

COMPETENCY
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AGENDA

Sessions 1: Introduction, Module Objectives, Ground Rules, Competency Pre Test

Sessions 2: Discussion of Pretest, "APPRECIATION OF CHARGES".

Sessions 3: Review, "APPRECIATION OF POSSIBLE PENALTIES", Homework

Sessions 4: Review, Movie "The Legal Process"

Sessions 5: Review, "UNDERSTANDING THE LEGAL PROCESS", Homework

Sessions 6: Review, "CAPACITY TO DISCLOSE TO ATTORNEY".

Sessions 7: Review, "ABILITY TO MANIFEST APPROPRIATE COURTROOM BEHAVIOR", Homework

Sessions 8: Review, REVIEW ALL SIX COMPETENCY CRITERIA

Sessions 9: Competency Post Test

COMPETENCY

SESSION 1: INTRODUCTION TO COMPETENCY MODULE

TRAINING CHECKLIST

PURPOSE: To get acquainted, discuss the ground rules and introduce to the group members what being incompetent to proceed to trial means.

OBJECTIVE: 1) Participants will take the Competency Pre-Test.
2) Participants will discuss the ground rules for the module.
3) Through lecture, participants will review the criteria used to assess competency.
4) Participants will discuss why they were sent to NFETC.

TIME FRAME: 45 minutes to 1 hour

INSTRUCTIONAL METHOD: Lecture, Group Discussion

MATERIALS: Lesson Outline, Competency Module Pre0Test, Competency Booklet, Flip Charts, markers, Pencils, Stand

REFERENCES: Florida Statutes; Competency Module, Sara McDaniel; Competency Booklet, Jackie Page

PREPARED BY: NFETC Program Development Committee

DATE:

REVISED BY:

REVISED DATE:

DESCRIPTION OF COURTROOM PROCEDURE

WITNESSES- Testigos

1. Any person who has first hand knowledge or information about a crime can be called as a witness. A witness can be subpoenaed by either the defense or the prosecutor. (Cualquier persona que conoce o tiene información sobre un crimen pueden ser llamados testigos. Un testigo puede ser citado por la defensa o el fiscal)
 - a. Anybody who says they saw you do it. (Cualquier persona que testifica haberlo visto haciendo el crimen)
 - b. The police officer who arrested you. (El oficial que lo arresto)
 - c. Anybody who knows you did not do it. (Cualquiera que sabe que no lo hizo)
2. Witnesses are required by the judge to come to court and tell what they know about the crime. (El juez requiere a los testigos que se presenten a corte y que testifiquen lo que saben sobre el crimen)

MATERIAL EVIDENCE- Evidencia Material

Material evidence are things such as guns, fingerprints, or stolen items that show that you did or did not do the crime. Material evidence is presented in court to try to prove to the jury that you were at the place they say you were to that you did what they said you did. (Evidencia son cosas como pistolas, huellas o objetos robados que demuestran que usted hizo o no hizo el crimen. Estas evidencias son presentadas a la corte para tartar de probar al jurado que usted estuvo en el lugar donde usted dijo y que estaba hacienda lo que dijo)

THE JURY- El jurado

When you go to trial and decide to have a jury there will be 6 or 12 people, who are chosen by the 2 opposing attorneys. They will decide if you are guilty or not of your charges. These people are chosen from the community and are not on either you side or the prosecutor's side. (Cuando usted va a juicio y decide tener un jurado, el jurado consistira en 6 a 12 personas, quienes son elejidas por los dos abogados opuestos. El jurado decidira si eres culpable o no culpable de tus cargos. Estas personas son escogidas de la comunidad y no estan de ningun lado, son completamente neutrales)

JUDGE- El Juez

1. He is the person in charge of the trial. (El es la persona a cargo del juicio)
2. He tells each person when it is their turn to talk. (El dirige los turnos para que cada persona hable)

3. **He makes sure that the trial follows fair rules. (El se asegura de que el juicio siga todas las reglas justas)**
4. **If the jury decides that you did the crime, he decides what punishment to give you. (Si el jurado decide que tu hiciste el crimen, el se encarga de formular que castigo darte)**

DEFENDANT- Demandado o Acusado

1. You are the defendant. A defendant is the person who the police said did the crime. (Tu eres el demandado. El demandado es la persona acusada por la policia de hacer un crimen)
2. Listen carefully to what you hear in court. (Escuche con cuidado lo que se diga en corte)
3. Ask your lawyer to explain anything that you don't understand. (Preguntele a su abogado que le explique todo lo que no entienda)
4. If you hear a witness tell a lie, you whisper or write a note to your lawyer. (Si escucha a un testigo decir una mentira, susurre esto al abogado o escribale una nota)

DEFENSE ATTORNEY- Abogado del demandado o Acusado

1. He is your lawyer. (El/Ella es su abogado(a))
2. He is trying to help you in two ways: (Esa persona te esta tratando de ayudar de dos maneras)
 - a) to present evidence and/or witnesses to assist in proving you are not guilty. (Presentando evidencia y/o testigos que asistan en probar que not eres culpable)
 - b) if found guilty, get you the lightest possible penalties. (Si usted es encontrado culpable, tratar de conseguir la penalidad minima o menos severa)

3. He will talk to you, listen to you, and give you advice about what to do in court. (El/Ella va a hablar contigo, escucharte y darte consejos sobre que hacer en corte)
4. In court, he will speak for you. If you want to say something in court he will say it for you, unless the judge lets you speak. (En corte el/ella te hablara. Si tu quieres decir algo en corte, el/ella lo dira por ti, al menos que el juez te deje hablar)

STATE ATTORNEY- Abogado del Estado

1. He is also a lawyer. He works for the State and is against you. (El/ella tambien es un abogado(a). El/ella trabaja para el estado y esta contra ti)
2. He works against you in two ways: (Trabaja contra ti de dos maneras)
 - a. He tries to prove to the judge or jury that you did the crime that your are charges with, (Trata de probar al Juez y el jurado que tu cometiste el crimen del que has sido acusado)
 - b. If you are found guilty, he tries to see that you are punished and that you get a lot of time. (Si te encuentran culpable en corte, el/ella trata de que seas castigado y que te den una penalidad alta y por mucho tiempo)

COURTROOM PROCEDURE- Procedimientos en la corte

If you have a jury trial, your lawyer and the state attorney will pick the jury. The jury is composed of six or twelve people who live in the community where the crime was committed. (Si tienes juicio con jurado, tu abogado y el abogado del estado eligiran el jurado. El jurado estara compuesto por 6-12 personas que viven en la comunidad donde ocurrio el crimen)

