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Including rules, order of events, preparation, timing, scoring calculations, evaluation guidelines and criteria, scoresheets, team roster sheets, agreement forms, and special instructions for judges and attorneys. <i>Teachers, refer to this section for information not listed above.</i>	

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 free expression, intergroup conflict, and arson.
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 Southpoint is a town (population 9,500) located on the west side of Lake Angel. Most of
2 the residents earn their living from businesses catering to tourists attracted to the lake for
3 water sports and recreation.
4

5 In the spring of 1990, members of a religious group called the Believers started moving
6 into the area. The influx of Believers was steady over the next six months to a year, to
7 the point where they now comprise more than 10 percent of the town's population. The
8 Believers' main source of income is through agriculture and non-tourist-related industry.
9

10 The Believers purchased a large tract of land on the east side of Lake Angel. They call
11 this area "The Land of the Believers." On it they have cleared the land to build a school,
12 health care center, temple, office building, and several residential structures. They have
13 also cultivated large fields of vegetables and fruits. Although they continue to own and
14 operate businesses which serve the greater community, Believers only patronize other
15 Believer-owned businesses. They also earn additional income by selling trees that they
16 clear off "The Land."
17

18 Members are easily identifiable by their attire. They wear a white tunic-like top with
19 baggy white pants trimmed in red and tied around the waist with a red sash. On the
20 upper left chest area on both the men's and women's garments is an emblem depicting
21 flames coming out of water.
22

23 Some citizens of Southpoint have raised concerns about the Believers' presence,
24 ranging from economic and political to social and moral issues. Some complain that the
25 Believers are ruining the tourist industry, because the number of tourists has decreased
26 by 25 percent since the spring of 1991. This decline has resulted in financial difficulties
27 for many of the local businesses.
28

29 Others regard the Believers as a political threat. The Believers became an influence
30 shortly after their arrival, as they lobbied and overcame a locally imposed restriction on
31 the sale of undeveloped property which is now "The Land." Rumors persist that one of
32 the Believers is planning to run for a seat on the town council. Voter registration lists
33 show that nearly all Believers eligible to vote are registered.
34

35 Socially, the Believers interact almost exclusively among themselves. Believers'
36 members come from various racial and socio-economic backgrounds. However, most of
37 the people who have joined the Believers since January of 1992 have been people with
38 mental or physical illnesses, disabilities, drug and alcohol problems, or those who come
39 from impoverished backgrounds. Some complaints have been made that the Believers
40 are rude and overbearing to non-Believers who patronize their businesses or try to
41 inquire about their beliefs and practices.

1 In the summer of 1991, a local townspeople, Terry Bell, began to vociferously oppose
2 the Believers. Terry's opposition to the Believers began after a confrontation Terry had
3 with some Believers. The confrontation arose when Terry and the others went on to "The
4 Land," unaware that it had recently been sold to the Believers.

5
6 In April 1992, at a town council meeting held to discuss local issues, Terry and several
7 others stated their belief that drastic action was necessary to prevent the Believers from
8 taking over their town. Although the concerns were acknowledged, the council opted to
9 wait and see if it would be necessary.

10
11 Frustrated by the council's inaction, Terry and some others formed a group to take a
12 more active stance against the Believers. They called themselves United Southpoint
13 Alliance (USA) and began holding private meetings to discuss their concerns. When
14 asked to share information discussed during the meetings, Terry and the others declined,
15 stating, "Our mission is to protect and promote a healthy Southpoint." USA's motto is
16 "We must fight fire with fire."

17
18 The 1992 tourist season started out very slowly, and concerns arose over the prospect of
19 even greater economic hardships. The local news media began reporting on the
20 dramatic increase in anti-Believer sentiment in the area. Stories spread by word of mouth
21 and through the media that Believer practices and ideology are immoral. The local media
22 headlines included allegations and rumors of animal sacrifice, satanic rituals, kidnapping,
23 brainwashing, and sexual immorality. The local news media reported on one incident
24 where anti-Believer graffiti was spray-painted on a Believer-owned business in town.
25 Two teenagers were identified and arrested as the perpetrators.

26
27 As a result of the rise in resentment against the Believers, the town council decided to
28 hold a town meeting on August 22nd to allow citizens to voice their concerns. The
29 meeting was held on the evening of August 22nd at town hall. Approximately 300 people
30 attended, but neither Terry nor any other USA member was present.

31
32 Instead, Terry and other USA members set up a protest demonstration in the park
33 directly across from town hall. Using a portable microphone and P.A. system, Terry
34 called to people as they walked to town hall for the meeting, "Come listen to me if you
35 really want to find out what can be done about the Believers."

