Mini-Mock Trial Manual

Teacher Instructions

Mock trials conducted within one or two class periods help students learn about courts and trials in an interesting and enjoyable way. Although students obviously will not be as polished as they are in more lengthy mock trial programs, their abilities to quickly become familiar with trial process, to learn their roles, and to discuss rules of evidence and constitutional protections will surprise even the most seasoned observer.

In addition to the value of the learning experience for students, mini-mock trials are an excellent activity for lawyers who want a "guaranteed" success. With only little advance preparation, a lawyer can guide the students through the mock trial experience, helping them develop appropriate questions and then serving as the judge for the trial. Most lawyers are so comfortable with this activity, and find the positive student response so rewarding, that they are usually willing to schedule return engagements.

Students will:

1. Become familiar with the role of a trial court in solving disputes. They will also be introduced to court procedure and decorum.
2. Develop an appreciation for the importance of various people in the courtroom.
3. Practice communication and critical thinking skills as they prepare and present their case.

Materials needed: **Student Handout: MOCK TRIAL PROCEDURE**
Student Handout: JUROR BIOGRAPHY
Selected Mini-Mock Trial Cases

Time needed: 2 class periods
Grade level: Grades 5-12

Procedure:

1. Begin the class session by discussing trials. Because most students have seen television programs about trials and courts, they already have some basic information. Ask them what programs they have seen. For younger students or students who have limited knowledge of courts and trials, ask the students to list the people who are present in the courtroom. This list will include:

- lawyers
- judge
- jurors
- witnesses
- defendant
- plaintiff
- bailiff
- police officers
- clerk
- court reporter
- public
- sketch artists

Teacher Instructions: Procedures continued

2. Discuss what these people do in the courtroom. For students with more knowledge of courts and trials, begin the discussion by asking who is the most important person in the courtroom. As they answer, ask them why they think the person is important. This will have the students think about the role of the different people in the courtroom.

Depending upon the sophistication of the audience and the time available, short discussions of the following topics can be conducted: trial by judge or jury; civil v. criminal trials; the need for a court reporter and court record; the constitutional right to a public trial; the controversy surrounding cameras in the courtroom; the reason for courtroom decorum.

3. Select one of the cases and read the one paragraph summary of the facts to the students. If the students are skilled in mock trials, do not read the fact summary.

4. Ask the students to volunteer for the parts in the mock trial. Four students should be selected to be the lawyers for each side of the case. One student may present the opening statement, one the direct examination, one the cross examination, and the other the closing argument, or students may share the tasks. Ask one or two students to help judge the trial. To keep the trial moving, it is extremely helpful to use a lawyer to co-judge the trial. Reserve discussion of objections for later.

5. Also assign students to roleplay the witnesses, bailiff, media representatives and sketch artists (these students can write articles and prepare drawings for the articles), and members of the jury.

6. Before the start of the actual trial preparation, briefly (in a couple of minutes) describe the steps of a trial as presented in the **Student Handout: MOCK TRIAL PROCEDURE**. Remind students that they will be helped through the process by the judge and that confusion at this point is expected.

7. If students have sufficient background and understanding of the trial process, explain the reasons and grounds for objections. (It is recommended that only a limited number of objections be allowed.) Refer to the list of objections in the **Student Handout: MOCK TRIAL PROCEDURE**. If they lack knowledge, reserve discussion of objections until one occurs during the trial. (No matter how old the students are, one will object to a question during the trial. The objection might be made in the form of "She can't do that, can she?" or "This isn't fair!" Regardless of the language used, the students usually have made the objections at appropriate times. They are now ready to learn about objections.)

Explain to the students that objections are used when lawyers feel that the other side is not obeying the rules. All court procedures are governed by many rules. Lawyers are required to conduct the trial according to the rules. It is the judge's responsibility to decide if a lawyer has broken a rule. If a judge agrees that a rule has been violated, the judge ***sustains the objection***. If the judge feels that the lawyer has not violated the rules, he or she ***overrules the objection***. If an objection is sustained, the witness's answer is **not allowed**. If an objection is overruled, the witness is **allowed to answer the questions**. (The rulings by the judge can be the grounds for appeals.)

Teacher Instructions: Procedures continued

8. Tell students they will have approximately 10 minutes to prepare. Although this is a short period of time, the facts of the cases are simple, and a longer period of time results in a restless jury.

9. Provide the following instructions:

Lawyers - Tell them to read the facts and all of the witness statements (including the witnesses for the other side). They are to prepare an opening statement, questions for all witnesses, and a closing argument. Have them use the **Student Handout: MOCK TRIAL PROCEDURE** in their preparation.

Witnesses - Tell each witness to read his or her statement at least three times so that he or she will be prepared to answer questions. Each witness should then work with the lawyers from their side to help prepare questions.

Judge - Tell the judge to read **Student Handout: MOCK TRIAL PROCEDURE** and be prepared to call the witnesses.

Bailiff - Tell the bailiff to review the procedure for the oath that he or she will administer to each witness. The Bailiff and Judge should fill in the blanks on the first page of the **Student Handout: MOCK TRIAL PROCEDURE**.

Jurors - Ask them to imagine who they will be in twenty years and complete **Student Handout: JUROR BIOGRAPHY** form.

10. Begin the trial with jury selection. This step allows the jury to play an active role. Have the judge (either student or adult) and lawyers ask questions of the prospective jurors. Questions are limited to matters relevant to the particular case and those that help attorneys decide whether or not to challenge a person's participation on the jury. Sample questions include:

Q. Is there anyone who feels he or she cannot be fair in this case?
Q. Is anyone related to or does anyone know persons involved in this case?
Q. Does anyone stand to benefit from a decision in this case?
Q. Has anyone already formed an opinion about the case?

Explain to the students that jurors are removed from the jury for various reasons. Attorneys can ***challenge for cause*** any juror who exhibits a bias for or against any one of the parties. Each attorney also has a certain number of challenges called ***peremptory challenges*** which can be used to strike a juror without giving a reason. For example, a defense attorney may get the impression that a prospective juror simply doesn't like the defendant and will then use a peremptory challenge to prevent that person from being on the jury. For mock trials, each side is limited to one peremptory challenge.

Make certain to leave enough people in the jury to decide the case. Persons removed from the jury should be assigned the role of media representatives and moved from the jury box. Ask them to pretend that they are going to write a news story about the trial and that they should take notes on points they think are important.

Teacher Instructions: Procedures continued

11. The trial begins with opening statements from both sides (plaintiff/prosecution first), followed by the examination (questioning) of the witnesses (plaintiff/prosecution case first) and, finally, closing arguments (plaintiff/prosecution first). The trial will take 45 minutes to 1 hour. Remember, the goal of this activity is to increase the students' knowledge of courts and trials. Do not expect them to sound like experienced trial lawyers. You will enjoy watching them develop their questions and arguments on objections and listen to the answers with great care.

12. Instruct the jury at the end of the trial using the jury instructions contained in each trial. Mock trial juries usually require only a few minutes to reach a verdict. After they have announced the verdict, ask them to explain how they decided on it.

13. Ask the media representatives what kind of story they would have written. What was most newsworthy about the trial? What would grab the reader's attention? Did they agree with the jury's decision? Who gave the strongest testimony? (If time is running out, this step can be done while the jury is deliberating.)

14. Debrief the trial. Encourage all students to participate in the discussion of the trial. Questions that facilitate discussion include:

Q. What were the strong and weak points of each side?
Q. What additional information would have been helpful?
Q. Who was the most believable witness? Why?
Q. Did any of the students change their minds during the trial? When and why?
Q. Are there other ways that the problem could have been settled? What would have been the advantages or disadvantages?

15. Complete the activity with a short discussion of the need for citizens to participate in the process. Ask them what they will remember to do if they witness an action or are asked to serve on a jury.

Student Handout: MOCK TRIAL PROCEDURE

Participants:

- ♦Judge
- ♦Prosecution attorneys
- ♦Defense attorneys
- ♦Jury
- ♦Representatives of the media (sketch artists, reporters)
- ♦Bailiff
- ♦Witnesses for prosecution/petitioner
- ♦Witnesses for defense

Opening of Trial:

Bailiff:"Please rise. The Court of _____ is now in session, the Honorable _____ presiding."

Everyone remains standing until the Judge is seated.

Judge: "Ms./Mr. _____(Bailiff's name), what is today's case?"

Bailiff: "Your Honor, today's case is _____.

Judge: "Is the prosecution ready? Is the defense ready?"

Attorneys: "Yes, your Honor." (Always say "your Honor" when speaking to the judge.)

Trial Procedure:

1. Opening Statement - prosecution/plaintiff attorney introduces himself or herself and states what their side hopes to prove. Being with "Your Honor, members of the jury," then state what the facts on your side will show and ask for a verdict in favor of your side.

Defense attorney then says, "Your Honor, members of the jury," introduces himself or herself and explains the evidence on his or her side that will deny what the other side is attempting to prove. Ask for a verdict of not guilty (criminal case) or for the defense (civil cases).

Attorneys: "Your Honor, members of the jury, my name is _____ and I and my classmates are representing _____ in this case. We intend to prove_____
_____.
Please find _____.

2. The Oath - All witnesses are sworn in before they begin answering questions. This is to remind them that they must tell the truth.

Bailiff:"Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?"

3. Direct Examination - prosecution/plaintiff calls it's first witness to the stand and asks clear and simple questions that allow the witness to tell his or her side of the story in his or her own words. Witnesses may make up answers to questions that are not included in the witness statements or the witnesses may say "I don't know."

Student Handout: MOCK TRIAL PROCEDURE continued

Suggestions for questions:

How do you know the defendant?
What do you know about the case?
What happened?
What do you remember?
What happened next?

Remember to ask questions that will let the witness tell the complete story.

? ? ? Your Questions ? ? ?

?
?
?
?

4. Cross Examination - defense/respondent attorney questions witnesses for the other side to try to prove that the witness is lying or can't remember. For example, the lawyer may ask "Isn't it true that you really couldn't see because it was almost dark outside?"

Suggestions for questions:

Isn't it true that.....

If possible, ask questions that call for a yes or no answer.

? ? ? Your Questions ? ? ?

?
?
?
?

5. After all the prosecution/plaintiff witnesses have been questioned and cross-examined, the defense calls its witnesses and questions them under direct examination. Then the prosecutor/plaintiff cross-examines.

6. Closing Argument - each side summarizes the testimony presented during the questioning in a way that will convince the jury to believe his or her side of the case. In a criminal case, prosecution asks the jury to find the defendant guilty.

Defense asks the jury to find the defendant not guilty.

Student Handout: MOCK TRIAL PROCEDURE continued.

Attorneys: "Your Honor, members of the jury, today you have heard testimony about _____ _____.

I would like to remind you of some important information that you should consider in your decision. These facts include_____ _____.

Please find _____.

7. Jury Deliberation - after hearing the judge's instructions, the jurors meet to decide guilty or not guilty (criminal case) or to find for the plaintiff or defendant (civil case), and then gives their decision to the judge.

Objections

Any attorney may object to a question or the admission of an exhibit. The judge will usually ask the person objecting "on what rule of evidence are you relying?" Then the judge either ***sustains*** the objection preventing the evidence from being introduced or ***overrules*** the objection allowing the question or exhibit to be admitted as evidence.

Reasons for objections (also knows as ***grounds for objection*** or the ***Rules of Evidence*** being relied upon);

Leading questions: Prosecutors must allow their witnesses to tell their own stories; they must not lead their witnesses through the story. Defense attorneys must following the same rule when questioning their witnesses.