After the jury is picked, the trial will begin. Each lawyer will tell the jury what they are going to prove. The State goes first. He will tell the jury that he can prove you committed the crime with which you were charged. Your lawyer will then address the

jury and tell them there is not enough evidence that you committed this crime, or he may say that you did not do it and he can prove that. (Una vez el jurado es elegido, el juicio comienza. Cada abogado le dira al jurado que es lo que van a tratar de probar en corte. El estado va primero. El/ella le dira al jurado que pueden probar que cometiste el crimen del cual fuiste acusado. Tu abogado va entonces a decirle al jurado que no hay suficiente evidencia para probar de que tu cometiste el crimen, o tambien puede decir que no cometiste el crimen y que pueden comprobar eso)

Each lawyer will present evidence and witnesses. The State attorney will begin. After he presents all the evidence and questions the witnesses, your attorney will have a chance to question the witnesses, too. He will try to make it look as if they do not know what they are talking about, so that the jury will not believe them. He will try to show the jury that you did not do it. He will present witnesses on your side and has them tell the jury what they know. After that, the State attorney will question your witnesses and try to convince the jury your witnesses are mistaken or not telling the truth. (Cada abogado va a presentar la evidencia y los testigos. El abogado del estado comenzara. Despues de que el presente toda la evidencia y de que cuetione a todos los testigos, tu abogado va a tener la oportunidad de cuestionar a los testigos tambien. El/Ella tratara de demostrar de que no sabes de lo que estan hablando, para que el jurado no les crea. El tratara de demostrar al jurado que no lo hiciste. Presentara testigos a tu favor, los cuales van a hablar sobre ti con el jurado. Despues de eso, el abogado del estado va a cuestionar tus testigos y tratar de convencer al jurado que no estan diciendo la verdad o que estan equivocados)

After that, there will be final arguments to the jury. Both the State attorney and your lawyer will try to get the jury on their side (Despues de aquello, los argumentos finales se daran al jurado. El abogado del estado y su abogado trataran de que el jurado este de su lado)

Then, the jury will make the final decision. The judge will tell them the rules. The jury will then discuss privately the evidence and decide among themselves if you are guilty or not. (Finalmente, el jurado tendra la decision final. El Juez les dira las reglas. El jurado va a discutir en privado la evidencia y decidiran entre ellos si eres culpable o no culpable)

If the jury decides you are guilty, the judge will decide what your punishment or sentence will be. If the jury decides you are not guilty the judge will set you free. (Si el jurado decide que eres culpable, el juez decidira cual es tu castigo o sentencia. Si el jurado decide que not eres culpable, el juez te dejara libre.

JUDGE VERSUS JURY TRIAL- Juez versus Jurado

Sometimes people will decide they do not want a jury trial and they will have the judge to decide their guilt or innocence. (Algunas veces el acusado decidira no tener juicio con jurado, y tendran solo el Juez, quien decidira si son culpables o no culpables)

The Defendant – You are the defendant. A defendant is the person who has been accused of a crime. You do not have to answer any questions about the crime. You also

have the right to have your lawyer with you any time you are asked question or go before the judge in court. When you are in court you should listen carefully to what is being said, if you do not understand something asks your lawyer about it, but do not make a disturbance in the courtroom.

The State Attorney – The State attorney is also a lawyer. He is also called the prosecuting attorney, and he represents the state who says you committed a crime. He works against you in two ways: (1) He tries to prove to the judge or jury that you are guilty of the crime. (2) If you are found guilty he tries to see that you are punished and that you a lot of time.

Witness – A witness is any person who comes to court to your trial and has knowledge or information about the case. A witness must swear to tell the truth about what he or she knows and must talk only about what he or she actually saw or heard about the case. Witnesses can be for you or against you, and they help the jury decide if you did or did not do the crime.

Material Evidence – Material evidence are things such as fingerprints, guns, or stolen items that show that you did or did not do the crime. This evidence is presented in court to help the judge or jury decide about the case.

Your Rights and Duties as a Defendant – During the time you are waiting for your trial, and during the trial itself, you have important duties and rights. For example, it is very important that you do not cause a disturbance in the courtroom by speaking out of turn or getting into arguments. If you do, the judge may give you another charge, Contempt of Court. You could be sent back here, too. It is also important that you listen carefully to what goes on so that you can help you lawyer. You have the right to have your lawyer there with you any time someone asks you questions, and you do not have to answer these questions. The State attorney can not make you get on the witness stand.

Pleading Not Guilty By Reason of Insanity – this is a special kind of plea that you and your lawyer may decide to make. If you make this plea, you are telling the Judge and jury that you did the crime. You were mentally ill at the time and didn't not know the difference between right and wrong. If you make this plea it is up tot you and your lawyer to prove it to the jury. If the jury believes that you were “insane” (the legal term for this) then you will not be punished for your actions. The judge can recommit you to the Department of Children and Family, or release you to the community.

COMPETENCY

Session 1:

APPRECIATION OF CHARGES- *Apreciacion de los cargos*

I. Introduction

- A) Purpose
- B) Objectives

II. Body

A) Everyone will introduce themselves and share something about himself with the group. We will discuss the Ground Rules that must be followed during each group session.

1. You must be on time.
2. You must complete all homework assignments before attending group.
3. Respect others when they are talking. If you wish to engage in discussion, raise your hand and the group leader will call on you.
4. Use the bathroom before attending the group. Getting up to use the bathroom getting a drink of water is disruptive to the group.
5. If you become disruptive, you will be asked to leave the group and your therapist will be notified.
6. Do not make fun of others.
7. Violation of group rules and failure to participate may result in reduction of mobility status.

B) Each of you who are attending this group have two things in common: you have been arrested and charged with committing an offense; and you have been found incompetent to proceed to trial and have been ordered by the court to be involuntarily committed to this facility for evaluation and treatment. Our goal while you are at this facility is to help you become competent so you can return to your county of commitment to have your charges resolved.

C) Some of the specific facts about your particular case will not be discussed within the context of this group, to ensure your confidentiality. You will discuss the specifics of your charges during individual counseling sessions with your counselor.

D) The focus of this group will be to learn general facts about the legal system and is not intended to take the place of consultation and advice from your attorney. Furthermore, it is not our job to decide if you are guilty or not guilty; our role is to ensure that each of you have a better understanding of the legal system and how it applies to you.

