

OHIO-WEST VIRGINIA STATE YMCA

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Youth in Government Student Manual

Student Judiciary -

WV

OHIO-WEST VIRGINIA STATE YMCA

# Youth in Government Student Manual

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# Judicial - WV

## The Judicial Process for the West Virginia Model Student Supreme Court

HI-Y DELEGATIONS select 2 - 4 Judicial delegates for each case. Return Participation Agreement and Fee to receive Judicial Manual and Case.



Delegates work to represent opposing sides of the appeal. It is suggested that students work with a local attorney to develop their appeal to the Student Supreme Court. The attorney's role is to provide advice, but not to develop arguments for the students.



With the help of these local attorneys, the Appellants work to cite the Errors in the local trial that need to be addressed by the Supreme Court. The winning side (called the Appellees) work to show the Supreme Court that there were no Errors or that the Errors would not have influenced the outcome of the case. Each of these written appeals is called a BRIEF.



Delegates SUBMIT 18 BOOKLETS (each containing a Cover Page, the Statement of Facts, Appellant's Brief, and the Appellee's Brief) to the Youth in Government Office by the Final Deadline. (Ohio - Jan. 21; West Virginia - January 28)



Judicial Officers and Officer Candidates attend CASE RATING to evaluate each case and place it on the docket. Consult the Manual for rating criteria.



AT HI-Y YOUTH IN GOVERNMENT, each Judicial Delegate will present their case as an Attorney. Delegates will also have the opportunity to sit on the bench as a Justice for 1 - 2 other cases. Justices will hear oral arguments, consider the briefs, and render their OPINION. Each opinion is written and Justices explain their position on the closing day.

The Justices may choose to UPHOLD or OVERTURN the Lower Court's decision or may REMAND the case for another trial. The decision of the State Supreme Court is final, unless grounds can be established to appeal to the US Supreme Court.

## **A Mock Trial Begins April's Student Supreme Court**

Friday night of Youth in Government is the mock trial for Student Justices and Advisors. Here's what happens:

Student Justices are assigned a role. If you have a preference for what you want to do, let the YG office know well in advance.

This trial is very basic and is designed to give Student Justices an understanding of what is involved in a trial situation. Therefore, the judge may stop the trial periodically to explain what might occur in a real court scene.

There is a set of Defense attorneys and a set of Prosecuting attorneys. The attorneys receive the Statement of Facts and additional information about presentation of evidence, possible objects, etc...prior to coming to Charleston. Changes in these statements can ONLY be made, if both parties (the Defense attorneys AND the Prosecuting attorneys) agree. The case you are using is meant to be a framework for your work. Both sides must be flexible and creative in adding to or deleting from the case any detail needed to give each side an equal chance of winning. Attorneys will communicate with the witnesses and build a case for the side they represent. Attorneys can and should seek advice from an adult attorney or law student. The adult attorney also helps the students gain an understanding of the legal profession. At the trial, although attorneys work in pairs, only one attorney is allowed to question a witness on each side. They may take turns, but both cannot question the same witness. Both attorneys may share in the closing arguments. The adult attorneys are welcome to come to the trial, but they are only in the courtroom "on call" if needed to ASSIST the attorneys or judge in clarifying court procedures.

There will be a defendant chosen.

Witnesses are also selected in advance. If the attorneys choose, they may contact the witnesses prior to Charleston. However, they will have time to be briefed in Charleston. Witnesses will need to understand the basic issues of the case and be extremely familiar with the facts provided. The witnesses must be prepared to "ad lib" answers to questions from the attorneys, using the information provided as a guide.

The jury is randomly selected the night of the trial in Charleston. All participants not involved will draw an envelope. Inside the envelope is a piece of paper with the word "audience" or "jury" on it. Those with the papers marked "jury" will serve as jurors. For civil cases, 6 serve. For criminal cases there are 12 jurors. The jury will hear the case and present a verdict.

A bailiff is also assigned.