Immaterial and irrelevant: The information is not closely related to the case, and is therefore not important.

Opinions and conclusions: Unless the witness is an expert, (such as a doctor testifying about medical issues, he or she should not give professional opinions or conclusions.

Nonresponsive answer: The witness is not answering the question asked.

These are only a few objections. They are probably the most common ones used. They will adequately serve your needs.

Student Handout: Juror Biography

Name/Address	Salary
	Organizations of which you are a member.
County	
	Military service
Phone	
Spouse's name	Public service
Name/Ages of children	
	Hobbies/Interests
	Most memorable childhood event.
Parent's name	
Education Completed	
	Have you had any contact with the legal system? If so, what.
Height/Weight/Eye Color	
Physical condition	
Religious affiliation	
Occupation	
Employer	
Other information about yourself	

Student Handout: JURY OBSERVATION SHEET AND CHECKLIST

The jury will determine whether the defendant is guilty or not guilty based upon the facts of the case, the credibility of the witnesses' testimony, and the law which applies to the case. Use th is sheet to follow the proceedings of the trial. As the prosecution presents its case, record the legal argument smade by the attorneys, facts presented by the witnesses and your impressions of the credibility (believability) of the witnesses.

Prosecution

Prosecution's Opening Statement: What did the prosecution say it would try to prove in this case?

FACTS learned from witness testimony

Witness #1_____

Witness #2_____

Witness #3_____

To Believe or Not to Believe

Circle the response which most closely corresponds with what you think of each witness:

SA - Strongly Agree **A**=Agree **D**=Disagree **SD**=Strongly Disagree

Witness # 1_____was a believable witness SA A D SD

Witness #2_____was a believable witness SA A D SD

Witness #3_____was a believable witness SA A D SD

Prosecution's Closing Arguments: How did the prosecution use the facts from the witnesses to provie its case?

Student Handout: JURY OBSERVATION AND CHECKLIST cont.

Defendant

Defendant"s Opening Statement: What did the defense say it would try to prove in this case?

FACTS learned from witness testimony

Witness #1_____

Witness #2_____

Witness #3_____

To Believe or Not to Believe

Circle the response which most closely corresponds with what you think of each witness:

SA - Strongly Agree **A**=Agree **D**=Disagree **SD**=Strongly Disagree

Witness # 1_____was a believable witness SA A D SD

Witness #2_____was a believable witness SA A D SD

Witness #3_____was a believable witness SA A D SD

Defendant's Closing Arguments: How did the defense use the facts from the witnesses to provie its case?

INSTRUCTIONS FOR JUDGES

1. After the bailiff has called the court to order, judge enters courtroom and sits at bench. The judge tells everyone to be seated.

2. After introductory comments (from trial procedure handout), the judge conducts jury selection by asking questions to identify potential jurors who will not be able to be fair. Suggested questions:

- ♦Is there anyone who feels he or she cannot be fair in this case?
- ♦Is anyone related to or does anyone know persons involved in the case?
- ♦Has anyone already formed an opinion about the case?
- ♦other questions related to the subject matter of the case.

The judge should let the attorneys ask questions. Students who answer yes to these questions should be removed from the jury and ask to serve as media representatives. Instruct them to sit in an area away from the jury.

3. Thank the jury for serving. Instruct them to ignore anything they have heard about the case from sources outside of the courtroom. Also ask them to listen carefully to the testimony and to raise a hand if they cannot hear.

4. Ask prosecution/plaintiff to begin with their opening statement. Ask them to stand at their table. Then ask defense to do the same.

5. Ask prosecution/plaintiff to call its first witness. Ask bailiff to swear in witness, then ask witness to state name. Instruct attorney to begin direct examination.

OBJECTIONS

Sustain:
agree that a rule has been broken

Overrule:
do not think a rule has been broken

6. Ask defense to question the witness. This is called cross examination.

7. If time permits, allow both sides to continue until there are no more questions.

8. Repeat steps 5-7 for each witness. When defendant calls their witnesses, they will conduct the direct examination of those witnesses and the prosecution/plaintiff will conduct the cross examination.

9. Take a two-minute recess to give the attorneys time to complete their closing arguments. Ask both sides to present their closing arguments, prosecution/plaintiff goes first.

10. Instruct the jury with the instructions provided at the end of each trial. Ask the jury to remove themselves from the courtroom and to decide the case.

11. When the jury returns with its decision, ask for the verdict.

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Student Handout: ***Julie Stone v. John Burton***

Domestic Abuse Mock Trial
District Court

Julie Stone,	)
Plaintiff,	)
	)
v.	)
	)
John Burton,	)
Defendent.	)

FACTS

Julie and John have been going out together for three months. Julie is 27 and lives with her parents about three blocks from John's home. John, who lives with his aunt, is 29. Neither are married. John and Julie had dated frequently while they were in high school but they had not seen each other for nearly ten years until they started going out again recently. While they were in high school, they had a stormy relationship. They never actually struck each other but there were many loud arguments. During these arguments, Julie became very agitated and John tended to raise his voice and often used bad language. Once, he threw a plate at Julie in the school cafeteria and he was disciplined by the school for the incident. The bad feelings never last long, however.

During the past six weeks, John has mentioned the possibility of them becoming engaged. Julie has been non-committal and John has let the subject drop after he mentions it. Julie knows that her father dislikes John and has always urged her not to see him. The couple have had some arguments over little things though these arguments have not been as intense as when they were in school together.

On February 6, John arrived at Julie's home around 5:30 p.m. They had dinner reservations for 7:00 p.m. and John was early. Julie's father, Max, answered the door and told John that Julie was not ready. They started talking and a few minutes later Julie came downstairs when she heard raised voices. John saw Julie and tried to push past Max who banged the front door on John's foot. John yelled that this was not going to happen to him again. Julie grabbed at her father but when John raised his arm she ducked and fell, hurting her ankle, as she ran into the living room. Max then got the door closed and, from outside, John called out that he would be back. However, he did not return that evening and the next day Julie sought an Order for Protection against him.

ISSUE: Should the court issue an Order for Protection against John?

Student Handout: PLAINTIFF'S WITNESS STATEMENTS

Julie Stone
Max Stone, Julie's father

Julie Stone

I am seeking protection from John because I don't know what he is capable of doing. We argued a lot when we knew each other before but I really liked him and we enjoyed being together most of the time. I lost track of John after we graduated but we met again recently and started going out. I was interested to see how much he had changed. He is quieter now but we still argue a bit. My parents never liked John, though, and thought I shouldn't start dating him again. John has talked about getting engaged but I am not sure I want to.

On February 6, John came to my house because we were going out to dinner. I came downstairs when I heard shouting and I saw John trying to get passed my dad. John was angry and I grabbed for my dad's arm to get him away from John. When I saw John's arm go up, I thought he was going to throw something so I ducked and ran away. I am not sure what John is capable of doing to people and he scares me when he gets angry. Now I just want him to stay away.

Max Stone

I have never really liked John and my wife and I were not happy when Julie started seeing him again. When Julie was in school, I told her over and over again that she should stop seeing him. On February 6, John came to the house early and he became abusive when I suggested he come back in a little while. I might have started yelling at him too. When he started to come in, I tried to close the door. He shouted something at Julie and I thought he was going to hit me. I managed to get the door closed but he continued to shout abuse from outside.

I believe John has been violent with my daughter in the past and now I can see he is still capable of hurting her.

Student Handout: DEFENDENT'S WITNESS STATEMENTS

John Burton
Eliza Little,
the Stone's neighbor

John Burton

Julie and I used to date each other in high school and even though we lost touch after we graduated I always hoped we could get back together someday. I was so pleased that Julie agreed to start seeing me again recently. I would like to get engaged but she always changes the subject when I mention it. We argue sometimes but everybody does. I know I have a temper but I try to keep it in check and I have never hurt Julie and I never would.

I was a little early when I went to her place on February 6 but I figured we could talk or watch television before we went to dinner. Julie's father answered the door. I know he does not like me so I tried to be polite. It didn't work because he yelled at me to leave and come back later. I had to talk louder to make myself heard. When I saw Julie I tried to get to her to explain but the door banged on my foot. I cried out and almost lost my balance. Julie's father slammed the door. I was really mad and yelled out that I would come back later. I didn't though because I thought it would be better to let things cool down.

Eliza Little

I live next door to the Stone family and know them very well. I also know John Burton because he and Julie have stopped by my house one or twice and had coffee with me. John has also helped me move some heavy things in the garden. I have never seen John and Julie fight.

I was starting my walk on February 6 when I saw John arrive. Max opened the door and was very curt with John. I heard him tell John to go away. John yelled back at him and then I saw John's arm go up; then John almost fell backwards as the door was shutting and I think he dropped his car keys. John hung around for a few minutes and I heard him shout out that he would be back. I don't think it was a threat. While all this was happening, I was about 15 yards away.

Student Handout: DOMESTIC ABUSE LAW

"Domestic abuse" means the following if it is committed against a family or household member by a family or household member:

(1) physical harm, bodily injury or assault; or

(2) the infliction of fear of imminent physical harm, bodily injury, or assault.

"Family or household members" means:

(1) spouses or former spouses;

(2) parents and children;

(3) persons related by blood;

(4) persons who are presently residing together or who have resided together in the past;

(5) persons who have a child in common regardless or whether they have been married or have lived together at any time;

(6) a man and a woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and

(7) persons involved in a significant romantic or sexual relationship.

Jury Instructions: *Stone v. Burton*

Before evidence is presented

Members of the jury, you are to decide your case solely on the evidence presented here in the courtroom. This evidence includes the testimony of witnesses and any documents that are entered into the court record. You will not use any objections made by the lawyers and the arguments concerning the objections, testimony that the court tells you to disregard, or anything you may have seen or heard outside of the courtroom.

During this trial you are going to hear testimony of witnesses, and you will have to make judgements about the believability of the witnesses. I ask you to be patient, and listen carefully to the testimony of all the witnesses, and keep it all in mind until you hear the entire case. In making your decision, rely on your own experience, your own judgement, and your own common sense.

If at any time during the trial you are unable to hear, please raise your hand. The parties will be asked to speak up.

After evidence is presented

Members of the jury, you have heard all of the testimony concerning this case. It is now up to you to determine the facts. You, and you alone, are the judges of the facts. You will then have to apply the facts to the law as I give it to you.

The law in this case is the domestic abuse law. If you decide that the respondent has committed domestic abuse, then the court will issue a restraining order that will prevent the respondent from contact with the petitioner.

To find domestic abuse, you must find that the respondent caused a family or household member physical harm, bodily injury or assault, or inflicted the fear of imminent physical harm , bodily injury, or assault.

Family or household member means:

Spouse or former spouse, parents and children, persons related by blood, persons who are living together or who have lived together in the past, persons who have a child together or are about to have a child together, and persons involved in a significant romantic or sexual relationship.

You must keep in mind that a person has a right to use reasonable force to protect himself or herself.

To find domestic abuse, you must find that the evidence presented during the trial leads you to believe that it is more likely that the claim of abuse is true than not true. You are not required to find beyond a reasonable doubt.

You must all agree on the verdict. If after six hours of deliberation you cannot all agree, you may return a 5/6 verdict. If you are unable to reach a 5/6 verdict after an extended length of time, you will be dismissed.

