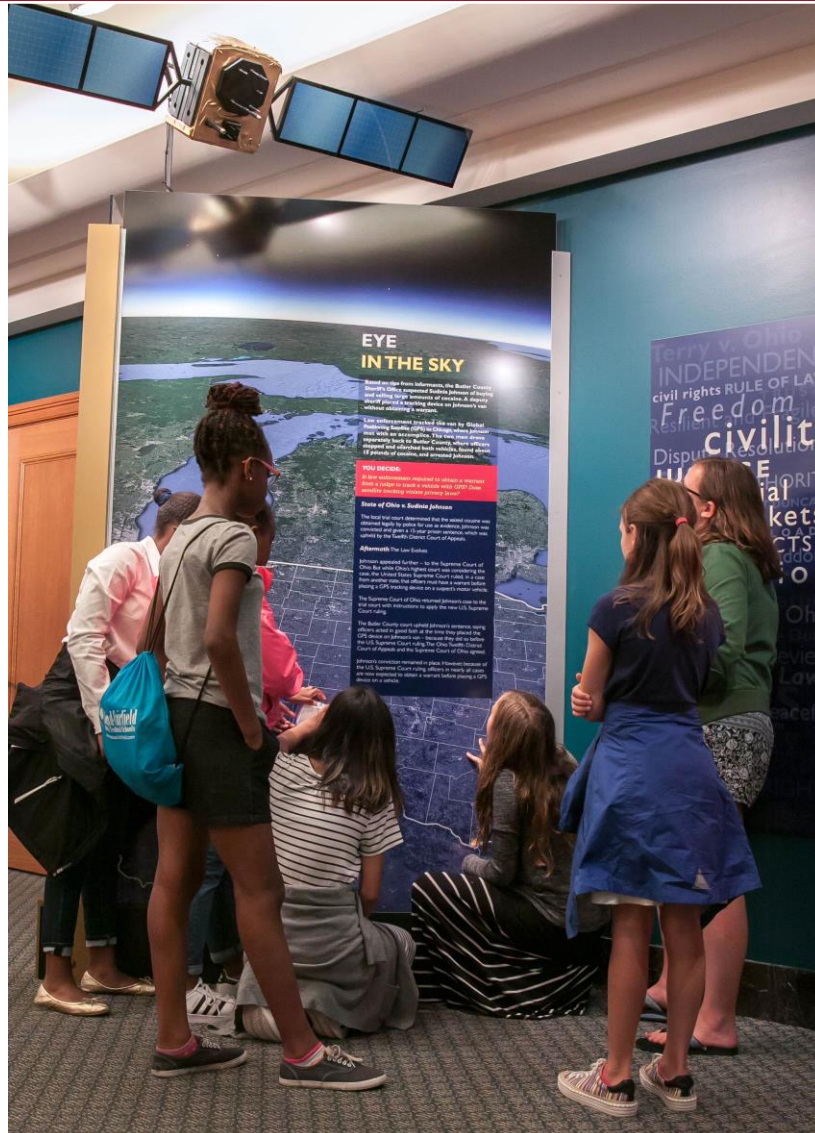


# THE SUPREME COURT *of* OHIO

## Visitor Education Center



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

# The Supreme Court of Ohio

CIVIC EDUCATION SECTION  
65 SOUTH FRONT STREET, COLUMBUS, OH 43215-3431

TELEPHONE 614.387.9223  
[www.supremecourt.ohio.gov](http://www.supremecourt.ohio.gov)

**To:** Group Leaders

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

Thank you for scheduling a tour of the Supreme Court of Ohio Visitor Education Center and the Thomas J. Moyer 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 that 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 contact the Civic Education Office at (614) 387-9223 or email [CourtTours@sc.ohio.gov](mailto:CourtTours@sc.ohio.gov).

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. **Please let the tour guide know if there are certain cases you specifically want to discuss.** Mock trial activities will be offered only if your group consists of similar-aged students. Typically, elementary students (4<sup>th</sup>-5<sup>th</sup> grade) conduct the Harry Potter or Wonder mock trial, while middle school students (6<sup>th</sup>-8<sup>th</sup> grade) conduct the Humphrey mock trial. High School groups do not participate in a mock trial.

### **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, the five freedoms within that amendment, and the three branches of government, with special emphasis on the judiciary's role.

#### ***You Decide Court Cases***

Elementary students will focus on 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*).