## **HERE'S A TENTATIVE Outline OF THE TRIAL**

- I. Opening**
- II. Presentation of Prosecution's Case**
  - 1. Prosecution's Witnesses & Presentation of Evidence**
  - 2. Cross Examination by Defense**
- III. Presentation of Defense's Case**
  - 1. Opening Statement**
  - 2. Defense Witnesses & Presentation of Evidence**
  - 3. Cross Examination by Prosecution**
- IV. Court Instructs the Jury**
- V. Prosecution's Closing Argument**
- VI. Defense's Closing Argument**
- VII. Prosecution's Final Argument**
- VIII. Jury Retires, Elects a Foreman, and Reaches a Verdict**
- IX. Court Reconvened and Verdict Announced**

## **Preparing Your Case for the Student Supreme Court**

### **Writing Your Brief**

#### **PURPOSE AND CONTENTS OF A BRIEF**

The purpose of the Brief is to summarize the validity or lack of validity of the Lower Court's decision.

Unless otherwise noted, the format for the brief is as follows: Paper size – 8.5" x 11" (one side only), Margins – 1", single spaced (except between sections – see sample brief), Type size – 10 or 12 point. There must be eighteen (18) separate booklets and EACH booklet must contain the following:

- 1 COVER PAGE: The Cover Page has the following information:  
Name of the Case  
Names and Positions of both pairs of Youth Attorneys
- 1 STATEMENT OF FACTS Must be agreed upon by both sets of Youth Attorneys
- 1 APPELLANT'S BRIEF Written by the Youth Attorneys that LOST the local trial must be between 2 – 6 pages. Each brief contains:
1. **Assignment of Errors** – the problem that either the Judge or Jury made in their Lower Court decision.
  2. **Arguments** – Laws and/or precedent cases that support your Assignment of Errors.
  3. **Conclusion** – A closing summary of the case and a conclusion that the Model Supreme Court should overturn the Lower Court's decision.
- 1 APPELLEE'S BRIEF Written by the Youth Attorneys that WON the local trial must be between 2 – 6 pages. Each brief contains:
1. **Arguments** – Laws or precedent cases that support the Lower Court's decision.
  2. **Conclusion** – Summary of arguments in the case and a conclusion that the Model Supreme Court should therefore uphold the Lower Court's decision.

ALL OF THIS CONSTITUTES ONE BOOKLET. THE BOOKLET IS TO BE ASSEMBLED IN THE ORDER LISTED AND STAPLED ONCE IN THE UPPER LEFT CORNER. EIGHTEEN (18) COPIES OF THE BOOKLET ARE TO BE ASSEMBLED

AND SUBMITTED TO THE YOUTH IN GOVERNMENT OFFICE BY THE JANUARY DEADLINE.

## Case Rating

All cases submitted will be rated for position on the docket of the Student Supreme Court. Only those cases that are received in the Youth in Government office by the due date will be rated.

The cases will be rated by the Youth Chief Justice, Associate Justices, the Supreme Court Coordinator, and possibly Model Supreme Court Alumni.

They will be rated on a scale of 1 – 50 points based on the following:

Correct Form and Order of the Briefs	5 points
Clarity of the Assignment of Errors	10 points
Thoroughness of the Argument and Conclusions	30 points
Appellant's Brief	15 points
Appellee's Brief	15 points
Correct Grammar and Spelling	<u>5 points</u>
Total	50 points

## Sample Brief

THE MODEL SUPREME COURT OF THE STATE OF WEST VIRGINIA

State of West Virginia

vs.

Mark Carter

Prosecution ( Appellant)

Defendant (Appellee)

Samantha Godbey

Erica Brannon

Mairin Odle

Stephanie Bostic

*Attorneys for the Appellant*

*Attorneys for the Appellee*

## STATEMENT OF FACTS

Mr. Mark Carter (hereinafter "Carter") was placed on parole in May 1998 after having been found guilty of one count of possession of a controlled substance and one count of drug trafficking. Carter's parole was subject to terms and conditions established by the Kanawha County Adult Parole Authority. At the time he was placed on parole, Carter signed a document entitled "Conditions of Supervision." Paragraph 9 of that document stated, "I agree to a search of my person, my motor vehicle, or my place of residence by a probation/parole officer at any time." After agreeing to the conditions of his parole, Carter was placed under the supervision of Ken Moynahan (hereinafter "Moynahan"), a parole officer with the Adult Parole Authority.

