

**GENESEE COUNTY BAR  
ASSOCIATION  
2013 HIGH SCHOOL  
MOCK TRIAL COMPETITION**



**PEOPLE OF THE  
STATE OF MICHIGAN  
v.  
AVERY MICHAELSON**

Genesee County Circuit Court  
900 S. Saginaw Street  
Flint, Michigan 48502

CONTACT INFORMATION:  
Genesee County Bar Association  
315 E. Court Street, Flint, Michigan 48502  
e-mail: [emh@gcbalaw.org](mailto:emh@gcbalaw.org)  
Phone: 810-232-6012  
Fax: 810-232-8310  
Web Site: [www.gcbalaw.org](http://www.gcbalaw.org)

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# COURTHOUSE RULES

## I. DRESS CODE

### A. Apparel Not Permitted

1. No shorts, tee-shirts, tank-type shirts, sweatshirts, sweat suits, jogging suits, or similar attire;
2. No hats, sunglasses, or outdoor jackets shall be worn when appearing formally before the Court;
3. No baggy pants or pants that drag on the ground.

### B. Encouraged Dress Code

1. Shirt and tie for males;
2. Pants other than blue jeans;
3. Neat and clean shoes.

### C. Other Courtroom Restrictions

1. **NO CELLPHONES, PAGERS, RECORDING DEVICES, IPADS, TABLETS, IPODS, LAPTOPS, VIDEO CAMERAS OR ANY OTHER RECORDING DEVICES** are allowed in the Courthouse.
  - a. Students and/or volunteers will not be allowed into the courthouse with a cellphone or camera.
  - b. The Genesee County Bar Association, its attorney members, and/or staff will not be responsible for lodging any cellphones that are brought to the courthouse or the luncheon by students or volunteers.
2. **NO FOOD OR DRINK** whatsoever shall be brought into the courtroom.
3. Courtroom tables may not be moved. If chairs are moved, they must be returned to their original location.
4. Programs and all other materials must be removed upon completion of the Mock Trial.

## **TIPS FOR MOCK TRIAL TEACHERS**

- A. If the attorney advisor does not contact you, do not hesitate to contact them first.
- B. If possible try to schedule regular visitations with the attorney.
- C. Meet with the team on a regular basis as a follow-up to the attorney visits.
- D. If possible, schedule practice sessions in front of an audience such as a classroom.
- E. Advise the students to dress and act professionally in the courtroom giving all due respect to ALL court officials and personnel. The dress code **WILL BE ENFORCED**, and any student, whether they are serving as an attorney, witness, or juror, will not be allowed in the courtroom if they do not adhere to the dress code. To avoid any embarrassment for you, the student, the court, and the bar association, please emphasize this rule prior to the trial.
- F. To assist in efficiency of security clearance, advise students to leave cellphones, book/duffel bags, purses and/or briefcases at home. Heavy metal jewelry, metal belts, and steel-toed shoes (among other things) should also be avoided. Pocket change will also activate the detector. Students who are wearing belts may be required to remove them before going through the metal detector.
- G. Students are not allowed to bring any electronic devices into the courtrooms. These devices include but are not limited to the following: cellular phones, games, pagers, and other communication devices which are a distraction to the learning process. They are not needed for the Mock Trial experience and are not permitted by the Courthouse Security.
- H. Please advise students that **LOUD, OBNOXIOUS, UNRULY BEHAVIOR IS NOT ACCEPTABLE**. Remember we are guests of the court. Disciplined behavior is a necessary component to that visit.

# **INSTRUCTIONS AND RULES FOR COMPETITION**

The Genesee County Bar Association Mock Trial Competition is governed by these instructions and rules as set forth below. They should be studied carefully before beginning preparation of the case. These instructions and rules are designed to promote/insure excellence in presentation and fairness in judging all trials.

We want to thank the Michigan Center for Law Related Education for their assistance with competition instructions and rules.

## **I. GENERAL INSTRUCTIONS**

### **A. Rules**

All trials will be governed by the Michigan Rules of Evidence. No additional sources of authority should be cited during a trial.

### **B. The Case**

The case consists of eight witness statements, exhibits, stipulations, and jury instructions. Witness statements are not to be changed in order to create a more favorable fact situation for either party.

### **C. Competition Structure**

There are two sides in this case: prosecution and defense. Teams will be randomly determined before the Mock Trial date. Each school will be advised as to which side that the school will represent prior to the Mock Trial.

## **II. THE TRIAL**

### **A. Team Presentation**

Each team must be prepared to present their appointed side of the case. The case will be tried before a jury.

### **B. Team Composition**

Your team must have two attorneys, three witnesses, and eight to ten jurors. You may have two alternate members.

#### **1. Attorneys (two)**

- a. One attorney shall give the opening statement and the other attorney shall give the closing argument(s). The Prosecuting Attorney who gives the closing argument shall also give the rebuttal argument.

- b. Each attorney shall conduct the direct examination of one of the witnesses for the attorney's side and the cross examination of one opposing witness. The attorney who conducts the direct examination of a witness shall conduct the redirect examination of the witness and shall make and argue the objections, if any. The attorney who conducts the cross examination of an opposing witness shall make and argue objections, if any, during the cross examination of a witness.
- c. Attorneys may confer with one another at any time.
- d. On cross examination, the examining attorney may not impose restrictions on the form of the witness' answer, except that the answer must be responsive. However, the Judge can instruct the witness to answer the questions "yes" or "no", if possible. If not possible for the witness to respond yes or no, the Judge may instruct the witness to respond to the best of his/her ability.
- e. An attorney may not recall a witness once that witness has completed testifying.

## 2. Witnesses

- a. Witnesses may not refer to any notes while testifying.
- b. Witnesses may not be sequestered.
- c. Each side is allowed to call three of their witnesses to the stand.
- d. Pursuant to the Fifth Amendment of the U.S. Constitution, the Defendant is not required to testify on his/her own behalf. If the Defendant decides not to testify, his/her silence cannot be used against him/her.
- e. A witness is bound by his/her statement.

## 3. Jurors

- a. The jurors from each school will be split among the courtrooms that are holding Mock Trials.
- b. Two jurors from each school will be placed in one courtroom.
- c. Jurors will not be placed into a courtroom where their school is participating in a Mock Trial.

## C. Witness Statements

### 1. Witness Bound by Statement

A witness' statement is to be treated as a statement made by the witness under oath. Each witness must admit that he/she made the statement. Minor extrapolations of facts not in the record are allowed, provided they may be reasonably inferred from the case material, since some additional information may be necessary to make the case realistic. As an example of a fair extrapolation, background information such as date or place of birth would be a minor extrapolation and would be allowed to amplify or humanize the case. Unfair extrapolations that would not be allowed include information pivotal to the particular facts as issue. **ONLY THOSE FACTS WHICH ARE NEUTRAL TO BOTH SIDES ARE FAIR EXTRAPOLATIONS.**

If you have a question as to whether a particular added fact would be allowable background information, or if you believe it might be an unfair extrapolation, do not add the questionable fact. As a general rule of thumb, the more the “supplemental” information helps your case, the more cautious you should be in adding it to the witness’ testimony. **WHEN IN DOUBT, LEAVE IT OUT!**

2. Unknown Information

It is virtually impossible to provide witnesses with detailed answers to every conceivable question that attorneys can ask. The witness statements are not intended as a complete life history, and for the most part, information not in the statements will be irrelevant and should be subject to objection. If an attorney’s question solicits unknown information, the witness may supply an answer of his/her choice, so long as it does not materially affect the witness’s testimony. Try to avoid a rigid mechanical approach to the trial (the witness statements are not scripts), but stay within the bounds of honest competition. Just as in our legal system, lawyers must deal with the facts as they exist.

3. Unfair Extrapolations

- a. A team may best attack unfair extrapolations through impeachment and closing arguments.
- b. Each witness should understand that if he/she is asked for information not contained in the witness statement, he/she must either give an answer which is consistent with the statement and does not materially affect the balance of the case, or if the question otherwise would elicit an unfair extrapolation, the witness may answer, “there is no information in the statement of facts to answer this question.”
- c. Attorneys for the opposing team may refer to this Rule in a special objection, such as “unfair extrapolation” or “this information is beyond the scope of the statement of facts.”
- d. Judge’s Ruling on Unfair Extrapolation  
The Judge will determine whether an unfair extrapolation has occurred. **THE JUDGE’S RULING IS FINAL.** The objections and ruling will be dealt with in open court during the course of the trial. The purpose of the ruling is to avoid an irrelevant digression from the statement of facts whether through attorney questions or witness response. Participants should understand that any ruling by the Judge is not an indication of the eventual outcome of the trial. Do not become overly obsessed with handling extrapolations. The Judge’s ruling on an objection due to unfair extrapolation may consist of the following:
  - i. No extrapolation has occurred.
  - ii. A fair extrapolation has taken place.
  - iii. An unfair extrapolation has taken place and the testimony will be stricken from the record.
  - iv. Ruling taken under advisement. (After another question or answer, the Judge may rule or respond to another objection.)

#### D. Preparation and Supplement Material

The Mock Trial Notebook contains all materials necessary to participate. **TEAMS MAY ENTER INTO EVIDENCE ONLY THOSE DOCUMENTS AND EXHIBITS GIVEN IN THIS TRIAL NOTEBOOK.** No enlargements of any kind shall be used during the trials unless provided by the Genesee County Bar Association Law Day Committee. If a chalkboard is available in a courtroom, it may be used during the course of the trial. Attorneys are encouraged to call the court's attention to particular parts of the stipulation and the Competition Rules that support the attorney's position.

#### E. Time Limits

**THE MOCK TRIAL MAY NOT EXCEED TWO HOURS. TIME LIMITS ARE MANDATORY.** The Judge will have the ultimate responsibility for enforcing these time limits. The time limits are as follows:

Prosecution's Opening Statement	5 minutes
Defendant's Opening Statement	5 minutes
Prosecution's Direct Examination	21 minutes (7 per witness)
Defendant's Cross Examination	21 minutes (7 per witness)
Defendant's Direct Examination	21 minutes (7 per witness)
Prosecution's Cross Examination	21 minutes (7 per witness)
Prosecution's Closing Argument incl rebuttal	8 minutes
Defendant's Closing Argument	8 minutes
Jury Instructions	4 minutes
Participants, Judge's Comments	6 minutes

The time for making and arguing objections is to be counted as part of the time of the side examining the witness. If the Judge believes one team is deliberately using up the other team's time with objections, the Judge may address the problem by allowing the other team additional time. Whenever there is an allegation of a violation, timing will halt.

Attorneys are not required to use the entire time allotted to each part of the trial. It should be noted however, that time left over in one part of the trial cannot be carried over to another part of the trial.

#### F. Motions

Pursuant to Michigan Court Rules (MCR) 6.419, a defendant may make a motion for directed verdict of acquittal on any charged offense as to which the evidence is insufficient to support conviction after the prosecution's case-in-chief and before the defendant presents proofs.

