

## **Broken Radio Mock Trial**

Due Process Freedoms Seeking Facts to Solve Mysteries  
*by Dale Greenawald*

Time: This exercise will take about 45 minutes.

Grade level: Grades 4-7

Overview: Using role play techniques, students will distinguish between facts and opinions and discuss why courts rely upon facts more than opinion. This exercise helps students develop critical thinking skills.

### **Getting Started**

- Brainstorm with the class what a fact is. List all of the responses and discuss them. Develop an acceptable definition of what is a fact.
- Brainstorm with the class what an opinion is. List all of the responses and discuss them. Develop an acceptable definition of opinion
- Have student volunteers assume the various roles and conduct a mock trial of James Phillips v. the Radio Shop. After each person has testified, review the testimony, distinguish between facts and opinion, and list each under a separate heading on the board.
- After all of the testimony is given, review all of the facts. Review all of the opinions and discuss how important and influential each may be. Discuss why facts are more reliable than opinion. After examining the facts and opinions, discuss the legal issues raised and what arguments might be presented for each.
- As either a class or in small groups discuss what you would decide and why. After the class discusses how it would decide the case, the resource person can explain how a real judge would probably decide the case and why.

### **Mock Trial: James Phillips v. the Radio Shop**

#### **Facts**

In this case James Phillips purchased an inexpensive radio from the Radio Shop and later attempted to exchange it because it did not work. The date of the sale was November 14; the return was made ten days later. The sales slip has the following language typed at the bottom: "This product is fully guaranteed for five days from the date of the purchase. If defective, return it in the original box for credit toward another purchase." The store refused to make the exchange and James brings this action in small claims court.

#### **Evidence**

James has (1) the sales slip for twenty-five dollars paid to the Radio Shop and (2) the broken radio. He claims to have thrown away the box the radio originally came in.

## **Witnesses**

### For the plaintiff:

1. James Phillips
2. Ruby Phillips, James' sister.

### For the defendant:

1. Al Jackson, the salesman,
2. Hattie Babcock, store manager.

## **Procedure**

The judge should provide an opportunity for James to make his case and should give the representatives of the store a chance to tell the court why the money should not be returned. Both sides should call their witnesses.

At the end the judge should decide the case and provide reasons for the decision.

**James Phillips:** I went into the Radio Shop to buy a transistor radio. I looked at a few different radios but the salesman talked me into buying the Super Electro Model X-15. I paid him the twenty-five dollar price and he gave me the radio in a cardboard box. When I got home to listen to the radio, I found that it didn't work. I went back to the store to get my money back, but the salesman wouldn't return it. He said I should have brought it back right away. I explained to him that my mother had been sick and I'd been busy. Here's the broken radio and the receipt as proof. I want my money back!

**Ruby Phillips:** All I know is that when James got home the other day he was all excited and wanted to show me something. He called me into the kitchen to show me his new radio. I said, "Let's hear how it works." He turned it on and nothing came out but static. He moved the dials around but couldn't get it to play. Was he ever mad! I told him that he ought to take it back to the store and demand his money back.

**Al Jackson:** I sold the kid the radio, but as far as I know it worked OK. All the table models worked well enough, so why shouldn't the one boxed and straight from the factory? I'll bet what really happened is that he dropped the radio on his way home. Or maybe he broke it during the ten days he had it. That's not my fault, is it?

**Hattie Babcock:** As Jackson said, all the other X-15's have worked fine. We've never had a single complaint about them. We have a store policy not to make refunds unless the merchandise is returned within five days in the box we sold it in. Also, the guarantee on the radio says that the radio must be returned in the original box. That's the reason Jackson didn't give the kid his money back. Otherwise, we'd have been more than happy to give him credit toward a new purchase. After all, pleasing our customers is very important to us. Personally, I agree with Jackson. The kid probably didn't bring back the box because it was all messed up after he dropped it.