

# Supreme Court of Ohio Visitor Education Center



Pre and Post Tour Activities for Elementary, Middle and High School

# The Supreme Court of Ohio

CIVIC EDUCATION SECTION

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**To:** Group Leaders

**From:** The Supreme Court of Ohio Education Center Staff

Thank you for scheduling a tour of the Supreme Court of Ohio Visitor Education Center and the Ohio Judicial Center.

The Visitor Education Center is designed to provide visitors with an understanding and appreciation of the history, role and responsibilities of the Ohio court system.

To add value to your group visit, we have worked with a cross-section of teachers to create suggested pre-and post-tour activities based on the content of the Education Center and how it relates to your goals in the classroom. Our education advisors believe these activities will enhance the experience for you and your students. We hope you have the opportunity to share them with your class.

Some of the activities in our education program are grade-specific. A grade-level overview of our program is provided in the packet.

All activities listed are subject to change based on the length of your class visit and your class size. We do our best to accommodate all group requests.

This packet, along with detailed logistical information found in your letter of confirmation, is provided to ensure you and your students have a great experience at the court.

If you have any questions regarding your visit or any of the information provided, please call (614) 387-9223.

All student activities are grade-level specific. Highlights for each age group are listed below. Please keep in mind that students will have an opportunity to see all exhibits in the Visitor Education Center but only a few will be discussed in detail.

### **ELEMENTARY STUDENTS**

The role of government, the constitution and the significance of the first amendment are important lessons included in the elementary social studies curriculum. Elementary students will discuss first amendment court decisions and the three branches of government, with special emphasis on the judiciary.

#### *YOU DECIDE COURT CASES*

Elementary students will focus on several exhibits that address the first amendment including "Dressed to Kill" (State v. Bontrager) and "The Shot Heard Around Ohio" (Zacchini v. Scripps-Howard Broadcasting Company).

#### *DURSELY V. HAGRID*

Elementary students will participate in the Harry Potter-based mock trial. Please see the enclosed synopsis.

### **MIDDLE SCHOOL STUDENTS**

The middle school curriculum takes a more in-depth look at the constitution and the bill of rights as well as concepts such as due process and equal protection under the law.

#### *YOU DECIDE COURT CASES*

Middle School students will focus on exhibits that address individual rights and the first and fourth amendments including "Search and Seizure" (State v. Jones and State v. Moore), "Believe it or Not" (Boroff v. The Van Wert City Board of Education) and "Dressed to Kill" (State v. Bontrager)

#### *HUMPHREY V. LANE*

Middle School students will participate in Humphrey v. Lane, a court case centered on religious freedom. Please see the enclosed synopsis.

### **HIGH SCHOOL STUDENTS**

Active participation in a democracy, including voting and jury duty, are themes in high school government classes.

#### *YOU DECIDE COURT CASES*

High School students will have an opportunity to discuss cases presented in the exhibits with a focus on their own insights and questions.

#### *STATE V. HANK DOBBS*

High School students will participate in the fictional criminal court case of a teenage driver accused of wrong-doing. Please see the enclosed synopsis.

## You Decide

The first exhibit area in the Visitor Education Center features eight different Ohio court cases. Each case presents an important issue decided by the courts. As time allows, students will get an overview of selected cases and also have a chance to explore on their own. Cases are discussed based on grade-level.

### SUGGESTED PRE-TOUR ACTIVITY:

Divide your class into groups and assign each group one of the “You Decide” cases. Ask the group to read the case and the question that came before the courts. After some discussion, each small group should “decide” the case and report their decision to the class. On the day of the tour, students can find their case in the exhibit area and determine if they came to the same conclusion as the Ohio courts.

### **The Shot Heard Around Ohio Zacchini v. Scripps-Howard Broadcasting Company**

Hugo Zacchini performed a “human canon ball” act in which he was shot from a cannon into a net 200 feet away. A Cleveland TV station broadcast his entire 15-second act on the news without his permission. Hugo went to court, stating the station stole his thunder and owed him \$25,000. The news outlet said the U.S. Constitution protected its freedom of speech because the act was a public event.