Attorneys may make a motion for a directed verdict or dismissal of the case, however, this motion will be taken under advisement and the trial will continue. If there is an extreme health or safety emergency, an attorney may make a motion and the Judge may grant a recess.



### III. COURTROOM DECORUM

Observe the following rules in the courtroom at all times:

1. No food or drink is allowed in the courtroom.
2. Do not smoke in the courtroom.
3. Cellular telephones, recording devices, Ipads, Tablets, Ipods, laptops, video cameras, pagers, or any other recording devices are not allowed.
4. All participants must be properly attired.
5. Rise when addressing the Judge, when the Jury enters or leaves the courtroom, or when the Judge enters or leaves the courtroom.
6. Direct all remarks to the judge or witness – **NEVER** to opposing counsel.
7. Natural movement of attorneys during trial is encouraged.
8. Do not approach the bench, witness, or jury box without permission of the Judge.

## **TRIAL PRESENTATION**

The following remarks are intended only to aid teams in “technique”. They should not be interpreted as rules unless so indicated.

### **A. OPENING STATEMENTS**

The opening statement allows you to introduce yourself and your client as well as acquaint the jury and judge with the nature of the case. You should outline the case from your point of view which includes mentioning key witness’ testimony. Also, you should tell the jury and judge what relief you are seeking.

In your opening statement, you should avoid too much narrative detail about witness testimony, exaggeration and overstatement of the facts which may not be proven. You cannot argue or discuss the law as it is not permitted in opening statements. Try to avoid reading your opening statement and do not repeat undisputed facts.

### **B. PRESENTING EVIDENCE**

#### **1. Direct Examination**

The purpose of direct examination is to present evidence that supports your case with clarity to the judge and jury. You want your witnesses at their best. When questioning a witness, keep it simple by avoiding complex and verbose questions. You should take the witness through his or her testimony by small steps and do not attempt to elicit conclusions from the witnesses. Reaching conclusions is the jury’s job. During your questioning, avoid redundant, monotonous questions. Further, try to avoid narrative testimony as it could prove dangerous if your witness gets out of control. When the facts are in evidence, stop questioning the witness.

#### **2. Cross Examination**

The purpose of cross examination is to discredit the witness and to discover flaws in his or her testimony. You want to try to secure admissions which help your case. But, you want to avoid hostility toward the witness because the jurors usually resent it. Do not give the witness a chance to clarify damaging statements. When you have an answer favorable to your side, drop the matter and wait for closing arguments to emphasize the point.

If a witness contradicts his or her statement, wait until cross examination to confront the witness with the inconsistency. A witness’ testimony can be impeached by asking the witness whether he or she has ever testified differently in a signed statement. The attorney should ask whether the statement was made under oath, at a time much closer to the events in controversy, and contained all that the witness could remember. The attorney can show the witness the statement (first showing it to the judge and opposing counsel) and ask him or her to admit that he or she made it and signed it. The attorney can read aloud, or ask the witness to read aloud, the part of the statement the attorney claims is inconsistent with the witness’ testimony. The attorney may then further question the witness about the inconsistency. The attorney may want to:

- A. Leave the matter and point out in closing argument the contradiction between the statement and witness' testimony (both of which were made under oath);
- B. Ask the witness why his or her testimony is different today under oath than it was when he or she gave the statement which was also under oath and given much closer in time to the events in question (**NOTE: It can be dangerous to give a witness an opportunity to explain such a discrepancy because you may not like the answer you get!**);
- C. Ask the witness whether he or she was lying under oath when he or she gave the statement or lying under oath today when he or she testified (**Note: This can also be a dangerous question unless the contradiction is very clear, definite, and material.**) Witnesses must admit making their statements when directly confronted with the question. "Do you remember making and signing this statement under oath?" or a similar question. Don't waste impeaching on matters that are not material to your case.

### C. INTRODUCTION OF EVIDENCE

The following steps will be used for introduction of evidence:

1. All evidence should be pre-marked as exhibits before the trial begins.
2. Show opposing counsel the proposed exhibit.
3. Ask permission to approach the witness.
4. Give the exhibit to the witness and go back to the podium. Then state, I have shown you People's/Defendant's Exhibit Number 1, can you tell me what that is?
5. The witness will state what it is.
6. If it is a picture, ask the witness the following questions:
  - a. Is this a reasonable and accurate depiction of the area in question?
  - b. When was the picture taken?
7. After the witness has identified the exhibit, the attorney may ask the Court that the exhibit be admitted into evidence as the authenticity of the exhibit has been stipulated.
8. The Court will then ask opposing counsel whether there are any objections.
9. If no objections, then the exhibit will be admitted into evidence.
10. Once the exhibit is admitted into evidence, the attorney may not solicit testimony on its contents.
11. If an attorney wants to show it to the jury, then the attorney should ask the Judge whether he or she can publish the exhibit to the jury (**Note: Give the jury an opportunity to review the exhibit before proceeding further because if you continue then the jury will be distracted.**)
12. After completion of questions regarding an exhibit, return it to the Judge.

## D. OBJECTIONS

When an attorney raises an objection, the attorney is presenting a rule of evidence to the Judge which would bar an answer to the question asked (or result in striking from the record the answer, if already given.) Special objections may also be used to bring a procedural problem to the Judge's attention such as unfair extrapolation or continuing past the expiration of allowable time.

When making an objection, the attorney shall stand. The attorney should direct all objections and arguments to the Judge. In making objections, counsel shall stand as soon as the objectionable question is asked and say "I object, your Honor", "Your Honor, I object", or "Objection" and then state your basis for the objection. **(NOTE: Jurors usually do not like a party that objects too much.)**

### 1. Allowable Objections:

- a. **Leading Questions:** "Counsel is leading the witness" or "The questions are leading." Leading questions suggest the answer and are generally not allowed on direct examination but are proper on cross examination. The Judge may allow leading questions on direct examination for preliminary matters.
- b. **Hearsay:** "The question calls for Hearsay." Hearsay is evidence of an out-of-court statement offered to prove the truth of the matter asserted in the statement.
  - i. EXCEPTIONS to Hearsay:
    - a. **Admission against Interest:** Hearsay is admissible if the out-of-court statement was made by a party in the case and contains evidence which goes against that party's side. Admissions against interest are permitted because they are thought to be more trustworthy than other hearsay, since people generally do not make statements that are against their own interest unless they are true.
    - b. **Excited Utterance:** A statement relating to a startling event or condition by someone other than the witness testifying is admissible when the statement was made under the stress of excitement caused by the event or condition. Any other statement made under circumstances which, in the judgment of the Judge gives substantial assurance of the truth of the matter asserted.
  - c. **Irrelevant:** A question is irrelevant if it seeks information which has no logical bearing on the existence of a material issue before the court, or if its logical bearing is small in comparison to its inflammatory nature.

- d. **Lacks Personal Knowledge/No Proper Foundation.** This objection asserts that there has been no showing that the witness has personal knowledge about the matter to which the question is directed. For example, if there has been no evidence that the witness was present at a certain event, there is no foundation for the witness to testify as to what occurred at that time.
- e. **Assumes Facts not in evidence.**
- f. **Argumentative.** The attorney is not asking a question, but instead is arguing with the witness or making an argument to persuade the jury.
- g. **Asked and Answered.** On cross examination, an attorney can ask a question previously asked on direct examination.
- h. **Badgering the Witness.**
- i. **Narrative Statement.** Questions such as “what happened on” a certain date call for a narrative from the witness which prevents opposing counsel from objecting in advance to objectionable material. Questions should be more specific, such as “Who was present?”, “Did she see that person do anything at that time?”, “What did you see him or her do?”, “Did you see anyone else do anything at that time?” An attorney may ask “what happened next?”
- j. **Opinion.** However, opinion evidence is proper on a subject on which the witness has been qualified as an expert or on which a non-expert’s opinion would be helpful to understand the evidence.
- k. **Unfair Extrapolation.** See page 5 of this Trial Notebook.
- l. **Outside the Scope of Cross Examination.** If an attorney re-directs (see below) a witness and asks questions that were not raised in the cross examination, then an objection may be made.
- m. Any other objections based on reason or justice, including but limited to “the question is ambiguous”

## **E. REDIRECT/RECROSS (OPTIONAL)**

The purpose of redirect is to rehabilitate a witness or repair damage done by your opponent. If credibility or reputation for truthfulness of the witness has been attacked on cross examination, the attorney whose witness has been damaged may wish to ask several more questions. These questions should be limited to the damage the attorney thinks has been done and should be phrased so as to try to “save” the witness’ truth-telling image in the eyes of the jury. Redirect examination is limited to issues raised by the attorney on cross-examination. If

questions on other matters are asked, a proper objection would be: “Objection. Counsel is asking the witness about matters that did not come up in cross examination.”

## **F. CLOSING ARGUMENTS**

Closing arguments are an opportunity to summarize your case. As the attorney, you can point out testimony that supports your theory of the case and that which damages your opponent’s case. This is where you put the pieces together for the jury and the judge. Argue what you feel is important and discard the unimportant. Be an advocate by forcefully arguing your point of view. Be dynamic by avoiding a boring view of the facts. State your case so you are sure it is fully understood. You may use all exhibits which have been admitted into evidence. Point out bias, creditability, or self-interest of a witness.

In your closing argument, do not assume that the judge or jury have understood the impact of all the testimony. You should correct any misunderstandings that the jury or judge may have about the testimony or other evidence. Be cautious in using ridicule. Avoid illogical or confusing argument. Organize in advance by anticipating your opponent’s argument. You should avoid using weak words, such as “we believe” and “we think” etc.

The Prosecution’s rebuttal is limited to the scope of the defendant’s closing argument.

## ETHICAL CONDUCT

The purpose of the Genesee County Bar Association Mock Trial Competition is to stimulate and encourage a deeper understanding and appreciation of the American legal system. This purpose is accomplished by providing students the opportunity to participate actively in the learning process. Education of high school students is the primary goal of the mock trial program. Healthy competition helps to achieve this goal. Other important objectives include improving proficiency in speaking, listening, reading and reasoning skills; promoting effective communication and cooperation between the educational and legal communities; providing an opportunity to compete in an academic setting; and promoting cooperation among students of diverse interests and abilities.

