

Name: _____ Period: _____ Date: _____

Ch. XI – Rome and Christianity



MR. FREEWALT S
7TH GRADE SOCIAL STUDIES PRESENTS:



Citizens of Rome v. Marcus Brutus

TRIAL PREPARATION PACKET

The accused (Marcus Brutus) has been charged with:

- Murder of Julius Caesar in the First Degree

Introduction:

The class will conduct a mock trial charging Marcus Brutus with the murder of Julius Caesar. The class will be divided in half, with one half of the class prosecuting Brutus and the other half defending him. The group assignments will be determined randomly.

- #1 – Prosecute Brutus (try to prove he is guilty)
- #2 – Defend Brutus (try to show he is not guilty)

Read through the information in this packet. Complete the questions in this worksheet packet by answering each question using your textbook, Shakespeare's play *Julius Caesar*, internet resources (be careful to find accurate sources), encyclopedias, etc.. Complete sentences are not necessary; however, it is important that you take the time to adequately answer the questions in order to be able to use this completed packet as a valuable resource during the upcoming trial. Be sure to put this in a safe place so you will have this information for later use.

Your answers to these questions will assist you in learning what you will need to know in preparation for trial. If you don't do the necessary work now, you will be of no use to your group when the trial comes. Consequently, your grade will suffer severely for this project.



A SHORT GUIDE TO ORGANIZING YOUR CASE AND PREPARING FOR TRIAL



- Legal team for the prosecution. The group's mission is to research the accused (Brutus) to find enough evidence to convince the jury to find him guilty of the charge of first degree murder. The prosecution must prove that the accused is guilty beyond a reasonable doubt.
 - Choose members of your group to be witnesses
 - people loyal to Caesar; people that Caesar helped; people who depended on him and that have been harmed by Caesar's death
 - Other members of the group will serve as lawyers during the trial to ask questions to the witnesses

- Legal team for the defense. The group's mission is to research the accused (Brutus) to find evidence to convince the jury to find him not guilty of the charge of first degree murder. The defense needs to create doubt in the minds of the members of the jury.
 - Choose someone who is a good student and a quick thinker to be Brutus.
 - Choose members from your group to be witnesses
 - people who distrusted Caesar; people concerned about his power; people who are glad he is dead
 - Other members of the group will serve as lawyers during the trial to ask questions to the witnesses

Answer the following questions during your investigation:

- What was his motive?
 - What motivated the person to do what he did? To answer this question, you will need to figure out his worldview, goals, and ambitions.
- What was his intent?
 - Did he mean for things to happen the way they did? Was it an accident or was it planned out?
- What was the act?
 - What happened? Answer the who? what? when? where? why? and how? questions.
- What was the outcome?
 - What was the end result of the act? Who was harmed? What crime was committed by the act?

Evidence

- Do you have journal entries, eyewitness testimony, weapons, etc.? How do we know if any crime was committed?
- Evidence tells the story and proves your case. Without evidence, you have no case.
- Evidence must be check in at the beginning of the trial and will be presented during the trial so that the jury can see it.

Opening Statements

- Both the Prosecution and Defense will present an opening statement that outlines the way they plan to prosecute or defend the person on trial. Opening statements are like the preface or introduction of a book. They give the court a glimpse of what is to come.

Prosecution Strategy

- For everything you do, you should always have a plan. The Prosecution Strategy is the plan the prosecution will use to try to show guilt on the part of the person on trial. In order for the person to be found guilty, the Prosecution needs to show "beyond a reasonable doubt" that the person committed the crime. The Prosecution needs to show motive and intent. See the previous page for an explanation of these. The Prosecution will undoubtedly want to present witnesses; however the Prosecution cannot call up the accused as a witness. Rather, the Prosecution can cross-examine the witness after the Defense calls him or her to the stand to testify during direct-examination.

Defense Strategy

- The Defense team also needs a plan to try to "create doubt" in the minds of the members of the jury. Did the person really commit the crimes themselves? Maybe it was someone else. Maybe it was an accident. Maybe they acted in self-defense, etc. The Defense needs to disprove the Prosecution's explanation of motive and intent. The Defense will undoubtedly want to present witnesses; however the Defense cannot call up the Prosecution's witnesses. Rather, the Defense can cross-examine the witnesses after the Defense calls them to the stand to testify during direct-examination.