Student Handout: ***Joe Jackson v. Andrew Middle School***

School Expulsion Mock Trial
District Court

***Joe Jackson*,**	)
Plaintiff	)
	)
v.	)
	)
***Andrew Middle School*,**	)
Defendent	)

FACTS

Andrew Middle School is a public school located in a large city. Recently, there has been a great deal of concern about violence in the schools. Because of this, the school has a new rule that requires that a student be expelled from school if he or she brings a weapon, real or fake, to school.

Letters explaining the new rule are sent to all of the students' homes, addressed to their parents. A memo is also sent to all of the teachers, who are asked to read it to their students, and answer any questions the students might have.

Joe (Jo) Jackson is an eighth grade student at Andrew Middle School. He is very interested in guns, particularly handguns. For his birthday, his mother (or father) gave him a gun that is a replica of a .44 Magnum handgun because it is the kind that Dirty Harry uses. The gun is just a fake, but it is a very good copy.

On May 1, Joe and a classmate, Spike Jones, got into a fight. Spike has a reputation of being a bully, and often gets into fights with Joe and Joe's friends. Spike is much bigger than Joe. Joe told Spike that the he was going to bring in his gun and "take care of" Spike. The next day, Joe brought his fake gun to school and showed it to his friends. Word spread quickly through the school, and Spike became terrified. Spike ran away from the school for the day.

Principal Wormer heard about this, found the fake gun in Joe's locker, and expelled him. Joe wants to be able to return to school.

ISSUE: Should the court allow Joe to go back to school?

Student Handout: DEFENDENT'S WITNESS STATEMENTS

Principal Wormer
Spike Jones
Amy Campbell

Principal Wormer

We are very concerned about the rising violence in our school. This is why we have a new rule banning guns and fake guns. We decided that it would be better to ban all guns and toy guns that look like real guns because we did not want our staff to have to decide whether or not a gun is real. Besides, since toy guns look just like the real thing now, a toy gun can be just as disruptive as a real gun.

We sent the memo to the parents instead of the students because we know that students do not read the memos and they forget to give them to their parents. We asked the parents to tell their children about the rule. We also announced the rule in school in every classroom. The students were able to ask questions about the rule.

I know that Joe and Spike do not get along. Joe has come to my office to complain about Spike. I told Joe that I would talk to Spike about this problem. I called Spike into my office and told him that he must stop bothering Joe. I told him that if this problem came across my desk again, I was going to call his parents and put him on detention for one week.

After I heard about the gun, I immediately searched Joe's locker. I found the gun, and expelled him. It is not a real gun, but it certainly looks real enough to me.

Spike Jones

I get into fights with Joe and his friends sometimes. We just don't like each other. Some people call me a bully, but I just protect myself, that's all. A lot of times Joe would say "I've got a gun at home and you'll be sorry," and stuff like that, but I figured that he was just talking. The day before he brought the gun into school, he said he was going to "take care of" me, but I thought it was just more talk. Then, I heard that he had a gun in school, and was showing it around, and that he was going to get me after school. I was afraid he would kill me. I hear about kids getting shot all the time and I was afraid it would happen to me. So, I ran home. If they let him back in school, I'm afraid that he'll get a real gun and shoot me. He's said that he would, and I believe him.

Amy Campbell

I have seen Joe and Spike getting into fights on the school grounds. I don't know what their problem is, but they sure fight a lot. I was in school the day Joe brought the gun. I saw him show it to a couple of his friends, and I heard other kids talk about it. It sure looked real to me. I think most of the other kids thought it was real too. I thought of the new rule and knew that Joe was going to be in big trouble.

Student Handout: PLAINTIFF'S WITNESS STATEMENTS

Joe (Jo) Jackson
Mavis Jackson, Joe's Mother
(or *Mark Jackson*, Joe's Father)
Cal Smith

Joe (Jo) Jackson

I never heard of this policy before I was expelled. I know my mom got some memo from school, but she told me that it said I could not bring a gun to school. I heard the teacher talk about guns in class but I didn't listen carefully.

I know I can't bring a real gun to school, but this was not a real gun, it was a fake one, so I don't think I should be expelled. Besides, this fake gun couldn't hurt anybody.

Spike is a bully. He's always picking on me and my friends, and he's a lot bigger than we are. I've complained about this to the principal, but I don't think he has done anything about it because Spike keeps doing it. All I wanted to do was to show Spike that I was not somebody he could mess with. I have not been in trouble before, and I really want to go back to school.

Mavis (Mark) Jackson

Joe has always been a good boy. He never gets into trouble. I got the memo from the school about the guns, but I didn't read it real carefully. I just saw that it said the kids couldn't bring guns to school. I told Joe about it, but I didn't make a big deal of it because Joe doesn't have any real guns. I should have had him read the memo.

When Joe told me about the problems with Spike, I told him that he's a man now and he has to take care of this sort of thing himself. The school doesn't protect him from bullies, so why shouldn't he be able to protect himself?

I'm sorry I didn't read the memo more carefully. It was my mistake. Joe should be given another chance.

Cal Smith

Spike is a creep. He is always picking on Joe and starting fights for no reason. Joe has gone to Principal Wormer and complained because he doesn't like to fight and doesn't know what to do. All Principal Wormer did was tell Spike to stop. Big deal! Joe brought his fake gun to school to scare Spike into leaving him alone. It's a fake gun so when he told us about it, we thought it was a good idea. We had no idea it would get Joe into such trouble.

Student Handout: SCHOOL MEMORANDUM

ANDREW MIDDLE SCHOOL
St. Andrew, Minnesota

MEMORANDUM

TO: Parents of Students at Andrew Middle School
FROM: Principal Wormer
RE: Violence in the school
DATE: April 1, 1997

Due to concern about violence in the school, the School Board has adopted a new rule about guns and fake guns. Starting today, no student shall be allowed to bring to school any gun, handgun, or other firearm, or any replica of any gun, handgun, or firearm. Any violation of this rule will result in immediate expulsion. This includes not just working guns, but also toy guns, water pistols, anything that could be mistaken for a real gun.

Please contact Principal Wormer's office (555-5432) with any questions.

This policy is permitted by Minnesota State Law.

Jury Instructions: ***AndrewJackson v. Andrew Middle School***

Before evidence is presented

Members of the jury, you are to decide your case solely on the evidence presented here in the courtroom. This evidence includes the testimony of witnesses and any documents that are entered into the court record. You will not use any objections made by the lawyers and the arguments concerning the objections, testimony that the court tells you to disregard, or anything you may have seen or heard outside of the courtroom.

During this trial you are going to hear testimony of witnesses, and you will have to make judgements about the believability of the witnesses. I ask you to be patient, and listen carefully to the testimony of all the witnesses, and keep it all in mind until you hear the entire case. In making your decision, rely on your own experience, your own judgement, and your own common sense.

If at any time during the trial you are unable to hear, please raise your hand. The parties will be asked to speak up.

After evidence is presented

Members of the jury, you have heard all of the testimony concerning this case. It is now up to you to determine the facts. You, and you alone, are the judges of the facts. You will then have to apply the facts to the law as I give it to you.

The law in this case involves the expulsion of a student for possession of a firearm or firearm replica on school property. The school district has a written policy that states

> "Due to increasing concern about violence in the school, the School Board has decided to implement a new policy regarding guns and replicas of guns. From this day forward, no student shall be allowed to bring onto school property any gun, handgun, or other firearm, or any replica of any gun, handgun, or firearm. Any violation of this policy will result in immediate expulsion. This includes not just working guns, but also toy guns, water pistols, anything that could be reasonably mistaken for a real gun."

If you find that the Mr. Jackson violated the school policy, you will be finding in favor of AndrewMiddle School, and the expulsion of Mr. Jackson will be continued. If you find that Mr. Jackson did not violate the school policy, you will be finding in favor of Mr. Jackson, and he will be allowed to return to school.

You must all agree on the verdict. If after six hours of deliberation you cannot all agree, you may return a 5/6 verdict. If you are unable to reach a 5/6 verdict after an extended length of time, you will be dismissed.

Student Handout: ***George Jetson* v. *Betty & John Spacely***

Personal Injury Mock Trial
District Court

George Jetson as the parent and	)
natural guardian of Judy Jetson	)
Petitioner	)
	)
v.	)
	)
Betty Spacely and John Spacely,	)
Respondent	)

FACTS

The Jetsons and the Spacelys live in a small town in Southeastern Minnesota. The town is surrounded by hills and bluffs in the Mississippi River Valley. The Jetson family and the Spacely family live a few houses apart on the same street. Judy Jetson is a 16-year-old high school junior. John Spacely is also 16 and is Judy's classmate. Both the them enjoy biking and often go mountain biking in the hills behind their houses. There are paths that wind through the hills, but there are no designated state bike, ski or snowmobile trails in the area.

John and Judy have been riding mountain bikes in the area for about four years. Over the last two years, they have taken a consistent path which is about six miles in distance. At the four-mile mark in the path, the path passes above John Spacely's house. The path then completes a two-mile loop and returns to the same general area at the four mile mark.

John Spacely is an aggressive rider who likes to take chances. When John and Judy ride together they usually ride the same mountain bike path because Judy fells confident on the path and does not want to get into a situation with John riding at a fast pace or in an area where she is not comfortable. Judy almost always leads the two of them on the six-mile path, so she can maintain a comfortable pace.

John Spacely has been in two prior bicycle accidents. One year ago when he was 15, John was involved in an accident when he passed another biker and the two of them collided. John admits that this accident was his fault because he tried to pass at too high a speed and in an area of the path with which he was not familiar. The second accident happened about three months ago. John was the only rider at the time of this incident. He claims that he was not riding his bike too fast but that he hit a tree-stump when he was riding in an area he had never ridden before. No one was seriously hurt in either accident.

Judy is an excellent student who is on the honor-roll at school. John has always struggled with school and maintains a C average. Approximately six weeks ago, John attempted to gain his driver's license but flunked his exam. He took an illegal turn during the course of the exam and collided with another vehicle. He was hurt in the accident and had to stop biking for two weeks.

Student Handout: *Joe Jetson v. Betty* & *John Spacely* continued

He had been back riding for approximately two weeks when he and Judy went riding on July 13.

On July 13, Judy and John went out biking on a bright sunny afternoon. Judy asked if they could bike their normal route and offered to take the lead. As usual, John agreed. The two of them had ridden five times since John's car accident. On each of these occasions, John had not ridden the final two-mile loop of the ride. Instead, he had signaled to Judy with his hands that he was going to be turning off at the four-mile mark and heading home. John told Judy before their first ride after the injury that he would need to do this because of his difficulty in recovering from his injury. On July 13, Judy was leading by approximately 20 yards when they approached the four-mile mark. She looked back at John and saw him make a signal with his hands. She believed he was turning off to head for home at the four-mile mark as he had previously done. Judy picked up her pace and went ahead about a quarter mile, around a bend in the path. The path narrowed to about 3 feet in width in this area. When she got up around the bend she decided to turn back on her ride and head for home. She slowed her bike to turn around when John yelled from behind her. John had just come around the bend and came upon Judy with her bike almost stopped. He could not avoid the crash and the two collided. Judy suffered a broken leg in the accident.

Judy's father, George, incurred medical expenses in connection with the treatment of her injuries. Judy has begun rehabilitation and may have permanent damage to her leg. George has brought a lawsuit against John Spacely and his mother, Betty, for the expenses he sustained as well as on behalf of his daughter for her injuries. Judy, being a minor, cannot file suit in her own name in the State of Minnesota.

ISSUES:

This stage of the trial involves only the issues regarding who is responsible for the accident. The issue of damages sustained by the plaintiffs will be tried at a later date.