As a means of diligent application of the Genesee County Bar Association Mock Trial Competition Rules, the Law Day Committee has adopted the following Code of Ethical Conduct for all participants:

1. Students promise to compete with the highest standards of deportment, showing respect of their fellow students, opponents, judges, court staff, evaluators, attorney-coaches, teacher-sponsors and mock trial personnel. All competitors will focus on accepting defeat and success with dignity and restraint. Trials will be conducted honestly, fairly, and with the utmost civility. Students will avoid all tactics they know are wrong or in violation of the rules of the competition in spirit or in practice.
2. Teacher-Advisors agree to focus attention on the educational value of the Mock Trial Competition. They shall not encourage willful violations of the rules. Teachers will instruct students as to proper procedure and decorum and will assist their students in understanding and abiding by the competition's rules and this Code of Ethical Conduct.
3. Attorney-Advisors agree to uphold the highest standards of the legal profession and will zealously encourage fair play. They will promote conduct and decorum in accordance with the competition's rules and this Code of Ethical Conduct. Attorney-Advisors are reminded that they are in a position of authority and thus serve as positive role models for the students.
4. All participants (including school observers) are bound by all sections of this code and agree to abide by the provisions. Teams are responsible for insuring that all observers are aware of the code.
5. The Code of Ethical Conduct governs all participants, observers, guests, and parents at the competition.
  - A. Ban on Coaching.
    1. Once the trial begins no coaching is permitted by ANYONE for the duration of the trial. Student attorneys may consult with one another and with their witnesses.

2. To avoid even the appearance of impropriety, the attorneys trying the case and the witnesses should not engage in any conversation with any other team members, coaches or observers until after closing arguments.
3. Any student team member (including team members not participating in the trial) who observes any violation of this rule shall report it immediately to the Judge who shall inquire into the circumstances of the allegation. The Judge may penalize any team for a violation of this rule.

#### **B. Statement of Principles for Mock Trial Jurors**

The mock trial competition, because it does represent a “mock” situation, obviously does not involve the “life and death” circumstances that would apply in an actual Circuit Court jury trial. On the other hand, in order that all mock trial participants, including those students who assume the role of jury members, might achieve maximum benefits (educational and otherwise) from their participation, mock trial jurors are strongly urged to fill their roles with the following principles in mind:

1. Like real jurors, mock trial jurors should do their utmost to pay careful attention to, and follow, the instructions given them by the judge at the beginning of trial.
2. Mock trial jurors should recognize that the many hours of hard work and preparation undertaken by the other participants in the mock trial competition are deserving of the mock trial jurors’ careful attention during the course of the trial presentation.
3. Similarly, mock trial jurors should do their utmost to respect and enhance the efforts and experience of all other mock trial participants by paying careful attention to and following, the court’s instructions at the conclusion of trial.
4. Consistent with these principles, and perhaps more important than any one of them, mock trial jurors should make every effort to conduct their jury deliberations, to the extent humanly possible, as though the ultimate decision made were a “real” one, with “real” consequences for “real” people.

#### **A. Violation of Competition Rules During Trial**

Any violation of a competition rule observed during trial should immediately be called to the attention of the Judge by one of the attorneys trying the case.

#### **B. Judge’s Instructions**

1. Materials.

All judges should have a copy of the competition materials.

2. Role of the Judge.



The Judge has a delicate task. A trial is an adversarial proceeding. Yet the central goal is to give the young people participating a positive educational experience. Obviously, the Judge must be evenhanded. In addition, the judge should take special care to avoid intimidating the student lawyers and witnesses, so they feel comfortable and free to act at the true level of their capacity. The judge should be encouraging to both side and still maintain the essential form of a trial.

### 3. Enforcement of Code of Ethical Conduct.

To assist in enforcing the code, the Judges, upon taking the bench before the start of the trial, will handle the following pre-trial matters:

- a. Ask each side if it is ready for trial.
- b. Ask each side to provide the Judge with a copy of the team roster.
- c. Ask each side for a witness list of those to be called.
- d. Ask each member of the team to rise and identify himself or herself by name and role.
- e. The Judge will remind the participants about the ban on coaching.
- f. The Judge will remind the jurors about the Statement of Principles for Mock Trial Jurors.

### 4. Questions Regarding Mock Trial Rules.

If questions arise regarding application of the Mock Trial Rules, the Judge should entertain arguments by the attorneys regarding the construction of the rules and should encourage the attorneys to make reference to the rule in question. The Judge has the sole authority to make decisions about the conduct of the trial.

## **CASE MATERIALS**

**People of the  
State of Michigan  
v  
Avery Michaelson**

### **TYPE OF CASE:**

This case involves a criminal prosecution. The People of the State of Michigan are represented by the Prosecuting Attorneys. The Defendant is Avery Michaelson who is represented by the Defense Attorneys.

### **SUMMARY OF FACTS:**

Avery Michaelson borrowed his/her boyfriend/girlfriend's vehicle in order to go to the gym with some friends. After the gym, Avery and his/her friends stopped at a house which the police believe to be a drug house. After leaving the house, Avery made a turn without stopping at a stop sign. Avery's failure to stop almost caused an accident. Police pulled Avery's vehicle over. Upon approaching the vehicle, the police smelled marijuana coming from inside the vehicle. The officers removed each occupant from the vehicle and found drugs on some of the passengers, a loaded gun under the driver seat, and marijuana in the vehicle. After a search of the trunk, the officers found a briefcase containing marijuana.

Avery is being charged with the following: Count I, Carrying a Concealed Weapon; Count II, Unlawful Possession of a Controlled Substance with Intent to Deliver; Count III, Unlawful Possession of a Controlled Substance (a lesser included offense); Count IV, Unlawful Use of a Controlled Substance (lesser included offense); and Count V, Possession of Firearm at Time of Commission or Attempted Commission of Felony (Felony Firearm).

Avery denies that the briefcase in the trunk is his/her briefcase and that he/she was not delivering a controlled substance. Avery asserts that he/she took his/her friend to the house on Dye Road in order to pay his/her rent, not to sell or purchase drugs.

### **STATUTES**

1. A person who carries a pistol concealed in a vehicle operated or occupied by the person without a license to carry the pistol is guilty of a felony, punishable by imprisonment for not more than 5 years, or by a fine of not more than \$2,500. *See MCLA 750.227.*
2. A person who delivers or intends to deliver less than 5 kilograms of marijuana is guilty of a felony and punishable by imprisonment of not more than 4 years or a fine of not more than \$2,000, or both. *See MCLA 333.7401.*
3. A person who knowingly or intentionally possesses marijuana is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000 or both. *See MCLA 333.7403.*

4. A person who uses marijuana is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100, or both. *See MCLA 333.7404.*

5. A person who carries or has in his or her possession a firearm when he or she commits or attempts to commit a felony is guilty of a felony, and shall be imprisoned for 2 years (first conviction. Upon a second conviction, the person shall be imprisoned for 5 years. Upon a third and subsequent conviction, the person shall be imprisoned for 10 years. *See MCLA 750.227b.*

## **STIPULATIONS**

1. There are statements from four witnesses for each party. Each statement is designated as Prosecution Witness or Defense Witness. Each party may call only three witnesses to the stand. It will be up to each team to determine which witnesses will testify at trial. The Defendant may invoke his or her 5<sup>th</sup> Amendment right and not testify at trial. If the Defendant does not testify, then the prosecution cannot use the defendant's affidavit as support for their case but may use statements made to the police officer. Further, a party may not call a witness that is designated for the opposing party. For example, the Prosecuting Attorney may not call Defendant's witness to testify at trial.

2. Marijuana is a Schedule 2 controlled substance. *See MCLA 333.7214.*

3. The substance found in the ashtray of the vehicle tested positive for marijuana.

4. The substance found in the briefcase tested positive for marijuana.

5. The presiding judge will conduct the trial according to the Michigan Rules of Evidence. Trial will be by jury.

6. The jury will be instructed on the elements of the offense according to the jury instructions beginning on page 18.

7. The presiding judge will entertain no motions prior to trial.

8. All exhibits included in these case materials are authentic and are accurate in all respects; no objections to the authenticity of the exhibits will be entertained.

## **COMMENTS AND SUGGESTIONS:**

The 2013 Mock Trial is a fictitious case. Any names, descriptions or events described herein are purely coincidental. Most witnesses were created to be gender-neutral.

As in previous years, all admissible exhibits and information relating to the case are contained in these case materials. Students are not allowed to introduce at trial cases, exhibits not contained in the case materials, or a witness from the opposing party.

## JURY INSTRUCTIONS

The court instructs the jury regarding the general features of a case, define the offense, and explain what must be proven to establish the offense. The following instructions are taken from the Criminal Jury Instructions currently in effect in Michigan and will be used in this Mock Trial.

### CJI2d 3.2 *Presumption of Innocence, Burden of Proof and Reasonable Doubt*

- (1) A person accused of a crime is presumed to be innocent. This means that you must start with the presumption that the defendant is innocent. This presumption continues throughout the trial and entitles the defendant to a verdict of not guilty unless you are satisfied beyond a reasonable doubt that he/she is guilty.
- (2) Every crime is made up of parts called elements. The prosecutor must prove each element of the crime beyond a reasonable doubt. The defendant is not required to prove his/her innocence or do anything. If you find that the prosecutor has not proven every element beyond a reasonable doubt, then you must find the defendant not guilty.
- (3) A reasonable doubt is a fair, honest doubt growing out of the evidence or lack of evidence. It is not merely an imaginary or possible doubt, but a doubt based on reason and common sense. A reasonable doubt is just that – a doubt that is reasonable, after a careful and considered examination of the facts and circumstances of this case.

### CJI2d 3.3 *Defendant Not Testifying*

Every defendant has the absolute right not to testify. When you decide the case, you must not consider the fact that he/she did not testify. It must not affect your verdict in any way.

### CJI2d 3.5 *Evidence*

- (1) When you discuss the case and decide on your verdict, you may only consider the evidence that has been properly admitted in this case. Therefore, it is important for you to understand what is evidence and what is not evidence.
- (2) Evidence includes only sworn testimony of witnesses, the exhibits admitted into evidence, and anything else I told you to consider as evidence.
- (3) Many things are not evidence, and you must be careful not to consider them as such. I will now describe some of the things that are not evidence.
- (4) The fact that the defendant is charged with a crime and is on trial is not evidence.
- (5) The lawyers' statements and arguments are not evidence. They are only meant to help you understand the evidence and each side's legal theories. The lawyers' questions to witnesses are also not evidence. You should consider these questions only as they give meaning to the witnesses' answers. You should only accept things the lawyers say that are supported by the evidence or by your own common sense and general knowledge.
- (6) My comments, rulings, questions, and instructions are also not evidence. It is my duty to see that the trial is conducted according to the law, and to tell you the law that applies to this case. However, when I make a comment or given an instruction, I am not trying to influence your vote or express a personal opinion about how you should decide this case,

you must pay no attention to that opinion. You are the only judges of the facts, and you should decide this case from the evidence.

- (7) At times during the trial, I have excluded evidence that was offered or stricken testimony that was heard. Do not consider those things in deciding this case. Make your decision only on the evidence that I let in, and nothing else.
- (8) Your decision should be based on all the evidence, regardless of which party produced it.
- (9) You should use your own common sense and general knowledge in weighing and judging the evidence, but you should not use any personal knowledge you may have about a place, person, or event. To repeat once more, you must decide this case based only on the evidence admitted during this trial.

