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Including rules, order of events, preparation, timing, scoring calculations, evaluation guidelines and criteria, scoresheets, 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 the Constitution (the First and Fourteenth Amendments) and the issues of use of force, free expression and hate crimes.
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 Known for its scientific and research communities, Lakerville is a mid-size city in
2 California. A large percentage of Lakerville's population is employed by the laboratories
3 and research firms headquartered there. Because of the sensitive and controversial
4 nature of some of the research, many laboratories in the city have hired private security
5 firms to protect their interests. These security firms supply a personal level of protection
6 that local police cannot provide. The largest private security company in Lakerville is
7 Kingtech Security. Each Kingtech guard wears a brown uniform of striped trousers, long-
8 sleeve shirt with a Kingtech logo on the left arm, guard's cap, and an optional leather
9 jacket with the Kingtech logo stitched on the left breast. They each carry a service
10 revolver and a baton.

11
12 Rover Laboratories is a small, private research laboratory owned and operated by Dr.
13 Ree Phelps. Phelps is a specialist in medical and space research. In the past two years,
14 Rover Labs has received two large government grants. One grant funds cancer
15 research, and the second funds the exploration of human adaptability to deep space.
16 Both projects require extensive animal research, which includes experiments on rats,
17 cats, dogs, rabbits, and monkeys. Because of the recent storm of controversy over
18 animal rights, Dr. Phelps hired Kingtech Security to guard Rover Labs.

19
20 BORN FREE is a radical animal-rights group known for breaking into laboratories,
21 liberating animals, and destroying research projects. The group either stages large
22 "media event" rallies to protest the use of animals in scientific research or has small
23 demonstrations outside laboratories that often lead to lab break-ins. On August 11, 1990,
24 an angry group of BORN FREE activists converged on the front of Rover Labs.

25
26 A Kingtech security guard named Jan Stover was on patrol in the area. Stover is a
27 member of a white-supremacist group known as the Aryan Union. This racist group holds
28 rallies and distributes literature asserting the inferiority of anyone who is not white and
29 Protestant. Individual members of the Aryan Union have been convicted of burning
30 crosses on the lawns of members of racial and religious minority groups.

31
32 At 7:20 p.m., Kingtech Security received a silent alarm from Rover Labs. Kingtech
33 dispatch relayed the call to Stover. Stover acknowledged the call and proceeded to the
34 scene. At the front of the building, Stover sighted the demonstrators picketing and
35 shouting. Stover drove around the building and down the alley to the rear exit and
36 loading dock. As Stover pulled into the area behind Rover Labs, the back door of the
37 facility flew open and an African American named Dale Colbert rushed out. Colbert,
38 wearing a tool belt, carried in one arm a lunch pail in hand and a stack of papers tucked
39 underarm. Colbert's other arm was free. Colbert started toward the far end of the loading
40 dock. Stover jumped out of the patrol vehicle wearing the Kingtech uniform and leather
41 jacket. Stitched onto the chest of the jacket, opposite the Kingtech logo, was a large
42 black and red swastika patch. This was not part of the Kingtech uniform. Approaching
43 Colbert, Stover yelled out. Colbert stopped running, whirled around, yelled back and
44 dropped the papers and the lunch pail. A struggle ensued. More words were exchanged

1 and the struggle continued. One minute later Colbert was on the ground and Stover was
2 standing upright with the baton in hand.

3
4 Just then, Lakerville police arrived at the scene. Officer Val Johansen yelled out "Stop,
5 police!" But the struggle continued. Officer Johansen intervened by tackling Stover, then
6 arrested and handcuffed both Stover and Colbert. Johansen arrested Stover for assault
7 with a deadly weapon and Colbert was arrested on burglary charges but was later
8 released for insufficient evidence. The papers Colbert was carrying had not been illegally
9 obtained.

10
11
12 **Evidence:** [Prosecution is responsible for bringing the evidence to trial.]

13
14 A map of the area around Rover Laboratories [only a faithful reproduction,
15 no larger than 22x28 inches].

16
17 **Stipulation:** A swastika patch three inches in diameter was sewn to the upper left chest
18 area of Jan Stover's leather jacket worn on the night of August 11.

Charges:

The prosecution is charging Stover with two counts:

COUNT ONE: Disorderly conduct, Lakerville has an ordinance stating that: "Any public or private police officer who displays upon his or her person any symbol, object, characterization, or graffiti, including swastikas or other objects, which one knows or has reasonable grounds to know arouses anger, fear, alarm, or resentment in others based on race, color, creed, religion, gender, or sexual orientation commits disorderly conduct and is guilty of a misdemeanor."

COUNT TWO: Assault with deadly weapon or by force likely to produce great bodily injury, Cal. Pen. Code Sec. 245.(a)(1) — Every person who commits an assault on the person of another with a deadly weapon or instrument other than a firearm or by any means of force likely to produce great bodily injury is punishable by imprisonment in the state prison for two, three, or four years, or in a county jail not exceeding one year, or by fine not exceeding ten thousand dollars (\$10,000), or by both such fine and imprisonment.

Elements for assault with a deadly weapon, citizen's arrest, and defenses:

1. Intent: Assault with a deadly weapon does not require a specific intent to commit a crime. It is a general intent crime. The act must be committed willfully, but knowledge that it is unlawful or a belief that it is wrong need not be proven.
2. Deadly Weapon: A "deadly weapon or instrument" within the meaning of Cal. Pen. Code Sec. 245 is one which is "likely to produce death or great bodily injury." Some instruments, e.g. firearms, are "inherently" deadly weapons. But the question is often one of fact, determined by the manner in which the instrument was used, e.g. a copper pipe is not by itself a dangerous weapon if it is used as part of a plumbing system but in the hands of an attacker it may be. Trial courts have found the following, among others, to be deadly weapons in particular cases: an iron pipe, a wooden club, a piece of timber, a beer bottle, a dog, and a walking cane.
3. Injuries: The crime, like other assaults, may be committed without the infliction of any physical injury. The issue was whether the force was likely to produce great bodily injury, not whether it was in fact produced.
4. Citizen's arrest: Cal. Pen. Code Sec. 837 states "a private person may arrest another: (1) For a public offense committed or attempted in his presence. (2) When the person arrested has committed a felony, although not in his presence. (3) When a felony has been, in fact, committed and he has reasonable cause for believing the person arrested to have committed it."

5. Authority of security guards: Private security guards are not police officers and have no special authority. The only difference between average citizens and security guards is that guards may have some special training. They are licensed by the state and may, like average citizens, make citizens' arrests.
6. Self-defense: The defendant may invoke the right of self-defense as a defense to the charge of assault with a deadly weapon. It is not essential that the victim had or attempted to use a weapon to enable a defendant to claim self-defense. Self-defense requires
 - (1) at the time of the confrontation, the defendant had a real fear of serious bodily injury and
 - (2) this fear is reasonable under the circumstances. In other words, not only does the defendant have to believe he or she is in peril, but a reasonable person in the same circumstances would have had a similar belief.

But if the defendant uses more force than is necessary to meet the perceived danger, or if the defendant resorts to self-defense to inflict vengeance rather than to repel violence, then the justification of self-defense will not stand.