After being placed on parole, Carter went to live in a home owned by his mother, Nora Carter. Some evidence was presented at the suppression hearing that when a parolee is placed in a home, the owner of the home, in this case Carter's mother is informed that the home can be subject to a search at any time. Furthermore, there was some evidence that Nora Carter was informed of this. Several other individuals also resided in the home, however, and no evidence was presented as to whether they were informed of the search possibility.

On October 4, 1998, Carter's parole officer received an anonymous phone call from a female who advised him that Carter was selling illegal drugs from that residence. The anonymous informant also told Moynahan that Carter placed the drugs in his mother's bedroom to avoid detection in the event of a search by his parole officer. Finally, the informant told Moynahan that Carter kept a firearm in the home, which is also a violation of his parole conditions.

Moynahan corroborated the information he received from the anonymous informant by speaking with another parolee. The parolee confirmed that Carter was selling drugs out of his residence and hiding the drugs in his mother's bedroom to avoid detection by his parole officer. After corroborating this information, Moynihan spoke to the anonymous informant a second time, and the informant relayed the same information as in the earlier call. Moynahan claims that in addition to this evidence, he had other evidence that Carter was engaged in illegal activity, but he did not specify what evidence. Moynhan stated that he could not divulge what that evidence was because it could jeopardize the safety of other persons.

After receiving this information, Moynahan called the local drug task force to ascertain whether the task force wanted the Adult Parole Authority to proceed with a search or whether the task force would search on its own. Moynahan did not receive a response from the task force. As a consequence, on October 16 1998, Moynahan again contacted that task force to determine whether he

should proceed with a search. The task force advised Moynahan that it had not reached a decision on that matter.

On October 17, 1998, Moynahan asked a fellow parole officer, Jason Timmons (hereinafter "Timmons"), to accompany him in searching Carter's residence. When Moynahan and Timmons arrived at the home, neither of them observed any suspicious activity. Moynahan knocked on the door, Carter answered and Carter let them into the home. According to Moynahan and Timmons, they asked Carter whether they could search the premises, and Carter consented to the search. Timmons proceeded directly upstairs to Carter's bedroom, while Moynahan stayed with Carter downstairs. Timmons searched Carter's bedroom as well as all of the bedrooms upstairs. Timmons did not find any drugs or money in the upstairs bedrooms.

Timmons then went downstairs and thoroughly searched all areas downstairs, including Carter's mother's bedroom. Timmons discovered a locked Sentry safe under Carter's Mother's bed. Timmons then obtained Carter's key ring from his bedroom and used the smallest key on the ring to open the box. Timmons alleged that it later was determined that any small key would open the box because the lock was broken. When Timmons opened the safe, he discovered that it was filled with heroin and cocaine. While in Carter's mother's room, Timmons also noticed that one corner of Carter's mother's mattress was higher than the other corner, as if there was something beneath it. Timmons looked under the mattress and discovered \$4,600. A gun was also discovered on the premises. Carter was then arrested for aggravated drug trafficking.

When Nora Carter returned home, after Timmons had already opened the safe, the police asked her to sign a consent to search form, and she agreed. After signing the consent form, the parole officer more completely searched Nora Carter's bedroom. Nonetheless, they did not find any other incriminating evidence in her bedroom. When the officers questioned Nora Carter about the narcotics discovered in her bedroom as a result of the earlier search, she denied that the drugs belonged to her.

On November 13, 1998, the grand jury indicted Carter on two counts of aggravated drug trafficking in cocaine and heroin. On December 3, 1998, a hearing was held on the issue of whether Carter had standing to contest the search and whether the scope of the search exceeded Carter's consent to search. As a result, the court suppressed the evidence gained through the search of the mother's bedroom. The state now brings this timely appeal of that decision.

## **APPELLANT'S BRIEF**

### **ASSIGNMENT OF ERRORS**

There was an error in the trial court in the following particulars:

The Judge erred in granting Carter standing to contest the search of his mother's bedroom.

The Judge erred in determining that the search of said bedroom exceeded Mr. Carter's consent.

The trial court wrongfully suppressed the evidence found in the search of Mr. Carter's mother's bedroom.