#### *CJI2d 4.1 Defendant's Statements as Evidence Against the Defendant*

- (1) The prosecution has introduced evidence of a statement that it claims the defendant made.
- (2) Before you may consider such an out-of-court statement against the defendant, you must first find that the defendant actually made the statement as given to you.
- (3) If you find that the defendant did make the statement, you may give the statement whatever weight you think it deserves. In deciding this case, you should think about how and when the statement was made, and about all other evidence in the case. You may consider the statement in deciding the facts of the case [and in deciding if you believe the defendant's testimony in court].<sup>1</sup>

#### *CJI2d 4.3 Circumstantial Evidence*

- (1) Facts can be proved by direct evidence from a witness or an exhibit. Direct evidence is evidence about what we actually see or hear. For example, if you look outside and see rain falling, that is direct evidence that it is raining.
- (2) Facts can be proved by indirect, or circumstantial, evidence. Circumstantial evidence is evidence that normally or reasonably leads to other facts. So, for example, if you see a person come in from outside wearing a raincoat covered with small drops of water that would be circumstantial evidence that it is raining.
- (3) You may consider circumstantial evidence. Circumstantial evidence by itself, or a combination of circumstantial evidence and direct evidence, can be used to prove the elements of a crime. In other words, you should consider all the evidence that you believe.

#### *CJI2d 5.11 Police Witness*

You may have heard testimony from a witness who is a police officer. That testimony is to be judged by the same standards you use to evaluate the testimony of any other witness.

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<sup>1</sup> Use the bracketed phrase only if the defendant testifies at trial and the prior statement is used to impeach his or her testimony.

### CJI2d 11.1 *Carrying Concealed Weapon –Pistol*

- (1) The defendant is charged with the crime of carrying a concealed pistol. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt.
- (2) First, that a pistol was in a vehicle that the defendant was in.
- (3) Second, that the defendant knew the pistol was there.
- (4) Third, that the defendant took part in carrying or keeping the pistol in the vehicle.

### CJI2d 11.3 *Definition of Pistol*

- (1) A pistol is a firearm. A firearm includes any weapon from which a dangerous object can be shot or propelled by the use of explosives, gas, or air. (A firearm does not include smooth-bore rifles or handguns designed and manufactured exclusively for shooting BBs no larger than .177 caliber by means of spring, gas, or air.)
- (2) The shape of the pistol is not important as long as it is thirty inches or less in length. Also, it does not matter whether or not the pistol is loaded.

### CJI2d 11.34 *Possession of Firearm at Time of Commission or Attempted Commission of Felony (Felony Firearm)*

- (1) The defendant is also charged with the separate crime of possessing a firearm at the time he/she committed (or attempted to commit) the crime of Unlawful Possession of Controlled Substance or Carrying Concealed Weapon.
- (2) To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:
- (3) First, that the defendant committed (or attempted to commit) the crime of Unlawful Possession of Controlled Substance or Carrying Concealed Weapon, which has been defined for you. It is not necessary, however, that the defendant be convicted of that crime.
- (4) Second, that at the time the defendant committed (or attempted to commit) that crime he/she knowingly carried or possessed a firearm.
- (5) A pistol is a firearm.

### CJI2d 12.3 *Unlawful Possession of a Controlled Substance with Intent to Deliver*

- (1) The defendant is charged with the crime of illegally possessing with the intent to deliver 14 grams of a controlled substance, marijuana. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:
- (2) First, that the defendant knowingly possessed a controlled substance.
- (3) Second, that the defendant intended to deliver this substance to someone else.
- (4) Third, that the substance was marijuana and the defendant knew it was.
- (5) Fourth, that the substance was in a mixture that weighed 14 grams.
- (6) Fifth, that the defendant was not legally authorized to possess this substance.

### CJI2d 12.5 *Unlawful Possession of a Controlled Substance*

- (1) The defendant is charged with the crime of knowingly or intentionally possessing an amount less than 14 grams of a controlled substance, marijuana. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:
- (2) First, that the defendant possessed a controlled substance.
- (3) Second, that the substance was marijuana.
- (4) Third, that the defendant knew that he/she was possessing marijuana.
- (5) Fourth, that the substance was in a mixture that weighed a gram.

### CJI2d 12.7 *Meaning of Possession*

Possession does not necessarily mean ownership. Possession means that either:

- (1) The person has actual physical control of the marijuana, as I do the pen I'm now holding; or
- (2) The person has the right to control the marijuana, even though it is in a different room or place.

Possession may be sole, where one person alone possesses the marijuana.

Possession may be joint, where two or more people each share possession.

It is not enough if the defendant merely knew about the marijuana; the defendant possessed the marijuana only if he/she had control of it or the right to control it, either alone or together with someone else.

### CJI2d *Unlawful Use of a Controlled Substance*

- (1) The defendant is charged with the crime of the illegally using a controlled substance, marijuana. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:
- (2) First, that the defendant used a controlled substance.
- (3) Second, that the substance used was marijuana.
- (4) Third, that at the time he/she used it, the defendant knew the substance was marijuana.

**STATE OF MICHIGAN  
IN THE 7<sup>TH</sup> CIRCUIT COURT**

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PEOPLE OF THE STATE  
OF MICHIGAN,  
Plaintiff,

Case No. 13-000135-FH

v.

JUDGE

AVERY MICHAELSON,  
Defendant.

\_\_\_\_\_/   
School Name  
PROSECUTING ATTORNEY

\_\_\_\_\_/   
School Name  
ATTORNEY FOR DEFENDANT

**VERDICT FORM<sup>2</sup>**

Count I: Carrying a Concealed Weapon

Guilty \_\_\_\_\_ (Go to Count II)

Not Guilty \_\_\_\_\_ (Go to Count II)

Count II: Unlawful Possession of a Controlled Substance with Intent to Deliver

Guilty \_\_\_\_\_ (Go to Count V)

Not Guilty \_\_\_\_\_ (Go to Count III)

Count III: Unlawful Possession of a Controlled Substance

Guilty \_\_\_\_\_ (Go to Count V)

Not Guilty \_\_\_\_\_ (Go to Count IV)

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<sup>2</sup> After the Trial, please return the Verdict Form to the a member of the Genesee County Bar Association Law Day Committee



Count IV: Unlawful Use of a Controlled Substance

Guilty \_\_\_\_\_ (Go to Count V)

Not Guilty \_\_\_\_\_ (Go to Count V)

Count V: Possession of Firearm at Time of Commission or Attempted Commission of Felony

Guilty \_\_\_\_\_ (Go to Count V)

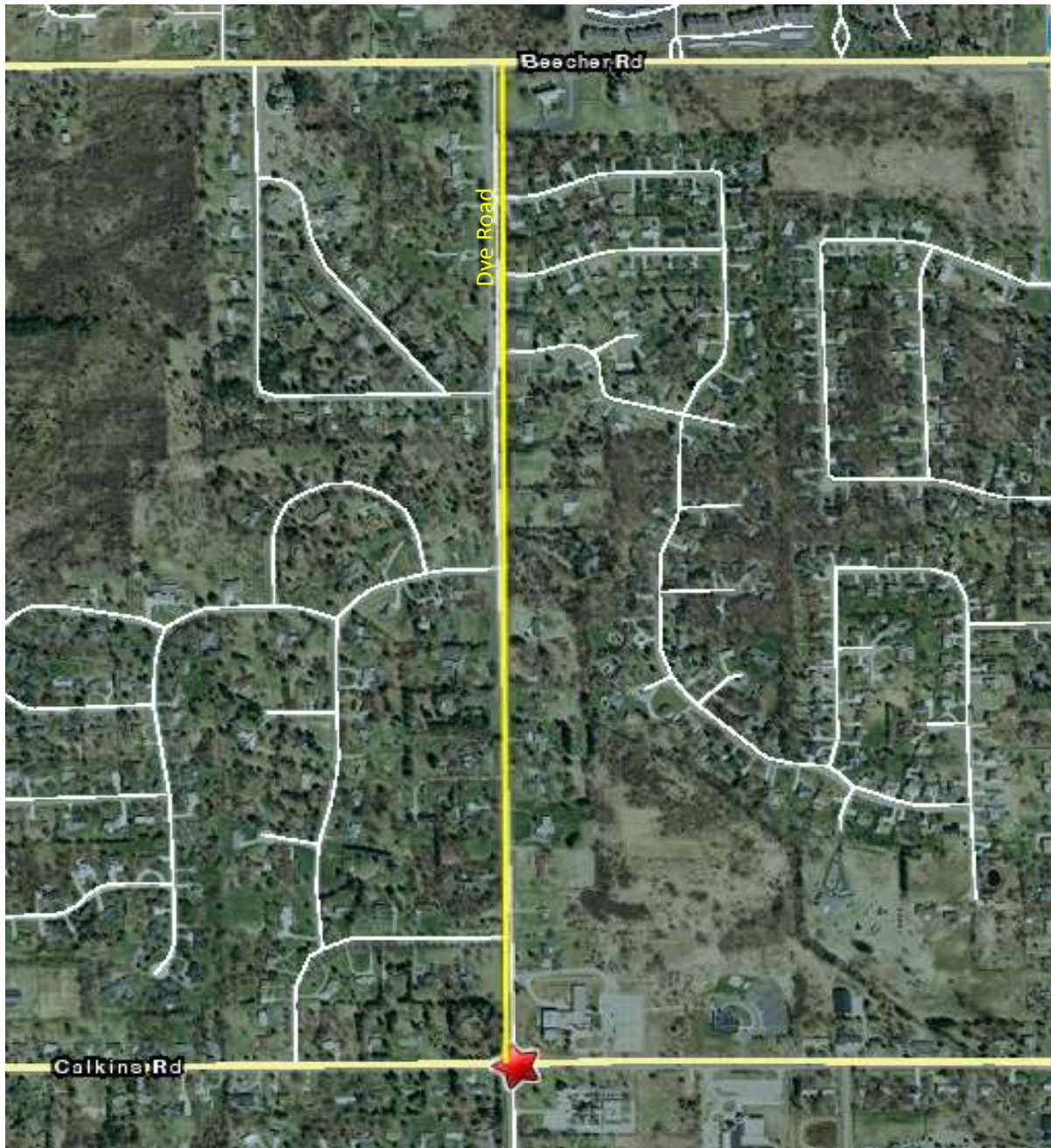
Not Guilty \_\_\_\_\_ (Go to Count III)