#### ***Mock Trials***

*Dursley v. Hagrid* or *Albans v. Will*

Depending on the teachers' preference, elementary students will participate in either the mock trial based on *Harry Potter and the Sorcerer's Stone* or *Wonder*. Please see pages 10-11 for more detailed information.

### **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 separation of powers, due process, and equal protection under the law.

#### ***You Decide Court Cases***

Middle school students will focus on exhibits that address limiting the powers of government, citizens' rights, and both 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*).

#### ***Mock Trial***

*Humphrey v. Lane*

Middle school students will participate in *Humphrey v. Lane*, a court case centered on religious freedom. Please see page 12 for more detailed information.

## High School Students

A high school visit centers on a broader understanding of how the courts work to resolve conflict. Advanced discussions about court structure, the appellate process, and how court decisions establish a body of case law are generally included in a high school visit. These tours also focus on the importance of civic participation, specifically in voting for justices and judges, and serving on juries.

### ***You Decide Court Cases***

High school students will have an opportunity to discuss cases displayed in the exhibits with a focus on their own insights and questions. As time allows, your guide will select a *You Decide* exhibit and lead a more in-depth discussion. Students will be asked to take a position and defend that position in a debate-style format. The goal is to stimulate discussion with an emphasis on respectful disagreement.

## Visiting When the Supreme Court is in Session

The Supreme Court of Ohio is generally in session on Tuesday and Wednesday mornings every other week. Session begins at 9:00 a.m. and the Court typically hears three to four cases per morning, concluding by 12:00 p.m.

You can find more information about the upcoming oral arguments here:

<https://www.supremecourt.ohio.gov/opinions-cases/oral-arguments/oral-argument-calendar/>

Groups scheduled to visit when court is in session have the opportunity to sit in the courtroom and observe oral arguments. The courtroom can accommodate approximately 40 visitors from a single group at a time. Groups consisting of more than 40 will be split into smaller groups and will rotate in and out of the courtroom. Typically, elementary and middle school groups will observe 5-10 minutes of oral arguments, while high school groups will observe the entire oral argument.



There are a limited number of opportunities to visit when court is in session. If your scheduled visit does not fall on a date when court is in session, your students will still visit the courtroom with a guide. Your guide will share information about the Supreme Court, Ohio's court system, and the decorative features of the room. The artwork in this room is especially relevant for students studying early Ohio history. For that reason, we recommend that elementary school groups visit when court is not session to provide more time discussing the history on the walls and ceiling.

### ***Advanced Visit***

High school, college, and graduate students often wish to study a case prior to observing the oral argument. Written previews of cases being heard are available on the Court's website one week before the oral arguments. Previews of the cases can be found here: <http://www.courtnewsOhio.gov/cases/previews/default.asp>

This link will regularly update to reflect the current docket several days prior to the scheduled oral argument session. An advanced visit may also include an opportunity to meet with the oral argument attorneys presenting the case. Please contact our office at 614.387.9223 or [CourtTours@sc.ohio.gov](mailto:CourtTours@sc.ohio.gov) for more information about setting up a student debriefing session.

## You Decide

The first exhibit area in the Visitor Education Center features eight exhibits about 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

### SUGGESTED PRE-TOUR ACTIVITY:

- Elementary student groups should review the “Dressed to Kill” and “The Shot Heard Around Ohio” exhibit information.
- Middle School students should review “Dressed to Kill,” “Search and Seizure,” and “Believe it or Not” exhibit information.
- High School students should review all exhibit information, especially “Search and Seizure” and “Eye in the Sky.”

### The Shot Heard Around Ohio

#### *Zacchini v. Scripps-Howard Broadcasting Company*

Hugo Zacchini performed his human cannonball 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, claiming the station stole his thunder and owed him \$25,000. The news outlet said the U.S. Constitution protected its freedom of expression 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 Old Order Amish faith, Joas Bontrager must wear dark blue or black clothing at all times. While deer hunting, he was cited by an officer of the Department of Natural Resources for not wearing a bright orange hat, vest, or jacket as required by Ohio law. Bontrager argued in court that the law violates his right to freely exercise his religion guaranteed by both 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 1950s 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, Boroff wore a different Manson t-shirt, was sent home, and marked truant each day. His mother filed a lawsuit, 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 and 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?***

**Eye in the Sky**  
***State of Ohio v. Sudinia Johnson***

Based on tips from informants, the Butler County Sheriff's Office suspected Sudinia Johnson of buying and selling large amounts of cocaine. A deputy sheriff placed a tracking device on Johnson's van without obtaining a warrant. Law enforcement tracked the van by Global Positioning Satellite (GPS) to Chicago, where Johnson met with an accomplice. The two men drove separately back to Butler County, where officers stopped and searched both vehicles, found about 15 pounds of cocaine, and arrested Johnson.