E) The competence Module will review the process and criteria used by mental health experts to determine your level of competence. The criteria mental health experts use to determine competency comes from a supreme court decision (*Dusky vs. U.S.*) which is intended to protect you and your rights as a defendant. The decision states that the defendant (you) must be able to meet the following criteria in order to be considered competent to proceed:

- Do you have the ability to know your charges?
- Do you have a factual understanding of the proceeding (trial) against you?
- Do you have the ability to speak sensible about the proceeding (trial) against you?

The state wide accepted criteria mental health experts use to determine competency are:

1. Appreciation of Charges- Apreciacion de Cargos

- Do you have the ability to know your charges? (Usted tiene la capacidad de saber cuales son sus cargos?)
- Can you describe what the charges allege that you did? (Puede describir cuales son los cargos de los cuales fue acusado?)
- Are your charges misdemeanors or felonies? (Sus cargos son delitos menores o felonias?)

2. Appreciation of Possible Penalties- Apreciacion de posibles penalidades

- What are the possible penalties you can receive if you are found guilty?- Cuales son las posibles penalidades que puede recibir si se le encuentra culpable?)
- Can you explain what probation is? (Puede explicar que es probatoria?)
- Can you explain what Not Guilty by Reason of Insanity means? (Puede explicar que significa ser no culpable por razon de locura?)

3. Understanding the Legal Process- Entendiendo el proceso legal

- Can you describe the function of the following: 1. Judge, 2. Jury, 3. Defense Attorney, 4. State Attorney, 5. Witnesses (Puede descubrir la funcion de los siguientes: Juez, Jurado, Abogado de la defense, Abogado del estado y Testigos.
- Do you understand that the judge and jury are impartial? (Usted entiende que el Juez y el Jurado son imparciales?)
- Can you explain what a plea bargain is? (Puede explicar que significa una oferta o negociacion de plegaria?)
- Do you know the four pleas you can enter in court? (Sabe las 4 plegarias que puede presentar en corte?)

4. Capacity to Disclose to Attorney- Capacidad para revelarse a su abogado

- Have you met your attorney? (A conocido a su abogado?)
- Do you trust your attorney? (Usted confia en su abogado?)
- Can you state who was involved in the alleged offense? (Puede describir quienes estuvieron envueltos en la presunta ofensa?)
- Can you describe what, where and when regarding your alleged offense? (Puede describir los como, cuando y donde respecto a la presunta ofensa?)
- Are you able to follow your lawyers plea recommendation? (Puede entender la recomendacion que su abogado le de sobre su plegaria?)
- Were you mentally ill at the time of your alleged offense? (Usted estaba enfermo(a) mentalmente cuando ocurrio la presunta ofensa?)
- What could you do if you can not get along with your lawyer? (Que es lo que puede hacer si no se lleva bien con su abogado(a)?)

5. Ability to Manifest Appropriate Courtroom Behavior- Abilidad de manifestar un comportamiento apropiado en la corte

–Do you currently have the capability to demonstrate appropriate behavior? (Presentemente usted tiene la capacidad de demostrar un comportamiento apropiado?)

–Can you verbalize what appropriate courtroom behavior is? (Puede describir que es comportamiento apropiado?)

–What will happen if you become disruptive in court? (Sabes que es lo que puede pasar si usted manifiesta un comportamiento no apropiado en corte?)

-What is “contempt of Court”? (Que significa “Desacato al tribunal”?)

– Will you continue to take your medication while awaiting disposition of your legal charges? (Usted va a continuar tomando sus medicamentos mientras espera la resolucio n de sus cargos?)

–What can you do if you can’t get your medication? Who can you call? (Que puede hacer si no puede conseguir sus medicamentos, a quien puede llamar?)

III. Summary of Questions

A) In review, who can tell me why they were sent to NFETC? [Group discussion]

B) Does your staff have anything to do with deciding whether you are guilty or not guilty? [Group discussion]

COMPETENCY

SESSION 2:

APPRECIATION OF CHARGES

I. Introduction

- A) Purpose
- B) Objectives

II. Body

- A) Review the Competency Pre – Test
- B) Everyone who is admitted to NFETC as Incompetent to Proceed to Trial has been arrested and charged with a criminal offense. Just because you have been arrested does not mean you are guilty; however, it is not up to your staff to make that determination. Only the court can decide if you did or did not do the offense. The following discussion and classwork will help you to identify your charge, understanding the seriousness of the charge and develop some awareness of what the arresting officers say you did. Those of you who do not read or write well will be helped by the facilitator,
- C) Classwork Completion

1. I am charged with _____

When you are arrested, the officers fill out a police report that describes what led them to arrest you. It is important you know that not being able to remember what occurred during your alleged offense is not an acceptable excuse and can not be used as a defense. In order to be considered competent, you must be able to assist your attorney in reconstructing the events that led to your arrest. A copy of the police report is included in the information that comes with you on your day of admission. Knowing what the officers allege you did and how you acted may help your memory. For example, if you are charged with battery on a Law Enforcement officer, the charge alleges you had physical contact with an officer.

2. What the police said I did was _____

3. In order to determine what the maximum penalty will be if you are found guilty as charged, you need to know if you are charged with a felony or a misdemeanor.

- D) **MISDEMEANOR**- A misdemeanor is any criminal offense that is punishable under the laws of this state by imprisonment in a county correctional facility.
 - 1. A 1st Degree Misdemeanor is punishable by a term of confinement not exceeding one year.
 - 2. A 2nd Degree Misdemeanor is punishable by a term of confinement not exceeding sixty days.

- E) **Felony-** A felony in Florida is any offense for which the penalty may be death or imprisonment in the Department of Corrections for a period exceeding one year.
- 1) Capital Felony is punishable by life imprisonment with a mandatory 25 years served before you become eligible for parole, or the death penalty can be imposed.
 - 2) Life Felony is punishable by imprisonment for life or for a term not less than forty years.
 - 3) First Degree Felony is punishable by imprisonment not exceeding thirty years.
 - 4) Second Degree Felony is punishable by imprisonment not exceeding fifteen years.
 - 5) Third Degree Felony is punishable by imprisonment not exceeding five years.

- F) Refer to **Attachment A Summary of Charges and Sentencing Guidelines** to determine whether you are charged with a misdemeanor or a felony and what degree it is.

1. My charge(s) is a _____

(If an individual charge is not listed on **Attachment A**, get with your primary therapist for further information)

III. Summary and Questions

- A) The information provided in this module is not all inclusive and should not take the place of consulting with your attorney.
- B) Depending on the specific situation, charges may be upgrade or down graded. Information taught here is no to be considered “expert” advice/ It is intended to enhance your general knowledge and improve you ability to understand and communicate with your attorney.