1. Whether John Spacely is negligent with respect to the accident on July 13?
2. Whether Judy Jetson is negligent with respect to the accident on July 13?
3. Whether Betty Spacely is liable to George and Judy Jetson for negligently entrusting her son with the mountain bike on July 13?

Judy Jetson
George Jetson

Judy Jetson

I have been friends with John Spacely since the time we were young. John and I have always gotten along well even though he has the reputation of being somewhat of a troublemaker and a daredevil. I took up mountain biking a few years ago, and John always encouraged me. I enjoyed riding with him because we were neighbors and because he would always encourage me to push myself as a rider.

On July 13 I was leading our ride on about the four-mile mark when I looked back to John. He was slowing and made a signal with his hands, sort of a wave, which I understood to mean that he was going to turn down toward his house as he had the five rides before the ride on July 13. I did not look back but decided to try and increase my pace over the last couple miles of the path. I did check my watch as I started increasing my pace and after about a quarter mile I decided I did not have time to complete the ride, so I slowed to turn back. The path narrows to about three feet at that point, and I planned to bring my bike to a complete stop and then step off the bike before turning around. I did not start slowing down until after I passed the bend in the path which is a short distance from the four-mile mark. When my biked was almost stopped, I heard John yell from behind me and the crash occurred. I did not look around prior to slowing down because I did not expect John to be there, and no one else was on the path that day.

George Jetson

I have always liked John Spacely although he has always been somewhat of a wild kid. I know John's mother, Betty, fairly well and she seems to be a very nice and bright person. I did not see the accident, but after the accident John came up to me at the hospital and apologized, saying that he was "sorry that his accident happened." I know the driving instructor who was with John at the time he flunked his driver's exam recently. He told me that on the date of the accident, John was not paying attention and failed to yield to the other car in the course of making a turn. My friend was also injured in that automobile accident.

John Spacely
Betty Spacely

John Spacely

Judy Jetson and I have always been good friends. I felt terrible when this accident happened. I had told Judy before we took the ride that day that I felt better than I had any time since the accident. I did not tell her whether or not I would be turning off at the four-mile mark. As we approached the four-mile mark, I did not slow down although I did wave at Judy when she looked back at me. I did the wave to indicate that I was going to keep going on the trail. I made a forward motion with my hand to indicate that I thought we should continue going along the trail. I did not say anything to her at the time I made the motion indicating I was going to continue the ride.

I know that a few different people at school think I am kind of a wild man especially on my bike. I never participated in any bike races or other competitions like some of my friends do. I don't think anyone knows about this, but there have been occasions when I have crashed my mountain bike in the past. I know that Judy would be aware of one or two of my bike accidents, but there have been others that I have had when I have not ridden with her. I have not been seriously injured in any of these incidents but I have had to fix my bike frequently because of these spills.

Betty Spacely

My son, John, is a nice young man. He has never been in trouble although he does not do well in school. I bought him his mountain bike about five years ago and have had to replace the bike once and repair it frequently. I do worry about John hurting himself on the bike as he seems to ride it pretty hard. I have taken his bike away from him on two prior occasions because of his grades. I have never told him he couldn't ride his bike, even though I worry about his safety.

Jury Instructions: ***George Jetson* v. *Betty & John Spacely***

Before Evidence is Presented

Members of the jury, you are to decide your case solely on the evidence presented here in the courtroom. This evidence includes the testimony of witnesses and any documents that are entered into the court record. You will not use any objections made by the lawyers and the arguments concerning the objections, testimony that the court tells you to disregard, or anything you may have seen or heard outside of the courtroom.

During this trial you are going to hear testimony of witnesses, and you will have to make judgements about the believability of the witnesses. I ask you to be patient, and listen carefully to the testimony of all the witnesses, and keep it all in mind until you hear the entire case. In making your decision, rely on your own experience, your own judgement, and your own common sense.

If at any time during the trial you are unable to hear, please raise your hand. The parties will be asked to speak up.

After Evidence is Presented

Members of the jury, you have heard all of the testimony concerning this case. It is now up to you to determine the facts. You, and you alone, are the judges of the facts. You will then have to apply the facts to the law as I give it to you.

The law that applies to the lawsuit brought by the Jetsons is as follows:

1. The mere fact that an accident has happened does not of itself mean that anyone has been negligent.

2. A person may assume that every other person will use reasonable care until the contrary reasonably appears.

3. Negligence is a failure to use reasonable care. Reasonable care is that care which a reasonable person would use under like circumstances. Negligence is the doing of something which a reasonable person would not do or the failure to do something which a reasonable person would do under like circumstances.

4. A parent is responsible for an injury caused by his or her child if the parent was negligent with regard to his or her duty to control the child. In order to find a parent negligent, you must find that the parent failed to exercise reasonable care over the child. To find a parent negligent, you must find:

- **a.** That the parent knew, or should have known, of characteristics, habits or prior conduct of the child similar to that which resulted in the injury.
- **b.** That the parent knew, or should have known, of the need to control the child in the particular instance.
- **c.** That the parent failed to exercise reasonable control over the child by entrusting to the child or allowing the child to obtain access to a dangerous instrumentality which caused injury to the plaintiff in circumstances in which the parent knew or should have anticipated, by reason of the child's age, characteristics, or past conduct, that the possession of the instrumentality by the child might result in injury to others.

5. A direct cause is a cause which had a substantial part in bringing about the accident, either immediately or through happenings which follow one after another.

6. There may be more than one direct cause of an accident. When the effects of negligence of two or more persons actively work at substantially the same time to cause the accident, each may be a direct cause of the accident.

Student Handout: VERDICT FORM

The following verdict form should be used. In order to answer "yes" to any question, you must find by the greater weight of the evidence that the question should be answered "yes." In order for a party to be responsible to an injured person, there must be a finding that the party was negligent and that such negligence was a direct cause of the accident. If two or more persons are determined to be negligent and that such negligence was a direct cause of the accident, the overall responsibility for the accident must be weighed by assigning a percentage of fault. An injured party who is determined to have been negligent and a direct cause of the accident can only recover against parties that are equal to or more at fault for the accident to the injured party.

1. Was Judy Jetson negligent with respect to the accident on July 13?

Yes No

2. If you answered yes to number 1, please answer this question. Was such negligence by Judy Jetson a direct cause of the accident on July 13?

Yes No

3. Was John Spacely negligent with respect to the accident on July 13?

Yes No

4. If you answered yes to number 3, please answer this question: Was such negligence by John Spacely a direct cause of the accident on July 13?

Yes No

5. Was Betty Spacely negligent with respect to the accident on July 13?

Yes No

6. If you answered yes to number 5, please answer this question: Was such negligence by Betty Spacely a direct cause of the accident on July 13?

Yes No

7. If you have answered yes to two or more of questions 2, 4, and 6, then answer this question: Taking the combined negligence which contributed to the accident as 100%, what percentage do you attribute to:

Judy Jetson _____
John Spacely _____
Betty Spacely _____
TOTAL 100%

Judy and George Jetson may not recover from the defendant if Judy Jetson's negligence is greater than the negligence of the defendant. You should place a "0" for any person who is not negligent or whose negligence is not a direct cause of the accident.

Student Handout: ***State of Minnesota v. Max Paulson***

Reckless/Careless Driving Case
District Court

State	)
Prosecutor	)
v.	)
	)
Max Paulson	)
Defendent	)

Facts

On April 23 at approximately 6 p.m., an automobile driven by Max Paulson made a left turn from the northbound lane of Elm Street to Third Avenue, colliding in the crosswalk with a bicycle ridden by Sam Smith, throwing Sam Smith across the street, breaking his leg. Max Paulson is charged with violating Minn. Stat. 169.13 Reckless or Careless Driving.

Student Handout: WITNESSES FOR THE DEFENSE

Max Paulson, defendant
Sara Firestone
Cynthia Murray

Max Paulson

I am 19 years old. I am a good driver. I have never had a ticket or been involved in a car accident. On April 23 I was driving home from work on Elm Street, going north. I got to 3rd Avenue and signaled my left turn as I do every day. There were a lot of cars driving south on Elm. I waited a long time for an opening. Finally, a gap in the traffic occurred letting me turn left. It was only a brief break in the traffic so I made a quick turn. I was surprised, and frankly somewhat embarrassed, when my tires squealed because of my quick turn. The next thing I remember is hitting this bike that came out of nowhere. I mean, one minute I looked and the intersection was clear and the next minute I hit a bike. I am very sorry, but I think the bicyclist is partly to blame.

Sara Firestone

I was shopping on April 23 just after dinner. I picked up a few items at the speedy market and a prescription at the drug store. When I came out of the drug store I was nearly hit by a bike driven by Sam Smith. Sam was riding on the sidewalk in a fast, rather reckless manner. I didn't think it was legal to ride bikes on the sidewalk downtown. I think I have seen some signs about it. Sam raced by me and entered the intersection, riding in the crosswalk. The light was green. There was a lot of traffic, especially on Elm Street. I heard the tires of a car squeal as it turned from Elm onto 3rd Avenue and hit him. He was thrown across the street, almost hitting a light pole. I ran inside to call 911. Sam was not wearing reflective clothing. I remember thinking that because I had just purchased some reflector tape to put on the jacket that my daughter wears when she rides her bike.

Cynthia Murray

I am the director of the Minnesota Bike Safety Project. As part of my job, I run a bike camp where young people learn how to ride their bikes safely. I have been doing this for seven years. During the camp, we focus on the rules of the road, which include getting off of your bike and walking when you are going to cross the street in a pedestrian crosswalk. Also, under Minnesota law, a person may not ride a bike upon a sidewalk within a business district unless permitted by local authorities. If a person doesn't obey the bike laws, he or she can be given a ticket, much like a driver of a car gets a ticket.

Student Handout: WITNESSES FOR THE PROSECUTION

Officer Mike Rudy
Sam Smith, victim of accident
Eric Featherstone

Officer Mike Rudy

The intersection of Elm Street and Third Avenue is probably the busiest intersection in our town. There are a lot of cars and a lot of people on the sidewalk and shopping in the nearby stores. Because of this, the city council decided last year that bicycling on the sidewalk is not safe in the downtown area. Signs saying "No bicycles on the sidewalk" were placed on every other block. There is not one on the intersection of Elm and Third, but there is one at Elm and Second. There is also a manufacturing plant nearby that causes major traffic and safety problems. The folks who work there race to get home and sometimes are not careful about watching for pedestrians in the crosswalk. We have had several near accidents recently. On April 23, Max Paulson was driving home after work. Like all of the rest, he was in a hurry to make the turn onto Third Avenue. He made a turn between two cars that required him to accelerate very quickly to get out of the way of the oncoming traffic. The accident investigation found black tire marks on Elm Street where he started his turn. There was no evidence that he tried to slow down before he hit the bicyclist. The force threw the bicyclist across the street. I was in my squad car waiting to enter Third from a parking lot.