### **ARGUMENTS**

Argument #1 – The Judge erred in granting Carter standing to contest the search of his mother's bedroom.

Mr. Mark Carter had no standing to contest the search of his residence. He signed, as a condition of parole from a previous conviction, a document entitled "Conditions of Supervision." Paragraph 9 of that document states "I agree to a search of ...my place of residence by a parole officer at any time." A parole officer, Jason Timmons, conducted the search.

Argument #2 – The Judge erred in determining that the search of said bedroom exceeded Mr. Carter's consent.

Mark Carter's mother, Nora Carter, is the owner of the home in which her son made his residence and as such had been informed that the home could be searched at any time as a condition of her son's parole. No evidence was presented at trial that she ever disagreed with or denied this stipulation of her son's parole. The consent made by Nora Carter as the owner of the residence was never limited to selected rooms but encompassed the entire residence. The case, *State v. Plantz*, 155 W. Va. 24, 180 S.E. 2d 614 (1971) holds that "The voluntary consent of a person who owns or controls premises to search of such premises...does not violate the constitutional prohibition against unreasonable searches and seizures." Likewise, the consent to search agreement that was a condition of Mr. Carter's parole never limited the scope of how much of his residence could be searched. Therefore, the search did not exceed Mr. Carter's consent.

Argument #3 – The Court wrongfully suppressed the evidence found from the search of Mr. Carter's mother's bedroom.

The evidence found in Carter's place of residence is valid. It was the product of a lawfully conducted search. Moynahan and Timmons, parole officers as specified in the terms of probation, had reasonable cause to conduct the search based on information an informant gave them and which another person corroborated. The terms of probation did not require a search warrant. The search was not unconstitutional as "the State and Federal Constitutions prohibits only unreasonable searches and seizures and there are numerous situations in which a search and seizure warrant is not needed, such as...searches and seizures made that have been consented to." State v. Angel, 154 W. Va. 615 177 S.E. 2d 562 (1970).

### **CONCLUSION**

Mr. Carter had no basis to contest any of the search. He had agreed to the conditions of his parole which included a search of his residence by a probation officer at any time. He also consented verbally to a search of his residence when asked by Moynahan and Timmons on October 17, 1998. The trial court improperly granted the motion to suppress the evidence in this case. The lower court's decision should be overturned.

Respectfully submitted,

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Samantha Godbe

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Mairin Odle

Attorneys for the Appellant

## **APPELEE'S BRIEF**

### **ARGUMENTS**

Argument #1 – The Judge was correct in suppressing the evidence found through an unconstitutional search.

There was no warrant to search Nora Carter's bedroom. Ken Moynahan and Jason Timmons illegally searched her bedroom by doing so without consent, a warrant, or probable cause. This warrantless search is prohibited by the Fourth Amendment. According to WV State Code 62-1A-6, this evidence should have been and was suppressed. *White v. Melton*, 166 WV 249, 273 SE 2<sup>nd</sup> 81 (1980) is one example of the use of this.

Argument #2 – Mark Carter's consent to search does not extend to Nora Carter's or any other's bedroom.

Nora Carter's bedroom is not Mark Carter's "place of residence." Since Nora Carter's bedroom is "exclusively used by a non-consenting third party," Mark Carter cannot consent to the search of her bedroom as said in 415 U.S. 164:1974. Therefore, Mark Carter's probation officer has no grounds to search Nora Carter's bedroom without a warrant.

Argument #3 – Ken Moynahan further lacked a reliable informant, credible information, and corroborative evidence which would be necessary to conduct a search based on probable cause.

Although information from informants may be used to establish probable cause, hearsay such as Ken Moynahan used is not permissible unless the informant is "reliable" and "some corroborative evidence exists." There was no corroborating evidence, much less the additional evidence required when the informant is anonymous." *Aguilui v. Texas* 378 U.S. 108: 1964. *Payton v. New York* 445 U.S. 573: 1980 further supports this by stating that an officer must have both probable cause and exigent circumstances in order to conduct a warrantless search, neither of which Ken Moynahan had.

## **CONCLUSION**

We feel that this judgment should be upheld since Ken Moynahan clearly conducted an illegal search which violated Nora Carter's and the other residents' right to privacy. This violation should result in the dismissal of all evidence found through this unconstitutional search.