ATTACHMENT A Summary of Charges and Sentencing Guidelines

OFFENSE	DEGREE
1 st Degree Murder	Capital Felony
Attempted 1 st Degree Murder	1 st Degree Felony
2 nd Degree Murder	1 st Degree Felony
Attempted 2 nd Degree Murder	2 nd Degree Felony
Third Degree Murder	2 nd Degree Felony
Manslaughter	2 nd Degree Felony
Vehicular Homicide	3 rd Degree Felony
Assault	2 nd Degree Misdemeanor
Aggravated Assault	3 rd Degree Felony
Assault on persons 65yrs. or older	2 nd Degree Felony
Battery on persons 65 yrs. or older	3 rd Degree Felony
Battery on a detention or commitment officer	3 rd Degree Felony
Assault on a Law Enforcement officer	2 nd Degree Felony
Kidnapping	1 st Degree Felony
Kidnapping of child under age 13	Life Felony
Carrying Concealed Weapons	3 rd Degree Felony (if it is a firearm)
Possession of a firearm by a felon	2 nd Degree Felony
Sexual Battery, victim age 11 or under, Offender over age 18	Capital Felony
Sexual Battery, victim under age 11, Offender under age 18	Life Felony

Sexual Battery, victim is 12yrs. of age or Older, use of weapon or force, likely to cause serious injury	Life Felony
Sexual Battery, victim 12 yrs. of age or older, use of authority to coerce	1 st Degree Felony
Sexual Battery, victim over age 11, use of force, no likely to cause injury	2 nd Degree Felony
Lewd and Lascivious Act upon a child Under age 16	2 nd Degree Felony
Incest	3 rd Degree Felony
Arson	1 st Degree Felony
Making or issuing a worthless checks \$150.00 or more or obtaining property in return for worthless check \$150.00 or more.	3 rd Degree Felony
Criminal Mischief, damages greater than \$1.000	3 rd Degree Felony
Burglary, if assault or battery occurs, or if armed	1 st Degree Felony punishable by life
Burglary of dwelling or occupied structure	2 nd Degree Felony
Burglary of an unoccupied structure	3 rd Degree Felony
Possession of burglary tools	3 rd Degree Felony
Trespass	1 st or 2 nd Degree Misdemeanor
Trespass on property armed with a firearm or dangerous weapon	3 rd Degree Felony
Theft, property stolen is valued at \$100,000 or more	1 st Degree Felony
Theft, property stolen is valued at \$20,000 or more; but less than \$100,000	2 nd Degree Felony
Theft, property stolen is valued at \$300 or more, but less than \$20,000	3 rd Degree Misdemeanor
Petit Theft, property valued at less than \$300	2 nd Degree Misdemeanor

Armed Robbery	1 st Degree Felony punishable by life
Aggravated Child Abuse	2 nd Degree Felony
Resisting officer with Violence to his person	3 rd Degree Felony
Resisting Officer Without Violence to his person	1 st Degree Misdemeanor
Depriving Officer of means of protection or communication	3 rd Degree Felony
Loitering or Prowling	2 nd Degree Misdemeanor
Sale or possession of a schedule 1a, 1b, 2a or 2b substance	3 rd Degree Felony
Sale or possession of a schedule 1c, 2c, 3 or 4 substance	3 rd Degree Felony
Possession of more than 20g cannabis	3 rd Degree Felony
Possession of a controlled substance	3 rd Degree Felony
Fraudulently obtain a controlled substance	3 rd Degree Felony
Trafficking in over 100# cannabis	1 st Degree Felony
Trafficking in over 28g cocaine	1 st Degree Felony
Use or Possession of Drug Paraphernalia	1 st Degree Misdemeanor

COMPETENCY

SESSION 3: APPRECIATION OF POSSIBLE PENALTIES

I. Introduction

- A) Purpose
- B) Objectives

II. Body

A) There are many possible penalties that can be imposed if someone is convicted of an offense. Today's discussion will help orient you to the possible outcomes.

1. What is a Misdemeanor? [Group discussion]
2. What is the maximum penalty that can be imposed if convicted of a 2nd Degree Misdemeanor? [Group discussion]
3. What is the maximum penalty if someone is convicted of a 1st Degree Misdemeanor? [Group discussion]
4. What is a Felony? [Group discussion]
5. What is the maximum penalty if someone is convicted of a Capital Felony? [Group discussion]
6. What is the maximum penalty if someone is convicted of a Life Felony? [Group discussion]
7. What is the maximum penalty if someone is convicted of a 2nd Degree Felony? [Group discussion]
8. What is the maximum penalty if someone is convicted of a 2nd Degree Felony? [Group discussion]
9. What is the maximum penalty if someone is convicted of a 3rd Degree Felony? [Group discussion]

B) The maximum sentence which could be imposed on me if I am found guilty is:

C) Pleas

1. When you go to court, there are four different pleas your lawyer can advise you to plea. These pleas are **Guilty, Not Guilty, Nolo contender (No Contest), and Not Guilty by Reason of Insanity.**

- a. What does pleading **Guilty** mean? [group discussion]

Answer: To plead **Guilty** is to admit to the court that you did the crime for which you were arrested. The judge must abide by sentencing guidelines.

- b. What does pleading Not Guilty mean? [group discussion]

Answer: To plead **Not Guilty** means you say you did not do the crime for which you are charged.

- c. What does **Nolo contender** or **No Contest** mean? [group discussion]

Answer: To plead **No Contest** means you are not saying you committed the crime and you are not saying you did not commit the crime. You agree that the State can produce sufficient evidence to prove the crime charged. If you plead **No Contest**, you give up your right to a trial by jury. The decision as to what happens and the possible penalties becomes the decision of the judge. It is important to note that a plea of **No Contest** is treated as if you plead guilty.

- d. What does being **adjudicated Not Guilty by Reason of Insanity** mean? [group discussion]

Answer: Being adjudicated **Not Guilty by Reason of Insanity** means although you committed the crime for which you are charged, you did not know the difference between right and wrong when the offense was committed due to being mentally ill.

D. Pleading Guilty/Adjudication of Guilt

1. If someone pleads **Guilty** or is found **Guilty** of a crime the judge has several options; these include receiving jail or prison time, time served, a fine, a suspended sentence or adjudication of guilt withheld. Another option is to place you on probation.