***DOES THE TELEVISION STATION OWE MR. ZACCHINI MONEY FOR BROADCASTING HIS ENTIRE ACT?***

### **Dressed to Kill State v. Bontrager**

As a member of the Older Order of Amish faith, Joas Bontrager is supposed to wear dark blue or black clothing at all times. While deer hunting, he was cited by officers for not wearing an orange colored hat, vest or jacket as required by Ohio regulation. Bontrager argued in court that the rule violates the U.S. and Ohio Constitutions.

***DOES THE REGULATION REQUIRING HUNTERS TO WEAR BRIGHT ORANGE CLOTHING VIOLATE AMISH RELIGIOUS FREEDOMS?***

### **Bad Hair Day Rogers v. Toni Home Permanent Company**

Perms were trendy in the 1950's and many girls and women used a popular product called Toni Home Permanent. For one Ohio girl, though, the results were disastrous. She and her mother followed the directions, but when she took the curlers off, her hair fell out. She sued the manufacturer for \$30,000 in damages.

***SHOULD THE MANUFACTURER HAVE TO PAY FOR WHAT HAPPENED TO THE GIRL?***

### **Believe it or Not Boroff v. Van Wert City Board of Education**

Nicholas Boroff, a student from Van Wert High School, wore a Marilyn Manson t-shirt to school. On the front was an image of a three-faced Jesus with the phrase “See No Truth, Hear No Truth, Speak No Truth”. On the back was “BELIEVE”. Finding the message offensive, the principal told Nicholas to wear it inside out or go home. Over the next four days, he wore a different Manson t-shirt, was sent home and marked truant. His mother filed suit, claiming her son's First Amendment right of free expression was being violated.

***CAN SCHOOLS LIMIT FREE EXPRESSION?***

**Benched**  
**Menke v. Ohio High School Athletic Association**

Kentucky high school students who attended a Cincinnati private school were prohibited from playing junior varsity sports because a state rule limited eligibility to children of Ohio residents. The Kentucky students went to court claiming the rule violated their constitutional right to education and equal protection under the law.

***IS PLAYING SCHOOL SPORTS PART OF A RIGHT TO AN EDUCATION?***

**Search & Seizure**  
**State v. Jones and State v. Moore**

A state trooper thought he smelled marijuana inside a car he pulled over. While the driver sat in the patrol car, the trooper called to check on the license. Even though the license was valid, the trooper decided to search the interior and trunk of the car. Marijuana was found in the trunk, but not inside the car. The driver filed a motion contesting his arrest, claiming that the search of the trunk was unconstitutional.

***DOES THE SMELL OF BURNING MARIJUANA JUSTIFY A SEARCH WITHOUT A WARRANT?***

**Thrown for a Loss**  
**Cincinnati Enquirer v. Krings**

Paul Brown Stadium, home of the Cincinnati Bengals, was financed by a sales tax increase approved by Hamilton County voters. When The Cincinnati Enquirer asked to inspect all records related to cost overruns for the stadium, the newspaper was denied permission. Officials said many of the expense records were kept by private companies hired to build the stadium and they were not open to the public. The newspaper went to court to obtain the records.

***ARE THE RECORDS OPEN TO THE PUBLIC?***

**Here's the Download**  
**Atlantic Recording Corporation v. Does 1-2**

Through computer programs like KaZaa and Grokster, people download thousands of songs and movies onto their own computers for free. The entertainment industry worries that downloading robs creative artists and companies of the money they would make from selling CD's and DVD's. In one of hundreds of cases around the country, recording companies went to federal court in Cincinnati on January 27, 2005 to sue unnamed downloaders, including students at the Ohio State University and Ohio University. The companies claim the students violated copyright law by downloading music for free.

