



Lesson Plan: Protecting the Accused

OVERVIEW

In this lesson, students will analyze a criminal case in Mexico involving an innocent man convicted of homicide. Students will identify and explain the protections for the accused that are outlined in the United States Constitution and infer how such protections might have affected the case in Mexico.

The lesson features excerpts from the program **Presumed Guilty**, the story of a man wrongfully sent to prison in Mexico for a murder he did not commit.

Note: This film is in Spanish with English subtitles.

POV documentaries can be recorded off-the-air and used for educational purposes for up to one year from their initial broadcasts. In addition, POV offers a lending library of DVDs and VHS tapes that you can borrow any time during the school year — FOR FREE! Get started by joining our Community Network:
www.amdoc.org/outreach/events/

Please visit our Film Library at http://www.amdoc.org/outreach_filmlibrary.php to find other films suitable for classroom use or to make this film a part of your school's permanent collection.

OBJECTIVES

Students will:

- Analyze a criminal case in Mexico involving an innocent man convicted of homicide.
- Identify the protections for the accused that are outlined in the U.S. Constitution.
- Explain in their own words the meaning of the text in the U.S. Constitution describing these protections for the accused.
- Infer how protections like those guaranteed in the U.S. Constitution might have changed the procedures and process of the activities that led to an innocent man's conviction.

GRADE LEVELS

6-12

SUBJECT AREAS

Civics, Global Studies, World History

MATERIALS

- Internet access and equipment to show the class online video clips
- Handout: [Viewing Guide](#) (PDF file)
- Handout: [U.S. Constitutional Protections for the Accused](#) (PDF file)
- Reference copies of the U.S. Constitution

ESTIMATED TIME NEEDED

One to two 50-minute class periods

VIDEO CLIP

Clip 1: “I Had No Idea What My Rights Were” (length :53)

The clip begins at 9:47 when Antonio “Toño” Zúñiga says, “More than anything else...” It ends at 10:40 when he says, “What do you do?”

Clip 2: “First Day of Retrial” (length 8:16)

The clip begins at 19:20 with the on-screen text “First Day of Retrial.” It ends at 27: 36 when a woman says, “He left the market about 6:00 p.m.”

Clip 3: “Questioning the Detective” (length 2:40)

The clip begins at 29:40 with the on-screen text identifying the chief detective. It ends at 32:20 with the words, “The trial is irrelevant.”

ACTIVITY

1. Ask each student to imagine that he or she has been picked up off the street, accused of committing a murder and then sentenced to 20 years in jail. In December 2005 this happened to Antonio “Toño” Zúñiga in Mexico City and, like thousands of other innocent people, he was wrongfully imprisoned.
2. Distribute the Viewing Guide and tell students that you will show them three video clips. The clips show Zúñiga in prison and during his retrial, which was granted when it was learned that his first attorney had not been licensed properly to practice law. Ask students to take notes on the Viewing Guide as they watch.
3. Discuss student responses on the Viewing Guide. Based on what the class saw in the video clips, list the issues that made it difficult for Zúñiga to find justice and prove that he did not commit the crime.
4. Explain that constitutions of some countries, such as that of the United States, limit government power in order to protect individual rights. A country’s constitution often defines the relationship between its citizens and its government. The United States Constitution provides certain protections for those accused of crimes. This works to limit the power of the government and lower the risk of wrongful convictions.
5. Distribute the handout U.S. Constitutional Protections for the Accused. Ask student pairs to refer to the U.S. Constitution to complete the handout together.
6. Lead a discussion and ask students to infer how protections guaranteed under the U.S. Constitution might have changed the procedures and process of the activities that led to Zúñiga’s conviction. Note: You may also want to let the class know that at the end of the retrial shown in the video, Zúñiga was again convicted of homicide and sentenced to just over 20 years in prison. When he appealed, however, the taped testimony from the earlier trial convinced the judges that there was reasonable doubt surrounding his guilt and Zúñiga was acquitted. After serving two and a half years in prison, he now lives with his wife and daughter.

ASSESSMENT SUGGESTIONS

Students can be assessed on:

- Providing thoughtful and complete responses on the Viewing Guide and U.S. Constitutional Protections for the Accused handouts.

- Their knowledge of the amendments and key terms in the U.S. Constitutional Protections for the Accused handout.