- a. What does **probation** mean? [group discussion]

Answer: When you are placed on **probation** the court retains jurisdiction over you and requires you to abide by some specific rules. If it is

determined you violated the conditions of your probation, the judge can issue a warrant and have you picked up and returned to jail to await a hearing. At a hearing, if it is determined you broke the conditions of your probation, the judge could sentence you to jail or prison.

b. What are some usual **conditions of probation**? [group discussion]

Answer: Your probation may have some conditions that are specific just for you; however, generally you will be required to report at least once a month to your probation officer, pay a designated monthly amount, abstain from drugs and alcohol and not hang around places and people where these substances are used, submit to drug screenings and complete community service hours. In addition, the judge may require you to attend mental health counseling and take medication. Your probation will be for a specific length of time. If you are arrested on another charge, this could violate your probation.

E. Pleaded Not Guilty by Reason of Insanity / Adjudication of Not Guilty by Reason of Insanity

a. What happens if you plead or are adjudicated **NGI**? [group discussion]

Answer: The Court can order you to be sent to a Forensic or Civil State Hospital, to live in a boarding home, half way house or other supervised placement. This decision is generally based on the recommendation of the community evaluators. If you are sent to the hospital you will be evaluated and treated until your treatment team concludes you are no longer a danger to yourself or others and you are able to care for yourself. When the Court approves for you to leave the hospital, you will be discharged under a conditional release plan that will minimally address where you will live, your need for mental health treatment, drug screenings and recommendations for vocational training. Your conditional release plan will have addition that are specific for your particular needs. If you violate these conditions, you could be rehospitalized because the court may retain jurisdiction over you until you have an attorney file a motion for jurisdiction to be discontinued.

F. Plea Bargaining

1. Most of the time, charges are resolved without ever going to a trial. One of the most common ways is through plea bargaining.

a. What is plea bargaining? [group discussion]

Answer: A plea bargain is a deal worked out between the State attorney and your attorney. Some examples of plea bargains include:

- You agree to plead guilty to a lesser charge

- If you have multiple charges, you agree to plead guilty to some of the charges with others being dropped.
- You plead guilty as charged with a recommendation to have the lightest possible sentence.

It is important to remember you do not have to accept the plea bargain that has been worked out. However, if you go to trial and are found guilty on your original charges, it is possible that specific rights. These are: the right to a trial, the right to testify in your own defense and the right to argue against evidence.

G) Classwork completion

1. If I admit to the court that I did the crime for which I was arrested, I am pleading _____

2. If I don't admit whether I did or did not commit the crime I am charged with, I am pleading _____

3. If I did not admit to the crime for which I am charged, I am pleading _____

4. If I was mentally ill, committed a crime and did not know the difference between right and wrong, I can be adjudicated _____

5. When I am on probation, I can hang out a bars and do drugs without getting into trouble _____ True _____ False

6. I can move to another city if I have permission from my probation officer. _____ True _____ False

7. If I am found NGI I will not have to be hospitalized for more than 6 weeks _____ True _____ False

8. Pleading NGI is a great way to beat your charges because it does not have long lasting consequences. _____ True _____ False

9. We will review the correct answers. Be sure to put the correct answer on your sheet if you marked the wrong answer.

III. Summary and Review of Homework Assignment

A) As homework, complete Attachment B Appreciation of Possible Penalties

Attachment B Appreciation of Possible Penalties

Name: _____

1. List the 4 choices of pleas you and your attorney have when you return to court:

2. If a person pleads **Not Guilty by Reason of Insanity**, what are they telling the court (check all correct answers):

- I have a major mental illness.
- I am pretending I have a major mental illness.
- I have a personality disorder.
- The devil made me do it.
- I used poor judgment because of a major mental illness.
- I didn't know right from wrong because of my mental illness
- I was not responsible for my behavior because of a mental illness.
- I do not have a mental illness but am pleading NGI to get off the charges.
- I have a mental illness and my medication wasn't working.

3. If a person pleads **No Contest**, he is telling the court that he thinks the charges are false. _____ **True** _____ **False**

4. If a person pleads **No Contest** the judge can treat the plea like the person is guilty, not guilty or NGI. _____ **True** _____ **False**

5. If a person pleads **No Contest** the judge can treat the pleas like the person is guilty, not guilty or NGI. _____ **True** _____ **False**

6. Judges usually treat the **No Contest** plea as though a person plead guilty. _____ **True** _____ **False**

7. If a person pleads **No Contest**, he is giving up his right to go to trial. _____ **True** _____ **False**

8. If a person pleads **No Contest**, the judge must give him a lighter sentence than if he were found guilty at the end of a trial.
_____ **True** _____ **False**

9. Your reason for trying to make a deal with the state attorney by Plea Bargaining is:

- b. to get a better halfway house placement
- c. to get a lighter sentence
- d. to get the charges dropped
- e. to get the state attorney to admit he doesn't stand a chance in trial

10. The state attorney's reason for trying to make a deal with you and your attorney by plea bargaining is to:

- a. Get a conviction without going to trial.
- b. Get the defense attorney to admit he doesn't stand a chance at trial.
- c. Save the state a lot of money.
- d. Build a name for himself so he can go into private practice with a big time firm.

11. If the state attorney offers your attorney a plea bargain, and your attorney thinks it is a good deal, then you must accept it.

_____ **True** _____ **False**

12. When you go to court or trial and plead NOT GUILTY, who is on your side for certain, (check all the correct answers)?

- | | |
|-----------------------------------|------------------------|
| ___ witnesses for the defense | ___ the bailiff |
| ___ witnesses for the prosecution | ___ the judge |
| ___ your lawyer | ___ the state attorney |
| ___ the defense attorney | ___ the jury |
| ___ the victim | ___ the police |
| ___ the court appointed experts | |

12. When you go to court or trial and plead NGI, who all might be on your side? (check all correct answers):

- | | |
|---|------------------------|
| ___ the police | ___ your attorney |
| ___ your probation officer from a prior conviction | ___ the state attorney |
| ___ the court appointed experts | ___ the bailiff |
| ___ your mental health case manager | ___ the jury |
| ___ any witness from the scene of the alleged crime | |
| ___ the judge | |

COMPETENCY

Session 4:

“The Legal Process”

TRAINING CHECKLIST

PURPOSE: To show participants the process that takes place from the time they are arrested until resolution of their criminal charges.