***SHOULD YOU BE ALLOWED TO DOWNLOAD COPYRIGHTED MUSIC FOR FREE?***

SUGGESTED VARIATIONS:

- Examine each case as a class and vote on the outcome.
- Review newspapers for articles that address similar subjects as these eight cases.
- Using the *Ohio Revised Code* (ORC) and the Ohio Constitution, research the issue that the courts are being asked to interpret for each case, or just one case. Both documents can be accessed and searched on-line at <http://www.legislature.state.oh.us/constitution.cfm>. Try and find relevant information that might help support your decision.

## Balance of Power

Ohio's government is separated into three independent branches. Each branch has the ability to limit the power of the other two. Elementary students will have a chance to "balance" the government with the interactive Balance of Power exhibit.

### PRE-TOUR ACTIVITIES:

THIS ACTIVITY IS FOR ELEMENTARY STUDENTS.

- Review the three branches of government and their functions at the local, state and federal levels.
- Give examples of positions of work in each branch.
- Discuss how individuals come to hold positions in each branch, whether by election, appointment or some other manner.
- Give examples of how one branch of government keeps another in check, such as the courts' authority to rule laws unconstitutional.

### POST-TOUR ACTIVITIES

- Compare our system of government with others around the world.



## **Dispute Resolution**

Popular television programs portray courts as hostile places focused on punishment, when in reality peaceful resolution of conflict is the ultimate goal of the judiciary. Often times, this occurs through methods other than a jury trial. Mediation, a form of dispute resolution, is presented in a fictional scenario involving child custody.

### PRE-TOUR ACTIVITIES:

- Discuss the importance of using the court system and the rule of law for solving conflict.
- Ask your students to recall a conflict they have had with a peer or sibling and how it was solved. Did anyone else help solve the problem? What did they like or dislike about how the problem was handled?

## Dursley v. Hagrid

This fictional civil trial stems from a well-known incident from the first book in the Harry Potter series. In *Harry Potter and the Sorcerer's Stone*, a popular character, Hagrid, uses magic to give a pig's tail to Dudley Dursley, Harry's cousin and nemesis. Mr. and Mrs. Dursley think Hagrid is responsible for paying the cost of removing the tail but Hagrid disagrees. Students will role-play the trial and discuss the importance of fairness and impartiality in the courts. Also, important concepts about courtroom procedures, evidence and witnesses will be discussed during this activity.

### PRE-TOUR ACTIVITIES:

- Many students are already familiar with the storyline mentioned above. It is not necessary for students to have read any Harry Potter books to participate in this activity, however a short review of the case background can be helpful.
- Explain the difference between a civil trial and a criminal trial using the attached glossary.
- Telling the truth is always a good thing – especially in court. Talk with your students about the importance of asking a witness to take an oath to tell the truth. What would happen if someone told a lie on the witness stand?
- Judges and members of the jury are required to make their decisions based on law, not their personal feelings. Talk about the importance of not letting your personal opinion or beliefs get in the way of resolving conflict in a court of law.
- Prepare your students by telling them that some of them will have an opportunity for a speaking part during this activity. There are nine speaking parts in total, some more involved than others. If you have a desire to pre-select those students, please do so. Otherwise, the guide will provide instruction and ask the students to self-select for speaking parts. Students not playing a specific role in the trial will serve on the jury and decide the outcome of the case.



## Humphrey v. Lane

This real-life case centers on a dispute between Wendell Humphrey and his employer, the Ohio Department of Rehabilitation and Correction. The central issue is religious freedom versus the department's grooming policy for correction officers. Middle School students will have an opportunity to conduct this trial and participate in a follow-up discussion about the appellate process.

### SUGGESTED POST-TOUR ACTIVITY:

Read the story of Wendell Humphrey in class.

### CASE SYNOPSIS:

Wendell Humphrey is a Native American, a member of the Shoshone-Bannock tribe. He is a prison guard at the Hocking Correctional Facility in Nelsonville, located about 60 miles southeast of Columbus. As part of his religious practice, Humphrey believes he is obligated to wear long hair; he can cut it only under special circumstances.

