

## Criminal Mock Trial

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***People of the State,  
Plaintiff***

***v***

***David,  
Defendant***

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### **Facts**

David is charged with stealing a set of special stickers from the teacher, Mrs. Applegate, a violation of the criminal law, which enforces school rules of Room K-1. To prove that David is guilty, the prosecutor must prove that David took property owned by someone else with the intent to prove the owner of it permanently.

### **Opening of Trial:**

**Bailiff:** Please rise. The Court of Room K-1 is now in session, the Honorable \_\_\_\_\_ is presiding.

*(Everyone remains standing until the Judge enters and is seated).*

**Judge:** Bailiff, what is today's case?

**Bailiff:** Your Honor, today's case is Room K-1 v. David

**Judge:** Members of the jury, you are to decide this case solely on the evidence presented in this courtroom. You will not use anything you have seen or heard outside the courtroom.

You will hear testimony of the witnesses, and you will have to make judgments about the believability of the witnesses. Listen carefully to all of the testimonies and keep 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.

Is the prosecution ready? Is the defense ready?

**Attorneys:** Yes, your Honor.

**Prosecution Attorney Opening Statement:** Your Honor and members of the jury, my name is \_\_\_\_\_ and I am the prosecuting attorney representing Room K-1 in this case. Stickers were stolen from the teacher's desk. Later they were found in David's desk. We intend to give evidence that will prove David stole these stickers. Please find David "Guilty".

**Defense Attorney Opening Statement:** Your honor, and members of the jury, my name is \_\_\_\_\_ and I am the defense attorney representing David, the defendant in this case. We intend to show that David is not guilty of this crime. Yes, the stickers were found in his desk, but my client did not take them. The prosecution has the burden of proof, and it will **not** be able to prove beyond a reasonable doubt that it was my client who took the stickers. At the end of the trial, I will ask you to find David "not guilty".

**Bailiff:** Witnesses, please stand and raise your right hand. Do each of you swear to tell the truth, the whole truth, and nothing but the truth?

**Witnesses:** (Suzie, Mrs. Applegate, and Stevie stand and raise their right hand)  
I do.

**Judge:** Prosecuting Attorney, call your first witness.

**Prosecuting Attorney:** Thank you, your honor; I call Suzie to the stand. (Suzie takes the stand, led by the bailiff). Do you know David, the defendant?

**Suzie:** Yes. I sit next to him everyday at school.

**Prosecuting Attorney:** Who is your teacher?

**Suzie:** Mrs. Applegate. She is my favorite teacher.

**Prosecuting Attorney:** Did you have the occasion to give her some special stickers?

**Defense Attorney:** Objection! Leading the witness!

**Judge:** Sustained. Please do not lead your witness.

**Prosecuting Attorney:** Did you have the occasion to give Mrs. Applegate something?

**Suzie:** Yes.

**Prosecuting Attorney:** What did you give Mrs. Applegate?

**Suzie:** I gave her special stickers. I loved those stickers so much. I picked them out with my mom at the Hello Kitty Store.

**Prosecuting Attorney:** What happened to the stickers?

**Suzie:** David stole them.

**Prosecuting Attorney:** What makes you say David stole the stickers?

**Suzie:** David always gets in trouble. Yesterday he had to stay after school! I saw David looking at the stickers on Mrs. Applegate's desk earlier that day, and I was afraid he was going to take them. My mom is really upset. David gets in trouble all the time, so I'm not surprised that he took them. I told Mrs. Applegate that she should look in David's desk, because I just knew he stole them.

**Prosecuting Attorney:** Thank you, Suzie. No further questions.

**Judge:** Defense Attorney, would you like to cross-examine the witness?

**Defense Attorney:** Yes, your Honor. Suzie, did you see David take the stickers from Mrs. Applegate's desk?

**Suzie:** Well, no...but I sit right next to David, and I looked in his desk right after Mrs. Applegate told us that her stickers were missing. And there they were, in the back of his desk. So of course, I told on him right away.

**Defense Attorney:** You don't like David, do you?

**Suzie:** No I don't! He is a troublemaker!

**Defense Attorney:** Thank you. Nothing further. (Suzie steps down)

**Judge:** Prosecuting Attorney, do you want to call another witness?

**Prosecuting Attorney:** Yes, your Honor. I call Mrs. Applegate to the stand. (Mrs. Applegate takes the stand, led by the bailiff).

**Prosecuting Attorney:** Mrs. Applegate, please tell us what you do for a living.

**Mrs. Applegate:** I am a teacher in room K-1.

**Prosecuting Attorney:** I am showing you some stickers, which have been marked Exhibit A. (For identification, Attorney gets Exhibit A from the table) Do you recognize them?

**Mrs. Applegate:** Yes, I do. Suzie gave them to me. Later that day, the stickers were missing. I eventually found them in David's desk.

**Prosecuting Attorney:** What are they?

**Mrs. Applegate:** They are the stickers Suzie gave me.

**Prosecuting Attorney:** What happened to the stickers that are marked as Exhibit A?

**Mrs. Applegate:** Well, I had them in the morning, but by the afternoon they were missing. I eventually found them in David's desk.

**Prosecuting Attorney:** What do you remember about that day?

**Mrs. Applegate:** Oh, it was a horrible day. David was late to school, was clowning around, chewing gum and playing "drums" with pencils on the social studies book! And then, the stickers that sweet little Suzie gave me were missing. Suzie is a good student and she never breaks the rules. When she told me to look in David's desk, I thought it was a good idea. So I looked, and unfortunately, the stickers were in the back of the desk.

**Judge:** Defense Attorney, would you like to cross-examine the witness?

**Defense Attorney:** Yes, thank you, your Honor. Mrs. Applegate. You say that the day the stickers were stolen, David had a bad day?

