

# Segment Three

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## Segment Three: The Connecticut Court Process and The State of Connecticut v. *Michael T.*

### PREVIEW OF MAIN IDEA

Students will view two videos. The first video examines what is involved in being an effective judge and juror and stresses the important role that juries play. The second video depicts a Connecticut Superior Court case on the topic of domestic violence. In addition to addressing this important and relevant subject, the second video illustrates how the existing adversarial system built into the court process seeks to discover the truth in a particular court case.

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### TIME ALLOTMENT

Two (2), forty (40) minute time segments.

### QUESTIONS ADDRESSED

1. Who are the primary players in a court case? (*Judge, jurors, lawyers, defendants, victims*)
2. Who else is involved in the court process? (*clerks, reporters, interpreters, family relations counselors, bail commissioners and probation officers*)

### MATERIALS

1. Multiple copies of *Connecticut Court Process*.
2. Video: *The Pursuit of Justice: Judges and Juries*.
3. Video: *State of Connecticut v. Michael T.*
4. Video Viewing Guide: *The Pursuit of Justice*
5. Video Viewing Guide: *The State of Connecticut v. Michael T.*

### OBJECTIVES

Students are expected to:

- Understand the court structure and its various components;
- Identify the roles and functions of the personnel involved in court cases;
- Describe the various types of decisions that judges and juries must make;
- Recognize the importance of jury service in the American system of justice.

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**TERMS FOR SEGMENT THREE**

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**Adversarial System**: The system upon which American justice is based. In such a system, each party in a case presents his or her point of view as persuasively as possible to a neutral party – usually a judge.

**Arraignment**: The first court appearance and possible settlement of a person accused of a crime. The person is advised of his or her rights by a judge and may respond to the criminal charges by entering a plea. Usually happens the morning after a person is arrested.

**Pre-Trial**: In a civil case, a conference with a judge or trial referee to discuss discovery and settlement. In a criminal case, a conference with the prosecutor, defense attorney and judge to discuss the case status and what will happen next.

**Pre-Trial Diversionary Program**: A system by which certain defendants in criminal cases are referred to community agencies prior to trial while their criminal complaints or indictments are held in abeyance. The defendant may be given job training, counseling and education. If he/she responds successfully within a specified period (*e.g.* 90 days, more or less), the charges against him/her are commonly dismissed.

**Voir Dire**: “To speak the truth.” In a courtroom, the *voir dire* process is designed to reveal any prejudices and biases prospective jurors may have about a particular case. To determine this, attorneys will ask questions of the prospective juror to determine whether he or she can be fair or impartial.

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**KEY PLAYERS IN CONNECTICUT'S COURT SYSTEM**

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**Bail Commissioner:** The public official in the courtroom who recommends to the judge the amount of the bail to be set for each defendant.

**Clerk:** The officer of the court whose primary duty is to maintain court records. He or she also administers oaths. Court clerks are appointed by the judges.

**Court Interpreter:** The interpreter translates each word that is said during a court proceeding into the native language of a non-English speaking defendant.

**Court Monitor:** The monitor is the official who makes a trial record or transcript by using a tape recorder.

**Court Reporter:** The court reporter is the court official who sits directly in front of the judge's bench. Using a special typewriter, the reporter takes down every word said during a trial. This becomes the official record or transcript of the trial.

**Defendant:** The individual accused of committing a crime. He or she may present a defense either with the assistance of an attorney or by him/herself. The defendant may or may not testify on his or her own behalf and may waive rights as outlined by the judge. The defendant is always considered innocent until proven guilty beyond reasonable doubt. A defendant may not be forced to testify against him/herself. (Amendment V to the U.S. Constitution.)

**Defense Counsel:** As the lawyer representing the defendant, his or her responsibility is to present evidence and arguments on behalf of the defendant. The lawyer may be either a private attorney hired by the defendant to help in the trial or may be a public defender.

**Judge:** An elected or appointed official with the authority to hear and decide cases in a court of law. Judges preside over preliminary hearings and trials. Superior Court judges in Connecticut are appointed for eight-year terms. They are nominated by the Governor and are confirmed by both the House of Representatives and the Senate.

**Marshal:** (Formerly called sheriff), The person who maintains order in the courtroom and who is responsible for all prisoners in the courthouse.

