

PRE AND POST COMPETITION ACTIVITIES AND EXERCISES

INTRODUCTION

The following pages contain sufficient information to enable you to prepare students to participate in the Mock Trial Competition.

You may wish to supplement these materials with other sources to give students a fuller appreciation of trial procedure.

The Arizona Center for Law-Related Education will assist you in securing an Attorney-Coach if you are unable to find an attorney to work with your students. All Teacher-Coaches are encouraged to avail themselves of the volunteer attorney's skills and expertise to answer questions, prepare for trial, and debrief the participants after each round. The attorneys can help to enliven the sometimes dry official descriptions of courtroom procedures.

The exercises are designed to review the student materials. Involving the Attorney-Coach in these exercises maximizes their instructional potential.

This material includes a debriefing guide for use with the team and the Attorney-Coach after a round. The debriefing session is essential to highlight the educational aspects of the Mock Trial Competition.

Taking the group to an actual trial is an excellent way to teach students about the legal system and prepare them for the Mock Trial. Suggestions for discussing the trial experience are included in this information also.

Materials taken from Constitutional Rights Foundation:
Official Materials for the California State Mock Trial Competition

EXERCISE

Rules of Evidence Exercise

INSTRUCTIONS: For each situation described below, explain whether you would object to admission of the evidence. If so, on what grounds would you make your objection? If you were offering the evidence, can you think of a way to get it in despite of an objection?

1. Doug is on trial for auto theft. As an alibi, Doug testifies, "Cindy told me she had stolen that car for a joy ride. I never touched it."
2. Trial for arson. A witness for the defense testifies that the defendant was with her on the night of the crime. The prosecutor asks, "Isn't it true that you used cocaine when you were in college three years ago?"
3. Mr. Wirtz, an English teacher who knew the defendant since high school, testifies for the prosecution that Joe has deep psychological problems.
4. On direct examination, the defense attorney asks, "You could hear the noise from the next apartment very clearly, couldn't you?"
5. The witness, a waitress, testifies that the bartender had mentioned to her that the defendant had ordered five shots of whiskey on the night of the crime.
6. Police Officer Jones testifies that when he entered the victim's apartment, he saw the defendant trying to squeeze out a window.
7. The prosecutor asks the witness, "Didn't you tell the defendant's attorney that you had seen the defendant take the money?"
8. Sally has never seen Amy with her son. Can Sally testify that
Amy is a horrible mother?
9. Trial for embezzlement. The defense introduces a diploma to show that the defendant graduated from high school.
10. The prosecution calls a witness to testify that the defendant had shoplifted for years before being arrested for grand theft.

EXERCISE

The Steps in a Criminal Trial

INSTRUCTIONS: Re-order the following sentences in the order that the events would occur in a real trial.

Facts of the Case: Mark is on trial for murder. His attorney is Ms. Heath. The prosecuting attorney is Mr. Stevens. Judge Kelly is presiding.

The Trial

- a. Mr. Stevens delivers his closing argument.
- b. Ms. Heath cross-examines the prosecution witness.
- c. Judge Kelly gives the jury their instructions.
- d. Mr. Stevens examines a prosecution witness.
- e. Ms. Heath gives her opening statement.
- f. The jury deliberates, makes its decision, and returns to the courtroom.
- g. Mr. Stevens cross-examines the defense witness.
- h. Court is called to order.
- i. Mr. Stevens gives the prosecution's opening statement.
- j. Judge Kelly releases or sentences the defendants.
- k. Ms. Heath delivers her closing argument.
- l. Ms. Heath conducts her direct examination of a defense witness.

1	2	3	4	5	6	7	8	9	10	11	12
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EXERCISE

Courtroom Duties

INSTRUCTIONS: Place the letter for each person in the courtroom in the blank for each duty. Some people have several duties.