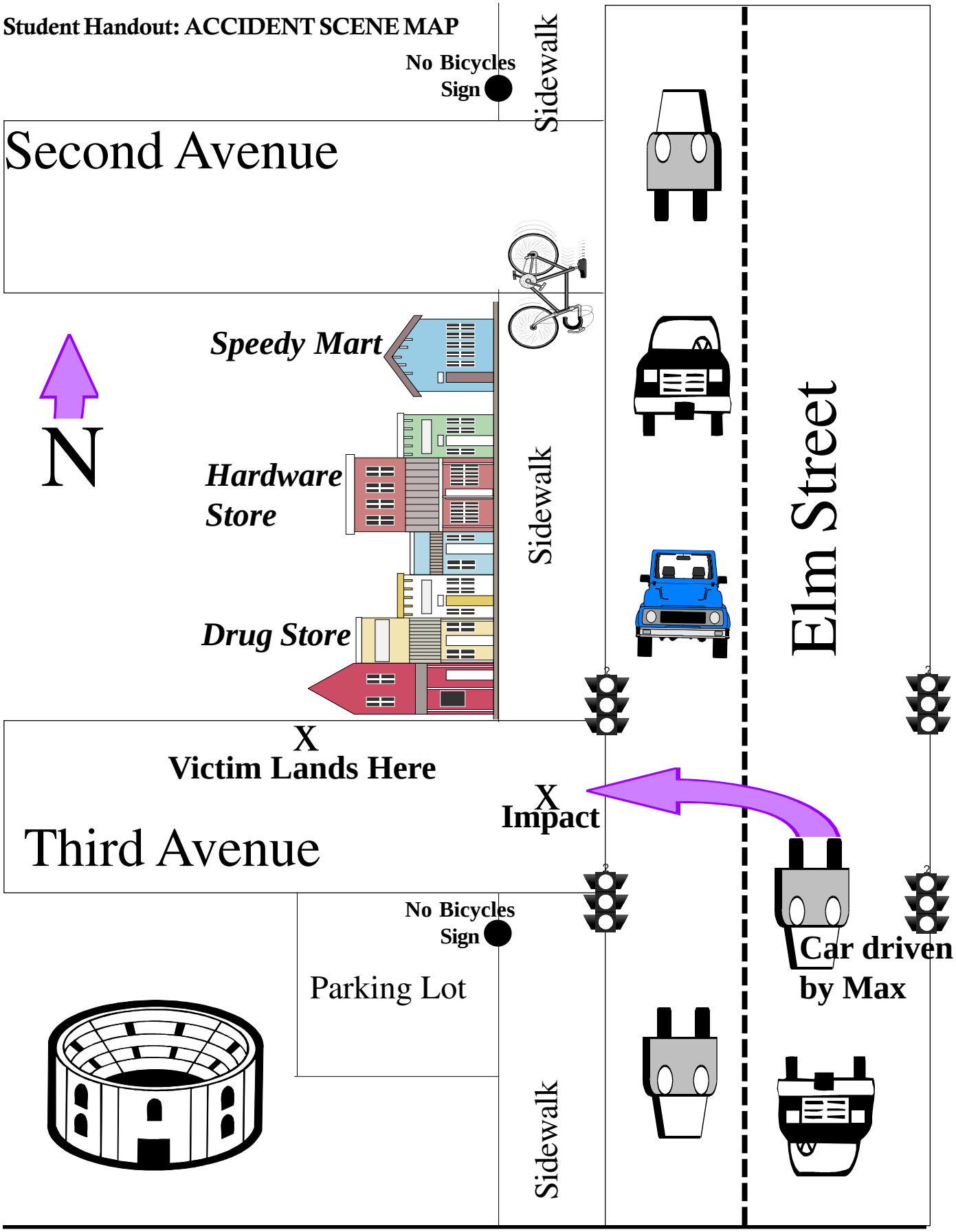
Sam Smith

I am 17 years old. On April 23, I was riding my bike south on the sidewalk on Elm Street. I was in a hurry because it was starting to get dark and I don't have a light on my bike. I rode past the speedy mart, the hardware store and the drug store. I was riding on the sidewalk because the traffic was heavy. There were a few people walking on the sidewalk so I had to weave in and out so I wouldn't hit them. When I looked at the traffic light it was green so I rode into the intersection in the crosswalk. Before I knew it, I was hit by a car that was turning from Elm Street onto 3rd Avenue. I only remember thinking "I'm gonna die." I woke up in the ambulance with a badly broken leg. I had surgery to put pins in my leg to help it heal. It still hurts sometimes.

Eric Featherstone

I was riding bikes with my friend Sam Smith. It was starting to get dark so we decided to head home. We rode together from the park down Second Avenue toward Elm Street. At Elm Street we separated. Sam turned right, and I turned left. I didn't know anything had happened to Sam until I got home and his dad called me to see if Sam was at my house. I guess the hospital called his dad a couple of minutes later.

Student Handout: ACCIDENT SCENE MAP



Jury Instructions: ***State of Minnesota v. Max Paulson***

Before evidence is presented

Members of the jury, you are to decide this case solely on the evidence presented here in the courtroom. This evidence includes the testimony of witnesses and any documents that are entered into the court record. You will not use any objections made by the lawyers and arguments concerning the objections, testimony that the court tells you to disregard, or anything you may have seen or heard outside the courtroom.

During this trial you are going to hear testimony of witnesses, and you will have to make judgements about the believability of the witnesses. I ask you to be patient, and listen carefully to the testimony of all the witnesses, and keep it all in mind until you hear the entire case. In making your decision, rely on your own experience, your own judgement, and your own common sense.

If at any time during the trial you are unable to hear, please raise your hand. The parties will be asked to speak up.

After evidence is presented

Members of the jury, you have heard all of the testimony concerning this case. It is now up to you to determine the facts. You, and you alone, are the judges of the facts. You will then have to apply the facts to the law as I give it to you.

The law in this case involves:

Minnesota Statute 169.13 Reckless or Careless Driving.
Subdivision 1. **Reckless driving.** Any person who drives any vehicle in such a manner as to indicate either a willful or a wanton disregard for the safety of persons or property is guilty of reckless driving and such reckless driving is a misdemeanor.
Subd. 2. **Careless driving.** Any person who operates or halts any vehicle upon any street or highway carelessly or heedlessly in disregard of the rights of others, or in a manner that endangers or is likely to endanger any property or any person, including the driver or passengers of the vehicle, is guilty of a misdemeanor.

Minnesota Statute 609.02 Definitions.
Subd. 3. Misdemeanor. "Misdemeanor" means a crime for which a sentence of not more than 90 days or a fine of not more than $700, or both, may be imposed.

If you find Mr. Paulson guilty of Reckless or Careless Driving you will be finding in favor of the State. If you find Mr. Paulson not guilty of Reckless or Careless Driving, you will be finding in favor of Mr. Paulson. You must all agree on the verdict.

Jury Instructions: Elements

M.S.A. 169.13 Reckless Driving

If you find that each of these three elements has been proved beyond a reasonable doubt, defendant is guilty of reckless driving. If you find that nay of these elements has not been so proved, defendant is not guilty.

First, defendant was the driver of a vehicle

Second, the manner in which defendant drove the vehicle indicated either a willful or wanton disregard for the safety of either persons or property. This means conscious and intentional driving which defendant knows, or should now, creates an unreasonable risk of harm to others. Defendant need not have intended, however, to cause harm.

Third, defendant's act took place on April 23 in the State of Minnesota.

M.S.A. 169.13 Careless Driving

If you find that each of these three elements has been proved beyond a reasonable doubt, defendant is guilty of careless driving. If you find that any of these elements has not been so proved, defendant is not guilty.

First, defendant operated a vehicle.

Second, defendant drove the vehicle carelessly or heedlessly in disregard of the rights of others, or in a manner that endangers or is likely to endanger any property or any person, including the driver. [That is to say that defendant was negligent in the operation of the vehicle. The defendant was negligent if the defendant failed to use such care as a reasonable person would use under similar circumstances.]

Third, the defendant's act took place on April 23 in the State of Minnesota.

Student Handout: State v. Tony

Criminal Mock Trial
District Court

***State*,**	)
Prosecution	)
v.	)
***Tony*,**	)
Defendant	)

FACTS

Tony and several of his friends were riding their bikes around the neighborhood on Friday, March 15. At about 6:00 p.m. a few kids from a different neighborhood rode by Tony and his friends. They teased Tony and his friends and dared them to throw stones at Mr. Wiley's windows. Mr. Wiley is an old man who often tells the children to stay off his property. Several windows were broken, and when Mr. Wiley ran out of his house to stop the children, he recognized Tony. The State has now charged Tony with the crime of vandalism.

Issue: Did Tony throw the stone that broke Mr. Wiley's windows?

Student Handout: PROSECUTION WITNESS STATEMENTS

Prosecution Witnesses
Mr. Wiley
Leslie, the paper carrier

Mr. Wiley

I have lived in this neighborhood for 47 years. My wife and I built our little house when we were married. My wife died five years ago. Since then, I have been a victim of many attacks of vandalism. On Friday evening, March 15, I was watching the 6:00 p.m. news when I heard glass breaking in my front porch. I ran out my back door and around the house to see what was going on. I saw lots of kids. I recognized Tony because he lives down the block and often rides his bike past my house. It was clear to me that this group of kids was responsible for breaking my windows. In fact, Tony had a rock in his hand and was getting ready to throw it.

Leslie, the paper carrier

I have delivered newspapers to Mr. Wiley's neighborhood for three years. On Friday, March 15, I was delivering a newspaper to Ms. Crowley, who lives three houses away from Mr. Wiley, when I heard kids screaming and then I heard breaking glass. I ran over to Mr. Wiley's house. I saw about 10 children on the front yard. Tony and another kid were pushing each other. It looked to me like the other kid was trying to stop Tony from throwing a stone. I did not see anyone throw stones.

Student Handout: DEFENSE WITNESS STATEMENTS

Defense Witnesses
Sandy
Tony, the defendant

Sandy

Tony and I were out riding our bikes with some other friends on Friday, March 15. We were riding up and down Tony's block when a bunch of kids we didn't know rode up to us and started teasing us. They dared us to throw stones at grouchy old Mr. Wiley's windows. We tried to ignore them. They threw a stone and hit a front porch window. Then they threw some more stones. I think a couple of windows were broken. Tony and I and our friends stood and watched. When one of the other kids picked up a stone to throw, Tony tried to stop him. Then Mr. Wiley came around the house. The other kids said they didn't throw the stones, they said that Tony did. I think they were mad at Tony because he tried to stop them. Tony is a real nice friend, he wouldn't try to break Mr. Wiley's windows.

Tony

I was riding bikes with my friends on Friday, March 15. It was almost getting dark when a bunch of kids we didn't know rode up to us and started bugging us. They wanted us to throw rocks with them. They were going to try to break some of Mr. Wiley's front porch windows. Even though I don't like Mr. Wiley very much, we said we wouldn't do that. I saw one kid standing next to me pick up a rock. I tried to take it out of his hand so he wouldn't throw it. That's when Mr. Wiley came around the corner. Leslie the newspaper carrier also showed up. I did not throw any stones.

Student Handout: JURY INSTRUCTIONS

Instructions

The prosecution must set out such a convincing case against the defendant that the jury believes *"beyond a reasonable doubt"* that the defendant is guilty.

The Law

Whoever intentionally causes damage to physical property of another without his or her consent is guilty of misdemeanor and will be sentenced to imprisonment for not more than 90 days or payment of a fine of not more than $1,000 or both.

Student Handout: ***State v. Alli***

Criminal Mock Trial
District Court

***State*,**	)
Prosecutor	)
v.	)
***Alli*,**	)
Defendant	)

FACTS

There has been in increase in drug abuse in Jackson School. Three students were recently caught possessing large amounts of marijuana and other drugs with intent to sell to other students. They are currently being held in a juvenile detention center.

The school administrators hired an investigator to look into the problem. The investigator, Norman Tilman, decided random searches of lockers and student belongings would reduce the problem.

