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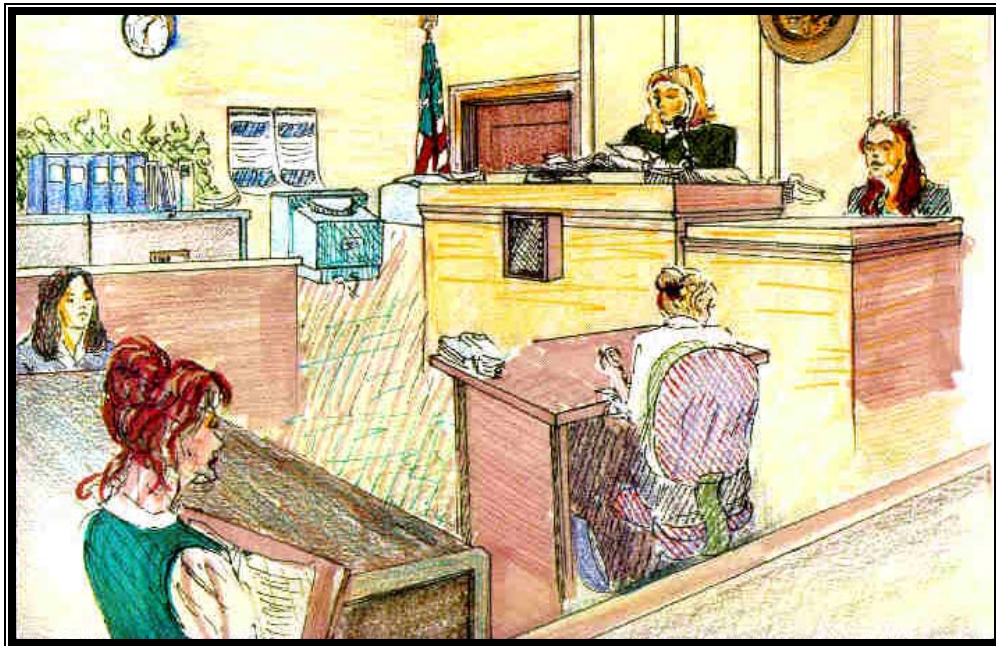
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# CONSTITUTIONAL RIGHTS FOUNDATION

# PEOPLE V. CLEVENGER

ISSUES OF VANDALISM, COMPUTER CRIMES AND SEARCH AND SEIZURE

Featuring a pretrial argument on the Fourth and Fourteenth  
Amendments of the U.S. Constitution



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**OFFICIAL MATERIALS FOR  
THE CALIFORNIA MOCK TRIAL PROGRAM**



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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."**

1  
2 Toward the end of a television movie on the night of Wednesday, February 8, 1995, Ronnie  
3 Silva's Airedale, Bill, began barking. This alerted Silva to the sound of breaking glass  
4 coming from Sierra City High School across the street. Silva peered out the window but did  
5 not see anything suspicious. When the movie was over at 9:30 p.m., Silva took Bill outside  
6 for a walk. As the two were walking in the neighborhood, Silva saw a dim light through the  
7 blinds of a window in the southernmost building at Sierra City High School. Proceeding  
8 north on Oak Street, Silva noticed a figure dressed in dark clothes leaving campus and  
9 heading north. Silva and Bill returned to the house.

10  
11 Early the next morning, Thursday, February 9, Whitney Marshall, Sierra City High School's  
12 computer teacher, picked up messages in the main office and proceeded to the separate  
13 bungalow that housed the school's computers.

14  
15 Getting closer to the computer room Marshall saw something was wrong. The frosted  
16 window in the bungalow's front door was shattered. Marshall began running toward the  
17 door. It swung open when Marshall touched the door knob. Marshall saw chairs overturned,  
18 papers everywhere, drawers pulled out and other items all over the place. Red spray paint  
19 covered some desks and computers and the viewing screens on three of the student  
20 terminals were smashed. Across the west wall in the same red paint were the words  
21 "Marshall is a fascist."

22  
23 After surveying the damage, Marshall checked the school's main records computer. The  
24 unit was situated behind a shoulder-high divider in the far corner of the room. Walking  
25 around the divider Marshall saw that the computer also had red paint on the sides, though  
26 there was none on the keys or the screen. It did not appear to be damaged in any other way.

27  
28 When the computer was first installed, Marshall designed a program which would show the  
29 precise times that the computer was used. Marshall turned the computer on. It was still  
30 working. Marshall then checked the previous day's "log on" and "log off" notations,  
31 discovering that the records data base was accessed at 9:09 p.m. and exited at 9:22 p.m.  
32 Marshall turned the power off and hurried to the principal's office to inform Principal Drew  
33 Hill of the vandalism and to call the police.