For these reasons, we feel that the judgment of the lower court should be upheld in the case State of West Virginia v. Mark Carter.

Respectfully submitted,

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Erica Brannon

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Stephanie Bostic

Attorneys for the Appellee

## The Appeal

### The Model Supreme Court and the Appeal

After the local trial and a verdict has been reached, the losing side then appeals to a higher court. In reality, the appeals process is optional.

The appeal IS NOT A RETRIAL, but rather is an opportunity to insure that justice is served in regard to the process of the local trial. At the appeal hearing, you will argue points of law. It is the appellant's responsibility to research precedent cases and other laws that would show error in the local trial verdict. Assignment of Errors is the appellant's reasons the case is being appealed to the Supreme Court. The appellants found errors in the lower court trial they believe, if corrected, could have changed the outcome of the lower court's verdict. Therefore, they appeal. Students may research previous cases at college or local law libraries or through the LEXUS/NEXUS computer system. Local attorneys are also excellent resources. On the other hand, the Appellees seek to support the lower court's verdict.

Each side will have 10 minutes (approximately 5 minutes per attorney) to argue your side of the case. Your opponents will also have ten minutes. It is your responsibility to decide how you will split the time with your partner – but, both attorneys must share in the presentation. The appellants may reserve a portion of their time for rebuttal, if desired.

Attorneys will prepare the majority of their oral arguments before reaching Youth in Government. Time at Youth in Government will be used to sharpen those arguments. A simple method to use to organize a brief or an oral argument is the FIRAC method.

- F Facts (Briefly tell the court what happened)
- I Issue (Tell the court what error was committed)
- R Rule (Who/What says that is an error?)
- A Application (Combine facts and rule to demonstrate error)
- C Conclusion (Therefore...)

Always keep your perspective. Act zealously for your client, but remember you are an officer of the court.

You are to attend all judicial program events. They are designed to give you the opportunity to learn more about our judicial system. You will also watch the appeals of other students. Much can be learned by watching others.

Your case will be put on a calendar and assigned a time to be heard by the Model Supreme Court. Attorneys for the local trial must be the same ones to present the case at the Model Supreme Court.

## **Model Supreme Court Procedures**

When the Justices enter, everyone rises. The Marshal calls the Court to order:

***All Rise. . .OYEZ! OYEZ! The Honorable Justices of the Supreme Court of West Virginia, the Honorable Chief Justice \_\_\_\_\_, presiding. Silence is now commanded under penalty of fine or imprisonment, while the Honorable Justices of the Supreme Court of Appeals of West Virginia are now sitting. All those having motions to make or appeals to prosecute, come forward and you shall be heard. GOD SAVE THIS STATE AND THIS HONORABLE COURT.***

The Chief Justice will allow the audience to be seated.

The Chief Justice then calls on the Appellant attorneys. The first attorney for the Appellant informs the Marshal whether or not there will be a rebuttal and if so, how much time is to be reserved. The Appellant attorneys then present their argument. The reasoning in their argument is that the verdict of the lower court was wrong because \_\_\_\_\_. (Each side has 10 minutes – approximately 5 minutes per attorney in which to present their case.)

The Appellee’s attorneys then present their argument. The reasoning in their argument is that the verdict of the lower court was correct and the Appellant is wrong because \_\_\_\_\_.

The Appellant’s attorneys then have an opportunity for rebuttal after the Appellee’s attorney’s presentation. Following this, the Chief Justice adjourns the Court to decide the Appeal. The reversal of the lower court’s decision requires at least a 4 to 3 majority vote for reversal. When directed by the Chief Justice, the Marshal will call the Court to adjournment:

***All Rise. . .Hear Ye! Hear Ye! Hear Ye! This Open Session of the Honorable Supreme Court of West Virginia Now Stands Adjourned.***

**(After the last Justice is off the Bench, strike the gavel once.)**

Time organization is a very important part of your appeal. The job of the Supreme Court Marshal is to time the oral presentation of each attorney – informing the attorney when one minute is left in the allotted time and when the time is up. Both sets of attorneys need to decide how much time each attorney on their side will take. Also, attorneys for the Appellant must decide how much time to reserve for rebuttal.