**Probation Officer:** The officer who provides information to the judge about a defendant and supervises an offender in the community to ensure compliance with court orders.

**Public Defender:** The public defender is an attorney appointed by the judge and paid by the state to assist a defendant who does not have enough money to hire a private attorney. Every person charged with a crime has the constitutional right to the advice of an attorney. (Amendment VI to the U.S. Constitution.)

**State's Attorney:** An attorney who represents the state and is responsible for prosecuting individuals accused of committing crimes.

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**OPENING THE SEGMENT**

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Begin the segment by explaining that students will be viewing two video segments entitled, *The Pursuit of Justice: Judges and Juries*, and *State of Connecticut v. Michael T.*, for the purpose of understanding the Connecticut Court process. Prior to viewing the videos, students should read the booklet, *Connecticut Court Process*.

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**PROCEDURE**

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***Day One***

- I. Pass out a video-viewing guide for *The Pursuit of Justice: Judges and Juries* to students so that they can answer the questions as they watch the video. Review the questions to ensure that students are clear as to what they are being asked. Tell the students that the questions will be discussed after the video.
- II. View video I, *The Pursuit of Justice: Judges and Juries*. Viewing time: **17 minutes**.
- III. Discuss the students' responses to the questions contained in the video-viewing guide. The guided discussion should take approximately **20 minutes**.

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**VIEWING GUIDE QUESTIONS AND ANSWERS FOR VIDEO I**

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1. What rights are established by the Constitution for people who have been arrested?  
*The right to remain silent; the right to a lawyer; the right to have a lawyer appointed if you cannot afford one; the right to know the charges made against you; the right to a speedy trial by an impartial jury.*
2. What is the mission of the Connecticut Superior Court?  
*To serve the people, to resolve legal cases in a fair, timely and cost effective manner.*
3. True or False – judges have considerable power and discretion when handling legal matters, but laws and rulings of higher courts limit their powers. *True.*
4. What three courts comprise the Judicial Branch in Connecticut?  
*Superior Court, Appellate Court and Supreme Court.*
5. The Appellate Court reviews decisions, called judgments of the Superior Court. In conducting the review, the Appellate Court looks to see if a mistake was made on the basis of the \_\_\_\_\_. *Law.*

6. The highest court in Connecticut and the court of last resort is the Connecticut \_\_\_\_\_ . *Supreme Court.*
7. How does one become a judge in Connecticut?  
*An attorney wishing to become a judge, must submit an application to the Judicial Selection Commission which is comprised of members appointed by the Governor and legislative leaders. The names of all approved candidates from the Judicial Selection Commission are submitted to the Governor who then nominates individuals he or she would like to see become a judge from that list. The Governor's nominees are sent to the Judiciary Committee of the General Assembly, which holds public hearings and further investigates the nominees. The approved candidates from the Judiciary Committee are sent to the House of Representatives and Senate for approval.*
8. True or false? Judges must be re-elected in Connecticut every eight years. *False – they must be re-appointed every 8 years.*
9. There are approximately \_\_\_\_\_ cases per year that are decided by a jury in Connecticut.  
*700.*
10. Prospective jurors are chosen from 4 lists. What are they? *Department of Motor Vehicle Drivers License Records; Department of Revenue Services List of Income Tax Filers; Department of Labor Unemployment List; List of Registered Voters.*
11. True or False? The attorneys in the jury selection process, called *voir dire*, may individually interview each prospective juror? *True.*

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**NOTES**

*Day Two*

- I. Pass out a video-viewing guide for *State of Connecticut v. Michael T.* to students so that they can answer the questions as they watch the video. Review the questions to insure that they are clear.
- II. View video II, *State of Connecticut v. Michael T.* Viewing time: **20 minutes**. Suggested time for class activity: **20 minutes**.
- III. After viewing the video, have each student 'vote' as to whether Michael should be allowed to participate in the pre-trial diversionary program. Ask students to explain the rationale for their decisions. (Students can use responses to the Video-Viewing Guide Questions in formulating their decision.) Collect and tally the votes for a class discussion on the final outcome determined by the class. The teacher or designated students should list the reasons that the students identify for their decisions on a blackboard or overhead.