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| A. | BAILIFF | 1. | _____ | Announces that the court is in session. |
| B. | PROSECUTOR | 2. | _____ | Rules on legal issues in the case. |
| C. | JUDGE | | | |
| D. | COURT CLERK | 3. | _____ | Tries to show that a reasonable doubt of guilt still exists at the end of the trial. |
| E. | JURY | | | |
| F. | DEFENDANT | 4. | _____ | Guards the defendant. |
| G. | DEFENSE ATTORNEY | 5. | _____ | Gives an account of what happened. |
| H. | WITNESS | 6. | _____ | Maintains order in the courtroom. |
| | | 7. | _____ | Has been accused of breaking the law. |
| | | 8. | _____ | Introduces evidence of guilt. |
| | | 9. | _____ | Decides the factual issues in the case. |
| | | 10. | _____ | Delivers the first closing statement |
| | | 11. | _____ | Sentences guilty defendants. |
| | | 12. | _____ | Swears in the witnesses. |
| | | 13. | _____ | Can be cross-examined. |
| | | 14. | _____ | Delivers the last opening statement. |
| | | 15. | _____ | Can't be forced to testify. |

ANSWERS TO EXERCISES

Rules of Evidence

1. Hearsay. Cindy's out-of-court statement about taking the car is being offered to prove that she and not the defendant took the car. Try to introduce other evidence that Cindy took the car.
2. Relevance. The use of cocaine three years ago has nothing to do with the facts of the case or the witness' credibility. This question was probably intended to harass or embarrass the witness and is entirely improper.
3. Opinion. An English teacher is not an expert in psychological matters. The witness perhaps could testify to bizarre things Joe had done or other indicators of psychological problems.
4. Leading Question. On direct examination an attorney must allow the witness to tell his or her own story. The attorney could ask, "How well could you hear the noise from the apartment next door?" The original question would be proper on cross-examination.
5. Hearsay. The bartender's out-of-court statement is being offered to prove that the defendant had been drinking heavily. Introduce the bartender as a witness or ask the waitress if she had noticed how much the defendant had been drinking.
6. This is a proper bit of testimony; the more the better.
7. Privilege. The lawyer-client privilege protects from disclosure statements about the case made to a client's lawyer. Ask the witness whether she had seen the defendant take the money.
8. Personal knowledge. Sally doesn't appear to have any basis for claiming that Amy is a terrible mother. Try to establish that Sally knows of Amy's poor parenting, perhaps by having seen scars on the child and having seen the child lightly clothed on cold winter days.
9. Relevance. Graduation from high school has nothing to do with stealing money that the defendant had been trusted with. If the defense is trying to show good character, something more convincing than a high school diploma is needed.
10. Character Evidence. Unless the defense has already introduced evidence of good character, the prosecution cannot offer this testimony.

NOTE: For almost any offer of evidence taken out of context, relevance may not be clear.

ANSWERS

Steps in a Criminal Trial

H, I, E, D, B, E (alternative), L, G, A, K, C, F, J

Courtroom Duties

1. D
2. C
3. G
4. A
5. H
6. A
7. F
8. B
9. E
10. B
11. C
12. D
13. H
14. G
15. F

IDEAS FOR CLASS DISCUSSION AFTER ATTENDING A TRIAL

Give a "job description" of each person participating in the trial.

(An exercise is provided.)

Discuss the educational requirements for courtroom jobs.

Describe how the courtroom is arranged. (You may wish to duplicate the diagram of a courtroom with labels blocked out.)

Discuss the right to remain silent. (Emphasize that a defendant can remain silent without suffering adverse consequences.) Why can't the defendant be forced to testify? Why do some defendants choose to take the stand? Would the students in the class waive their rights?

Should court proceedings and records be open to the public? Employers? Law enforcement personnel? Future spouses? Relatives? Should the records be closed after a period of time?

Should juvenile court hearings be different from trials for adults? In procedure? In outcome?

What impressed the students? What puzzled them?

Does the trial process lead to a fair result? Does the system favor the Defense? The Prosecution?

Would the students rather be tried by a judge or a jury? Does their answer depend on their guilt or innocence?

Did the attorneys do anything that other people couldn't do as well?