Mr. Tilman performed the searches for many days and found no signs of drugs. On Tuesday, April 22, Mr. Tilman began another search. The lockers, backpacks, and purses of ten students were searched. Matt and Alli were two of the students whose belongings were searched. Mr. Tilman searched Alli's backpack which she had purchased at a garage sale on Saturday, April 19. Mr. Tilman found a small amount of marijuana in a zippered compartment on the inside of the backpack. Alli claims to know nothing about the marijuana. She is now being charged with possession of marijuana.

Issue: Did the marijuana in Alli's backpack belong to her?

Defense: Alli purchased the backpack from people who had been known to use marijuana in the past. Alli claims the marijuana must have been placed in the backpack before she purchased it and that she knows nothing about it.

Student Handout: PROSECUTION WITNESS STATEMENTS

Prosecution Witnesses
Mr. Tilman, P.I.
Matt, classmate
Sandy, science partner

Mr. Tilman, Private Investigator

I have been a private investigator for ten years. Before that, I was a police officer for seven years. In the last five years, I have worked with many schools in trying to solve the drug problems. I recommended to the administrators at Jackson School to start searching the lockers and student belongings. I believe this helps to reduce the drug use in the schools.

On April 22, I was searching ten students' lockers and belongings. When I reached Alli's backpack, I found a small amount of marijuana in a zippered compartment in the inside of the backpack. It was a good place to hide the marijuana, because the inside compartment is hard to see and I almost missed it. I asked Alli if the marijuana was hers. She said she didn't know anything about the stuff. She was very embarrassed.

Matt, the classmate

I was one of the ten students in the search. Mr. Tilman went through my locker and my backpack before he searched Alli's things. I was standing next to Alli. She seemed nervous when Mr. Tilman started the search. I saw Mr. Tilman pull the marijuana out of Alli's backpack. She said "Oh no!' and then said she didn't know anything about it.

I have been going to school with Alli since I moved to this city four years ago. As far as I know, Alli has never been in trouble. She has a few friends who get into trouble, but she's a good kid.

Sandy, science partner

I am Alli's science partner. We do all of our experiments together. Recently, Alli hasn't been completing her parts of the assignments. She blames it on all of the other school activities she is involved in. I think she has some other problems. She seems confused when she is in class. In fact, last week, she made some mistakes in a chemistry experiment which caused a small explosion. No one was hurt and there was no danger, but I was pretty scared. Alli and I have been friends for a long time.

Student Handout: DEFENSE WITNESS STATEMENTS

Defense Witnesses
Alli, defendant
Rob, Alli's cousin
Ms. Swanson, band director

Alli, defendant

I know nothing about the marijuana that was found in my backpack on April 22. I purchased the backpack at a garage sale on Saturday, April 19. The sale was at the house of a group of adults who have lived there since they graduated from college in 1976. I went to the sale with my cousin, Rob, who lives next door to the house. The backpack was in good shape, and very cheap, so I bought it. I never dreamed it would get me into this much trouble.

I am a good kid. I have never been in trouble before, except for being asked to leave class because I was talking too much. I am involved in lots of extra activities. I am on the dance line, play clarinet in the band, and am a member of the girls track team. I work part time at a neighborhood grocery store.

Rob, Alli's cousin

I was with Alli when she bought the backpack. We found it at a garage sale next door to my house. The house is owned by a bunch of adults who used to be "hippies." I remember when they had lots of very loud parties that would end when the police came to break them up. Once my mom helped one of the men fix the lawnmower and they offered her some marijuana as a thank you.

My cousin never gets into trouble. She doesn't use drugs.

Ms. Swanson, band director

I am the band director. I have had Alli in my music class and in the band for several years. She is very talented and hard working. She spends much of her free time practicing with a few of the other students. I have noticed recently that she seems a bit distracted, but that's normal in the spring. I don't think Alli uses drugs.

Student Handout: JURY INSTRUCTIONS

AFTER EVIDENCE IS PRESENTED

Members of the jury, you have heard all of the testimony concerning this case. It is now up to you to determine the facts. You, and you alone, are the judges of the facts. You will then have to apply the facts to the law as I give it to you.

The prosecution must set out such a convincing case against the defendant that the jury believes "beyond a reasonable doubt" that the defendant is guilty.

The Law

It is a petty misdemeanor to possess or give away a small amount of marijuana. The law defines a small amount of marijuana as 42.5 grams (approximately 1.5 ounces) or less. For the first offense, the court may fine the person up to $200 and require him or her to participate in a drug rehabilitation program.

Student Handout: ***State v. Jesse Sunderson***

Criminal Mock Trial
District Court

***State*,**	)
Prosecutor	)
v.	)
***Jesse Sunderson*,**	)
Defendant	)

FACTS

On January 7, at 1 p.m. many firecrackers exploded in an empty locker at Jefferson School, causing great damage to the lockers and the walls. Luckily, no one was injured. Mr. Stuart, the assistant principal, searched the other lockers and found more firecrackers in a locker assigned to Jesse Sunderson. Jesse has been charged with possession of firecrackers and damage to property.

Issues: Did the firecrackers belong to him? Did he put them into the empty locker?

Defense: Jesse will try to prove that he is a victim of retaliation. Because he informed Coach Price about the use of alcohol by two students, Jesse believes the two students planted the firecrackers in his locker.

Student Handout: PROSECUTION WITNESS STATEMENTS

Prosecution Witnesses
Leslie Stuart, Asst. Principal
Mickey Price, coach

Leslie Stuart, Assistant Principal

I have been assistant principal at Jefferson School since 1979. Before that I was a social studies teacher at Olsen High School.

On January 7, I was called to the west wing after an explosion which damaged the lockers and the walls. I looked over the damage and quickly decided that I had to make certain that there were no more firecrackers in the lockers so I used my master key to open the lockers. In locker 633 I found a large grocery bag full of unexploded firecrackers. I took the firecrackers to my office and looked up the student assigned to locker 633. The student was Jesse Sunderson. I then called the police.

Mickey Price, the coach

I have been a coach at Jefferson for the last three years. Jesse Sunderson is on my soccer team. I had a meeting with Jesse's parents and Jesse a week ago. I explained that Jesse was being suspended from the team because of poor grades. The school has a policy that all athletes must maintain a B-average to play in school sports. Jesse's average has slipped to C-. Jesse became very angry and complained that it wasn't fair to suspend one player for poor grades, while other players could keep playing even though they were using alcohol. Upon questioning, Jesse gave me the names of two other players who have since, after much investigation, also been suspended from the team.

Student Handout: DEFENSE WITNESS STATEMENTS

Defense Witnesses
Jesse Sunderson, defendant
Erin/Aaron Thompson, classmate

Jesse Sunderson, defendant

I did not plant the firecrackers in the empty locker, and I have no idea how the firecrackers got into my locker. The lockers have combinations and I have not given my combination to anyone. I am a good student, I participate in sports and music activities, and I have a part-time job delivering newspapers.

I usually get along with the students at Jefferson. Except at the moment, a couple of kids are very angry with me for telling the coach that they drink beer. I told on them because I didn't think it was fair to punish me for breaking a rule and not punish others. I heard them tell some other kids that they would "get back at me!" I think they might have planted the firecrackers in my locker which is located in the west wing.

Erin Thompson, a classmate

I am a seventh grader at Jefferson. I am a member of the Marching Band. I like school a lot and spend most of my time working on my computer or talking with my best friend.

I have a locker in the west wing next to one of the kids who was suspended form the soccer team. I heard the student blaming Jesse for all his problems. I also saw this student with some friends walking down the hall in the west wing a few seconds before the explosion. I was on my way to the office to meet my older brother who was taking me to the orthodontist.

Student Handout: JURY INSTRUCTIONS

Instructions to the Jury

The prosecution must set out such a convincing case against the defendant that the jury believes *"beyond a reasonable doubt"* that the defendant is guilty.

The Law

609.595 DAMAGE TO PROPERTY

Aggravated criminal damage to property.

Whoever intentionally causes damage to physical property of another without the latter's consent may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both if the damage to the property caused a reasonably foreseeable risk of bodily harm.

624.21 SALE AND USE OF FIREWORKS PROHIBITED.

Except as otherwise provided in sections 624.20 to 624.25, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail or wholesale, possess, advertise, use, or explode any fireworks.

Student Handout: ***State v. Brian Marshall***

Criminal Mock Trial
District Court

***State*,**	)
Prosecutor	)
v.	)
***Brian Marshall*,**	)
Defendant	)

FACTS

Several teenage boys were standing by their lockers between classes on Friday, October 9, at Lincoln high School. Although these students were not big trouble makers, they did tend to tease other students and perform practical jokes. When Stephanie, another student, went to her locker to get her books for her geometry class, she had to pass by the boys. She stopped at her locker, picked up her books, and began to pass by the boys again. As she passed Brian, he followed her for a few steps. Without any warning, he grabbed Stephanie's baggy pants at the waist and pulled them down to her knees. Brian then quickly ran down the stairs to his next class. Stephanie, a quiet girl, was very embarrassed. She left school for the day. After this event, Stephanie missed several days due to stress-related illness and suffered a decline in her academic performance. Stephanie does not want to continue attending Lincoln High School.

Brian has been charged with Fifth Degree Criminal Sexual Conduct

Student Handout: PROSECUTION WITNESS STATEMENTS

Prosecution Witnesses
Stephanie Pullman
Pat Johnson, teacher
Terry Smith, classmate

Stephanie Pullman

On Friday, October 9, I was going back to my locker between band and geometry to drop off some stuff and pick up my geometry book. I turned to go back down the hall and had to walk by these sophomore boys. After I walked a few feet beyond them, someone came up from behind me and pulled my pants down. I quickly looked behind me and saw that it was Brian. As he pulled by pants down, he scratched me. I had to stop, drop my books, and then pull my pants back up. Everyone was looking at me. I was trying not to cry. I probably smiled a bit, but it was only to cover up my total embarrassment. I didn't want to cry in front of everyone. They tease me enough as it is. I pulled my pants back up and walked out of the school. I got into my car and drove home. After telling my parents, the convinced me to tell the principal. I am too embarrassed to go back to classes. Every night I wake up with dreams about that day. I never want to see those kids again. I want to transfer to a different school.

Pat Johnson, teacher

Stephanie is an excellent student, but she is very shy. She has many girlfriends with whom she appears to have close relationships, but I never see her with any of the boys. I think that they tend to make fun of her. I was standing in the hall outside of my classroom door on Friday, October 9 as I always do between classes. I heard a commotion down the hall and went to investigate. There, in the middle of the hall, with students all around her stood Stephanie with her pants hanging at her knees. She looked shocked and embarrassed. I felt so sorry for her. Although I did not see who did it, I assumed it was one of the boys who hangs around that area causing trouble. Stephanie's grades have suffered because of this. She is missing too many days to keep up. This is really too bad because she had a chance at being awarded significant scholarship money. I think that it is terrible that the school allows this kind of thing to happen.

Terry Smith, a classmate

I was standing in the hall on Friday, October 9 and saw the whole thing. Brian and a bunch of his friends were teasing everyone who walked by. They were making fun of their clothes and the way they walked. I am so tired of their immature attitudes. When Stephanie walked by, Brian jumped in behind her and mimicked her walk. She didn't know what he was doing. It was too crowded for her to notice and too noisy for her to hear the laughs. All of a sudden, he ran up to her and forced her pants down around her knees. He was trying to pretend like he was falling. We were all shocked. He didn't stop a second, he simply ran down the stairs to his next class.