OBJECTIVES:

1. In the classroom, participants will review homework assignments.
2. In the classroom, participants will view a video that shows the process that occurs from the time they are arrested until resolution of their charges.
3. Participants will complete homework assignment Attachment C Competency Word Search Puzzle

TIME FRAME: 45 minutes to 1 hour

INSTRUCTIONAL METHOD: Participation viewing

MATERIALS: Lesson Outline, Competency Module, Television, VCR, Video, Homework, Attachment C Competency Word Search Puzzle

REFERENCES: “The Legal Process”, NFETC Learning Resources Department

PREPARED BY: NFETC Program Development Committee

DATE:

REVISED BY:

REVISED DATE:

I. Introduction

- A. Purpose
- B. Objectives

II. Body

A. In class today, we will view a video about the legal process. The video will show the process that occurs when someone is found Incompetent to Proceed. The video will show what happens from the time someone is arrested until they go to trial. At the end of the video, we will have a question and answer period if anyone has any question about what they have seen.

III. Summary and Review

- A. Please complete the word search puzzle on the next page for homework.

SESSION 5 UNDERSTANDING THE ADVERSARIAL NATURE OF THE LEGAL PROCESS

TRAINING CHECKLIST

PURPOSE: To orient the resident regarding the roles of court personnel and their responsibilities in the court room.

OBJECTIVE:

1. Through lecture and question and answer, participants will discuss the role of the judge.
2. Through lecture and question and answer, participants will discuss the role of the jury.
3. Through lecture and question and answer, participants will discuss the role of the public defender/defense attorney.
4. Through lecture and question and answer, participants will discuss the role of the state attorney.
5. Through lecture and question and answer, participants will discuss what a witness is and what their role is during a trial.
6. Through lecture and question and answer, participants will discuss the two sides represented in the courtroom.
7. Through lecture and question and answer, participants will discuss the two sides represented in the courtroom.
8. Participants will complete homework assignment Attachment D, Adversarial Nature of the Legal Process.

TIME FRAME: 45 minutes to 1 hour

INSTRUCTIONAL METHOD: Lecture, Group Discussion, Question/ Answer,

MATERIALS: Lesson Outline, Competency Module, Homework Attachment D, Adversarial Nature of the Legal Process

REFERENCES: Competency Module, Sara McDaniel

PREPARED BY: NFETC Program Development Committee

DATE:

REVISED BY:

REVISED DATE:

COMPETENCY

SESSION 5 UNDERSTANDING THE ADVERSARIAL NATURE OF THE LEGAL PROCESS

I. Introduction

A) Purpose

B) Objectives

II. Body

A) When you go to court, there are several courtroom personnel who have well defined responsibilities and roles. The following information will help orient you to who these people are and how their roles impact you.

1. What does the **Judge** do?

Answer: The judge acts as a referee. The judge is responsible for keeping order in the courtroom and for ensuring the rules are fairly interpreted. If there is a jury and you are found guilty, the judge decides what punishment to give and if you will get jail or prison time. If there is no jury, the judge decides whether or not you committed the crime and if he/she decides you did, imposes the sentence on you. The judge is neutral,, he/she is not for or against you. The judge's decisions are based on the facts presented.

2. Who makes up the **Jury** and what is their job?

Answer: If you have a trial by **jury**, there will be 6 - 12 citizens from the county where the crime was committed. They are selected by your public defender and the State Attorney and will decide whether or not you are guilty of your charge. The people who make up the jury are ordinary people who are registered to vote and are not supposed to be on your side or the stats side. The jury listens to everything that is said in court and then decides whether you are guilty or not guilty. The jury is neutral (they are impartial) and they are not for you or against you. The jury's decisions are based on the facts presented.

3. What does the **Public Defender/Defense Attorney** do?

Answer: The Public defender/**defense attorney** is your lawyer and his/her job is to show the judge and jury that you are not guilty of the charges against you. Should you be found guilty he/she will try to get you as light a punishment or sentence as possible. Your lawyer will speak for you in court and is the only person who can call you to testify on the witness stand. Before you go to court, your lawyer should talk to you and give you advice about what to do when you are in court.

4. What does the **State Attorney** do?

Answer: The State Attorney tries to prove to the judge and jury that you did the crime. If you are found guilty, he/she tries to see that you are punished and that you get a lot of time. If your public defender has called on you to testify, the state attorney can then ask you questions. The state attorney will try to make you look bad and ask questions to make it seem like your previous testimony was not true. It is important to listed very carefully to the state attorney's questions and be sure you understand what he is asking before you answer!

5. Who can be a **witness** at your trial?

Answer: A witness is any person who has specific information about the crime. They may have seen you do the crime or they may know you did not do it. The police who arrested you may also be witnesses. Witnesses are required to come to court and tell what they know about the crime. It is important that you know who the witnesses are that can help your case and who the witnesses are that can hurt your case.

6. Who is the **Defendant** in your case?

Answer: You are the defendant. A defendant is the person who has been charged with the crime. When you are in the courtroom, you should listen carefully to everything that is said, so if something is said you don't understand you can ask your public defender what it means.

7. What **two sides** are represented in the courtroom?

Answer: The states side is represented by the State attorney and your side is represented by the Public Defender or your private attorney. It is important to remember that once the police have become involved and charges have been filed, the State of Florida is bringing the charges against you, not an individual.

III. Summary, Questions and Homework Assignment

Name: _____

1. **IMPARTIAL** means that a person doesn't take sides.

_____ True _____ False

2. During a trial, which of the following are impartial?

_____ the public defender _____ the bailiff

_____ the judge _____ witnesses for the defense

_____ the state attorney _____ the jury

_____ witnesses for the prosecution _____ the police

3. Check all of the following that describes a judge's job or actions during a trial.

____ to object when the state attorney is out of line

____ to make sure you get a fair trial

____ to decide a verdict if there is a jury

____ to decide the verdict if theirs not a jury

____ to object if the defense is out of line

____ to decide how to rule on the objections of the attorneys

____ to date the state attorney's wife when he is out of town

____ to protect eh laws of the state

____ to sentence the defense lawyer if there is a conviction

____ to sentence the state attorney if there is acquittal

____ to charge the state attorney with disorderly conduct if he needs it

____ to instruct he jury on how to do their job

____ to instruct news media people on how to do there jobs

____ to decide where the defendant will go for treatment of he pleads NGI

4. It is the jury's job to remain alert and pay attention during a trial.

_____ True _____ False

5. It is the jury's job to decide a suitable sentence after the judge convicts the defendant.

___ True ___ False

6. It is the jury's job to decide a verdict at the end of a trial.

___ True ___ False

7. It is the jury's job to listen to all the evidence openly and fairly during a trial.

___ True ___ False

8. It is the jury's job to make sure the defendant gets the hardest possible sentence if he is convicted. _____ True _____ False

9. Witnesses come to the trial to:

A) tell lies

B) tell their side of the story

C) provide evidence

D) B & C

10. Is your side of the story about your charges different than what the police report says? If so, how is your version different?