**Mrs. Applegate:** Oh yes, most days are that way with David.

**Defense Attorney:** Did you see David take the stickers?

**Mrs. Applegate:** No.

**Defense Attorney:** Did you see David place the stickers in his desk?

**Mrs. Applegate:** No.

**Defense Attorney:** When did you discover that the stickers were missing?

**Mrs. Applegate:** I'm not sure. I don't remember.

**Defense Attorney:** Was it before or after Suzie told you to look in David's desk?

**Prosecuting Attorney:** Objection, your honor. Badgering the witness! Mrs. Applegate has already stated that she does not remember.

**Judge:** Objection overruled. Please answer the question.

**Mrs. Applegate:** I don't recall.

**Defense Attorney:** What was my client's reaction when you found the stickers in his desk?

**Mrs. Applegate:** He said they weren't his stickers, and that he did not know how they got in his desk.

**Defense Attorney:** Thank you. No further questions. (Mrs. Applegate steps down)

**Judge:** Will the prosecution call any other witnesses?

**Prosecuting Attorney:** No, your Honor.

**Judge:** Defense witnesses?

**Defense Attorney:** Yes, your Honor. I would like to call Stevie to the stand. (Stevie takes the stand, led by the bailiff) Stevie, How would you describe your relationship with David?

**Stevie:** We live on the same block and we have been in soccer together. He is not my friend. He started a food fight in the cafeteria and I got in trouble.

**Defense Attorney:** What do you know about the case?

**Stevie:** I heard Suzie asking Mrs. Applegate if she could see the stickers she gave her. That is when Mrs. Applegate discovered that they were missing.

**Defense Attorney:** Have you seen the stickers before?

**Stevie:** Yes, Suzie showed them to everyone before she gave them to Mrs. Applegate— they are stupid stickers if you ask me. Just pictures with hearts and words like, "You Go Girl" on them. I don't know why David would even want them!

**Defense Attorney:** Do you recognize the stickers marked as Exhibit A?

**Stevie:** Yes. These are the same stickers Suzie showed us.

**Defense Attorney:** What else do you remember about the stickers?

**Stevie:** I saw Suzie in front of David's desk and she had the stickers in her hand.

**Defense Attorney:** When was this?

**Stevie:** After we came back to the class from lunch.

**Defense Attorney:** Thank you.

**Judge:** Prosecuting Attorney, would you like to cross-examine the witness?

**Prosecuting Attorney:** Yes, your Honor. Stevie, You stated that you saw Suzie with the stickers in her hand.

**Stevie:** Yes, she was right in front of David's desk.

**Prosecuting Attorney:** Is it possible that she had just found these in David's desk when you saw her?

**Defense Attorney:** Objection, your honor... Calls for speculation. Anything is possible.

**Judge:** Objection sustained, rephrase your question, Counselor.

**Prosecuting Attorney:** At the time that you saw Suzie with the stickers, had Mrs. Applegate already told the class they were missing?

**Stevie:** No, we were getting ready for snack when I saw Suzie with the stickers. Mrs. Applegate told us after our snack that the stickers were missing.

**Prosecuting Attorney:** Are you saying Suzie stole her own stickers?

**Stevie:** Are you kidding? She's a little goody two-shoes!

**Prosecuting Attorney:** No further questions, Your Honor. (Stevie steps down)

**Defense Attorney:** Your honor, I would like to call David to the stand. (David takes the stand, led by the bailiff). David, Did you take the stickers from Mrs. Applegate's desk?

**David:** No! It's not my fault! I don't like Hello Kitty stickers! No! It wasn't me!

**Prosecuting Attorney:** David! Why do you think that the stickers were in your desk?

**David:** I don't know! It's not my fault!

**Judge:** David, you may step down. We will now hear closing arguments.

**Prosecution Attorney:** Ladies and gentlemen of the jury, the facts in this case are very clear. David was having a bad day; every day is a bad day for him and he has behavior problems. The evidence shows that the stolen property, Exhibit A was in his possession ~ he was hiding the stickers in the back of his desk. I ask you to find the defendant guilty.

**Defense Attorney:** Ladies and gentleman of the jury. I would like to remind you of the Rule of Law. The prosecuting attorney has the "burden of proof", he/she must prove that David took the stickers off the teacher's desk and did not ever plan to give them back to her. Having a bad day is not "evidence". David is not interested in Hello Kitty stickers and he did not take them. Stevie testified that he saw Suzie with the stickers before Mrs. Applegate even knew they were missing, and she was standing at David's desk.

Someone else placed the stickers in David's desk. Was it someone who wanted the stickers for herself? Someone who doesn't like David and wants him to get into trouble? We will never know. Once the stickers were found in my client's desk, no other investigation was done. The prosecution has not proven beyond a reasonable doubt that my client stole the stickers. My client is David, is not guilty.

**Judge:** Ladies and gentlemen of the jury, you have heard all the evidence and now it is time for you to decide whether or not David took the stickers from Mrs. Applegate's desk.

**The law in this case is:**

**Jury Instructions:**

Ladies and Gentlemen of the jury, I am going to read to you the law that you must follow in deciding this case.

To prove the crime charged, the prosecution must prove that the Defendant David took the stickers with the intent to keep them for himself and deprive Mrs. Applegate of the stickers permanently.

If you think that it was proven beyond a reasonable doubt, then you should find David guilty. If you think it was not proven beyond a reasonable doubt, then you must find the defendant David, not guilty.

**Note: You are NOT required to find that the Prosecution proved it's case beyond all *possible doubt*, you must decide these things beyond a reasonable doubt, meaning all of you agree that the prosecution has proved it's case beyond all doubt that is reasonable. All twelve of you must agree because this is a criminal case.**