34  
35 Detective Jean Blanc arrived at 8:50 a.m. and began an investigation. Haley Jackson,  
36 Sierra City High's counselor and Brett Phillips, the main office clerk, were also told about the  
37 vandalism and instructed not to discuss the crime with students.

38  
39 When Marshall and Hill returned to the room, they took inventory of the damage and  
40 estimated the loss to be between \$12,000 and \$15,000. The only good news was that  
41 nothing had been stolen.

42  
43 Hill noted the bold red letters calling Marshall a "fascist." When Hill questioned the  
44 computer teacher about it, Marshall agreed that it was unusual. Marshall did recall recently  
45 hearing one of the computer students, Casey Clevenger, use the term after Marshall had  
46 told Casey that Casey would get a "B" in the class.

47  
48 Both Marshall and Hill were aware, as well, that Clevenger was a potential recipient of a full  
49 computer science scholarship to the State Technical College and, consequently, would be

1 very disturbed to receive a "B." Putting this together with the fact that the records computer  
2 had been turned on the night before, they decided to check the grade entries. They  
3 accessed the Grades file with the proper code and looked for Advanced Computer Studies  
4 and Clevenger's name. An "A" appeared on the screen where Marshall had entered a "B"  
5 for the fall semester grade. Three other students' grades also had been changed for that  
6 course. Officer Blanc left Marshall and Hill to check the other buildings for forceable entry.  
7

8 By this time, first period was almost over. Officer Blanc decided to check Casey  
9 Clevenger's locker. After obtaining the locker combination from the office clerk, Brett  
10 Phillips, Blanc went outside to the row of lockers along the main building where Clevenger's  
11 locker was located.  
12

13 Inside the locker and on top of Casey's calculus book, calculator and what appeared to be  
14 some personal papers, the officer found one latex glove. Another glove dangled inside by  
15 one finger from the upper vent of the locker. Both gloves were covered with red paint that  
16 looked like the red on the bungalow walls and furniture in the computer room.  
17

18 Walking on the campus, Principal Hill found a flashlight with red paint on it in the grass  
19 outside the lunch area across from student lockers. The flashlight had the initials "CC"  
20 printed in what appeared to be black indelible marker on the end of the handle. Taped on  
21 the handle was a piece of paper with "htsfrd" typed on it.  
22

23 After the principal returned to the main office, the officer also returned and showed the latex  
24 gloves from Clevenger's locker to Marshall and Hill. Hill showed the officer the flashlight.  
25 The principal and teacher both recognized the letters typed on paper taped to the flashlight  
26 as the access code needed to break into the computer file of student grades. Hill, Marshall  
27 and Detective Blanc took the gloves and flashlight to the computer room and verified that  
28 the color on the gloves matched the red on the wall. The bell rang for second period to  
29 begin.  
30

31 Hill had Casey Clevenger summoned from class. When Casey entered the principal's  
32 office, Hill gestured toward the flashlight, gloves and paper laying on the desk and said,  
33 "Well?" Clevenger replied, "I don't know anything about this stuff."  
34

35 Hill then ordered Clevenger to remain in the office. Hill went out and asked Jackson to call  
36 Casey's guardian, Cam Wu. Hill returned and told Casey that the items on the desk had  
37 been discovered in Casey's locker. Casey again claimed to have never seen them.  
38 Detective Blanc arrested Casey Clevenger for vandalism and computer crimes.  
39

40 After Blanc read Casey Miranda rights, Casey stated: "Maybe I'd better get a lawyer--it  
41 looks like I'm really in trouble." Conversation ceased and Detective Blanc led Clevenger to  
42 the patrol car.

1 **CHARGES**

- 2  
3 Count 1 - Vandalism (Penal Code Section 594)  
4 Count 2 - Computer Crimes (Penal Code Section 502)  
5

6 **EVIDENCE:**

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

- 10  
11 1. A faithful reproduction of the map of Sierra City High School which appears in the  
12 packet. Map should be no larger than 22" x 28".  
13 2. Flashlight stained with red paint, with CC on the base of the handle and a piece of  
14 paper with "htsfrd" typed on it taped to the handle.  
15 3. Pair of latex gloves stained with red paint.  
16

17 **STIPULATIONS:** Prosecution and defense stipulate to the following:

- 18  
19 1. No fingerprints were able to be lifted from the latex gloves, flashlight or paper with  
20 "htsfrd."  
21  
22 2. In order to get a locker, each first year student must go to the main office during the  
23 first week of classes. There they are given a card with a locker number and  
24 combination and the printed words:  
25  
26 You may use this locker for as long as you are enrolled at Sierra City Public  
27 High School. You alone have use of this locker for storage. Do not share the  
28 combination with anyone.  
29  
30 3. No Fifth Amendment arguments will be presented at pretrial or during the trial.