The case is about a clash between Humphrey's religious convictions, including his belief that he wears long hair, and the department's grooming policy. Employees were expected to present a professional image to instill public confidence and to establish respect from the inmates. Officials said the rule was essential to the image, discipline and security at the prisons.

When the policy was first announced, Humphrey and his supervisors agreed that he could keep his long hair if he kept it tucked inside his uniform cap. That worked well for five years until Janis Lane, the warden, sent a memo to employees reminding them about the policy. When he refused to comply and not cut his hair to collar length, he was notified that he would be fired.

Humphrey filed a complaint in the Hocking County Common Pleas Court claiming the grooming policy violated his religious freedom guaranteed by both the U.S. and Ohio Constitutions.

The First Amendment to the U.S. Constitution states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof" but court rulings have also identified religious practices that are extreme and possibly harmful. In those situations, the courts have determined that there must be a "compelling interest" to limit religious freedoms.

Does the Ohio Department of Rehabilitation and Correction have a compelling interest to dictate the length of Mr. Humphrey's hair? Or, is this a clear violation of Mr. Humphrey's First Amendment rights?

### SUGGESTED POST-TOUR IDEAS:

- Have students write a reflective piece on the trial of Humphrey v. Lane. Do they agree or disagree with the outcome?
- Discuss in class how the government protected the rights of Wendell Humphrey
- Ask students to write a journal entry from the perspective of a participant, such as Wendell Humphrey or Reggie Wilkinson
- Ask students to play the role of a reporter covering the case of Humphrey v. Lane for the local paper or TV station. The reporters are to write several short articles that chronicle the case from beginning to end.
- Summarize how trial courts differ from appellate courts.
- Further discuss the idea of "compelling interest". Do you agree that the courts should recognize limits to religious freedom?
- Compare this case to the State v. Bontrager case in the Visitor Education Center (Dressed to Kill). What are similarities? Differences?

## State of Ohio v. Hank Dobbs

High School students will role-play a fictional case of State v. Dobbs. The experience unfolds in a trial court setting and later the Supreme Court. This provides students with a basic understanding of the roles and responsibilities of both trial and appellate courts.

### SUGGESTED PRE-TOUR ACTIVITY:

Read the story of Hank Dobbs in class.

### CASE SYNOPSIS:

Hank Dobbs is a 16-year-old high school student who attends the school prom with his date, Hailey Anderson. Hank steals a bottle of liquor from his parents that he and Hailey can drink in his car after the prom is over. The school has hired off-duty police officer Scott Allen to direct traffic out of the prom parking lot. As Hank is leaving, Officer Allen signals him to stop. Because he has been drinking, Hank panics and hits the gas instead of the brakes and accidentally runs into the officer, breaking his foot. Hank is arrested and charged with assaulting a police officer. His case begins in juvenile court, where his lawyer says he made a reckless decision. The prosecuting attorney wants Hank charged as an adult for purposely harming an officer. The juvenile judge turns the case over to adult court where Hank is charged with a first-degree felony.

Each side will now present a version of the incident to a judge and jury in the trial courtroom. They will present witnesses who give testimony as well as physical evidence.

After deliberations, the jury finds Hank guilty of the first degree felony. Hank's defense attorney files for an appeal. Everyone is entitled to one appeal, which is based on legal grounds. Hank's appeal centers on two issues: (1) was Mr. Allen acting as a police officer at the time, even though he was off-duty and (2) was it proper to try Hank in adult court. It is very important to understand that the facts in the case have been established at the trial level. From this point on, the focus will be on questions of law.

Ohio is divided into 12 District Courts of Appeal, also referred to as appellate courts. Hank's attorney files a legal brief for the case to be heard by the appeals court. The appellate courts can uphold, overturn or modify a trial court verdict, or they can order a case back for a new trial. Unfortunately for Hank, the court of appeals upholds the trial verdict.