11. It is important that any defendant in a criminal case is able to trust and work with his attorney.

_____ True _____ False

12. Anything a defendant tells his attorney is confidential and cannot be told to anyone else without permission from the defendant. _____ True _____ False

13. Do you have any reason for not trusting your attorney? _____ Yes _____ No

14. If a person doesn't trust their attorney then he can, (check all correct answer):

___ make the most of a bad relationship and keep the lawyer

___ fire the lawyer

___ hire a new layer

___request of the state attorney to drop the charges because it isn't a fair fight when you can't work with your lawyer

___tell the bailiff about your problem before court begins

COMPETENCY

SESSION 6:

CAPACITY TO DISCLOSE TO AN ATTORNEY

TRAINING CHECKLIST

PURPOSE: To ensure each group member is aware of the type of information he needs to share with his attorney.

OBJECTIVE:

- 1) Participants will review the homework assignment in class.
- 2) Through lecture, participants will learn how attorneys are assigned to a case.
- 3) Through lecture, participants will learn what their attorneys need from them to prepare their case.
- 4) Participants will complete classwork, Capacity to Disclose to an Attorney.

*** If the resident is unsure of the correct answer for any question on the classwork completion, ask him leave them blank and request that he meet with his primary therapist and complete the question before the next group.**

TIME FRAME: 45 minutes to 1 hour

INSTRUCTIONAL METHOD: Lecture, Question/Answer

MATERIALS: Lesson Outline, Competency Module, Pencils

REFERENCES: Competency Module, Sara McDaniel

PREPARED BY: NFETC Program Development Committee

DATE:

REVISED BY:

REVISED DATE:

COMPETENCY

SESSION 6: CAPACITY TO DISCLOSE TO AN ATTORNEY

TRAINING CHECKLIST

PURPOSE: To ensure each group member is aware of the type of information he needs to share with his attorney.

OBJECTIVE:

1. Participants will review the homework assignment in class.
2. Through lecture, participants will learn how attorneys are assigned to a case.
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4. Participants will complete classwork, Capacity to Disclose to an Attorney.

***If the resident is unsure of the correct answers for any question on the class work completion, ask him leave them blank and request that he meet with his primary therapist and complete the question before the next group.**

TIME FRAME: 45 minutes to 1 hour

INSTRUCTIONAL METHOD: Lecture, Question/Answer

MATERIAL: Lesson Outline, Competency Module, Pencils

REFERENCES: Competency Module, Sara McDaniel

PREPARED BY: NFETC Program Development Committee

DATE:

REVISED BY:

REVISED DATE:

COMPETENCY

SESSION 6: CAPACITY TO DISCLOSE TO AN ATTORNEY

I. Introduction

A) Purpose

B) Objectives

II. Body

A) After you were arrested and charged with an offense, a public defender was appointed to represent you if you were unable to afford to hire a private attorney. The amount of contact you have with your public defender depends on my factors:

1. The county you are from
2. The size of your public defender's caseload
3. The seriousness of your charges.

It is important that you trust your lawyer and that your lawyer understand you and your case. When you return to jail after you have been found competent by your treatment team, you need to make good use of your time with your lawyer. If you don't trust and work with your lawyer, it will be difficult to get the help you need.

B) There is important information your lawyer will need to know in order to prepare your case. Through completion of the following exercise, you will learn about this information

C) Classwork completion

1. Your lawyer will need to know everyone who was involved with your alleged offense, when it occurred and where it occurred. Were you alone or with a group of people? What is the exact date the alleged offense occurred? Did the alleged offense occur at a store, in your apartment or in the park?

A. List everyone who was involved in your offense_____

B. Give the date when the alleged offense occurred_____

C. Where did the alleged offense occur? _____

2) Your lawyer will need to know everything that happened which led to your arrest. Did you get into an argument with a neighbor or were you hanging out with some people who were selling

drugs? For some of you, the “what happened” is pretty straight forward. For others, it is a complicated story.

A. Briefly describe what happened that led you to being arrested:

3) Your lawyer will need to know “why” you believe the alleged offense occurred. For some of you, the answer might be “ I stopped taking my medication and got sick.; some of you may honestly not know and some of you might feel you were in the wrong place at the wrong time. These are some of the things you should talk about with your therapist.

A. Why did the alleged offense happen:

4) We need to briefly review who a witness is. Who can tell me?

A. List the witnesses involved in your case that can help you:

B. List the witnesses involved that could hurt your case:

5) It is important to describe how you were feeling at the time you were accused of committing the offense. If you had stopped taking your medication or been doing crack, or were hearing voices, all of this information could be important for your lawyer to know.

III. Summary and Questions

COMPETENCY

SESSION 7: ABILITY TO MANIFEST APPROPRIATE COURTROOM BEHAVIOR

TRAINING CHECKLIST

PURPOSE: To ensure each group member understands how to behave in the courtroom.

OBJECTIVE:

1. In the classroom, participants will discuss courtroom behavior.
2. In the classroom, participants will discuss courtroom appearance.
3. In the classroom, participants will discuss how to speak in the courtroom.
4. In the classroom, participants will discuss taking medication.
5. In the classroom, participants will discuss assessments by community.

TIME FRAM: 45 minutes to 1 hour

INSTRUCTIONAL METHOD: Lecture, Group Discussion, Homework Attachment E Medication

MATERIALS: Lesson Outline, Competency Module, Attachment E Medication

REFERENCES: Competency Handbook, Sara McDaniel

PREPAID BY: NFETC Program Development Committee

DATE:

REVISED BY:

REVISED DATE:

COMPETENCY

SESSION 7: ABILITY TO MANIFEST APPROPRIATE COURTROOM BEHAVIOR

I. Introduction

A) Purpose

B) Objectives

II. Body

A) Appropriate courtroom behavior is acting in a calm and appropriate manner. If you do not act appropriately in court, you could receive an additional charge.

1. If you exhibit loud, demanding and argumentative behavior in court you can be charged with **Contempt of Court**. As a result of negative behavior, you can be physically removed from the courtroom which could cause your hearing to be postponed or your hearing could proceed without you.

2. The penalty for being charged with **Contempt of Court** is six months jail time. In addition, you could be sent back to the hospital as Incompetent to Proceed as one of the criteria for competency is the ability to manifest appropriate courtroom behavior.

B) Courtroom appearance is very important.