Student Handout: DEFENSE WITNESS STATEMENTS

Defense Witnesses
Brian Marshall, defendant
Lynn Hudson, teacher
Adam Chin, classmate

Brian Marshall, defendant

I was standing by my locker on Friday, October 9, with some of my friends waiting for our next class to start. We were telling some jokes and making fun of people, like we always do. Stephanie walked by on her way to her locker. When she returned, I decided it would be funny to follow her, pretending to walk like her. All of a sudden, someone tripped me. As I began to fall, I grabbed Stephanie. I accidentally grabbed her pants which were then pulled to her knees. I guess I scratched her with my watch as I was trying to keep from falling. By grabbing Stephanie, I was able to keep myself from falling. I didn't mean for this to happen. It all happened so fast.

Lynn Hudson, teacher

I have been teaching at Lincoln High School for 18 years. These kinds of things happen. I don't think that Brian meant any harm. His antics may have been inappropriate, but I don't think that they were sexual in any way. I was down the hall a bit when the accident happened. I think most everyone, including Stephanie, felt that it was an embarrassing, slightly humourous, accident.

Adam Chin, a classmate

Stephanie is always the victim of jokes because she is such a good student. She always gets A's. She's really shy; she doesn't say anything, even to stand up for herself. Everyone picks on her. I was standing in the hall near the incident on Friday, October 9. It seemed like an accident. Everyone thought that it was pretty funny. We didn't think that it was so bad. In fact, I think even Stephanie cracked a smile. I have been Brian's friend for a long time, and I don't think he was trying to be mean.

Student Handout: JURY INSTRUCTIONS

Instructions to the Jury

Defendant has been charged with criminal sexual conduct in the fifth degree. A person is guilty of criminal sexual conduct in the fifth degree if the person engages in nonconsensual sexual contact. Sexual contact includes the intentional removal or attempted removal of clothing covering the complainant's intimate parts or undergarments, if the action is performed with sexual or aggressive intent.

Intent is determined from all of the objective facts and circumstances, including the defendant's conduct and/or statements at the time of the act.

Because the defendant is 15, he is under the jurisdiction of the juvenile court. This means that if found guilty of criminal sexual conduct in the fifth degree beyond a reasonable doubt, he will be found to be a juvenile delinquent.

Student Handout: *State of Minnesota v. Mike Jacobs*

Hate Crime Mock Trial
District Court

State of Minnesota	)
	)
vs	)
	)
Mike Jacobs,	)
defendant	)

FACTS

On March 5, racist statements were spray painted on the locker of Chris Burke, a student at Tercell High School. Mike Jacobs, another student, has been charged with the crime of Damage to Property in the third degree and fourth degree, a violation of Minnesota Statutes 609.595, subd. 2.

Student Handout: Prosecution Witness Statements

Chris Burke
Officer Jess McQuade
Tony Minke, Janitor
Sam Lewis, Art Teacher

Chris Burke

I've have been a student at Tercell High School for less than six months. I used to live in Minneapolis. I am the only African American in the school.

On March 5, my mom drove me to school and dropped me off at about 7:40 a.m.. First, I went to my locker to drop off my lunch and get the books I needed for the day. That's when I saw all the kids standing near my locker, pointing and laughing. When I got closer, the kids noticed me and they all started to walk away. That's when I noticed it. Someone had spray painted on my locker "Go back to Africa where you belong."

I have to say that I was not totally surprised by this. Ever since my family moved to Tercell, it has been really hard to make friends. I tried out for the basketball team and was selected to be the starting center. I still feel lonely and miss my school and friends in Minneapolis.

As soon as I saw what was on my locker, I went to Principal Shields' office and told the secretary, Mr. Guy, what happened. He immediately called the Principal. The Principal went with me to my locker and then called the police. Then Principal Shields told me to go to my first hour class.

Officer Jess McQuade

On the morning of March 5, Principal Shields called and asked me to come quickly. She was concerned that a hate crime had been committed at school. A hate crime is defined as a crime that is committed because of a bias against the victim because of race, sex, national origin, etc. For example, in Minnesota, if you damage property and your motive is racism, it is a hate crime and has a more severe penalty. She has been carefully watching for this kind of behavior since Chris Burke came to Tercell High School. She wants to stop any trouble as soon as she can.

I drove over to the school right away. I looked at Chris's locker. Someone had spray painted "Go back to Africa where you belong" on the front of the locker. I started carefully searching the school. Principal Shields kept everyone in their classrooms while I did this. I searched the waste containers throughout the school hoping to find some evidence related to the crime. In the waste container next to Mike Jacob's locker, I found a cloth with paint on it and a can of black spray paint. I sent the can to the crime lab and they lifted off a thumb print. This thumb print belonged to Mike Jacobs. I did not find anything else in any of the containers except some food wrappers because it was the beginning of the day.

Student Handout: Prosecution Witness Statements continued

Janitor Tony Minke

I work at Tercell High School from 5:00 p.m. to 11:00 p.m., Monday through Friday. On March 4, I thoroughly cleaned the wing of the school where Chris Burke's locker is located. Once a month I scrub lockers and wax the floors. The floors have been very dirty recently because they have been doing some construction outside of the building. There was nothing on Chris's locker when I left that area at about 10:45 p.m. I also am pretty sure that there was no one else in the building when I finally left at 11:00 p.m.

I was responsible for getting the paint off of the locker. It was quite difficult. Regular paint would not paint over the black paint, so we had to use special chemicals to remove it, then sand the locker, and then repaint. It cost about $220.

Sam Lewis, the Art Teacher

My name is Sam Lewis, and I have been the art teacher at Tercell High School for 10 years.

I always have my classroom open by 7:15 for any students who want to come in and work on their art projects. School starts at 8:00. On March 5, I opened up my class at the regular time and then went down to the teacher's lounge to get a much needed cup of coffee. When I came back into the class at about 7:40, Mike Jacobs was already there which was unusual. Mike was cleaning his hands with some special hand cleaner we use in the art room when we are using oil paints and permanent markers. Mike is not one of my students. There were no other students in the room when I returned.

At the morning break I went back to the teacher's lounge, and Burt Guy was talking about what happened to Chris. It was then that I remembered Mike and the way he was cleaning his hands. I immediately went to Principal Shields and told her about it. I also told Officer McQuade about Mike being in my art room early on that day and about his handcleaning.

Student Handout: Defense Witness Statements

JamieCarter, Mike's Friend
Mike Jacob, Defendant
Principal Shields
Pat Collen, Biology Teacher

Jamie Carter, Mike's Friend

I am 17 years-old and I have known Mike since kindergarten. He is, I mean was, the starting center on our championship basketball team, and he is one of the most popular guys in school. I know that he was really upset at Chris but only because Chris was picked to be the starting center, not Mike. In all the time I've know him I can't remember him saying anything bad about African Americans. I think he's a great guy and don't believe it was Mike who spray painted that message on the locker.

I walk to school with Mike everyday. On March 5, we got to school at 7:15 a.m. because Mike said he wanted to finish up some homework that he didn't get done the night before. When we got to school, Mike said he'd see me later. I didn't see Mike again until the end of the day.

Mike Jacobs

Everything was great until Chris Burke showed up. I was the starting center on our basketball team and then Chris tried out and now I have to sit on the bench. It makes me really mad. I know I am better then he is.

I went to school early on March 5 because I had some homework that I needed to finish. On my way to school, I accidentally stepped in something sticky, like tar in the construction area outside of the school building. I tried to clean it off but didn't have much luck. When I got to school I stopped by my locker to drop off my books and found a can of spray paint on the floor. I picked it up an threw it in the wastepaper basket by my locker. Then I decided to go to the art room and try some of the chemical stuff they have in the art room to clean off paint and see if it would take off the sticky tar I stepped in earlier. I was the only one in the art room until the art teacher, Mr. Lewis, came in about 7:40. I did not get much else done that morning. The next thing I remember is the police officer asking me questions about a locker. I am 17 years-old.

Student Handout: Defense Witnesse Statements continued

Principal Shields

I have known Mike Jacob since he was a little boy. He is very popular, a good student, and quite athletic. He has never been in trouble before.

On March 5, Chris came to my office and told my secretary Mr. Guy what had happened. He quickly found me and we went to take a look. What we saw was very disturbing. Nothing like this has ever happened in our school. Chris is the first African American student at our school. And although I have tried very hard to make him feel welcome, I have worried that something like this would happen.

I went back to the office and called the police. I talked with Officer McQuade who came over right away. Officer McQuade wanted to search the area around the lockers so I made sure that everyone stayed inside the classrooms while he conducted the search. I believe he found a can of black spray paint near Mike's locker.

I can't imagine that Mike did this awful thing. I can understand that he would be very disappointed at losing his starting position on the basketball team, but he would not respond in this way.

Pat Collen, Biology teacher

I have been teaching biology at Tercell High School for five years. All of the teachers have to take their turns at monitoring the halls before school, during breaks, and immediately after school. Teachers on hall duty need to arrive at school by 7:30 On March 5, I had hall duty outside of my classroom, which is near Mike Jacobs' locker. There are at least 100 lockers in the area that I watch. I did see Mike in the hall before school. I did not talk to him because I was busy talking to a few 10th graders. I did not see anyone throw a paint can into the trash, anyone could have done it. It is a main corridor with lots of traffic.

Student Handout: Jury Instructions

Before evidence is presented

Members of the jury, you are to decide this case solely on the evidence presented here in the courtroom. This evidence includes the testimony of witnesses that are entered into the court record. You will not use any objections made by the lawyers and arguments concerning the objections, testimony that the court tells you to disregard, or anything you may have seen or heard outside the courtroom.

During this trial you are going to hear testimony of witnesses, and you will have to make judgements about the believability of the witnesses. I ask you to be patient, and listen carefully to the testimony of all the witnesses, and keep it all in mind until you hear the entire case. In making your decision, rely on your own experience, your own judgement, and your own common sense.

If at any time during the trial you are unable to hear, please raise your hand. The parties will be asked to speak up.

After evidence is presented

Members of the jury, you have heard all of the testimony concerning this case. It is now up to you to determine the facts. You, and you alone, are the judges of the facts. You will then have to apply the facts to the law as I give it to you.

The law in this case is Minnesota Statute:

609.595 DAMAGE TO PROPERTY

Subd. 2. Criminal damage to property in the third degree

(b) Whoever intentionally causes damage to another person's physical property without the other person's consent because of the property owner's or another's actual or perceived race, color, religion, sex, sexual orientation, disability, age, or national origin may be sentenced to imprisonment for not more than one year or to payment of a fine of not more that $3,000, or both, if the damage reduces the value of the property by not more than $250.

Subd. 3. Criminal damage to property in the fourth degree

Whoever intentionally causes damage to another person's physical property without the other person's consent is guilty of a misdemeanor and may be sentenced up to 90 days or a $700 fine or both, if the damage reduces the value of the property by not more than $250.

The prosecution must set out such a convincing case against the defendant that the jury believes "beyond a reasonable doubt" that the defendant is guilty.

If you find that the defendant intentionally damaged the property without the consent of the owner, in the amount of no more than $250, you must find the defendant guilty of Criminal damage to property in the 4th degree.

If, in addition to that, you find he was motivated by prejudice (for example racial bias), you must instead find the defendant guilty of criminal damage to property in the 3rd degree.

Student Handout: *Brianna Noll v. Jefferson Schools*

Civil Mock Trial

***Brianna Noll*,**
plaintiff)
)
v.)
)
***Jefferson Schools*,**)
defendant

Facts

Brianna Noll is charged with cheating on an exam, a violation of the school rules of Jefferson Schools, and has been suspended from school for three days and prohibited from participating in extracurricular activities according to the penalties provided in the school rules.