Hank's attorney then files a brief requesting the case be heard by the Supreme Court of Ohio. The Supreme Court is not required to take Hank's case, but accepts his case because determining when a police officer is considered to be on active duty is an issue that impacts not only Hank, but the citizens of Ohio. Attorneys for each side will have the opportunity to appear before the Supreme Court and present oral arguments in support of their position. The seven justices of the Supreme Court will deliberate and issue an opinion on the case.

How will the court decide in the case of State v. Dobbs? Find out when you tour the Visitor Education Center at the Supreme Court of Ohio.

### SUGGESTED POST-TOUR IDEAS:

- Have students write a reflective piece on the trial of Hank Dobbs. Do they agree or disagree with the outcome?
- Discuss in class how the government protected the rights of Hank Dobbs.
- Ask students to write a journal entry from the perspective of a participant, such as Hank or Officer Allen.
- Summarize how trial courts differ from appellate courts.
- Discuss how this case differs from cases portrayed on TV or movies.

## Identity on Trial

The Visitor Education Center includes five exhibits featuring the use of science in courtrooms. Students will track the impact of scientific advances from eyewitness accounts to photography, fingerprints, DNA and even brain scans. Past court decisions provide examples of how science furthered justice but also raised questions about legal issues and civil liberties.

### SUGGESTED PRE-TOUR AND POST-TOUR ACTIVITIES:

The following five areas of scientific discovery are presented in the Identity on Trial exhibit. The majority of these suggested activities are geared towards elementary students, however middle and high school students may benefit from a quick review of the five topic areas prior to their visit.



### EYEWITNESS TESTIMONY

Can we always trust what we see? Students will view six seemingly obvious and everyday items and see if they can identify the real thing.

#### THE CASE:

**Costly Mistakes:** Robert McClendon was convicted of kidnapping a 10-year old Columbus girl in 1991. The evidence against him was the testimony of the girl and the state's allegation that he failed a polygraph test. After nearly 18 years in prison, McClendon was released when lab tests showed that his DNA profile did match evidence from the crime scene.

#### PRE-TOUR ACTIVITIES:

Before there was science there was eyewitness testimony. An eyewitness is a person who sees or has seen something happen, such as an accident or crime and is called to recount the experience in a court of law. Explain this concept to your students.

#### POST-TOUR ACTIVITIES:

Ask a student to leave the classroom. While the student is absent, ask the class to describe what the student is wearing. Questions such as what color was his or her shirt? Did she have on jewelry? Was he wearing tennis shoes? Was she wearing a skirt or pants? Did she have on earrings? Was he or she wearing a team jersey?

Ask another student to take notes on the chalkboard during this discussion. Invite the student who left the class back into the classroom and see how many items were correctly identified. How difficult was it to accurately remember details about the missing student? Emphasize that any errors were not intentional, simply based on a general lack of awareness. What are the consequences of mistaken identity under oath? Refer back to the case for discussion purposes.

*Variation: Work in partnership with another teacher and create a classroom incident – such as interrupting your class and pretending to be angry about something such as failing to return a borrowed book. A few hours later (or days later) ask your students to recall the event. This better simulates the true role of an eyewitness, often being asked to recount details of a stressful situation days or weeks after the fact.*



## PHOTOGRAPHY

Photographs and videos set the scene and establish in the minds of the judge and/or jury details of the accident or crime. For example, in the case of an automobile accident, were there skid marks? How long were they? Were they straight or swerved? This is all valuable information when determining what actually happened. In certain instances, a judge must weigh if photographs contain too much detail that might sway a jury. (see case below)

### THE CASE:

Telltale Pictures: Kenneth Biros was convicted and sentenced to death for the brutal murder of Tami Engstrom. Biros asked the Supreme Court of Ohio to overturn his sentence, in part, because the photographs of the victim's wounds were used at trial only "to inflame the passions of the jury." At trial, Biros claimed that he had accidentally killed Engstrom. The Supreme Court ruling disagreed, stating that "the wounds depicted in the slides...confirmed the victim had been beaten." The Court held that the gruesome images "clearly outweighed the dangers of unfair prejudice"

### PRE-TOUR ACTIVITY:

Discuss with your students how they or their families use photography in their everyday lives to tell stories or capture important moments. Look at the photo panel provided in this packet – these are photographs that your students will see on display in the *Identity on Trial* exhibit. Ask them to "read the pictures" and create stories about the images. Which ones are the most difficult to interpret? Is a color photo more effective in capturing a scene than a black and white photo? Why?