1. Who can tell me how you should dress to go to court?

Answer: Whether or not you agree, first appearances are important. If you appear in court dirty, poorly groomed and dressed in old raggedy clothing, you will not make a good impression. Therefore, it is important when you appear in court, you are clean, your hair is combed, your beard is shaved or groomed and you wear your best clothes. You may even want to wear a tie and jacket if you one.

C) Talking in court.

1. It is important to remember you cannot speak out in court, even if you hear something you do not agree with or you think is unfair.

2. If you hear something said about you that is untrue, you should whisper quietly or write a note to your attorney.

3. You may speak in court if you have been called to testify by your attorney, if your attorney and the state attorney are asking questions or if the Judge asks you a question, Remember, your attorney is your spokesperson and he/she is representing your interests.

D) Medication

1. Many of you in this group are taking medication to help manage the symptoms of your illness. We ***strongly recommend*** that when you return to jail after being found competent to proceed by your treatment team, that you continue to take your medication. Jail is stressful and the #1 reason men get recommitted after leaving here is because they stopped taking their medication.

2. It is very important you know the name of your medication (s), the dosage, the number of times you take it each day, why the doctor prescribed it and the possible side effects. This way, you will know you are getting the correct medication, the right amount and if you need to ask for it, you will know what to ask for.

3. If you don't get your medication or you are not given the right amount, you can contact:

A. your public defender

B. your case manager

C. the nurse or the doctor at the jail

D. a family member

E. a correction officer

E) Community Evaluators

1. Once you are found competent and returned to the county jail, you will again be interviewed by a community mental health professional (evaluators). These evaluators are assessing you to see if you have the ability to proceed through the court system.

2. Community evaluators will be assessing your ability to answer certain questions. They will listen closely to your answers and make their decision based on your responses to their questions. They will expect you to be able to:

A. Stay focused on the question that you have been asked. If you do not understand the question, ask for the question to be repeated.

B. Answer their questions to the best of your ability. If you start drifting off the topic and start talking about things not related to the question you were asked, they may feel you are unable to answer the question because of a mental illness. If you feel or notice that you have gone off topic, stop talking and ask to have the question repeated again so you can try to answer it more appropriately.

C. Control your behavior during their interview with you. If your behavior and/or your tone of voice is rude, loud, aggressive, uncooperative or wild, they will question your ability to control your behavior when you are in the courtroom.

III. Summary and Review Homework Assignment

ATTACHMENT E MEDICATION

Name: _____

On the lines below, list the name of the medicine you are taking , the correct dosage, the number of times per day you take it and the possible side effects. If you are unsure of the correct answers, get with your counselor to help you.

MEDIATION

DOSAGE

TIMES PER DAY

SIDE EFFECTS: _____

MEDIATION

DOSAGE

TIMES PER DAY

SIDE EFFECTS: _____

MEDIATION

DOSAGE

TIMES PER DAY

SIDE EFFECTS: _____

MEDIATION

DOSAGE

TIMES PER DAY

SIDE EFFECTS: _____

MEDIATION

DOSAGE

TIMES PER DAY

SIDE EFFECTS: _____

MEDIATION

DOSAGE

TIMES PER DAY

SIDE EFFECTS: _____

COMPETENCY

SESSION 8: COMPETENCY CRITERIA REVIEW

TRAINING CHECKLIST

PURPOSE: To ensure each group member understands the six criteria used by mental health professionals to determine competency.

OBJECTIVE:

1. Participants will review homework assignment.
2. In the classroom participants will discuss their appreciation of charges.
3. In the classroom participants will discuss their appreciation of possible penalties.
4. In the classroom participants will discuss their understanding of the legal process.
5. In the classroom participants will discuss their capacity to disclose to an attorney.
6. In the classroom participants will discuss their ability to manifest appropriate courtroom behavior.

TIME FRAME: 45 minutes to 1 hour

INSTRUCIONAL METHOD: Group discussion, question/ answer

MATERIALS: Lesson Outline, Competency Module

REFERENCES: Competency Handbook, Sara Mc Daniel

PREPAID BY: NFETC Program Development Committee

DATE:

REVISED BY:

REVESED DATE:

COMPETENCY

SESSION 8: COMPETENCY CRITERIA REVIEW

I. Introduction

- A) Purpose
- B) Objectives

II. Body

- A) Review homework assignment

B) Each session we studied in this module relates to the criteria mental health experts use to assess whether or not you are competent to proceed to trial. In order to be considered competent to proceed, you must be able to understand the facts regarding your alleged offense and you must be able to assist you attorney. Your ability to answer the questions listed below will help you treatment team decide if you are ready to speak to your discharge review team regarding competency:

1. APPRECIATION OF CHARGES

- A. Do you have the ability to know your charges?
- B. Can you describe what thee charge or charges allege you did?
- C. Are your charges felonies or misdemeanors?

2. APPRECIATION OF POSSBILE PENALTIES

- A. What are the possible penalties you can receive if you are found guilty?
- B. Do you understand and can you explain what probation is?
- C. Do you understand and can you explain what Not Guilty by Reason of Insanity means?

3. UNDERSTAND THE LEGAL PROCESS

- A. Can you describe the functions of the following people:
 - 1. Judge
 - 2. Jury
 - 3. Defense Attorney

4. State Attorney

5. Witnesses

B. Do you understand that the judge and jury are impartial?

C. Do you know and can you explain what a plea bargain is?

D. Do you know the four pleas you can plea in court?

4. CAPACITY TO DISCLOSE TO ATTORNEY

A. Have you met your attorney?

B. Do you trust your attorney?

C. Can you tell your attorney who was involved in the alleged offense?

D. Can you describe where your alleged offense occurred, when your alleged offense occurred and what happened to cause you to be charged with your alleged offense?

E. Are you able to follow your lawyer's plea recommendations?

F. Were you mentally ill at the time of you alleged offense?

G. What can you do if you can not get along with you lawyer?

5. ABILITY TO MANIFEST APPROPRIATE COURTROOM BEHAVIOR

A. Can you explain what is appropriate courtroom behavior?

B. Do you currently have the ability to exhibit appropriate courtroom behavior?

C. Do you understand and can you explain what Contempt of Court is?

D. Do you know what will happen if you become disruptive in court?

E. Can you explain why you should continue taking your medication while in jail awaiting trial?

F. Who can you contact if you don't get your medication or you get the wrong dose while you are in jail?

C) Study the sessions and home work we have covered in this module. Next session will be the last one and you will take a test to see if you should be referred to your treatment team for discharge. Study hard and Good Luck!!!

