

ATTACHEMNT 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 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 gats 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 lawyer

___ 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.

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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: _____

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)?

- | | |
|--|---|
| <input type="checkbox"/> witnesses for the defense | <input type="checkbox"/> the bailiff |
| <input type="checkbox"/> witnesses for the prosecution | <input type="checkbox"/> the judge |
| <input type="checkbox"/> your lawyer | <input type="checkbox"/> the state attorney |
| <input type="checkbox"/> the defense attorney | <input type="checkbox"/> the jury |
| <input type="checkbox"/> the victim | <input type="checkbox"/> the police |
| <input type="checkbox"/> the 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):

- | | |
|--|---|
| <input type="checkbox"/> the police | <input type="checkbox"/> your attorney |
| <input type="checkbox"/> your probation officer from a prior conviction | <input type="checkbox"/> the state attorney |
| <input type="checkbox"/> the court appointed experts | <input type="checkbox"/> the bailiff |
| <input type="checkbox"/> your mental health case manager | <input type="checkbox"/> the jury |
| <input type="checkbox"/> any witness from the scene of the alleged crime | |
| <input type="checkbox"/> 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 can not 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?