### POST-TOUR ACTIVITY:

Use Google Images or another online source to identify some random photos. Ask students to write a short paragraph constructing the scene *five minutes prior* to what they see in the image. Also ask them what other types of evidence might be useful to establish that their version of events is in fact what happened.



## FINGERPRINTING

Fingerprinting is a method of identification based on the impressions on fingers and thumbs. The prints contain designs formed by small ridges on the skin. The Year 2010 marks the 100<sup>th</sup> anniversary of the use of fingerprints as evidence in American courtrooms.

### THE CASE:

Telltale Evidence: On the night of September 19, 1910 someone broke into the home of Clarence Hiller. Hiller confronted the prowler, was shot twice and died. Police later discovered the imprint of four fingers in fresh paint near the home's kitchen window. Hours later, police spotted Thomas Jennings carrying a revolver and he was arrested. At trial, officials testified his prints matched those found on the painted

railing. This marks the first time fingerprint evidence was introduced during a trial. Jennings was convicted and sentenced to hang.

**PRE-TOUR ACTIVITY:**

Students should examine their own fingerprints. The following patterns may be observed:



The Plain Arch



The Double-Loop



The Whorl



The Tented Arch

*Variation: Making your own fingerprint card can be done using everyday supplies. You'll need index cards, a pen, a No. 2 pencil, scissors and transparent tape. Rub a sharpened No. 2 pencil on your fingertip, covering the entire area. Use a piece of transparent tape to "lift" this shaded area from your fingertip. Ask a classmate to assist in this process. Place the tape onto an index card and label it. You can repeat the process for all ten fingers and create your own "ten-print" fingerprint set.\**

**POST TOUR ACTIVITY:**

The FBI maintains the Integrated Automated Fingerprint Identification System (AFIS) – a national database of criminal and civilian fingerprints. States voluntarily submit criminal prints as well as print taken for civilian purposes, such as a pre-employment background check or firearm purchases. These prints are then stored for comparison purposes. Discuss the implications of maintaining a system that includes non-criminal prints. Is there the possibility of mistaken identity? Research the case of Brandon Mayfield and the 2004 Madrid train bombings.



**DNA**

A well-known abbreviation for *deoxyribonucleic acid*, DNA is the essence of life. It is the blueprint that determines how cells – life's building blocks – live and function. No two beings have the same DNA (other than identical twins) making it a useful identifier that has been used in courts of law for over 20 years.

**THE CASE:**

**The Hair of the Dog:** A black cocker spaniel, Jazz, was lost in the wake of Hurricane Katrina. The dog's owner, Shalanda Augillard, learned that her beloved pet had been rescued and taken to Texas, where she was adopted out to another family. The Texas family refused to return Jazz to Shalanda, who then went to court to prove ownership. Through the use of DNA material gathered from an old dog brush, Shalanda's attorney was able to present evidence to the trial court showing a perfect DNA match. Unfortunately, the trial court judge ruled that the DNA evidence was not authenticated, "indicating a high

potential for tampering” and ruled for the Texas family. The Texas Court of Appeals overturned this decision, citing that there was no indication that the dog DNA evidence was not authentic.

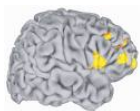
#### **PRE-TOUR ACTIVITY:**

Explain to your students what DNA is and that it is a unique identifier. If you have already completed a science unit on DNA, conduct a review of that lesson and explain to your students that we will discuss the use of DNA in a real courtroom situation.