Direct-Examination

- The Defense or Prosecution calls up a witness to testify and answer questions. The purpose of Direct-Examination is to tell the jury the story of what happened.

Cross-Examination

- Following Direct-Examination, the opposite side (Prosecution or Defense) has the opportunity to ask questions of the other side's witness. This is done to clarify or expose errors in the testimony.

Closing Arguments

- Both the Prosecution and Defense will present closing arguments after all the testimony has been heard. Closing Arguments sum up the entire case. You do not have an opportunity to write this up before the trial since the Closing Arguments are a summary of the Prosecution's or Defense's case. This is your last opportunity to convince the jury to rule on your side.

There is excellent information about the workings of a trial and court procedure at the following website:

<http://www.lawforkids.org/>

<http://www.abanet.org/publiced/mocktrialguide.pdf>

<http://library.thinkquest.org/2640/htmldocs/bookem/procedures.html#openclose>

Definitions of Some Legal Terms

PROSECUTING ATTORNEY

1. A prosecutor has the responsibility to seek justice and to advocate for a verdict based on the severity of the offense. He or she is a public official who presents the government's case against a person accused of a crime.
2. The prosecuting attorney will prepare for the case. The prosecutor will be provided with a copy of the police report giving facts regarding the particular case to be heard.
3. After the jury has been sworn in and the case is called, the prosecutor begins by giving an opening statement. The prosecutor should introduce himself/herself and (colleagues) if any. In the opening statement, the prosecutor should state the defendant's offense and cite the appropriate laws. The prosecutor will let the court know what he/she intends to provide and why he/she plans to advocate for a harsh verdict.
4. Following direct examination by both attorneys, the prosecutor will have the opportunity to cross-examine the defendant on the testimony already brought out through direct examination. The questions should be relevant to the offense and should elicit responses that justify the prosecutor's verdict recommendations. Questioning can include why the defendant committed the offense, or that the defendant was the one who started the fight.
5. Lastly, when the questioning of the defendant is completed, the prosecutor will give a closing argument to the jury. It should be organized and supported by the evidence. The prosecutor can point out the reasons why he/she would like the jury to recommend a particular verdict.
6. Be sure to recommend a sentence as a part of the closing argument (guilty).

DEFENSE ATTORNEY

1. A defense attorney is an advocate for the defendant. The defendant should be represented in the best possible light. While the defense attorney must zealously seek to help his/her client, he/she must never misrepresent the case. Therefore, lying is never acceptable. To prepare the case, the defense attorney should be familiar with the aggravating and mitigating circumstances.
2. The defense attorney will have the opportunity to meet with the defendant and prepare his/her case. The defense attorney will interview the defendant to learn the circumstances surrounding the offense. The defense attorney does not encourage the defendant to change his/her story in hopes of a lighter verdict, but stresses that the defendant must remain true to the facts. At this time, the defense attorney should also familiarize the defendant with the hearing proceedings.

3. Once the hearing has started, and the jury has been sworn in, the defense attorney should introduce himself/herself at this time (and introduce defendant and colleagues, if any).
4. The defense attorney will make an opening statement.
5. Both the Defense and the Prosecuting Attorney will question the defendant.
6. Be sure to recommend a judgment as a part of the closing argument (not guilty).

OTHER KEY TERMS

Bailiff – a court officer charged with keeping order in the court and helping the jury. A bailiff also may oversee custody of prisoners while in court during criminal cases.

Burden of proof – a party's obligation to establish by evidence certain facts necessary to prove that party's case. In a civil case, the plaintiff has the burden to prove by a "preponderance of the evidence" that he or she is entitled to recover or other relief.

Charge – an accusation of guilt; usually the first step in a criminal prosecution.

Closing argument – a summary of the evidence and argument of the party's position at trial, made by the party's attorney. It does not constitute evidence.

Defendant – the individual sued by the plaintiff. The defendant usually is represented by a lawyer. The defendant disputes the statements, or allegations, in the plaintiff's complaint or may admit the allegations, but argue that he or she has a valid defense to the claims such as self-defense.

Execution – termination of human life by the government as punishment for a crime

Foreman – the jury member who speaks for the body as a whole

Judge – the public official who decides which disputed facts (evidence), may be presented to the jury. The judge also tells the jury in "jury instructions" what the applicable law is. The judge decides the issues of law in the case.