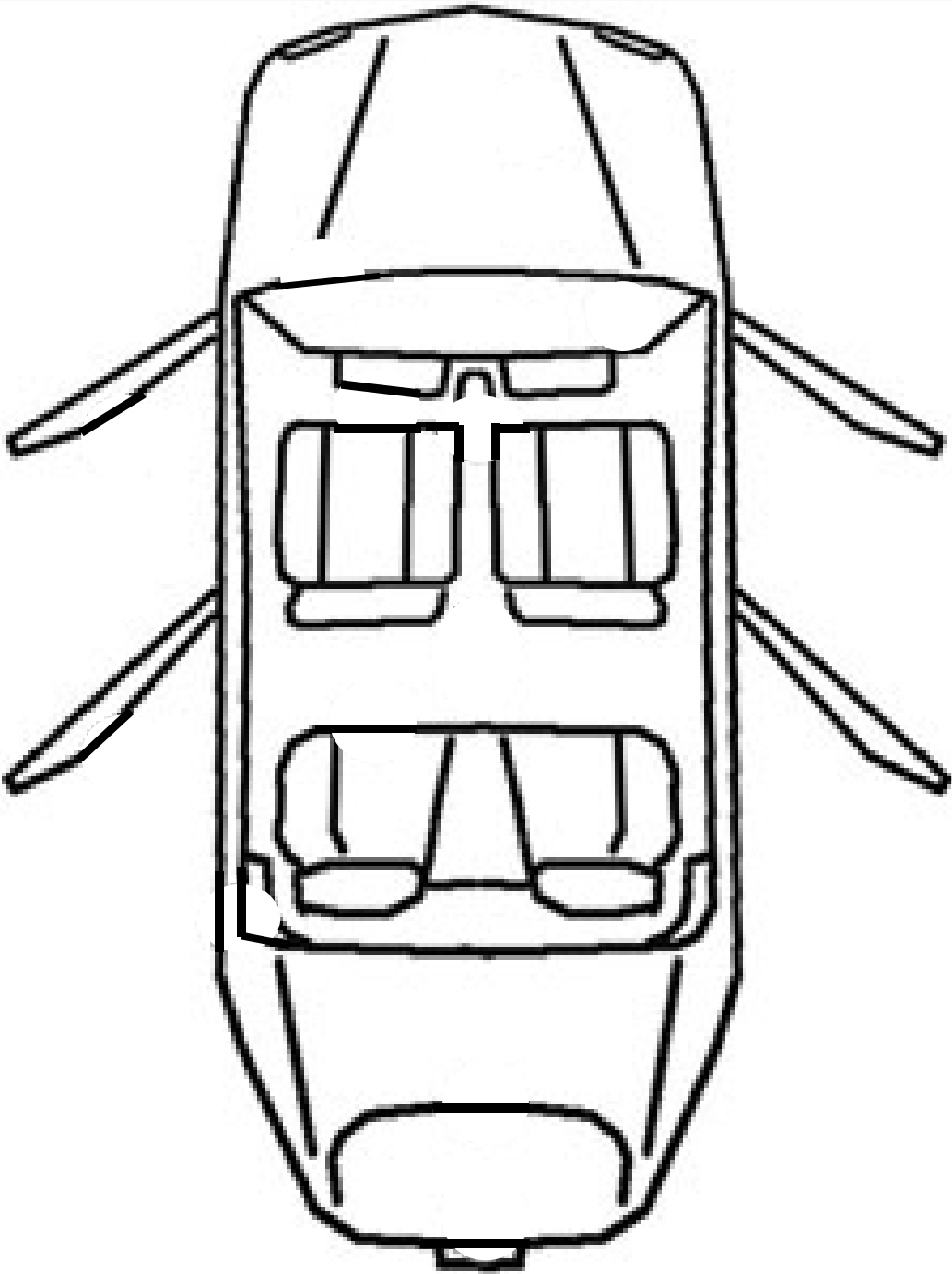
# EXHIBITS















# STATEMENTS

## STATEMENT OF OFFICER MADISON HUMPHREY

AFFIDAVIT OF MADISON HUMPHREY

Prosecution Witness

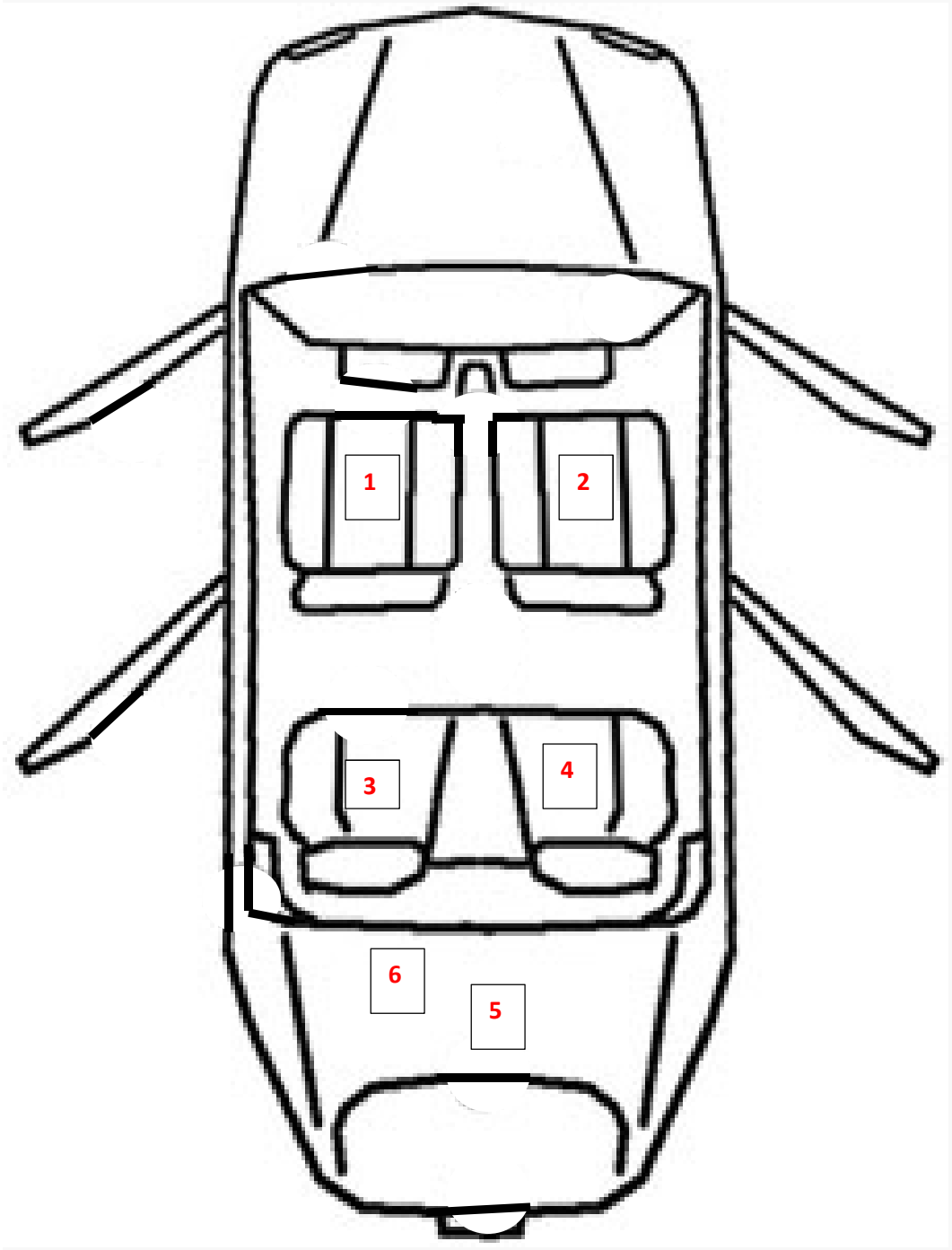
1. My name is Madison Humphrey. I am employed at the Flint Township Police Department as a patrol officer. I have been an officer since 1990. From 2006 – 2010, I was a detective in the drug unit and part of the multi-jurisdictional team called Flint Area Narcotics Group (“FANG”).
2. FANG targets low to mid-level dealers in order to find the dealers and organizations operating in Genesee County. There are several different local, county, and federal police departments that are part of FANG.
3. On July 18, 2011, I was on patrol. My shift was 1600 hours to midnight. On the day in question, I had a high school student, Blair Carlson, riding along with me. Blair sat in the front passenger seat.
4. At approximately 1752 hours, I was parked in a business parking lot watching a house that I suspected to be selling drugs at 1234 Dye Road, Flint, Michigan. The house was across the street from my location and about 4 houses North of my position.
5. I suspected 1234 Dye Road as selling drugs because FANG completed several controlled drug buys from the house when I was working with the team. A controlled buy is when an undercover officer or confidential informant buys drugs from the house or individual with funds that have been copied for evidence. The undercover officer or confidential informant is watched by other officers as they enter the premises.
6. Shortly after I parked, I observed a black Camaro drive by my location and pull to the side of the road. The vehicle stopped across the street from the house. This section of Dye Road is two lanes, one in each direction. The front passenger got out of the vehicle and ran across the street. After the passenger knocked on the front door, he/she entered the house.
7. When the passenger came out of the house approximately three minutes later, he/she appeared to be counting money. The passenger got into the Camaro which drove North towards Beecher Road. I followed the vehicle at a distance.
8. Dye Road vehicles must stop to oncoming traffic from Beecher Road. Beecher Road does not stop. Vehicles from Dye Road must stop at the stop sign before turning left or right onto Beecher.
9. When the black Camaro with license plate “COOLIE” came to the corner of Dye Road and Beecher Road.
10. The vehicle turned onto Beecher Road without stopping. I observed a vehicle swerve to miss hitting the Camaro. This is when I turned on my lights and siren. As I was

following the vehicle, I had Blair Carlson type the vehicle information into the laptop in my car in order to find out who it was registered to. Also, I asked Central Dispatch for an additional unit because there were four individuals in the vehicle.

11. The Camaro was register to Robert Monticello.
12. The vehicle turned the corner onto Beecher and pulled into the parking lot of the first building on the right. When the vehicle came to the stop, I told Blair to stay in the police car. Detective Sonny Thacker had pulled his/her vehicle behind mine. I stepped out of the vehicle but stayed behind my door when I asked the occupants of the vehicle to keep their hands on the ceiling of the car. I wanted to make sure the occupants would not grab anything.
13. As Detective Thacker reached my vehicle, we approached the subject vehicle from both sides. As we approached the vehicle, I could smell marijuana emanating from the vehicle. When I looked into the driver window, I saw what appeared to be a marijuana blunt in the ashtray. In order to keep control of the situation, we asked each occupant to exit the vehicle one by one.
14. First, I asked that the front seat passenger to exit from the vehicle. Detective Thacker took the passenger back to my police cruiser. The front seat passenger was Jamie Forbes. Detective Thacker patted down Jamie Forbes before placing Jamie in handcuffs. Detective Thacker pulled money and a baggie of suspected marijuana out of Jamie's pockets. As Detective Thacker was walking Jamie to the back of my patrol vehicle, Detective Thacker asked Blair to count the money, list the amount on a pad of paper and hold the marijuana.
15. Detective Thacker sat Jamie in my patrol car in the back seat. There is a partition between the front seat and back seat. However, the front seat passengers can hear the back seat passenger talk.
16. After Jamie was safely in the backseat of my patrol vehicle, I asked the back seat passenger, Taylor Watson, to exit the vehicle. Detective Thacker escorted Taylor to my patrol cruiser where he/she patted Taylor down. After patting Taylor down, Detective Thacker cuffed Taylor and placed him/her in the backseat of my patrol vehicle with Jamie. Blair was sitting in the front seat.
17. Detective Thacker walked around my patrol vehicle to my side and I asked the back seat passenger sitting behind the driver to exit the vehicle. This person was Hayden Castella. Hayden exited the vehicle and walked back to the patrol vehicle. At this time, I observed the driver of the vehicle's hand come down and moving back and forth in the front seat. I ordered the driver to put his/her hand back on the ceiling but he/she failed to do so. Once Detective Thacker had control of Hayden, I asked the driver to exit the vehicle with his hands up. The driver was identified as Avery Michaelson.

