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School Service**

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## **PROGRAM OBJECTIVES**

**For the students**, the Mock Trial Competition will:

1. Increase proficiency in basic skills such as reading and speaking, critical thinking skills such as analyzing and reasoning, and interpersonal skills such as listening and cooperating.
2. Develop understanding of the link between our Constitution, our courts, and our legal system throughout history.
3. Provide the opportunity for interaction with positive adult role models in the legal community.

**For the school**, the competition will:

1. Provide an opportunity for students to study key concepts of law and the issues of youth violence, homicide, and privacy.
2. Promote cooperation and healthy academic competition among students of various abilities and interests.
3. Demonstrate the achievements of high school students to the community.
4. Provide a hands-on experience outside the classroom from which students can learn about law, society, and themselves.
5. Provide a challenging and rewarding experience for participating teachers.

## **CODE OF ETHICS**

**At the first meeting of the Mock Trial team, this code should be read and discussed by students and their teacher.**

**All participants in the Mock Trial Competition must adhere to the same high standards of scholarship that are expected of students in their academic performance. Plagiarism\* of any kind is unacceptable. Students' written and oral work must be their own.**

**In their relations with other teams and individuals, CRF expects students to make a commitment to good sportsmanship in both victory and defeat.**

**Encouraging adherence to these high principles is the responsibility of each teacher sponsor. Any matter that arises regarding this code will be referred to the teacher sponsors of the teams involved.**

**\*Webster's Dictionary defines plagiarism as, "to steal the words, ideas, etc. of another and use them as one's own."**

## CALIFORNIA MOCK TRIAL FACT SITUATION

1  
2 Santa Luisa is a small town of several hundred families. After marrying, Loren and  
3 Sam Tanner moved into 1402 Vista Drive in Santa Luisa. Like many homes in the area,  
4 theirs was a two-story home on a large lot with a swing set, an aboveground pool, and an  
5 outdoor fire pit in the backyard. Over the years Loren Tanner had become a well-known,  
6 prominent member of the Santa Luisa business community, serving as an executive board  
7 member of the Santa Luisa Chamber of Commerce and a Santa Luisa City Councilmember  
8 for two terms. Sam Tanner was also well known in Santa Luisa, as Sam was the president  
9 of the local chapter of the Hotel Employees and Restaurant Employees Union and a cook at  
10 Café Belle, a popular local restaurant. In January 1975, the Tanners had a baby, Virginia,  
11 and another baby, Devon, in May 1976.

12 On August 10, 1981, at 6:03 p.m., Sam Tanner walked into the local hospital with  
13 Virginia, who had a serious head wound and was bleeding profusely. Sam reported that  
14 Virginia had fallen and hit her head. Due to the severity of the injury, she died at 6:10 p.m.  
15 After Sam returned from the hospital, the Tanners took Devon to stay with nearby relatives.  
16 Detective Frank Smith visited the Tanner home at 9:00 p.m. and interviewed Sam and  
17 Loren, but not Devon. Loren explained that Virginia was running down the upstairs hallway,  
18 tripped, and slid on a carpet runner in the hallway and down the stairs, hitting her head on  
19 one of the balusters.

20 The Mission County Coroner, Dr. Shawn Harrold, after finding no evidence to the  
21 contrary, determined that the cause of death was accidental, and Detective Smith closed  
22 the case. The funeral for Virginia Tanner, held on August 13, was attended by friends and  
23 family, as well as local officials. Only six months after Virginia's funeral, Sam Tanner was  
24 killed in a head-on car crash during a thunderstorm. Loren raised Devon alone.

25 After many years, a friend reminded Devon of Virginia's death, mentioning the story  
26 offered by Loren at the time of the death. Because the story did not match Devon's memory  
27 of the incident, Devon began looking for an explanation. First, Devon found Virginia's death  
28 certificate and an old note to Sam written by Loren, which raised doubts in Devon's mind.  
29 With further research, Devon found an article from the August 11, 1981 morning edition of  
30 the Santa Luisa Register. The front-page article contained an interview with Loren Tanner:  
31 "It was horrible. Virginia was running down the hall – she must have slipped on the carpet  
32 runner. She fell backwards down the stairs. I think she hit her head on a post or the edge of  
33 the stair, or something. We are devastated."