***IS LAW ENFORCEMENT REQUIRED TO GET A WARRANT BEFORE PLACING A GPS TRACKING DEVICE ON A VEHICLE? DOES SATELLITE TRACKING VIOLATE PRIVACY LAWS?***

Please note that it is unlikely your guide will review each exhibit with your group. As time allows, guides will build in approximately 5 minutes of free exploration time for you and your students to review the exhibits and read case outcomes. We often have more than one school touring each day (especially in the spring) and generally need to move each group through the entire touring program in a maximum of 90 minutes.

If you would like to receive a summary sheet that includes all case outcomes, please inform your guide or email our office *after your tour*. We discourage the practice of asking students to write down case outcomes while touring.



## 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. Oftentimes, this occurs through methods other than a jury trial. Mediation, a form of dispute resolution, is presented in the education center in a fictional scenario involving child custody.

### PRE-TOUR ACTIVITIES:

- Discuss the importance of using the court system and the rule of law for resolving conflicts.
- Ask your students to recall a conflict they have had with a peer or sibling and how it was resolved. Did anyone else help resolve 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*, Hagrid uses magic to give Harry's cousin and nemesis, Dudley Dursley, a pig's tail. Mr. and Mrs. Dursley think Hagrid should be responsible for paying the cost of the operation to remove the tail, but Hagrid disagrees. Students will role-play the trial and discuss the importance of fairness and impartiality in the courts. Important concepts about courtroom procedures, evidence, and witnesses will also be discussed during this activity.

#### PRE-TOUR ACTIVITIES:

- While 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 glossary on page 20.
- 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 the law and evidence presented, not their personal feelings. Talk about the importance of not letting your personal opinions 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. Students not playing a specific role in the trial will serve on the jury and decide the outcome of the case.

**Your guide may ask the teacher or chaperone with the group to assist in identifying students to play a role. The trial is scripted and geared towards students in the 4<sup>th</sup> or 5<sup>th</sup> grade. Selected students should enjoy reading out loud and be comfortable participating in role-playing activities. Please inform your guide if you have pre-selected students to participate.**

### ***Albans v. Will***

This fictional civil trial stems from an incident that occurs in the book and movie *Wonder*. In *Wonder*, Jack Will punches Julian Albans in the mouth at school, knocking out a baby tooth. Jack did this in response to cruel comments made by Julian about Jack's friend Auggie Pullman. Julian's family thinks Jack's family should be responsible for paying the cost of the bill associated with Julian going to the dentist for exams, but the Wills disagree. Students will role-play the trial and discuss the importance of fairness and impartiality in the courts. Important concepts about courtroom procedures, evidence, and witnesses will also be discussed during this activity.

#### **PRE-TOUR ACTIVITIES:**

- While many students are already familiar with the storyline mentioned above, it is not necessary for students to have read or watched the movie *Wonder* 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 glossary on page 20.
- 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 the law and evidence presented, not their personal feelings. Talk about the importance of not letting your personal opinions 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. Students not playing a specific role in the trial will serve on the jury and decide the outcome of the case.



**Your guide may ask the teacher or chaperone with the group to assist in identifying students to play a role. The trial is scripted and geared towards students in the 4<sup>th</sup> or 5<sup>th</sup> grade. Selected students should enjoy reading out loud and be comfortable participating in role-playing activities. Please inform your guide if you have pre-selected students to participate.**

### ***Humphrey v. Lane***

This real-life case from the late-1990s 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 the opportunity to conduct this trial and participate in a follow-up discussion about citizens' rights guaranteed by the U.S. and Ohio Constitutions.

#### PRE-TOUR ACTIVITIES:

Read the following story of Wendell Humphrey in class. Review the First Amendment, with an emphasis on the freedom of religion clause.

#### CASE SYNOPSIS:

Wendell Humphrey is an American Indian of the Shoshone-Bannock tribe and 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 and he can only cut it under special circumstances.