18. I clasped Avery's hands with mine then leaned him/her against the trunk of his/her vehicle. I then proceeded to search him/her for weapons. I found about \$260 in \$20s in his/her left pocket. I asked Avery where he/she obtained the money and he/she told me it was rent money. I placed Avery in the back seat of Detective Thacker's vehicle after handing the money to Blair to count and list on the asset sheet.
19. After the occupants were out, I searched the Camaro. I found several empty baggies with residue in them under the driver's seat. There were two ends of a marijuana blunt in the ashtray in addition to a third one sitting in plain sight.
20. Under the driver seat, I found a loaded 357 magnum gun loaded. It appears that the gun was easiest to access by the back seat passenger Hayden Castella than the driver. Detective Thacker searched the passenger side of the vehicle. He/she found additional marijuana under the front passenger seat.
21. After searching the interior of the vehicle, I went to Detective Thacker's vehicle and opened the back door. I asked Avery if I had his/her permission to search the trunk of the vehicle. I did not tell Avery what I found in the interior of the vehicle. Avery consented. Avery stated that he/she had nothing to hide.
22. I grabbed the keys to the trunk and opened the trunk. I observed a leather briefcase and a black duffle bag. In the black duffle bag, I found a pair of shorts, a shirt, and tennis shoes. The leather briefcase had a combination lock on it. I tried to open the lock but was unable to do so.
23. I asked Avery for the combination to the lock but he/she stated that he/she did not know what the combination was because it was not his/her case. I asked whose case it was. He/she said that it was in the car when he/she borrowed it from his/her boyfriend/girlfriend.
24. Detective Thacker decided that we should obtain a search warrant before opening it. We took the suspects to the police department.
25. Since Detective Thacker is a detective in charge of investigating drug crimes for Flint Township, he/she took possession of the briefcase by placing it in his/her trunk until he/she went to the department.

*Madison Humphrey*  
Madison Humphrey, Badge #11458



1 = Avery Michaelson  
2 = Jamie Forbes

3 = Hayden Castella  
4 = Taylor Watson

5 = black duffle bag  
6 = leather brief case

THIS IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT TO BE USED AS AN EXHIBIT. This image is based on Officer Madison Humphrey's observations.

## STATEMENT OF SONNY THACKER

AFFIDAVIT OF SONNY THACKER

Prosecution Witness

1. My name is Sonny Thacker. I am employed at the Flint Township Police Department as a detective assigned to the drug unit and am part of the multi-jurisdictional team called Flint Area Narcotics Group (“FANG”). I have been a police officer since 1998. I have been a narcotics detective since 2010.
2. FANG targets low to mid-level dealers in order to find the dealers and organizations operating in Genesee County. There are several different local, county, and federal police departments that a part of FANG.
3. On July 18, 2011 at approximately 1700 hours, I was at Flint Township Police Department. I stopped by the Department in order to see what new cases had come in since my last shift before I went to FANG headquarters. My shift was 1500 hours to 2300 hours.
4. At approximately 1800 hours, I heard a radio call for assistance from Officer Madison Humphrey requesting assistance on a traffic stop that may be associated with delivery of a controlled substance. Pursuant to the radio call, I headed towards a parking lot off of Beecher Road, east of Dye Road. I pulled my vehicle behind Officer Humphrey’s vehicle and observed four occupants in a black Camaro.
5. I approached the passenger side of Officer Humphrey’s vehicle in order to remove the occupants. Officer Humphrey and I approached the vehicle from both sides (driver and passenger). When I approached the passenger side, I smelled marijuana coming from the vehicle. As I watching the front seat passenger exit the vehicle, I saw a marijuana blunt in plain sight.
6. I walked the front passenger to the police cruiser. When the person reached the front hood, I clasped his/her hands with mine and directed him/her to lie on top of the patrol vehicle. This person was identified as Jamie Forbes. I advised Jamie that he/she was not under arrest but that I was going to pat him/her down for my safety. I felt something in his/her pocket and asked what it was. Jamie stated that it was money. I asked for permission to enter into his/her pocket. Jamie gave consent. I pulled out money which was in the denomination of twenties and a baggie of marijuana. I gave this to Blair Carlson who was sitting in the front seat of Officer Humphrey’s vehicle. I asked Blair to log this information on the asset sheet for Jamie Forbes. I placed Jamie Forbes in the back seat of the patrol vehicle.
7. Officer Humphrey then asked the back seat passenger, Taylor Watson, to exit the vehicle. I walked Taylor to the front of the patrol car then I patted Taylor down. When I patted Taylor down, I felt something in his/her front right pocket. I asked Taylor what it was. Taylor stated that it an inhaler. I asked for consent to reach into his/her pocket to verify. He/she said yes. I pulled out an inhaler. I put it back in

- Taylor's pocket. I handcuffed Taylor and placed him/her in the backseat of the patrol vehicle next to Jamie.
8. I was on the driver side of the patrol vehicle when Officer Humphrey asked the driver side back passenger to exit the vehicle. This person was Hayden Castella. When Hayden approached the patrol vehicle, I patted him/her down for our safety. I felt a bulge in the left front pocket and asked what it was. Hayden would not speak. I reached into the pocket and found another baggie of marijuana in his/her pocket. In addition to the marijuana, I found a baggie with one rock of cocaine in it. I placed Hayden inside the back seat of my vehicle.
  9. Avery Michaelson, the driver of the vehicle, exited the vehicle with his/her hands behind his/her head. Officer Humphrey searched the driver and placed him/her in the backseat of my vehicle.
  10. When all the occupants of the vehicle were out of the Camaro, we did a visual inspection of the vehicle. As I stood outside the vehicle, I observed a marijuana blunt in the ashtray which was between the driver, Avery, and the front seat passenger, Taylor.
  11. When I approached the vehicle, I could smell burnt marijuana. Due to my observation of a smoked marijuana blunt and the smell of marijuana in the vehicle, I searched the passenger side of the vehicle. Officer Humphrey searched the driver side of the vehicle.
  12. I opened the glove compartment and found three baggies. Two of them were empty but contained some residue in them. The third one had what appeared to be contents of a cigar minus the cigar wrapper or two and two cigars still intact. In my experience as a narcotics detective, I know that individuals will purchase cigars and empty the contents then re-use the wrapper. In order to create a marijuana blunt, an individual will then place marijuana in the wrapper and roll it.
  13. After searching the interior of the vehicle, I asked Blair to list the items that I found on the asset sheet. As I was having Blair list the found items on the asset sheet, Officer Humphrey was talking to the driver, Avery.
  14. Officer Humphrey opened the trunk with the keys to the vehicle. I observed a leather briefcase and a black duffle bag. The black duffle bag was opened and it appeared to hold clothes. Officer Humphrey searched the bag. I grabbed the leather briefcase which had a combination lock on it. Officer Humphrey and I tried to open the lock but were unable to do so.
  15. Officer Humphrey attempted to talk to Avery in order to obtain the combination but Avery claimed to not know it. I talked with Taylor Watson and Jamie Forbes regarding the brief case. I asked if they knew the combination. Both said that they did not. I asked what the contents of the briefcase were. They did not know.

16. In order to make sure that there were no issues, I told Officer Humphrey that I would prefer to obtain a search warrant before opening the briefcase because none of the vehicle occupants knew the combination to it.
17. I took possession of the briefcase and other evidence that we obtained. After transporting the occupants of the vehicle to the county jail, I went to the Flint Township Police Department and logged the evidence into the property room.
18. I obtained a search warrant and opened the briefcase. I found 14 individually wrapped baggies of marijuana, a container of baggies, and a digital scale. A bag typically holds about 1 ounce of marijuana. Based on my experience, the individual that this briefcase belonged to intended to sell this marijuana because there were 14 bags individually wrapped with a digital scale. A dealer will usually weigh out the marijuana before placing it into individual bags.
19. Prior to opening the briefcase, I did take fingerprints from the briefcase. The only fingerprints that I found were on the outside of the briefcase. Those belonged to Avery Michaelson.
20. After taking a picture of the contents and logging it in the property room, I interviewed all four suspects while they were housed in the county jail.
21. First, I talked with Avery Michaelson, the driver. I read Avery's Miranda warning which he/she waived. I inquired as to the weapon found under the driver seat. He/she had no knowledge of it. Asked about the marijuana blunt in the ashtray as well as the other two remnants in the ashtray. He/she said that it was not his/her marijuana. Jamie and Taylor were smoking it. I asked whether he/she knew that the briefcase was in the trunk. Avery said yes but he/she did not know the contents because it was not his/her vehicle. I asked why he/she was driving the vehicle. Avery stated it was because he/she was going to pick up his/her boyfriend/girlfriend who lent him/her the vehicle.
22. After speaking with Avery, I spoke with Taylor Watson. Taylor stated that Avery picked him/her up in order to go work out. When Avery picked up Taylor, Hayden and Jamie were already in the vehicle. After going to the gym, Jamie lit up a blunt to ease the stress and relax. Taylor said that not all of them smoked it. I asked about the gun under the driver seat and Taylor stated that Avery asked him/her to hang on to it. When the police sirens started, Taylor gave the gun to Hayden who placed the gun under the driver seat in order to hide it.
23. Next, I talked to Jamie who was the front seat passenger. He/she stated that they stopped at 1234 Dye Road, Flint, Michigan in order to pay his/her mother's rent to the landlord. He/she paid \$800 but the rent was only \$750. He/she was counting money as he/she walked back to the vehicle. Jamie stated that he/she did not have knowledge of the marijuana in the glove box.