Attorneys should be prepared to be interrupted by questions from the Justices. In organizing an oral presentation, an attorney should be prepared to speak persuasively for the full amount of time, but the attorney should be flexible enough to rearrange their presentation at the podium in order to cover all of the important points, in addition to answering questions from the Justices.

The attorneys start their presentation with the statement **May it please the court. My name is (state your name) and I am the attorney for or representing (state your client’s name)”**

## Opinions

The Opinion is the written decision of the Supreme Court. It is the official document that records for history the decision and all of the relevant circumstances that influenced that decision. The opinions are reviewed by each Justice sitting on the case and are not disclosed to other participants until they are officially “released” during the closing session.

During deliberation, immediately following the case, you will have an opportunity to discuss and argue the points of law addressed in the case. One or more Justices will volunteer to write the opinion for the majority. The opinion is given to each Justice to study and accept. If it is accepted, the Justice will sign the opinion and it is passed on as the opinion of the court. If not, a concurring opinion may be written (same result, but with a different line of reasoning).

Those who do not agree with the Majority Opinion summarize their views in the Dissenting Opinion. All of the opinions are presented to the public, but only the majority opinion affects the parties involved in the case.

Opinions will be written on standard legal paper (or forms provided by the Court Coordinator). The opinion will then be submitted to the Chief Justice or Associate Justices assigned to the case. Each opinion must contain a statement defining the reasons for the verdict and a narrative of why those reasons were chosen.

# Sample Opinions

West Virginia Youth in Government

Supreme Court of Appeals

## Majority Opinion

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Case # \_\_\_\_\_

All Justices who agree with this Majority Opinion are to sign their names to the left.

Opinions will be announced on Sunday morning. Until then, the decisions of the Court are not to be discussed with anyone.

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We the Justices on this case have decided that the lower court's decision should be overturned for the following reasons: The terms of Carter's parole stated that the parole officers had the right to search his residence, and the mother's room is part of that residence, therefore

Carter has no standing to contest the search.



## Definition of Terms

**Appellant** [un-**pel**-ent] – The party who loses the local trial and appeals to the Supreme Court.

**Appellee** [a-puh-**lee**] – The party who won the local trial and responds to the appeal of the appellant.

**Argument** - The persuasive reasoning by the attorney to the deciding body (judge or jury) stating why the case should be decided in favor of his client. Arguments, whether oral or written, should present clear thinking and logical statements that lead to only one conclusion.

**Bailif** - The officer of a trial court who opens, recesses, reconvenes and closes each session of the court.

**Bill of Exceptions** - The verbatim transcript of everything that is said at the local trial relevant to the issues being appealed.

**Brief** - The formal written statement prepared by both parties of an appeal listing the errors (appellants only), their arguments and conclusions.

**Chief Justice** - The presiding Justice of the Supreme Court.

**Conclusion** - Making a definite statement within your facts. The logical end to a line of reasoning.

**Court Reporter** - The officer of the court who records everything said by everyone at each session of the court.

**Damages** - In most cases, the reward received by the plaintiffs, if they win.

**Defendant** - The party being charged with the alleged wrongdoing.

**Dissenting Opinion** - The written decision of the judge(s) in the minority on a case.

**Expert witness** - A witness who, because of their knowledge or experience, can offer technical expertise to the court within their area or profession.

**Evidence** - Information obtained by testimony of witnesses or introduction of objects or documents at a trial which the jury considers in reaching its verdict.

**Judge** - The one who presides at a trial and, if there is no jury, also decides the case.

**Jury (Panel)** - A group of citizens who hear the evidence at trial and decide disputed Questions of fact (verdict). The group is known as a panel during the voir dire and after taking the oath as jurors, is known as the jury.

**Justice** - The formal name given to a Judge of the Supreme Court.

**Marshal** - The officer of a trial court who opens, recesses, reconvenes, and closes each session of the court.

**Narrative Bill of Exceptions** - A written statement of the facts according to testimony at the local Exceptions trial agreed upon by opposing Attorneys. This is used in lieu of the Bill of Exceptions when a court reporter is not present.

