** - In this case, the defendant is charged with breaking and entering. A window was broken to gain entrance to the building. The defendant was arrested 2 hours later wearing these socks. The police officer seized the socks which were imbedded with tiny glass particles. Your witness is the police officer.
3. **Matchbook** - Defendant is charged with arson of a restaurant. This matchbook was found in the basement of the restaurant near the point of origin of the fire. The matchbook has the defendant's finger prints on it. Several matches are missing from the book. Your witness is the Fire Marshall.
4. **Letter** - Defendant is charged with murder. While in jail awaiting trial the defendant wrote this letter to his sister admitting that he committed the murder. Your witness is the sister.
5. **Hospital records** - Plaintiff was in an automobile accident. These hospital records are of the treatment the plaintiff received for injuries sustained in the accident. Your witness is the custodian of records for the hospital.
6. **Check** - Defendant was sued for failure to pay for goods delivered. Defendant is your witness. Check is made out to the plaintiff and signed by the defendant.