24. Lastly, I talked with Hayden. Hayden stated that they were all smoking the weed. He/she stated that Avery was talking about this kid who was threatening him/her at school because of something that this kid purchased from Avery that didn't meet his/her standards. Avery was shaken up because his/her tires were slashed at his/her house. He/she asked to borrow his/her boyfriend/girlfriend's vehicle in order to go the gym. So, they smoked some weed. When Avery ran the stop sign and the police sirens went on, Avery told Taylor to hide the gun. Taylor handed the gun to me and I hid it under the driver's seat. Avery said that he/she had the gun in order to protect himself/herself from the kid that was threatening him/her.
25. Upon examining the evidence, I found that the bag of marijuana that I found in Jamie Forbes' possession was actually two individually wrapped baggies of marijuana in a sandwich size ziplock baggie.
26. Next, I checked the contents of the black duffle bag. I found drug paraphernalia under the clothes which appeared to have been used in the past. I also found an empty baggie next to the paraphernalia.

*Sonny Thacker*  
Sonny Thacker

## STATEMENT OF BLAIR CARLSON

AFFIDAVIT OF BALIR CARLSON

Prosecution Witness

1. My name is Blair Carlson. I am 18 years old. I recently graduated from Flint Area Community High School. I want to be a police officer and wanted to see what happens while on patrol. My teacher told me about a program that allows citizens to ride along with officers. I asked to ride along with the Flint Township Police Department.
2. On July 18, 2011, I was able to ride along with Officer Madison Humphrey. Prior to going on patrol, Officer Humphrey explained some of the paperwork and how to use the computer. He/she allowed me to run license plates of vehicles as we were on patrol.
3. At approximately 5:30 p.m., Officer Humphrey decided to watch a suspected drug house located at 1234 Dye Road. We sat in a business parking lot across the street and 4 doors down from the house. Officer Humphrey used binoculars to get license plates of the vehicles that stopped. I would check the plate on the laptop in the computer as well as write them down along with the information.
4. At about 5:50 p.m., a black Camaro parked across the street from the house in question. Someone got out of the passenger side of the vehicle and went into the house. The person was only there for about 4-5 minutes. When I ran the license plate, the computer said that it was registered to Robert Monticello. I know a Tracy Monticello who owns a black Camaro liked that. Tracy is dating a person by the name of Avery. I did not tell Officer Humphrey that I may know the individuals in the vehicle.
5. After the passenger got back in the vehicle, the black Camaro sped away. When it came up to Beecher Road, it slowed down a little bit then turned right quickly without stopping. The vehicle driving east on Beecher did a hard stop then swerved onto Dye Road in order to avoid hitting the Camaro. This is when Officer Humphrey turned on his/her sirens and police lights.
6. The Camaro stopped in the first parking lot. While pursuing the vehicle, Officer Humphrey requested assistance because there appeared to be four individuals in the vehicle. I observed something being given to the back seat passenger from the front seat. I could not tell who was giving who what.
7. When the patrol vehicle pulled behind the Camaro, another vehicle pulled in behind us and the driver got out and walked to my side of the patrol vehicle. When Detective Thacker reached my door, Officer Humphrey and Detective Thacker approached the suspect vehicle. Then one by one, the occupants were taken out and patted down. After Detective Thacker removed Jamie Forbes from the vehicle, I observed Thacker pat down Jamie. Thacker pulled out some baggies of marijuana and a lot of cash. Thacker handed it to me and told me to list it under Jamie Forbes. I counted the money which was in

twenty dollar denominations. There was \$240. In addition to the money, there were two baggies of marijuana inside another baggie. I listed this under Jamie Forbes' inventory as well.

8. Jamie was placed in the backseat of the patrol vehicle behind me. Jamie stated that he/she recognized me from school. I did not respond. He/she then proceeded to state where I lived and that I could help them out by pocketing some of the money or one of the bags of marijuana. I just faced forward and said nothing.
9. While Jamie was talking to me, I watched Detective Thacker search Taylor Watson. He/she took something out of Taylor's pocket then put it back in. Taylor was placed in the patrol vehicle behind the driver seat. At that time, Jamie told Taylor who I was and where I lived. Jamie asked again that I hide some of the cash and a bag of marijuana because he/she would get into trouble. I counted the money again to make sure that I counted it right.
10. As I was watching Detective Thayer search the other occupants, I overheard Taylor tell Jamie that he/she did not find the thing. If the cops find the thing then they were all in trouble. At this time, I texted Tracy to tell him/her that the police stopped his/her car and are finding drugs.
11. After the other two occupants were placed in Detective Thacker's vehicle, Officer Humphrey and Detective Thacker searched the Camaro. Officer Humphrey leaned into the vehicle and pulled out a gun from the driver side of the car. He/she placed the gun on the hood of the patrol vehicle. At this time, Jamie said crap. Taylor said that was bad.
12. When the officers went in the trunk, Jamie started moving around and Taylor told him/her to calm down.
13. The officers removed a black duffle bag and a leather briefcase. At this time, Taylor said the "f" word. I looked back at him/her when he/she told me to mind my own business.
14. I logged all the evidence on the sheet of paper that I was told to log by Officer Humphrey and Detective Thacker.
15. I do know Avery Michaelson because he/she was dating my friend Tracy Monticello. Since July 18, 2011, they broke up because Avery slept around on Tracy. Avery claims that it was because Avery kept telling the police that the leather briefcase with the marijuana, scale, and baggies belonged to Tracy's dad. Tracy stated that his/her dad does not sell drugs.

*Blair Carlson*

Blair Carlson

## REPORT OF TRACY MONTICELLO

REPORT OF TRACY MONTICELLO

Prosecution Witness

1. I am 17 years old. I attend Flint Area Community High School which is where I know Blair Carlson from. Blair and I have known each other since we were 8 years old.
2. I was dating Avery Michaelson. Avery attends Genesee-Fulton High School. We met through his/her cousin who attends my high school. We dated for 2 years. It ended when he started cheating on me.
3. On July 18, 2011, I allowed Avery Michaelson to use my black Camaro in order to go to the gym. The vehicle is registered to my father. I am the primary driver of the vehicle. My father did use the vehicle the night before this incident. My father did not know that I allowed Avery to use the vehicle.
4. About 6:10 p.m. on July 18, 2011, I received a text message from my friend, Blair Carlson, stating that my Camaro was pulled over and the officers were finding drugs in it. About a minute later, I received another text message stating that they found a gun.
5. I started getting concerned and I told my father that I lent my vehicle to Avery and what was going on. My father was furious.
6. My father and I do not own a gun and the gun that was in the vehicle was not our gun.
7. My father does have a leather briefcase but he does not drive my vehicle except for on July 17, 2011 when his vehicle was in the shop.
8. I have seen Avery use marijuana in the past.

**Tracy Monticello**

Tracy Monticello

## STATEMENT OF AVERY MICHAELSON

AFFIDAVIT OF AVERY MICHAELSON

Defense Witness

1. I am eighteen years old. I graduated Genesee-Fulton High School in 2011.
2. I am dating Tracy Monticello who attends Flint Area Community High School.
3. On July 18, 2011, Tracy came over to my home. I wanted to go to the gym with some friends in order to work out but I did not have a vehicle. I asked Tracy if I could use his/her vehicle and take some friends to the gym. Tracy said yes. I took Tracy home then went to pick up my friends.
4. As Jamie Forbes, Taylor Watson and Hayden Castella and I were working out, I told them about this person from school who kept threatening me because I sold something that was not good. The person wanted their \$40 back but I refused. One day I came out of my house and found all four tires of my car were slashed. I told them that I had my dad's gun in my gym bag. I wanted to protect myself, if needed.
5. After working out, I put my duffle bag in the trunk and I noticed a leather briefcase in the trunk. I will admit that curiosity got the best of me and I tried to open up the case but it would not open. I left it alone.
6. When we got back into the car, Jamie opened the glove box and found some marijuana and some cigar wrappers. He/she asked if we wanted to fire one up. I told Jamie no because that is not my stuff and this is not my car. Jamie did it anyways.
7. As I was going to drop off Jamie at his/her house, Jamie asked to go to 1234 Dye Road in order to pay his/her mom's rent. As it was on the way to dropping off Jamie, I said sure. We pulled onto Dye Road and I parked across the street. Jamie got out and went to the house. It only took about a couple of minutes.
8. After that, I drove away. I think I hit the accelerator a little too hard and the car sped away. When I came up to Beecher Road, the brake got stuck and I turned the corner too fast. Thankfully, the car coming east on Beecher was able to avoid hitting me. That's when I heard the sirens. I had the gun in the console. I grabbed it and asked Taylor and Hayden to hide it somewhere. They must have put it under my seat.
9. I pulled over in the first parking lot that I could find. I stopped. I heard the Officer tell us to put our hands on the ceiling of the vehicle. After the officer started pulling people out of the car, I noticed that the marijuana blunt was in the ashtray and I tried to hide it when I was told again to keep my hands on the ceiling.

10. I had \$260 in twenty dollar denominations because I pulled out some of it from a few ATM machines. I have been saving money in order to buy some clothes for college that was starting in August.
11. I admit that I should not have had my dad's gun in the vehicle or even out of the house, but I do not sell drugs. I did not even smoke the stuff that Jamie had.
12. Tracy told me that his/her father used his/her car last night. I remember him having a leather briefcase like the one found in the trunk. I believe that the briefcase is Tracy's father.
13. Tracy and I are no longer dating. Tracy told me that he/she could not date me any longer as long as I was telling lies about her father selling drugs. It would explain the traffic coming and going out of Tracy's house.
14. Tracy does not do drugs. I think the drugs that were in the glove box were Tracy's father's drugs from the previous night. I have seen drugs in his house when I would visit Tracy.

*Avery Michaelson*  
Avery Michaelson

## STATEMENT OF JAMIE FORBES

AFFIDAVIT OF JAMIE FORBES

Defense Witness

1. I am 18 years old. I graduated Genesee-Fulton High School with Avery Michaelson. We have been friends for over 8 years.
2. On July 18, 2011, Avery picked me up in a black Camaro which is owned by Tracy Monticello's father. Tracy and Avery were dating at this time.
3. Avery wanted to go to the gym in order to work out. We were going to pick up Hayden Castella and Taylor Watson. Avery was not able to drive his/her vehicle because someone had slashed the tires on the car. Avery was shaken up about it and thought someone from our school was threatening him.
4. When I got into the Camaro, Avery showed me his/her father's 357 Magnum. I asked Avery why he/she had it with him/her. Avery said that no one is going to mess with him/her. He/she would take care of it.
5. After picking up Hayden and Taylor, we went to the gym. We worked out about an hour then were going home. I looked into the glove box and found several bags of marijuana. I grabbed a bag and placed it in my pocket for later use. Then I grabbed another one and a cigar wrapper. I rolled a blunt and lit it up. I offered it to everyone. Avery started having a fit about this being Tracy's car and people smoking in it.
6. I asked Avery if he/she could take me to the landlord's house in order to pay this month's rent. He/she did. Avery parked across the street from the house and I walked over to it. It only took a little bit. I had \$800 but the rent was only \$750. I paid it. I was counting the money as I was leaving the house because the landlord gave me a lot of \$1 bills. I did not have \$240. That is a lie. That little punk, Blair Carlson. He/she would do anything to cause Avery and Tracy to end their relationship. Blair wanted to date Tracy.
7. I never asked Blair to hide any money or marijuana. That would be stupid. What if the cops had a recorder in the backseat? All I said to Blair was that he/she was probably loving this. I noticed that he/she was texting and I asked whether he/she was texting Tracy. Blair said yes.
8. After this I pled guilty to Possession of Marijuana and received a delayed sentence under 7411. My attorney explained that 7411 actually refers to a statute, MCLA 333.7411, where an individual who has not been previously convicted of an offense relating to drugs can plead guilty. Then the individual is placed on probation with a set of terms and conditions. If all the terms and conditions are completed to the Court's satisfaction then

the charges are dismissed. I was placed on probation for a year. I have to submit to random drug testing.