*One reason to vote that Michael should be allowed to participate in the program is that he is a first time offender and the Family Violence Education Program is designed specifically to assist first time offenders in managing their anger in an appropriate manner.*

*One reason to vote that Michael should not be allowed to participate in the program is that his attitude indicates that he would not benefit from the program because he would be unwilling to learn the techniques suggested in the program to manage anger effectively.*

- IV. Discuss the results of the class decision by asking the following questions:
  - Since attitude generally plays a large role in convincing the judge that the defendant could benefit from the Family Violence Education Program, how much should the judge take into consideration Michael's attitude and demeanor in reaching his or her decision?
  - Does the court process as outlined in the video ensure justice? (If students respond no to this question, they should be asked to give reasons and suggest any changes that would improve the system.)

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**THE CASE OF MICHAEL T. VIEWING GUIDE QUESTIONS AND SUGGESTED ANSWERS FOR USE BY TEACHERS**

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1. What was Michael's attitude throughout the whole arrest and court appearance?  
*Arrogant, angry, possessive of Sarah, non-repentant, disrespectful.*
2. What did the Victim Advocate tell Sarah and her father?  
*The Victim Advocate explained the different types of protective orders. The victim advocate said that she would recommend to the judge that a No Contact order be issued, which is a court order directing Michael not to have any contact at all with her.*

3. What did the Family Relations Counselor do? *The Family Relations Counselor interviewed Michael regarding the arrest and the incident in question; inquired about his background; advised him of the No Contact Protective Order and advised him to change his attitude in order for him to receive the Family Violence Education Program.*
4. Who are the major players in this court case?  
*Judge, Prosecutor, Public Defender, Bail Commissioner, Family Relations Counselor and Victim's Advocate.*
5. Who are the support staff in this court case? *Marshal, Clerk of the Court, Court Reporter.*

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### CONCLUSION TO VIDEO II

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The way the police and the courts handled the case of Michael T. in the video, *State of Connecticut v. Michael T.* (although the case itself was fictional) was a direct result of a real case in Connecticut that occurred in 1983, entitled *Thurman v. City of Torrington*. In that case, the police failed to respond to repeated requests for assistance on the part of the victim of domestic violence. Ultimately the victim was seriously injured. The legislature responded with Public Act 86-337, An Act Concerning Family Violence Prevention and Response, which established directives and guidelines for the police and courts as to how they handle domestic violence cases. It also established The Family Violence Education Program for which *Michael T.* applied. Below is an expanded activity based on the Thurman case.

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### SEGMENT THREE EXPANDED ACTIVITY

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Hand out the *Hartford Courant* article on *Thurman v. City of Torrington*. Have students answer the following questions in writing:

1. What are the facts of the case?
2. If the current mandatory arrest law had been in affect at the time that Tracy Thurman requested assistance from the Torrington Police Department, do you believe the outcome would have been different?
3. Is spousal abuse a private matter in which the police ought not be involved?



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**SUGGESTED ANSWERS FOR USE BY TEACHER**

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1. What are the facts of the case?

*On November 9, 1982, Charles Thurman, after screaming threats at his estranged wife, Tracy Thurman, broke her car windshield while a police officer watched the entire incident. Following that occurrence, a court ordered Charles to have no contact with his wife. Tracy made many attempts to obtain protection from the Torrington Police Department. Her requests were not answered. On June 10, 1983, Tracy was stabbed ten times by Charles with a knife in the chest, neck and throat. The police officer who arrived at the scene did not immediately arrest Charles, but rather, allowed him to further injure Tracy. Charles had previously boasted to the customers, including police officers, of a local restaurant that he intended to kill his wife. Tracy sued the Torrington Police Department alleging that her federal civil rights were violated.*

*Following the Tracy Thurman case, the Connecticut General Assembly enacted a mandatory arrest statute for family violence crimes. Mandatory arrest means that a police officer must make an arrest if s/he believes that it is more likely than not that a family violence crime was committed. A family violence crime is one of the crimes that involve physical harm or threat of physical harm against a family or household member. Verbal abuse or argument is not considered family violence unless there is a present danger and likelihood that physical violence will occur.*

2. If the current mandatory arrest law had been in affect at the time that Tracy Thurman requested assistance from the Torrington Police Department, do you believe the outcome would have been different?

