

MAKING SENSE OF TRIAL AND APPELLATE COURTS

Learning Objectives: The students will:

1. Understand what is meant by “trial” courts and “appellate” courts.
2. Analyze the differences between a court trial and an appellate trial.
3. Analyze the differences between different types of court proceedings.
4. Understand the meaning of the Sixth Amendment’s right to counsel.

TEKS: 7.14A; 7.16A; 8.15D; 8.19B; Govt.8C; Govt.13 C&D

Materials Needed: A copy of the movie, *Gideon’s Trumpet*; copies of Venn diagram for each student; copies of the Supreme Court case, *Gideon v. Wainwright*, 372 U.S. 335, 83 S.Ct. 792, 9 L.Ed. 2d 799 (**summaries of the Gideon case can also be found at <http://www.texasbar.com/civics/index.html>**); copy of the Amendment VI of the U.S. Constitution

Vocabulary: trial court, appellate court, original jurisdiction, appellate jurisdiction; criminal case

Teaching Strategy:

1. Preview the movie and locate the following four segments:
 - a. Segment One—The trial of Clarence Gideon in which he defends himself because he cannot afford an attorney.
 - b. Segment Two—The Supreme Court Conference in which the justices discuss whether or not they will hear Mr. Gideon’s appeal. (optional)
 - c. Segment Three—The Supreme Court hearing of the case of *Gideon v. Wainwright*.
 - d. Segment Four—The retrial of Clarence Gideon on the original charge. This time he has an attorney.
2. Explain to the students that the goal of this lesson is to help them understand the differences between a trial court and an appellate court. To begin they must understand some key vocabulary:

Trial court which has **original jurisdiction**—the court with the authority to hear a case for the first time

Appellate court which has **appellate jurisdiction**—the court with the authority to try a case decision from a lower court.

Criminal case—A case in which a person is tried for a violating a law written by the government and punishable by a fine, jail, or probation.

3. Explain that they will be viewing clips from the movie, *Gideon's Trumpet*. This movie is about a criminal case that will start in a trial court and then move all the way to the highest appellate court, the U.S. Supreme Court. They are responsible for watching the various clips to analyze the differences between the two types of courts in the following areas:
 - a. Role of the judge
 - b. Testimony
 - c. Verdict
 - d. Length of the trial
 - e. Purpose of the trial
4. Begin by reading the students the first paragraph of the case summary which gives the just the facts of the case and explains to the students the criminal act of which Mr. Gideon is accused. This will lead to the first segment of the movie.
5. Pass out the Venn diagram for the students to take notes on as to what they see concerning the judge, testimony, verdict, length of the trial, and the purpose of the criminal trial. Play Segment One. After viewing, discuss their answers. Be sure they understand that the purpose of this trial was to determine the guilt or innocence of Mr. Gideon. Additionally, ask the students to explain if they think Mr. Gideon was guilty and if they thought the trial was fair. Continue by explaining to the students that because Mr. Gideon had a prior record, he was given a longer prison sentence than a person who committed a crime such as this for the first time. Mr. Gideon went to a Florida prison and while there, appealed his case. Eventually, that case wound up at the U.S. Supreme Court.
6. Discuss with the students the meaning of the following portion of the Sixth Amendment:

In all criminal prosecutions, the accused shall enjoy...and to have the assistance of counsel for his defence.

If Segment Two is to be used, show it now. Segment Two is an example of a Supreme Court Conference. The justices on the court hold a conference like this two times. First they use this process to decide if they will hear the case. Secondly, after they have heard the case, they will meet in conference again to reach a decision. **This segment of the movie is optional but is good to show the students the inner workings of the Supreme Court.**

7. Play Segment Three of the movie which will show the students a Supreme Court (appellate) hearing. Have them note the differences in the same areas as they did with the trial court and take notes on their Venn.

They should note that there are nine justices, not just one judge; no testimony, just arguments from the attorneys and Mr. Gideon wasn't present; no verdict, a decision handed down later which did not have to be unanimous just a majority; and the purpose was not to decide if Mr. Gideon was guilty, but rather if his Sixth Amendment rights were violated when he was denied an attorney.

8. Play Segment Four of the movie which shows Mr. Gideon's retrial, this time with an attorney representing him since he won his Supreme Court case and the verdict in the first case was overturned. After the students have viewed this segment, conclude the activity by having the students identify how the two trials were similar.

TRIAL COURT

APPELLATE COURT