36
37 A crowd of approximately 100 people gathered around Terry, who complained about the
38 town council's lack of action and urged the townspeople to take matters into their own
39 hands. Terry spoke emotionally about the hardships suffered by local townspeople since
40 the arrival of the Believers. Terry repeated many of the rumors that had been circulating
41 in the media and repeated the USA motto over and over.

42
43 While the majority of Terry's crowd left to go into the town meeting, approximately 35-40
44 remained, joining in as Terry chanted "Fight fire with fire." Terry then performed a song
45 written by Terry, entitled "Fight Fire With Fire." An excerpt of the lyrics follows:
46

1 The devils are here among us.
2 They call themselves Believers.
3 The only way to drive them out
4 is to fight fire with fire.

5
6 Pour on the gas, light up the match.
7 We must fight fire with fire.
8 The land will soon be ours again.
9 We must fight fire with fire.

10
11 Fire is the only way
12 To make the Believers go away.
13 Watch the flames burn higher and higher.
14 The time is now to fight fire with fire.
15

16 Terry repeated the song over and over. As the audience joined in, singing the song and
17 chanting, "Fight fire with fire," Terry moved over to a trash can filled with wood and
18 paper, held up a can of lighter fluid, and poured it in the trash can. Saying, "It's this
19 simple," Terry lit a match and set the trash on fire. Terry then began to shout, "Tonight's
20 the night! I know what I have to do and so do you!"
21

22 Suddenly, a police car pulled up near the demonstration. The crowd quickly dispersed,
23 and the protest ended. At the demonstration site, police officer Linden Daniels found one
24 can of gasoline hidden in nearby bushes, and some photocopied maps.
25

26 Within one hour after the protest ended, from approximately 8:50 to 9:50 P.M., three
27 separate fires were set, first to the temple, then the clinic, and finally the school. All three
28 structures were located on "The Land." After the second fire was reported but before the
29 third, Terry was found by Officer Daniels on "The Land," running towards the house of
30 the leader of the Believers. At 9:35 P.M., Officer Daniels arrested Terry for incitement
31 and suspicion of arson. Terry was Mirandized and held overnight at the police station.
32

33 Officer Daniels, the certified arson investigator for Southpoint Police, determined
34 conclusively that three fires were arson-related.
35

36 The following day during police investigation, Frankie Reardon, a member of USA, stated
37 that Terry and others planned to destroy the Believers by burning them out, and that they
38 hoped to be able to influence others to participate. Frankie has been given transactional
39 immunity for any possible legal actions relating to this matter.

1 **Evidence:** [Prosecution is responsible for bringing the evidence to trial.]

2
3 A map of Southpoint and the area around Lake Angel [only a faithful
4 reproduction, no larger than 22x28 inches].

5
6 **Stipulation:** Prosecution and defense stipulate to the following:

- 7
8 (1) If the pretrial motion of the defense is granted, Count 1, incitement of
9 others to commit an unlawful act, will be dropped in its entirety.
- 10
11 (2) The gold-plated lighter with initials "TB" engraved on it that was recovered
12 at the burn site is positively identified as belonging to the defendant.
- 13
14 (3) The three gasoline cans that were recovered were new cans. The place of
15 purchase of the cans could not be determined. No fingerprints or identifying
16 marks were found on the cans. One of the cans, half-empty, was found off
17 the north side of the road, halfway between the school and the place where
18 defendant was arrested.
- 19
20 (4) Neither "The Land" nor the buildings on it are currently insured.

21
22 * **NO ITEMS OTHER THAN THE MAP CAN BE USED AS PHYSICAL**
23 **EVIDENCE DURING TRIAL.**

24
25 **Charges:**

26
27 The prosecution is charging Terry Bell with two counts:

28
29 COUNT ONE: Incitement of others to commit an unlawful act. Cal. Penal Code Sec.
30 404.6: Urging Riot - Every person who with intent to cause a riot does an act or engages
31 in conduct which urges a riot, or urges others to commit acts of force or violence, or the
32 burning or destroying of property, and at a time and place and under circumstances
33 which produce a clear and present and immediate danger of acts of force or violence or
34 the burning or destroying of property, is guilty of a misdemeanor.

35
36 COUNT TWO: Arson. Cal. Penal Code Sec. 451: Arson - A person is guilty of arson
37 when he willfully and maliciously sets fire to or burns or causes to be burned or who aids,
38 counsels or procures the burning of any structure, forest land or property.