*Jamie Forbes*

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Jamie Forbes



## STATEMENT OF TAYLOR WATSON

AFFIDAVIT OF TAYLOR WATSON

Defense Witness

1. I am 19 years old. Avery Michaelson is my cousin.
2. Avery picked me up on July 18, 2011 in order to go to the gym. Jamie and Hayden were already in the vehicle when they picked me up.
3. After the gym, Avery was telling us about this person that was starting crap with him/her about something Avery sold. Avery said that apparently this person was not happy with the merchandise and the person was threatening Avery. Avery did not want to tell us who the person was or what he/she sold to the person. Avery said that it was only worth \$40 to \$60 though. As he/she was explaining it, Avery said that he/she started to carry his/her father's gun because he/she was afraid that this person slashed all of Avery's tires. This is when Avery showed us his /her father's 357 Magnum.
4. Jamie began to go through the glove box. Avery told Jamie to stop because it was not Avery's car. This is when Jamie pulled out a bag full of marijuana. Jamie stuffed some into his/her pocket. Then pulled out a cigar wrapper from the glove box. Jamie rolled a blunt and lit it. He/she took a long drag on it then offered it to Hayden who took a drag. I figured why not and took a drag. When I offered it to Avery, Avery took it back and placed it in the ashtray.
5. After driving around for a while, Jamie asked to go to his landlord's house in order to pay the rent. Avery did. Jamie got out of the car and went to the house. It only took a couple of minutes. He/she got back into the car and said that the lady was a witch because she gave change in \$1 bills.
6. When Avery got to Beecher Road, he/she failed to stop and turned the corner too quickly. That's when I heard the police sirens. Avery handed the gun to me then I handed it to Hayden. Hayden then hid it under the driver's seat.
7. Avery pulled over into a parking lot when the police stopped us. We were told to put our hands on the ceiling which we did. Jamie was pulled out of the car first then I was. I only had an inhaler in my pockets.
8. I was placed in the back of the patrol car with Jamie. I recognized Blair as someone who went to Tracy's school. I did tell Jamie that I hoped that they did not find that thing which I meant was the gun. After they found the gun, I did not say anything else while sitting in the backseat of the vehicle.

*Taylor Watson*

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Taylor Watson

## STATEMENT OF HAYDEN CASTELLA

AFFIDAVIT OF HAYDEN CASTELLA

Defense Witness

1. I am 17 years old and attend Genesee-Fulton High School.
2. I have been friends with Avery Michaelson, Jamie Forbes, and Taylor Watson since elementary school. We have been hanging around ever since I can remember.
3. On July 18, 2011, Avery, Jamie and Taylor came to pick me up in order to go and work out. Avery was driving Tracy's vehicle because Avery's tires were slashed. Avery said that it was because some guy purchased something from Avery and was not satisfied with it. Not only was the person slashing Avery's tires, but this guy kept showing up wherever Avery was at. Avery was afraid of this person.
4. After working out, Avery placed his/her duffle bag in the truck. When Avery got into the vehicle, he/she mentioned that there was a leather case in the trunk that he/she could not open because it had a combination lock.
5. Once Avery started the car, Jamie mentioned that he/she had to pay his/her mom's rent and asked to go by the landlord's house. On the way over, Jamie found some marijuana in the glove box and wrapped a blunt. All of us took a drag on it including Avery. Jamie put it in the ashtray after we all had a drag.
6. Avery stopped across the street from the landlord's house and Jamie went in and paid it. When Jamie came out of the house, he/she was counting money. Jamie was complaining about the landlord when he/she got into the vehicle.
7. Avery took off and squealed the tires. As he/she approached Beecher, Avery was going fast. He/she turned the corner really fast cutting off another vehicle. Shortly after I heard the police sirens. When the sirens started, Avery told us to hide the gun. Taylor handed it to me and I pushed it under the driver's seat. Avery pulled over into a parking lot.
8. The officer yelled at us to put our hands on the ceiling which we did. After I was taken out of the vehicle, I was placed in the back of a vehicle. Then Avery was taken out last. When we were in the detective's vehicle, Avery said that he/she hoped that there was nothing in that leather briefcase. Avery said that he/she thinks that the drugs in the glove box are Tracy's dad because Tracy does not do drugs.
9. After this incident, I was placed on probation after pleading to Possession Marijuana and receiving 7411. In exchange, the prosecutor dismissed the Possession Cocaine charge. If I complete my probation with no problems, then my record will not show any charge.

***Hayden Castella***

Hayden Castella

## **DEBRIEFING THE MOCK TRIAL**

The debriefing may well be the most important part of the Mock Trial. It should bring into focus the role play which has taken place, relating the events of the Mock Trial to the American court system and its role in maintaining the rule of law. The videotapes that Circuit Court will provide will assist with debriefing.

The following outline is meant only to serve as a guide and can of course be adjusted to meet the specific needs and interests of your group. The participants should first be asked how they each felt in their roles and whether they perceive their mock trial to have been realistic. The group should then discuss the procedures of a trial, the participants in a trial, and the American court system.

- I. What are the major parts of a trial?
  - A. Jury Selection
    1. How are jurors selected?
    2. Why might an attorney prefer that a particular juror not serve in his case?
      - a. How may an attorney challenge such a juror?
  - B. Opening Statement
    1. What is its purpose?
      - a. To inform the jury of the nature of the case.
      - b. To acquaint the jury with the essential facts.
    2. What should the opening statement include?
      - a. Name of case.
      - b. Name of attorney.
      - c. Name of client.
      - d. Name of opponent.
      - e. Facts and circumstances of the case.
      - f. Simple and concise statement.
      - g. What the attorney will prove in the case.
  - C. Direct Examination
    1. What is its purpose?
      - a. To present enough evidence to warrant a favorable verdict.
      - b. To present facts with clarity and understanding.
      - c. To present your witness to the greatest advantage.
      - d. To establish your witness's credibility.
    2. How does one conduct a direct examination?
      - a. Clear and simple questions.
      - b. Elicit information through questions and answers.
      - c. Never ask a question to which you don't know the answer.
    3. How does one get evidence before the court?
      - a. Through the testimony of witness.
      - b. Through the introduction of real evidence (photographs, murder weapon, etc.).

#### D. Cross Examination

1. What is the purpose?
  - a. To negate your opponent's case.
  - b. To discredit the testimony of his witness.
  - c. To discredit real evidence which has been presented.
2. What is its scope?
  - a. Can usually only ask questions relating to testimony made during direct examination.
  - b. Attempt to explain, modify, or discredit that which has been introduced as evidence.
3. How does one conduct cross-examination?
  - a. Use narrow, leading questions.
  - b. Do not have witness repeat statements unless you are leading somewhere.
  - c. Do not ask questions to which you do not know the answer.

#### E. Redirect and Re-Cross examination

1. If either attorney wishes, he can conduct redirect or re-cross examination.
2. This is most often done to either reestablish or again discredit statements by the witnesses.

#### F. Closing Arguments

1. What is its purpose?
  - a. To synthesize for the jury all the facts and evidence and evidence of the case.
  - b. To state clearly, simply and logically the case for your client
  - c. To stress all the equities in the case, while advocating your clients' position.

#### G. Judge's charge to the jury

1. What is its purpose?
  - a. To indicate to the jurors the law in the case.
  - b. To summarize the arguments made for either side.
  - c. To explain possible alternative judgments to the jury.
2. What should it contain?
  - a. Summary of the charges.
  - b. Summary of the law.
  - c. Summary of the arguments for each side.
  - d. Summary of the alternatives available to the jury.

#### H. Jury retires to determine verdict

1. What does a jury do?
  - a. Each juror discusses his reaction to the arguments presented.
  - b. Jury discusses the validity of these arguments.
  - c. To reach a verdict bases upon their judgment and the law in the case.
2. How many votes are necessary for a verdict?
  - a. Depends upon jurisdiction in which case is heard.
  - b. Usually a unanimous verdict is required.

c. If there is a hung jury (one which neither finds the defendant innocent nor the number of votes necessary to find him guilty) an entire new trial may be held.

I. Clerk reads verdict

J. Judge determines sentence

1. What does the judge consider in determining the sentence?
  - a. Minimum and maximum sentence according to law.
  - b. The nature of the crime.
  - c. Defendant's prior record, if any.
  - d. Defendant's reputation in the community.
  - e. Defendant's responsibilities in the community.
2. What kind of sentence can a judge impose?
  - a. Must conform to the limits prescribed by law.
  - b. Can, however, suspend the sentence or put the defendant on probation.

II. Review the major participants in a trial

A. Clerk

1. Has charge of clerical side of court business.
2. Keeps records, seals and care of papers pertaining to judicial process.

B. Judge

1. Umpire between opposing attorneys.
2. Rules on objections of attorneys.
3. Sees that the trial moves along.
4. Charges jury as to the law.
5. Decides sentence.

C. Attorneys

1. Plaintiff's or Prosecuting Attorney's duty to overcome burden of proof and "sell" his/her case to the jury.
2. Defendant's attorney must anticipate Plaintiff's/Prosecuting Attorney's case and not allow him/her to overcome the burden of proof.

D. Foreman

1. Acts as chairman and spokesman of the jury.
2. Presides over discussions in the jury room.
3. Delivers verdict to the court.

E. Witnesses

1. Deliver testimony regarding relevant issues before the court.
2. Serve to either validate or discredit allegations made by other witnesses.

III. Questions about the actual case

- A. What was the charge against the defendant?
- B. What issues were raised in the case?
- C. What were the arguments of each attorney?
- D. Why did they make these arguments?
- E. What evidence was presented for each side?
- F. What facts, evidence or arguments were not presented?
- G. What was the decision of the court?

H. Why was that decision reached?

I. Can the losing party appeal his case to a higher court?

IV. Questions about our trial system

A. Does our judicial system insure that the defendant receives a fair trial?

B. What provisions in our system insure that the defendant receives a fair trial?

C. Are some part of the trial more important than others?

D. What is the importance of the sequence of events of a trial?

E. Are some trial participants more important than others?

F. In what ways can this procedure be improved?

G. What changes, if any, would you recommend in our judicial system?