#### **POST-TOUR ACTIVITY:**

There are numerous online resources available to elementary teachers on the topic of DNA. Conduct the DNA activity of your choice.

Middle and High School students may benefit from researching current Ohio legislation on DNA testing. The 128<sup>th</sup> General Assembly is considering legislation (SB 77) that would expand the availability of DNA testing to convicted felons for purposes of exoneration. In reading the bill summaries, clear stakeholders are identified with some competing concerns. Discuss the need for balance between an individual’s right to access information crucial to his or her defense with that of the limited resources available to the courts and law enforcement. Is this good public policy? For example, how long should law enforcement keep evidence in storage? What if the evidence is large and cumbersome? What else could be of concern to lawmakers as these bills are drafted and presented in committee?



### **Brain Scans**

Doctors have used brain scan technology for about 25 years to diagnose brain injuries and illness, but can this science be used to explain and predict behavior? Students will be introduced to this relatively new trend in scientific courtroom evidence.

Different types of brain scans:

*PET Scan: Positron Emission Topography.* In this type of scan, patients ingest a radioactive substance that emits biologic images that help doctors evaluate human functions. It is used to diagnose many types of cancers, heart disease and other abnormalities.

*MRI: Magnetic Resonance Imaging.* First used in the early 1970’s, this type of imaging relies on a powerful magnetic field to create visuals of body structure and function. It is especially useful in neurological and cardiovascular imaging.

*CAT Scan (or CT Scan): Computed Tomography.* This is the oldest form of scanning technology. It involves creating a three-dimensional image from a series of two-dimensional X-rays.

#### **THE CASE:**

Case of the Telltale Brain: Aditi Sharma was convicted of murder based on the results of a scan that produces images of the human mind in action. It allegedly showed intense activity in the areas of the brain where memories are stored. In a courtroom in India, a judge said this was proof she had “experiential knowledge” of having committed a crime and sentenced her to life in prison.

### **PRE-TOUR ACTIVITY**

Review the above case. Ask your students if they think that the courts in India made a good decision.

### **Post-tour ACTIVITY**

Your students have visited the Supreme Court of Ohio and experienced the Identity on Trial exhibit. After getting a taste for the history of scientific evidence in the courtroom, lead a discussion on the future of courtroom evidence. Why do courts typically lag behind the scientific community when it comes to adopting certain science-based evidence? Should the courts look more seriously at brain scan technology? Twenty-five years ago the idea of convicting – or exonerating- a suspect using DNA evidence was unheard of. Encourage your students to do their own independent research on this topic.

Additional discussion questions:

1. Do you think that advancing technology can make things more confusing for the court system...or does it provide more clear answers when pursuing fair outcomes when a dispute arises?
2. What privacy rights should we as individuals be concerned with when it comes to literally “getting inside our heads” and retrieving information? How does this stack up against the ideals presented in the 4<sup>th</sup> amendment of the Constitution?

\*Fingerprint activity adapted from the book *Fingerprint: Crime Solving Science Experiments* by Kenneth G. Rainis. Enslow Publishing, 2006

Photo Panel – Photography Exhibit



## Glossary of Terms

***This glossary is to be used solely for the purpose of preparing students to tour the Visitor Education Center. More detailed definitions can be found in Black's Law Dictionary or other legal resources available on the internet or in the Supreme Court's Law Library.***

**Appeal:** To ask a higher court to reverse the decision of a lower court after final judgment or other legal ruling.

**Appellate Court:** See *Court of Appeals*.

**Attorney:** A person who has studied law and is licensed to represent others in legal matters.

**Bailiff:** A court official who helps a judge manage a courtroom.

**Brief:** A written legal argument stating the laws, facts and reasoning in a case.

**Civil Case:** A dispute often between two people or parties. One person seeks money for damages or loses that may or may not have been caused by the other person. The purpose of a civil trial is to determine responsibility – not guilt or innocence or to put someone in jail.

