

Justice Scenario

Marcus is 17 years old. He is a starter on the high school basketball team. In the championship, Marcus leads his team to victory. He's ecstatic when the Recruiter from a top school in New York tells him they will be offering him a scholarship for September. After the game, Marcus and his team mates go to a local hang out to celebrate. A couple of guys from other team show up and pick a fight. Marcus jumps in to help his team mate who is being beat up by 2 guys. The Police arrive and everyone is arrested and charged with assault. Marcus is given a Promise to Appear. Marcus does not want this charge to interfere with his scholarship. He is a good student with no criminal record and he doesn't have the money for a lawyer. Marcus heard that if he pleads guilty, he will just get probation or community service and when he turns 18 his record will automatically be erased. What should Marcus do?

Discussion Topics

1. What happens when someone is arrested?
 - a. Searches
 - b. Arrests
 - c. Charges
 - i. When will Marcus be advised of the charges
 - ii. Multiple Charges
 - d. Diversion
2. What would happen if Marcus was brought to the police station?
 - a. Interviews and Statements
 - b. Detention or Release on promise to appear
 - i. Fingerprinting

- c. Bail hearing
 - i. When and where
 - ii. Duty counsel
 - iii. Bail conditions
 - 1. Consequences for not complying
 - 2. Altering bail conditions
 - iv. Surety
 - v. Application for legal aid
 - vi. How to find a lawyer
 - 1. Law society lawyer referral service
 - 2. Justice for Children and Youth
- 3. Should Marcus get a lawyer?
 - a. Role of lawyer
 - b. Retainer
 - c. Client-lawyer relationship, conflict of interest
 - d. Communications with lawyers
 - e. Confidentiality (privilege)
- 4. What if Marcus is not happy with his lawyer?
 - a. Complaints Process
 - b. Replacing your lawyer
- 5. Is Marcus guaranteed probation or community service?
 - a. Sentencing Considerations and Options
- 6. What will happen to Marcus's record when he turns 18?
- 7. If charges were laid in March 2009 and Marcus is to attend University in September 2009, will Marcus be able to attend?
- 8. How could Marcus have dealt with the situation differently?

