

**Oneida County Youth Court  
Sentencing Hearing**

**Judge:** (Bangs Gavel)

**Bailiff:** “All rise, Oneida County Youth Court is now in session, the Honorable \_\_\_\_\_ now presiding.”

**Judge:** “Juvenile court hearings are closed hearings. The only persons allowed in the courtroom are people directly involved in the case. If there is anyone in the courtroom who is not directly involved in this case, you will have to leave at this time. If you are not a Youth Court member, a defendant, or his/her guardian, you will have to leave at this time.”

“Everything that goes on in Youth Court is confidential. We will take an oath of confidentiality. If everyone will please raise their right hand and repeat after me:”

“I solemnly swear that I will not divulge,  
Either by words or signs  
Any information which comes to my knowledge,  
In the course of a Youth Court session, and  
That I will keep secret all said proceedings,  
Which may be held in my presence.”

“Please be seated.”

**Judge:** “Bailiff, please call the first case.”

**Bailiff:** “Youth Court Docket Number \_\_\_\_\_, entitled the State of New York vs. \_\_\_\_\_ now comes for hearing.”

**Judge:** “Would the defendant please rise? Are you the defendant in this case? And what is your name and age? You are charged with \_\_\_\_\_. How do you plead? (Defendant must respond guilty) Thank you Mr./Ms. \_\_\_\_\_.”

**Judge:** “Is the parent or guardian of the defendant present? Your name(s) please? Thank you for being here tonight.

Will the Prosecuting Attorney please state his/her name for the record?  
Thank you Mr./Ms. \_\_\_\_\_.

Will the Defense Attorney please state his/her name for the record? Thank you Mr./Ms. \_\_\_\_\_.”

**Judge:** “Members of the Jury, please rise and raise your right hand. Do you solemnly swear to listen carefully to the evidence and arguments which are presented in this case, and fulfill your duty to determine a sentence that is fair to the defendant, the victim, and the community? If so, say ‘I do.’ You may be seated.”

“You have been picked as jurors and have promised to do a good job. Remember, the defendant is guilty of the charge made against him/her. Your sole duty is to determine what sentence is fair and appropriate.”

**Judge:** “Prosecution, are you ready to begin.”

**Prosecution:** “Yes your honor.”

**Judge:** “The prosecution may make its opening statement.”

**Prosecution:** (You may use your own statement or the following as a guide)

“Your Honor and members of the jury, we know that \_\_\_\_\_ is guilty of violating the law. We also know that \_\_\_\_\_ has been given the opportunity of redemption by being referred to Youth Court. I think that this Youth Court should give the defendant a chance to complete the program so that he/she may correct his/her inappropriate behavior.” I recommend the following sentence:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**Judge:** “Defense, present your opening statement.”

**Defense:** (You may use your own statement or the following as a guide)

“Your Honor and members of the jury, we know that \_\_\_\_\_ is guilty of violating the law. We also know that \_\_\_\_\_ has been given the opportunity of redemption by being referred to Youth Court. I think that this Youth Court should give \_\_\_\_\_ a chance to complete the

program so that he/she can correct his/her inappropriate behavior. I recommend:

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**Judge:** “Does the prosecution wish to call any witnesses?”

**Prosecution:** “Yes your honor, the prosecution wishes to call \_\_\_\_\_ to the stand.”

**OR** “No, Your Honor.” (At which point the defense will be asked if they wish to call any witnesses)

**Judge:** “I call \_\_\_\_\_ to the stand and ask the Bailiff to place him/her under oath.”

**Bailiff to Witness:** **(Raise your right hand along with witness!)** “Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?”

**Judge to Prosecution:** “Prosecution, please present your case.”

**Prosecution:** Perform direct examination (i.e. – please state your name for the record, where were you on \_\_\_\_\_, etc.)

When done: “I have no further questions your honor.”

**Judge to Defense:** “Does the defense wish to cross-examine?”

**Defense:** “Yes, your honor.” Perform cross-examination (i.e. Didn’t you say...).

When done: “I have no further questions your honor.”

**Judge:** Does the prosecution wish to re-direct?

**Prosecution:** Either “Yes, your honor.” where you would proceed to redirect, and finish with “I have no further questions your honor.”

OR:

“No, your honor.”

**Judge to Prosecution:** “Does the prosecution wish to call any more witnesses?”

**Prosecution:** Either “Yes, your honor.” where you would repeat the above steps.

OR

“No, your honor.”