The case is about a clash between Humphrey's religious convictions, including his belief that he grows 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 of the correctional facility said the rule was essential to the image, discipline, and security at the prison.

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 Humphrey refused to 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 ACTIVITIES:

- 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?

**This activity has seven speaking parts. Your guide may ask the classroom teacher to assist in identifying students to play a role. The trial is scripted and geared towards students in the 6<sup>th</sup> - 8<sup>th</sup> grade. Selected students should enjoy reading out loud and be comfortable participating in role-playing activities. Please inform your guide if you have pre-selected students to participate.**

## 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 has furthered justice, but also raised questions about legal issues and civil liberties.

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 look at 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 not match evidence from the crime scene.

#### PRE-TOUR ACTIVITIES:

Before advances in science, courts relied on eyewitness testimony for evidence. 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. Ask 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 he have a watch on? Was he or she wearing a team jersey?

Ask another student to take notes on the smartboard 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, rather they were simply based on a general lack of awareness. What are the consequences of mistaken identity under oath? Refer back to the McClendon 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 determine 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 different photos. Ask students to write a short paragraph constructing the scene five minutes prior to what they see in the image. Ask them what other types of evidence might be useful to establish that their version of the event 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 marked 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 arrested him. At trial, officials testified his prints matched those found on the painted railing. This marked the first-time fingerprint evidence was introduced during a trial. Jennings was convicted and sentenced to death.

### 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

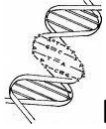
*Variation: Making your own fingerprint card can be done using everyday supplies. You'll need index cards, a pen, a No. 2 pencil, scissors, and transparent tape. Rub a sharpened No. 2 pencil on your fingertip, covering the entire area. Use a piece of transparent tape to "lift" this shaded area from your 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.\**

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

### 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 prints taken for civilian purposes, such as a pre-employment background checks 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?





## 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 more than 20 years.

### THE CASE:

**The Hair of the Dog:** A black cocker spaniel, Jazz, was lost in the wake of Hurricane Katrina in 2005. The dog’s owner, Shalanda Augillard, learned that her beloved pet had been rescued and taken to Texas, where she was adopted by 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 what DNA is to your students 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.

## Brain Scans

Doctors have used brain scan technology for about 35 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 1970s, 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 and ask your students if they agree or disagree with the court’s 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? Thirty-five years ago the idea of convicting – or exonerating – a suspect using DNA evidence was unheard of. Encourage your students to conduct 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 clear answers when pursuing fair outcomes when a dispute arises?
2. What privacy rights should we as individuals be concerned about when it comes to literally “getting inside our heads” and retrieving information? How does this stack up against the protections presented in the Fourth Amendment of the Constitution?

Photo Panel – Photography  
Exhibit



## Glossary of Terms

*This glossary is to be used 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 the 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 losses 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.

**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 (trial) 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, juvenile, and probate divisions.

**Cross examination:** The questioning of a witness conducted by the opposing side. It is used to test truthfulness and to cast doubt on witness 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 the 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 branch of government responsible for enforcing the law. People who work in the executive branch include the president, governors, mayors, and law enforcement officials.

**Fact:** A thing that is known or proved to be true.

**Felony:** A serious crime, punishable by at least six months in prison. Felonies vary by degree and have varying prison sentences associated with each degree.

**Judge:** An experienced lawyer who is responsible for considering and deciding legal issues in court case. Judges in Ohio are elected to 6-year terms, but federal judges are appointed to life terms.

**Judicial Branch:** The branch 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 of a court to hear and decide a certain type of case.

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

**Jury:** The group of persons selected to hear the evidence in a trial and decide a verdict based on the facts.

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

**Legislative Branch:** The branch 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 of the courtroom. A neutral third party 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 no more than \$15,000.

**Northwest Ordinance:** The document that established a governing system for the Northwest Territory. It established a Bill of Rights, banned slavery, 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 an appellate court.

**Overtturn:** To reverse a previous court's decision.

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

**Prosecuting Attorney:** A lawyer who works for a state or government organization and is responsible for starting legal proceedings and then proving in court that the suspect committed the crime he or she is accused of. The opposite of a prosecutor is a defense attorney.

**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 a majority of the judges agree with the trial verdict.

**Verdict:** The decision of a jury in a civil or criminal trial.

**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.