**Constitution:** The fundamental laws and principles of a government.

**Counsel:** Another word for attorney or lawyer.

**Court of Appeals:** A court with the authority to review the decisions of lower courts.

**Court of Common Pleas:** In Ohio, the trial court of general jurisdiction. This court has jurisdiction over all felony cases and civil matters involving \$15,000 or more. Also includes the domestic relations and juvenile and probate divisions.

**Cross examination:** The questioning of a witness conducted by the opposing side. It is used to test truthfulness and perhaps to cast doubt on direct testimony.

**Criminal Case:** A trial for a person that has been accused of violating the law. The purpose of a criminal trial is to establish guilt or

innocence and determine the appropriate penalty which may include fines or time spent in jail.

**Defendant:** In a criminal case, a person accused of a crime. In a civil case, the party being sued.

**Defense:** The methods used to defend an accused person in court.

**Defense Attorney:** The attorney who represents the accused.

**Deliberations:** The private discussions by a jury to reach a decision in a case.

**Direct questioning:** The first questions to a witness. Attorneys use direct questioning to help tell their client's side of the story.

**Dispute Resolution:** A means for parties to resolve their differences outside of a courtroom.

**Due Process:** Constitutional guarantees to protect the legal rights of the individual.

**Evidence:** Information or items presented to a court to establish proof.

**Executive Branch:** The arm of government responsible for enforcing the law. People who work in the executive branch include the president, governors, mayors and law enforcement officials.

**Fact:** An actual thing or happening.

**Felony:** A serious crime such as stealing more than \$500. It can involve a potential punishment of one year imprisonment or longer.

**First degree felony:** A crime that is serious enough to be punishable by a prison term of 3-10 years.

**Judge:** An experienced lawyer who is responsible for considering and deciding legal issues in court cases. In most instances judges are elected but they can also be appointed.

**Judicial Branch:** The arm of government responsible for interpreting the law. People who work in the judicial branch include judges, lawyers, court reporters, paralegals and mediators.

**Jurisdiction:** The legal authority given of a court to hear and decide cases.

**Juror:** An individual who sits on a jury.

**Jury:** A group of citizens randomly chosen by law to decide the facts of a case.

**Juvenile Court:** Considers and decides cases of people who are 17 years or younger who are unruly, abused, neglected or dependent.

**Legislative Branch:** The arm of government responsible for writing laws. People who work in this branch include senators, representatives and city councilors.

**Mediation:** A means to settle differences outside a courtroom. A neutral third person helps those in dispute discuss the issues and reach a solution.

**Modify:** An action taken by the Court of Appeals when the judges partially agree with the trial verdict, but feel that some changes to the outcome are necessary in order to comply with the law.

**Municipal Court:** In Ohio, a trial court that mainly hears traffic cases and lawsuits involving less than \$15,000.

**Northwest Ordinance:** An important document that established a governing system for the Northwest Territory. It established a bill of rights and provided a method for admitting new states into the Union.

**Opinion:** The explanation of a court's judgment.

**Oral Arguments:** An attorney's presentation of reasoning before a court.

**Overturn:** To reverse a previous court decision.

**Plaintiff:** The person who accuses someone of causing harm or loss and files their complaint with the court.

**Prosecuting Attorney:** The attorney who is elected to represent local government offices and who prosecutes criminal cases.

**Remand:** A decision by the Supreme Court or the Court of Appeals to return a case to the trial court for further action.

**Supreme Court of Ohio:** The court of last resort in Ohio.

**Testimony:** Oral evidence given under oath by a witness.

**Trial:** The examination of facts and law presided over by a judge with authority to hear the matter. See *Court of Common Pleas*, *Juvenile Court* and *Municipal Court*.

**Uphold:** An action taken by the Court of Appeals when the judges agree with the trial verdict.

**Verdict:** A decision made by a jury.

**Witness:** A person with first-hand knowledge about a case who testifies under oath in a trial. A witness shares his or her own observations.