Student Handout: Witnesses for the Plaintiff

Brianna Noll, Plaintiff
Ms. Allison
Kelsey Will

Brianna Noll

I am a member of the high school jazz band. One of the requirements for playing in the jazz band is maintaining a "B" average. Although I am a good student, and have never had trouble maintaining a "B" average before, in fact I often get "As", I am taking calculus this semester and it is really hard for me.

Last Friday, I had a big test in my calculus class. This test accounts for 50% of my grade. I didn't feel very good when I was taking the test. Because I wasn't sure of my answers on the test, I checked my answers by looking at Sam's test. I did not copy Sam's answers. All but one of my answers matched Sam's. I double checked the one that didn't match Sam's and kept my answer. Later than day, I went to the doctor and found out I had strep throat.

I guess my teacher saw me and reported me for breaking the school rules on cheating. I have been suspended from school. I didn't really cheat. I want to get back into school and stay in the jazz band.

Ms. Allison

I am the jazz band teacher. Brianna has played trumpet for the jazz band for two years. She is very talented and will probably be asked to join the jazz band when she goes to college.

I am not aware of any other trouble that Brianna has been in. She is very well behaved and a good student.

The school policy requires that she be removed from the jazz band because she cheated on the test. The jazz band is an honor, students have to work hard to be able to be part of it.

I think it is unfortunate that Brianna felt like she had to cheat. Some students make certain that they will maintain a "B" average by taking easy classes. This is not the case with Brianna, she tackles the hardest classes even when she knows they will be difficult for her. It is too bad that she is being punished because she doesn't take the easy way out.

Kelsey Will

I am Brianna's friend. We are in the jazz band together. She plays the trumpet and I play the saxophone. We practice for several hours each day.

Brianna and I plan to attend college in the fall, a college that has a jazz band with a great reputation. We might even get some financial aid for it. If Brianna is kicked out of jazz band, I think she is going to have trouble getting in the college jazz band.

When Brianna registered for calculus, I told her she was crazy. Math is not her forte, if you know what I mean.

Student Handout: Witnesses for the Defense

Mr. Johnson
Sam Lande
Ms. Schmidt

Mr. Johnson

Brianna is in my calculus class. Most of the students in this class are very good students. Brianna is only doing average work. I think she has the ability to do better but she seems to be involved in so many activities, like jazz band, that she is either very tired during class time and has a hard time paying attention or she doesn't have time to complete her homework.

When I noticed her looking over Sam's arm, comparing her answers with Sam's, I was not terribly surprised. I don't think she has cheated in the past, but I do know how desperate she is to bring up her grade.

I reported Brianna to the vice-principal because that's what the procedure is. I didn't want to be accused of favoritism. I knew that this would have an impact on her ability to continue to play with the jazz band.

Sam Lande

I know Brianna because she is in my calculus class. Lately she has become very competitive, always wanting to do better than other people. On the day of the exam, she told me that she hadn't studied because she had gone to a movie with her boyfriend.

I was not aware that she was looking at my paper during the exam. I didn't try to hide my answers. I never thought she would cheat like she did. I like Brianna just fine. I don't know her very well, though.

Ms. Schmidt

I am the vice-principal of Jefferson School. It is my job to enforce the school rules. When Mr. Johnson came to me and told me that Brianna had been cheating on her calculus exam, I was very disappointed. She is a good student with such potential. But, I think she has been losing sight of the important things recently. She seems to think that winning is all that matters. I am afraid that her attitude caused her to cheat on the exam.

I sincerely believe that the rules must be enforced on all students alike. Otherwise students will begin to believe the rules are a joke, that they don't matter. Also, I can't make exceptions for Brianna because she has not been in trouble before. This would not be fair to the other students. Trouble is trouble and this time she's in it.

JURY INSTRUCTIONS: *Brianna Noll* v. *Jefferson Schools*

Before the evidence is presented

Members of the jury, you are to decide this case solely on the evidence presented here in the courtroom. This evidence includes the testimony of witnesses and any documents that are entered into the court record. You will not use any objections made by the lawyers and arguments concerning the objections, testimony that the court tells you to disregard, or anything you may have seen or heard outside the courtroom.

During this trial you are going to hear testimony of witnesses, and you will have to make judgments about the believability of the witnesses. I ask you to be patient, and listen carefully to the testimony of all the witnesses, and keep it all in mind until you hear the entire case. In making your decision, rely on your own experience, your own judgment, and your own common sense.

If at any time during the trial you are unable to hear, please raise your hand. The parties will be asked to speak up.

After the evidence is presented

Members of the jury, you have heard all of the testimony concerning this case. It is now up to you to determine the facts. You, and you alone, are the judges of the facts. You will then have to apply the facts to the law as I give it to you.

The law in this case is:

Any student who cheats on school work will be suspended from school for three days and prohibited from participating in extracurricular activities for the remainder of the school year.

If you find that Brianna Noll cheated you must find in favor of the defendant, Jefferson Schools.

If you find that Brianna Noll did not cheat, you must find in favor of the plaintiff. You must all agree on the verdict.

Student Handout: *State of Minnesota v. T.J. Schmidt*

PWC Mock Trial
District Court

State of Minnesota	)
	)
v.	)
	)
T. J. Schmidt	)

FACTS

On July 17, Mara Thompson filed a complaint alleging that TJ Schmidt was violating the law that prohibits operation of a personal watercraft before the hours of 9:30 a.m. and one hour before sunset and requires no-wake speed within 150 feet of a shoreline, a dock, a swimmer, a swimming or diving raft, or a moored, anchored, or nonmotorized watercraft. Ms. Thompson, a neighbor of TJ Schmidt, claims that TJ operated his PWC before the hour of 9:30 a.m. at high speed off the end of her dock which extends approximately 50 feet into the lake. TJ Schmidt has been charged with violating the law.

Student Handout: Prosecution Witnesses Statements

Mara Thompson
Sam Leverton

Mara Thompson

I am TJ's next door neighbor. I am a nurse, I work the late night/early morning shift at the town's hospital. I usually get home about 7:30 in the morning. I check my messages and change my clothes. On nice days, I walk around the many gardens I have planted. By 8:30 a.m., I am usually back inside to watch the morning news programs and have some breakfast.

On July 17, I did these things, made coffee and sat down to watch television. I then remembered that I had to call a repair service to come and look at my air conditioner. I quickly made the call, hoping to get done so I could see a little bit of the news. After a few minutes on the phone, I heard TJ start his PWC. He was riding close to the end of my dock which extends 50 feet into the lake. I had to ask the person on the other end of the line to speak louder, and eventually I had to close the window so I could hear. The irritating noise lasted until about 9:45 a.m., when TJ was joined by a friend and they rode toward the other side of the lake. A little later, I called local law enforcement and complained.

Sam Leverton

I am TJ's best friend. I am 17 and will be entering 12th grade in the fall. TJ and I are spending lots of time together this summer, most of it at TJ's house because he lives on a lake. I like to take my PWC over to TJ's and we spend hours on the lake.

On July 17, I called TJ shortly after I got up and arranged to meet him on the lake near his house. He said to hurry because he was on his way outside. I ate a quick breakfast, got ready, and drove over to TJ's, stopping at the gas station for something to drink. It took me about 20 minutes to drive to TJ's. When I arrived, I waved at TJ who was a little distance from shore. TJ came in and helped me put my PWC into the water. Then both of us road out into the lake. When we got back to TJ's house a couple of hours later, we found out that TJ's neighbor had filed a complaint against TJ.

T.J. Schmidt
Stephanie (Steven) Cohen

TJ Schmidt

I live on a lake and love to ride my personal watercraft (PWC). I am 17 and will be entering 12th grade in the fall and believe that this is my last summer to relax and have fun. My friends often join me for lake activities.

On July 17, my best friend Sam called after breakfast to see what I was doing. I don't remember the exact time. I explained I was on my way outside to ride my PWC. Sam said he was on his way over and asked me not to go to far. I went outside to ride my PWC. It was going to be a hot day and there were already lots of boats on the lake. Because I was waiting for Sam to arrive, I stayed near shore so that I could see him. I rode back and forth, practicing turns and speeding up and slowing down in front of my house. My parents own 100 feet of lakeshore. I have neighbors on both sides. Many of my neighbors own PWCs.

I do not consider myself a trouble maker, although I did get one speeding ticket for driving 45 in a 30 mph zone near school. I am a little scared by all of this. I worry that my parents are going to limit my use of my PWC or that they will take it away from me. I understand that there are regulations about the use of PWCs, but I just didn't think about them on July 17 as I was waiting for Sam to arrive.

Stephanie Cohen

I am a neighbor. I live next to TJ with my family. I will be a freshman at the university in the fall. I love the outdoors, especially summer activities. On July 17, I was relaxing on our deck, listening to a CD. I think it was sometime after 9 a.m. My alarm always wakes me at 8:30. That morning, I was also watching TJ on his PWC. I was impressed with how skilled TJ had become, performing some pretty fancy maneuvers. When TJ was too far from shore for me to see him, I used the binoculars that we use for bird watching.

I saw Sam arrive. He waited for a few minutes until TJ came close enough to shore to see him. Then he waived and called to TJ. TJ came to shore and stopped his PWC. After a short break, both boys got onto their PWCs and road out into the lake.

Before evidence is presented

Members of the jury, you are to decide this case solely on the evidence presented here in the courtroom. This evidence includes the testimony of witnesses and any documents that are entered into the court record. You will not use any objections made by the lawyers and arguments concerning the objections, testimony that the court tells you to disregard, or anything you may have seen or heard outside the courtroom.

During this trial, you are going to hear testimony of witnesses, and you will have to make judgments about the believability of the witnesses. I ask you to be patient, and listen carefully to the testimony of all the witnesses, and keep it all in mind until you hear the entire case. In making your decision, rely on your own experience, your own judgment, and your own common sense.

If at any time during the trial you are unable to hear, please raise your hand. The parties will be asked to speak up.

After the evidence is presented.

Members of the jury, you have heard all of the testimony concerning this case. It is now up to you to determine the facts. You, and you alone, are the judges of the facts. You will then have to apply the facts to the law as I now give it to you.

The law in this case states:

> *It is against the law to operate a personal watercraft before the hour 9:30 a.m. or after one hour before sunset. It is also against the law to operate a personal watercraft at a speed greater than slow-no wake speed within 150 feet of a shoreline, a dock, a swimmer, a swimming or diving raft, or a moored, anchored, or nonmotorized watercraft.*

If you find TJ guilty of violating the law, you will be finding in favor of the State. If you find TJ not guilty of violating the law, you will be finding in favor of TJ. You must all agree on the verdict.

Mini-Mock Trial
MANUAL

Minnesota Center for Community Legal Education
Center for 4-H Youth Development
University of Minnesota Extension Service

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The Minnesota Center for Community Legal Education was established in 1981. The Center promotes law-related education throughout the state of Minnesota and nationally by assisting teachers, lawyers, judges, and law enforcement personnel teach law and citizenship. Located in the Center for 4-H Youth Development, University of Minnesota Extension Service, the Center joins with other youth programs that are committed to helping young people develop the skills and knowledge needed to be productive citizens.

Mini-Mock Trials were developed in 1978 and have proven to be very popular with students (grades 5-12), teachers, and lawyers. If you have developed your own mini-mock trials and would like to share them with other teachers and lawyers throughout the state, please send us a copy and we will include it in the revised versions of the Mini-Mock Trial Manual.