*Answer One:*

- *Yes, the Torrington Police would have been required to arrest Charles Thurman because of the threats of physical harm made by Charles to Tracy. In addition, Charles violated a protective order, which is a crime and also is contempt of court. Charles would have been arrested each time that he had any contact with Tracy.*

*Answer Two:*

- *No. Although the mandatory arrest law has been helpful in assisting and protecting victims of domestic violence, it is not a cure-all. Charles wanted to harm his wife. Without a full-time police officer assigned to Tracy for protection, Charles would have the opportunity to harm Tracy, even though it is a violation of the protective order and the law. I believe that Charles would have found the opportunity to harm his wife, even if this new law had been in place.*

3. Is spousal abuse a private matter in which the police ought not be involved?

*Answer One:*

- *The state legislature has determined that domestic violence is a complex problem that adversely affects the society at large. Oftentimes, the victim is afraid to seek assistance to stop the violence for fear of increased violence, lack of financial resources and lack of alternative housing. Domestic violence oftentimes follows a cycle in which there is a period of escalation of violence followed by a honeymoon period during which the abuser seeks reconciliation and forgiveness. For these reasons, the police have an affirmative duty to ensure that individuals are protected whenever they determine that domestic violence is occurring.*

*Answer Two:*

- *Although some people may believe that making an arrest in these cases will serve to exacerbate the level of tension in the family and will result in future episodes of domestic violence, most professionals in the field believe that intervention by the police is in the best interest of all concerned.*

# Final Assessment

## FINAL ASSESSMENT

- I. **Essay:** In a minimum of five paragraphs, write an essay on one of the following:
1. Explain how the judge's role is different from that of the Governor or state legislator.
  2. Using specific details from the following three court cases discussed in this unit (*Amistad*, *Mary Jones* and *Michael T.*), describe how the rule of law determined the outcome.
- II. **Advanced Alternative Questions:** For advanced classes, teachers should consider the following alternative questions:
1. Do you think that courts effectively perform their role of ensuring justice in America? Include details from four of the five cases studied. (*Amistad*, *Mary Jones*, *Michael T.*, *Griswold v. Connecticut*, *Packer v. Board of Education*)
  2. English political theorist John Locke stated that individuals give up some freedoms in order to form a government that will protect the life, liberty and property of all members of society. Do you agree with this idea? Consider existing contemporary laws such as: mandatory vaccinations for school aged children, mandatory use of seatbelts, mandatory speed limits, and mandatory school attendance. Why were these laws enacted? Are such laws necessary for a just society?
- III. **Alternative Assessment Options**
1. Create a poster in which you demonstrate an understanding of one of the above topics. The poster must be explained verbally to the teacher and class. (Suggested length of activity: one class period)
  2. Students conduct a classroom debate. Excellent topics for debate are the death penalty, physician-assisted suicide, or legal sanctioning of "gay" marriages. (Suggested length of activity: 3-4 days)
- For information pertaining to the death penalty, see the following websites:
- (a) Death Penalty Information Center: [www.essential.org/dpic/](http://www.essential.org/dpic/) (Includes reports with analysis and information on issues concerning capital punishment.)
  - (b) Human Rights – Death Penalty: [www.derechos.org/dp/](http://www.derechos.org/dp/) (List of death penalty links by subject.)
3. For a more extended assessment, it is suggested that the class conduct a mock trial. The Consortium and The Connecticut Bar Association jointly sponsor an annual Mock Trial Competition in Connecticut for middle and high school students. For detailed instructions on conducting a mock trial, teachers may use *Street Law* (see bibliography) or contact the Connecticut Consortium for Law and Citizenship Education, 30 Trinity Street in Hartford or call 860-509-6184. (Allow a minimum of two weeks for this activity.)

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**SUGGESTED RESEARCH TOPICS FOR EXTENDED EXPLORATION**

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1. Is there a disparity within the criminal justice system for minorities?
2. Is the death penalty an effective deterrent to crime? How do states handle the issue of the death penalty differently?
3. There are many attitudes towards lawyers prevalent in America. On one extreme, they are perceived as opportunists willing to twist the law in any direction for a fee. At the other extreme, they are hailed as heroes in the fight for justice. Weigh your own attitude towards lawyers.