**Notice of Appeal** - Statement asking for a reversal of the lower court's judgment.

**Objection** - Any oral statement to the judge voiced by an attorney during trial showing why a certain question or answer constitutes improper evidence.

**Opinion** - The written decision of the judge or judges, supported by their reasoning, of a case which has been argued on appeal.

**Peremptory Challenge** - Prerogative of counsel to object to a member of the panel during voir dire.

**Petition** - The formal written statement of the plaintiff made to the trial court alleging the facts whereby he has been wronged by the defendant and closing with a request or "prayer" for a judgment in his favor.

**Plaintiff** - The party who files suit; the one who alleges to have been wronged.

**Qualifications** - The necessary credentials that back up the expert witness' expertise.

**Suit** - A case in which the element of "damages" is involved.

**Testimony** - A statement made by a witness under oath.

**Voir dire** - Question of the panel at the beginning of the trial by the attorneys to determine if each member of the panel is qualified to hear the case and to determine it fairly.

**Witnesses** - Those who testify at a trial concerning the facts of the case.

# Judicial Officers

## Responsibilities

Officers are elected at Youth in Government to serve through the next year's program. Their service throughout the year provides student leadership to the program, helps strengthen the program for everyone, and better prepares officers for their duties during the Student Legislature/Court.

Officers put Youth in Government first. They must have and take the time required to effectively serve the program.

In addition to Youth in Government at the Statehouse/Capitol, the officers "do their jobs" at the annual *Sr. HI-Y Leadership-Service Conference* in June at YMCA Camp Horseshoe, the *HI-Y Fall Program Conference* in November and the February *Officer/Committee Chair Training – Bill & Case Rating Session*.

Additional responsibilities/qualifications include:

### **Chief Justice**

- Appoint qualified Associate Justices as needed,
- Serve on the Youth in Government Committee,
- Study all cases before the Student Supreme Court,
- At Youth in Government
  - Present an opening address,
  - Give a closing summary of the Supreme Court,
  - Announce the new youth Chief Justice,
  - Assist Judicial Coordinator as necessary.

### **Associate Justices**

Study all cases before the Student Supreme Court,

Preside over cases assigned to you by the Chief Justice and summarize the opinions of the panel

# Elections and Appointments for State Office

## Nominations

Each delegation may nominate one (1) candidate for Chief Justice. Nominations are due and to be submitted on the Officer Candidate Form (see appendix) by 7 pm at HI-Y Youth in Government Office on Friday.

Nominees must meet the qualifications listed for their office.

## Officer Qualifications

Qualifications common to the office of Chief Justice include:

- 1. One year’s experience in HI-Y Youth in Government as a judicial delegate. Unlike other elected offices in HI-Y Youth in Government, Chief Justice Candidates may count their current year toward this requirement.**
- 2. Will attend the HI-Y Leadership-Service Camp at Horseshoe in June, the Officer Training/Bill Rating session in February, HI-Y Fall Conference in November and the Youth in Government program at the Statehouse/Capitol.**
- 3. Positive group work skills and attitudes that help all others succeed.**
- 4. Effective public speaking and presentation skills.**
- 5. Understands the Youth in Government procedure and is able to implement it.**
- 6. Has leadership skills appropriate to the purpose of Youth in Government.**
- 7. Understands, supports, and practices the values of leadership through service promoted by HI-Y.**

<p>NOTE</p> <p><i>If you cannot attend HI-Y Leadership-Service Camp at YMCA Camp Horseshoe in June, for any reason, your office becomes vacant and another person will be appointed to your position. The new officer will complete the term of office through the HI-Y Youth in Government conference.</i></p>
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## **Election Procedure at Youth in Government**

Candidates demonstrate their ability to carry out the responsibilities of the position they seek by “doing” what the office requires. There is no campaign, campaign speech, or campaign material.

Having demonstrated their effectiveness to their peers throughout the weekend, Chief Justice Candidates will have 3 minutes to summarize their vision of the Judicial Program to the Student Supreme Court participants.

The candidate receiving the majority of votes is declared the winner. Only Judicial delegates vote for the Chief Justice.

### **Associate Justices**

Associate Justices are appointed by the Chief Justice from those qualified applicants who submit their application no later than one week after Youth in Government.