**Judge to Witness:** “You may step down.”

**Judge:** “Does the defense wish to call any witnesses?”

**Defense:** “Yes your honor, the defense wishes to call \_\_\_\_\_ to the stand.”

**Judge:** “I call \_\_\_\_\_ to the stand and ask the Bailiff to place him/her under oath.”

**Bailiff to Witness:** **(Raise your right hand along with witness!)** “Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?”

**Judge to Defense:** “Defense, please present your case.”

**Defense:** Perform direct examination (i.e. – please state your name for the record, where were you on \_\_\_\_\_, etc.)

When done: “I have no further questions your honor.”

**Judge to Prosecution:** “Does the prosecution wish to cross-examine?”

**Prosecution:** “Yes, your honor.” Perform cross-examination (i.e. Didn’t you say...)

When done: “I have no further questions your honor.”

**Judge:** “Does the defense wish to re-direct?”

**Defense:** Either “Yes, your honor.” where you would proceed to redirect, and finish with “I have no further questions your honor.”

OR:

“No, your honor.”

**Judge to** “You may step down.”

**Witness:**

**Judge:** “The prosecution may now present his/her final statement and recommendations to the Jury.”

**Prosecution:** Stand, repeat sentencing recommendation with supporting rationale.

**Judge:** “The defense may now present his/her final statement and recommendations to the Jury.”

**Defense:** Stand, repeat sentencing recommendation with supporting rationale.

**Judge  
to Jury:**

“You have now heard the evidence and closing arguments from both sides of this case. The defendant has been charged with \_\_\_\_\_ . You will determine the conditions that \_\_\_\_\_ will abide by, to have this case dismissed. You, as jurors, have the authority to impose a mandatory sentence of 0-30 community service hours, service as a juror (*all defendants must serve as a juror at least once*). Additional options include but are not limited to letter(s) of apology, or an essay relating to the offense. Your decision must be a unanimous one. When you have reached a unanimous verdict, have your Jury Foreperson fill out and sign the Jury Verdict Form. When you are finished let the Clerk/Bailiff know and you will be lead back into the courtroom. Will everyone please rise? Will the Clerk/Bailiff please escort the jury to the jury room?”

Bang Gavel: “The court will now take a recess while the jury deliberates.” (People sit)

### **Reconvene**

**Clerk/Bailiff:** When jury is done deliberating, open the courtroom door and say:  
“Will everyone please rise?”

**Judge:** When the jury has been escorted back to their seats, say:  
“Please be seated. Who is the Foreperson of the Jury?”

**Jury**

**Foreperson:** “I am your honor (State name and stand).”

**Judge:** “Mr./Ms. \_\_\_\_\_, has the jury reached a verdict?”

**Jury Foreperson:** “Yes, your honor, we have.”

**Judge:** “Will the Clerk/Bailiff please deliver the verdict to the bench for inspection?”

Judge reads and signs the verdict, returns it to the Clerk/Bailiff, who then returns it to the Jury Foreperson.

**Judge:** “Will the defendant please rise for sentencing? Will the foreperson please stand and read the jury’s verdict?”

**Jury Foreperson:** Read the verdict from the jury form, “we the jury sentence the defendant, Mr./Ms. to \_\_\_\_\_”

**(Defense is seated)**

**Judge:** “The court, having heard the evidence, now finds the Jury’s verdict to be appropriate and fair to the defendant, the victim, and the community. Mr./Ms. \_\_\_\_\_ (defendant), the members of the jury have simply done their duty here tonight. Their decision is a group decision. Do not hold any single person responsible for your sentence, and do not cause any problems for those involved in your case here tonight, or you will find yourself in more trouble. Also, remember because you were here tonight you will return to this courtroom to serve on a jury yourself, and at that time, you will want the defendant to respect your decision. On behalf of everyone here today, I wish you luck. I am confident that you will complete your community service and fulfill the special conditions imposed upon you. At this time, you and your guardians may report to the Youth Court Director, where your sentence will be more specifically explained to you.”

“Members of the jury, attorneys, and court personnel, thank you for the respect that you have given the defendant and the law. You are excused. However, as you leave here tonight, **remember you have a duty to uphold the oath of confidentiality concerning these proceedings.**

“Being there no further business before Youth Court, I hereby declare Youth Court adjourned.”

(Bangs Gavel)