ATTACHMENT D ADVERSARIAL NATURE OF THE LEGAL PROCESS

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 there is 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 the 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 the jury on how to do their job
to instruct news media people on how to do their jobs

to decide where the defendant will go for treatment if 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

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.
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:

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MEDIATION DOSAGE TIMES PER DAY

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SIDE EFFECTS:
A) Class work completion

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

1. If I don’t admit whether I did or did not commit the crime I am charged with, I am pleading ____________________________

2. If I did not admit to the crime for which I am charged, I am pleading ____________________________

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

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

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

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

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

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

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

9. 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.

10. 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
___ he court appointed experts

11. 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

SESSION 8: COMPETENCY CRITERIA REVIEW

TRAINING CHECKLIST

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

OBJECTIVE:

Participants will review homework assignment.

Participants will discuss their appreciation of charges.

Participants will discuss their appreciation of possible penalties.

Participants will discuss their understanding of the legal process.

Participants will discuss their capacity to disclose to an attorney.

Participants will discuss their ability to manifest appropriate courtroom behavior.

SESSION 8: COMPETENCY CRITERIA REVIEW

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 your attorney. Your ability to answer the questions listed below will help us decide if you are ready regarding competency:
1. APPRECIATION OF CHARGES
A. Do you have the ability to know your charges?
B. Can you describe what the charge or charges allege you did?
C. Are your charges felonies or misdemeanors?

2. APPRECIATION OF POSSIBLE 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?
   
   Judge
   Jury
   Defense Attorney
   State Attorney
   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 your alleged offense?

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

5. ABILITY TO MANIFEST APPROPRIATE COURTROOM BEHAVIOR

A. Can you explain what appropriate courtroom behavior is?

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?