

TABLE OF CONTENTS

Program Objectives	3
Code of Ethics	3
Classroom Discussion Materials	5
State Mock Trial Fact Situation	9
Charges	10
Evidence	10
Stipulations	10
Pretrial Motion and Constitutional Issue	11
Arguments	11
Sources	13
Legal Authorities	13
The Mock Pretrial Motion Hearing	26
Witness Statements	27
Official Diagram	39
The Form and Substance of a Trial	41
Role Descriptions	42
Procedures for Presenting a Mock Trial Case	45
Diagram - "A Typical Courtroom"	49
Mock Trial Simplified Rules of Evidence	50
Allowable Evidentiary Objections	50
Summary of Allowable Objections for the 1995-96 Mock Trial	57
Official Judge and Scorer Information Packet	59
Including rules, order of events, preparation, timing, scoring calculations, evaluation guidelines and criteria, score sheets, team roster sheets, and special instructions for judges and attorneys. Teachers, refer to this section for information not listed above.	

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
3 At 9:00 p.m. on April 16, 1994, Cooper Chase pulled into the parking lot of the Qwiki
4 Mart in the small town of Arcadeville, California. Cooper grabbed his/her wallet and
5 cellular phone from the passenger seat of his/her 1992 Honda Civic and walked into
6 the store. Cooper went over to the beverage section of the store. At the counter, a
7 youth in baggy clothing wearing a Pirates baseball cap backwards was trying to
8 borrow some money from the clerk. Ignoring pleas of not wanting to be caught in the
9 storm, the clerk told the youth to leave. The customer left; a loud beep near the door
10 signaled the youth's departure.

11
12 Another customer purchased some breath mints and departed. Cooper selected a
13 bottle of Evian and strode to the counter. At the register, Cooper emptied the
14 contents of his/her pocket, placing the cellular phone, keys, and wallet on the
15 counter. Cooper pulled a fresh \$20 out of the wallet and paid for the drink. Cooper
16 placed the change into his/her pocket, and left carrying the water, keys, phone and
17 wallet in his/her hands. Rain had begun to pelt against the glass doors of the store.
18 As Cooper juggled the objects and struggled to pull open the door, the keys
19 dropped. Cooper bent down, picked them up, and ran through the rain to his/her car.

20
21 Once inside the unlocked vehicle, Cooper placed the items on the passenger seat
22 and inserted the key into the ignition. Before Cooper turned the key, Cooper felt a
23 cold, hard object pressed into his/her neck. A figure, wearing a baseball cap
24 backwards, sat in the back seat behind the driver, hidden in the shadows. Cooper
25 saw the flash of the gun in the rearview mirror. Cooper also caught a quick glimpse
26 of the intruder. The intruder then smacked Cooper on the right side of head with the
27 gun, pushed Cooper out of the car, and sped out of the parking lot into the street and
28 disappeared into the storm.

29
30 At 9:30 p.m. Cooper staggered back into the store, soaking wet and smeared with
31 dirt. The right side of Cooper's face was cut and badly bruised; Cooper's right eye
32 had swollen shut. At 9:32 p.m., the clerk called the police from the phone behind the
33 counter stating that a customer had been robbed. The clerk offered to call an
34 ambulance, but Cooper declined, preferring instead to call a friend.

35
36 A police officer arrived at the store at 9:45 p.m. Officer Jasiri Nighthorse first
37 inquired into the condition of the victim, and determined that Cooper was able to
38 give a statement. The officer then took down a description of the vehicle and of the
39 assailant from the victim. Cooper reported that his/her wallet, containing four \$20
40 bills, had been in the vehicle. The money in Cooper's pocket was still there. The
41 officer then took down a description of the youth from the clerk. Officer Nighthorse
42 then placed an All-Points-Bulletin out on the car.

43
44 At 7:30 a.m. the following morning, Cooper's car was located by another officer on
45 Magnolia Drive, less than two miles from the convenience store. Officer Nighthorse,

1 the officer assigned to the case, was notified and went immediately to the site. The
2 officer knocked on the doors of several houses in close proximity to the location of
3 the vehicle, to ask the residents if they had any knowledge of the automobile. No
4 one was home at the first residence; an elderly women answered the door of the
5 second house and she knew nothing of the automobile. At the third house the door
6 was opened by an individual who matched the description of the youth given by the
7 clerk. The officer asked the youth if he/she could search the house and the youth
8 consented. The officer noticed a soggy wallet on the coffee table and opened it.
9 Seeing that it belonged to Cooper Chase, Officer Nighthorse arrested the youth,
10 Jesse Caufield. Caufield was properly Mirandized and declined to make a
11 statement.

12
13 **CHARGES**

14 The prosecution charges Jesse Caufield with three counts:

- 15
16 Count 1 - Carjacking, a violation of California Penal Code § 215
17 Count 2 - Assault with a deadly weapon or by force likely to produce great
18 bodily harm, a violation of California Penal Code § 245
19 Count 3 - Robbery, a violation of California Penal Code § 211
20

21 **EVIDENCE:** Map of the scene
22 [Prosecution is responsible for bringing the evidence to trial. Only faithful
23 reproductions, no larger than 22x28 inches, are acceptable.]
24

25 **Note:** No guns, knives, or facsimiles are allowed in the courthouse at any time.
26

27 **STIPULATIONS:** Prosecution and defense stipulate to the following:
28

- 29 1. Jesse Caufield was properly Mirandized.
30
31 2. The search and seizure of Jesse Caufield's house was legal.
32
33 3. Subject to an unfavorable ruling for the defendant on the evidentiary matter
34 in the pretrial motion, defense will stipulate to the prior robbery conviction.
35
36 4. Wendell LaFave and Leslie Tribe are qualified experts.
37
38 5. Both experts had an opportunity to examine the defendant's clothing, the car
39 and the victim's dog.