EXTENSIONS

- Examine cases that took place in the United States and, despite the fact that legal protections for the accused have been established under the U.S. Constitution, resulted in wrongful convictions. Teachers can use the Yusef Salaam story as a case study. Salaam was convicted in the Central Park Jogger case and then served five and a half years in prison before he was exonerated. The POV website features an interview [http://www.pbs.org/pov/disturbingtheuniverse/interview_salaam.php] with Salaam that explains what happened. Discuss what went wrong in Salaam's case and how something similar could be prevented in the future. The Innocence Project website presents other cases of wrongful conviction [<http://innocenceproject.org/know/>], describes the most common causes of wrongful conviction [<http://innocenceproject.org/understand/>] and outlines reforms that would help prevent the conviction of innocent people in the future. Invite students to get involved in strengthening the U.S. criminal justice system by reviewing the Innocence Project's Take Action page [<http://www.innocenceproject.org/fix/947/>] and choosing a way to support reform efforts.
- Analyze the pros and cons of eyewitness testimony in criminal cases. Remind students that Zúñiga was convicted based solely on Víctor Daniel Reyes' testimony against him. However, Reyes' statements to police were not consistent, and he did not mention Zúñiga's name until investigators mentioned it. Read what expert Elizabeth Loftus [http://www.pbs.org/pov/presumedguilty/watching_loftus.php] of University of California, Irvine says about eyewitness testimony on the POV website and outline the strengths and weaknesses of using eyewitness accounts in criminal cases.
- Consider the role of police interrogation practices in wrongful convictions. Ask students to read what University of California, Berkeley School of Law professor Charles Weisselberg [http://www.pbs.org/pov/presumedguilty/watching_wasselberg.php] says about ways to strengthen the protections that govern police interrogation practices and then provide a written response about how these strengthened protections might have made a difference in Zúñiga's case.
- Conduct an in-depth study of the Bill of Rights. Ask the class to research and outline the arguments that were made by Federalists and Anti-Federalists over the need for a Bill of Rights. Whose arguments do students find most compelling? Why? How might the United States be different if the Bill of Rights had not been adopted? Then, track how interpretation of the Bill of Rights has been refined over time by identifying and summarizing recent court cases involving amendments from the Bill of Rights.

RELATED RESOURCES

The Charters of Freedom. "Bill of Rights."

http://www.archives.gov/exhibits/charters/bill_of_rights.html

The National Archives provides images of original documents, along with transcripts, online. Information on the historical context of the passage of the U.S. Constitution is also available.

Street Law. “Landmark Cases of the U.S. Supreme Court.”

<http://www.streetlaw.org/en/Landmark.aspx>

This website provides key excerpts of majority and dissenting opinions, primers, backgrounders and other resources to help teach landmark Supreme Court cases, such as *Gideon v. Wainright* (right to counsel, due process), *Mapp v. Ohio* (warrantless search, due process) and *Miranda v. Arizona* (self-incrimination, due process).

America.gov. “Rights of the Accused.”

<http://www.america.gov/st/democracy-english/2008/June/20080630231256eaifas0.3084683.html>

This article from the U.S. Department of State publication *Rights of the People: Individual Freedom and the Bill of Rights* outlines protections for the accused, the history of these protections and examples of case law that have refined them. A Spanish translation of this article is also available.

STANDARDS

These standards are drawn from “Content Knowledge,” a compilation of content standards and benchmarks for K-12 curriculum by McRel (Mid-continent Research for Education and Learning) at <http://www.mcrel.org/standards-benchmarks/>.

Behavioral Studies

Standard 4: Understands conflict, cooperation and interdependence among individuals, groups and institutions.

Civics

Standard 4: Understands the concept of a constitution, the various purposes that constitutions serve and the conditions that contribute to the establishment and maintenance of constitutional government.

Standard 8: Understands the central ideas of American constitutional government and how this form of government has shaped the character of American society.

Standard 18: Understands the role and importance of law in the American constitutional system and issues regarding the judicial protection of individual rights.

Standard 25: Understands issues regarding personal, political and economic rights.

Language Arts

Standard 9: Uses viewing skills and strategies to understand and interpret visual media.

ABOUT THE AUTHOR

Cari Ladd, M.Ed., is an educational writer with a background in secondary education and media development. Previously, she served as PBS Interactive’s director of education, overseeing the development of curricular resources tied to PBS programs, the PBS TeacherSource website (now PBS Teachers) and online teacher professional development services. She has also taught in Maryland and Northern Virginia.