Jury – the jury is a group of ordinary citizens selected to decide the case. A jury usually is made up of a group of six or twelve individuals, depending on state law. In most states, a jury must reach a unanimous verdict. That is, all members of the jury must agree with the decision. Some states allow for less than a unanimous verdict in some civil cases. If less than the required number of jurors agree, then the jury is a "hung jury." That means that the jury was unable to reach a decision. In that case, the case can be tried again.

Murder – when a person of sound mind (of sufficient age to create a criminal design and legally sane) kills any human being in the peace of the nation (excluding military actions) without a warrant of justification, and with malice aforethought, express or implied

Plaintiff – the person who begins the suit. In the complaint, the plaintiff states, or alleges, that he or she was injured by the conduct of another. The plaintiff usually is represented by a lawyer.

Prison – a public institution detaining criminals serving long-term incarcerations

Testify – to give evidence under oath

Witnesses – people who must have specific knowledge of what happened. Witnesses are generally not allowed to present hearsay testimony (such as gossip). Expert witnesses may not know the specific facts in the case but may use their specialized knowledge to help the jury understand the complex evidence, such as the degree of intoxication that results from drinking certain amounts of liquor.

Julius Caesar

Directions: Answer the following questions to help you prepare for your trial.

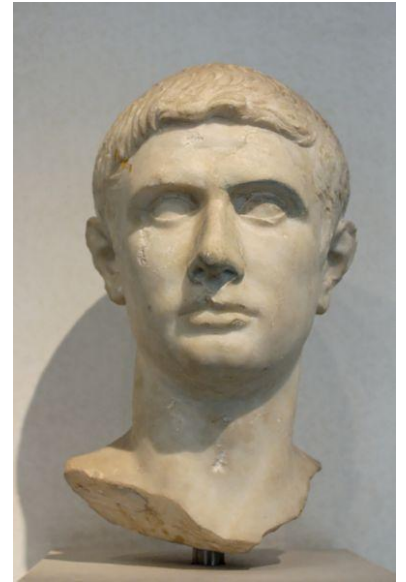
1. What are some things Caesar did to HELP Rome? What are some of his accomplishments? Why do some people respect him?
2. List and describe some people who were Caesar's friends and/or who respected Caesar. Why?
3. What are some things Caesar did that HURT Rome? What are some of Caesar's negatives? Why do some people see him as a villain?
4. List and describe some people who were Caesar's enemies and/or who disliked Caesar. Why?
5. How did Caesar die? Who killed him (be specific)? Why did they do it?
6. Explain why Caesar's death was GOOD for Rome. Which individuals BENEFITTED from Caesar's death?
7. Explain why Caesar's death was BAD for Rome. Which individuals were most HURT by Caesar's death?



Marcus Brutus

Directions: Answer the following questions to help you prepare for your trial.

1. Who was Brutus? What do we know about his life? What do we know about his character?



2. What was Brutus' relationship with Caesar?

3. Which other characters in the play did Brutus talk to and listen to? Who influenced Brutus' decision to stab Caesar?

4. How can one argue that Brutus HELPED Rome by helping to kill Caesar? How is he a hero?

5. How can one argue that Brutus HURT Rome by helping to kill Caesar? How is he a villain?

Helpful Primary Source Links

Appian of Alexandria "Funeral of Caesar" <i>The Histories</i> , Civil Wars, book 2	http://www.fordham.edu/halsall/ancient/appian-juliusdeath.html
Cassius Dio Roman History (focus on book 44, 9-22)	http://penelope.uchicago.edu/Thayer/E/Roman/Texts/Cassius_Dio/44*.html
Nicolaus of Damascus Life of Augustus (focus on FGrH F 130: (16))	http://www.csun.edu/~hcfl004/nicolaus.html
Plutarch Life of Julius Caesar	http://penelope.uchicago.edu/Thayer/E/Roman/Texts/Plutarch/Lives/Caesar*.html
Plutarch Life of Marc Antony	http://classics.mit.edu/Plutarch/antony.html
Plutarch Life of Marcus Brutus	http://penelope.uchicago.edu/Thayer/E/Roman/Texts/Plutarch/Lives/Brutus*.html
Suetonius Life of Julius Caesar (focus on 81-89)	http://penelope.uchicago.edu/Thayer/E/Roman/Texts/Suetonius/12Caesars/Julius*.html

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