34 Devon went to the Santa Luisa Police Department for some help and spoke with the  
35 Chief Detective Cameron Singh. Detective Singh reviewed the case file and proceeded to  
36 interview Devon and Dr. Harrold. Based on Devon's statement, the note to Sam from Loren,  
37 and other information, Detective Singh requested and obtained a search warrant for the  
38 entire home and all surrounding property at 1402 Vista Drive.

39 Next, Detective Singh visited the Tanner residence, requesting to search the home and  
40 property, and presenting the warrant. Loren complied. Detective Singh asked Loren whether  
41 any changes had been made to the house, the stairs, or the wood floors. Loren replied that  
42 no changes had been made. Detective Singh found no visible bloodstains anywhere around  
43 or on the stairs. When these floorboards were removed, no blood was found near the stairs.  
44 Blood was found, however, in the floorboards from the master bedroom. During the search  
45 of the backyard, Detective Singh found a black plastic bag containing a small area rug and  
46 towels stained with blood and covered in mildew.

47 Based on this new evidence and questions about the case, Detective Singh obtained a  
48 court order to exhume Virginia Tanner's body for re-examination. This second examination  
49 revealed a spiral fracture on Virginia's upper left arm, a broken fingernail and skin cells  
50 under the child's fingernails, none of which was detected during the first examination.  
51 Further testing confirmed that the DNA from the blood on the rug and floorboards matched  
52 that of the dead child. DNA from the skin cells under Virginia's nails matched Loren Tanner.  
53 Detective Singh arrested Loren Tanner on January 12, 2000.

54

1 **CHARGES:**

2 The prosecution charges Loren Tanner with two counts:

3 Count 1- Murder (California Penal Code, Sections 187, 188)

4 Count 2 - Manslaughter (California Penal Code, Section 192)

5  
6 **EVIDENCE:**

7 Only the following items may be introduced at trial. The prosecution is responsible for  
8 bringing:

- 9 1. A faithful reproduction of a diagram of the 1402 Vista Drive residence, First and  
10 Second Floors, which appears in this packet. The reproduction should be no larger  
11 than 22" x 28".
- 12 2. A faithful reproduction of the Coroner's Diagram of Virginia Tanner's skull and bone  
13 injuries, which appears in this packet. The reproduction should be no larger than 22"  
14 x 28".
- 15 3. A faithful reproduction of the note written to Sam Tanner by Loren Tanner, which  
16 appears in this packet. The reproduction should be no larger than 22" x 28".  
17

18 **STIPULATIONS:**

19 Prosecution and defense stipulate to the following:

- 20 1. There are no Fourth, Fifth, or Sixth Amendment issues.  
21
- 22 2. All floors in the Tanner home are hardwood except for the bathrooms and kitchen, which  
23 are tiled.  
24
- 25 3. The crime lab tests were done following all necessary procedures and all results are  
26 accurate, including DNA from blood, skin, bone and saliva.  
27
- 28 4. There are no objections as to the chain of custody for all evidence or the form and  
29 service of the search warrant.  
30
- 31 5. Devon Tanner did not undergo any memory enhancement techniques, including  
32 hypnosis.  
33
- 34 6. The presider has already ruled that Devon Tanner's references to alleged prior  
35 misconduct by the defendant are admissible.  
36
- 37 7. The following are unavailable to testify: Suzanne Hawkins, the neighbors who called  
38 911, and Officers Jones, Tran, Thompson and Jawarski.  
39
- 40 8. The transcripts of the 911 calls are accurate. There is no need to bring the actual tape  
41 and records to court.  
42
- 43 9. There are no hearsay objections regarding the 911 calls, as they meet the requirements  
44 for the spontaneous declaration exception to the hearsay rule.  
45
- 46 10. The official date for the witness statements and the trial is September 2000.  
47
- 48 11. Professors Kusman and Martinez and Drs. Lee and Harrold all are qualified expert  
49 witnesses.  
50
- 51 12. Loren Tanner has waived all confidentiality with Minister Cory Lucarelli.  
52
- 53 13. Professors Kusman and Martinez can testify about Devon's statement and both of their  
54 statements, and the interviews of Devon were conducted according to all proper  
55 procedure.