

**GENESEE COUNTY BAR  
ASSOCIATION  
2014 HIGH SCHOOL  
MOCK TRIAL COMPETITION**



**PEOPLE OF THE  
STATE OF MICHIGAN  
v.  
TAYLOR GRIFFIN**

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)

## **TABLE OF CONTENTS**

	<b><u>Page</u></b>
Courthouse Rules .....	1
Teacher Tips .....	2
Instructions and Rules for the Competition .....	3
Trial Presentation .....	8
Ethical Conduct .....	13
Case Materials .....	16
Statutes	18
Jury Instructions	28
Verdict Form	32
Exhibits	34
Statement of Detective Alex Miller	38
Statement of Bailey Sumner	41
Statement of Riley Williams	43
Statement of Devon Carter	45
Statement of Taylor Griffin	46
Statement of Kerry Ramon	48
Statement of Lee Torrey	50
Statement of Madison Humphrey	51
Debriefing the Mock Trial .....	52

# **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 creditability or reputation for truthfulness of the witness has been attached 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  
Taylor Griffin**

### **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 Taylor Griffin who is represented by the Defense Attorneys.

### **SUMMARY OF FACTS:**

Defendant Taylor Griffin was employed as the City of Burton Clerk. As part of Taylor's job duties, he/she was responsible for administering the elections in 2013. Taylor hired Kerry Ramon who is the blood sibling of Madison Humphrey, candidate for Burton City Council. In this case, Taylor Griffin allegedly failed to perform his/her duties by not allowing public inspection of absentee voter ballot applications or lists and hiring a member of the immediate family of a candidate to collect absentee ballots. Further, Taylor is alleged to have forged two absentee ballot applications, obstructed justice by fabricating evidence that was material to a grand jury and he/she conspired to do so.

Defendant is charged with the following Counts: Count I, Obstruction of Justice (MCLA 750.505); Count II, Conspiracy to commit Obstruction of Justice (MCLA 750.157a); Count III, Violation of Election Law (MCLA 168.764b); Count IV, Violation of Election Law (MCLA 168.764b) (MCLA 168.931(1)(h)); Count V, Violation of Election Law (MCLA 168.759(8)); and Count VI, Violation of Election Law (MCLA 168.759(8)).

### **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. "Obstruction of Justice has been defined as an interference with the orderly administration of justice. Obstruction of justice is not a single offence but a category of crimes that interfere with the public administration of justice." *People v Jenkins*, 244 Mich App 1 (2000). Creating false, inaccurate, and misleading documentation that was material to a grand jury investigation is obstruction of justice.

2. All signatures on the Witness Affidavits are the witness's actual signature and sample of the witness's handwriting.
3. The statutes provided are the only statutes that apply in this case.
4. The presiding judge will conduct the trial according to the Michigan Rules of Evidence. Trial will be by jury.
5. The jury will be instructed on the elements of the offense according to the jury instructions beginning on page 18.
6. The presiding judge will entertain no motions prior to trial.
7. 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 2014 Mock Trial is based on an actual case that occurred in Saginaw County. Any names, descriptions and some events have been changed or added. 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 exhibits at trial that are not contained in the case materials, or a witness from the opposing party.

## STATUTES

MICHIGAN ELECTION LAW (EXCERPT)  
Act 116 of 1954

**168.759 Application to vote absentee; time; manner; form; availability; signature of applicant; false statement as misdemeanor.**

Sec. 759. (1) At any time during the 75 days before a primary or special primary, but not later than 2 p.m. of the Saturday immediately before the primary or special primary, an elector who qualifies to vote as an absent voter, as defined in section 758, may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of the township, city, or village in which the elector is registered. An application received before a primary or special primary may be for either that primary only, or for that primary and the election that follows.

(2) Except as otherwise provided in subsection (1), at anytime during the 75 days before an election, but not later than 2 p.m. of the Saturday before the election, an elector who qualifies to vote as an absent voter, as defined in section 758, may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of the township, city, or village in which the voter is registered.

(3) An application for an absent voter ballot under this section may be made in any of the following ways:

(a) By a written request signed by the voter stating the statutory grounds for making the application.

(b) On an absent voter ballot application form provided for that purpose by the clerk of the city, township, or village.

(c) On a federal postcard application.

(4) An applicant for an absent voter ballot shall sign the application. A clerk or assistant clerk shall not deliver an absent voter ballot to an applicant who does not sign the application. A person shall not be in possession of a signed absent voter ballot application except for the applicant; a member of the applicant's immediate family; a person residing in the applicant's household; a person whose job normally includes the handling of mail, but only during the course of his or her employment; a registered elector requested by the applicant to return the application; or a clerk, assistant of the clerk, or other authorized election official. A registered elector who is requested by the applicant to return his or her absent voter ballot application shall sign the certificate on the absent voter ballot application.

(5) The clerk of a city, township, or village shall have absent voter ballot application forms available in the clerk's office at all times and shall furnish an absent voter ballot application form to anyone upon a verbal or written request. The absent voter ballot application shall be in substantially the following form:

"Application for absent voter ballot for:

☐ The primary or special primary election to be held on \_\_\_\_\_ (Date).

☐ The election to be held on \_\_\_\_\_ (Date).

(Check applicable election or elections)

I, \_\_\_\_\_, a United States citizen and a qualified and registered elector of the \_\_\_\_\_ precinct of the township of \_\_\_\_\_ or village of \_\_\_\_\_ or of the \_\_\_\_\_ ward of the city of \_\_\_\_\_, in the county of \_\_\_\_\_ and state of Michigan, apply for an official ballot, or ballots, to be voted by me at the election or elections as requested in this application.

The statutory grounds on which I base my request are:

☐ I expect to be absent from the community in which I am registered for the entire time the polls are open on election day.

☐ I am physically unable to attend the polls without the assistance of another.

☐ I cannot attend the polls because of the tenets of my religion.

☐ I have been appointed an election precinct inspector in a precinct other than the precinct where I reside.

☐ I am 60 years of age or older.

☐ I cannot attend the polls because I am confined to jail awaiting arraignment or trial.

(Check applicable reason)

Send absent voter ballot to me at:

.....  
(Street No. or R.R.)

.....  
(Post Office) (State) (Zip Code)

My registered address .....  
(Street No. or R.R.)

.....  
(Post Office) (State) (Zip Code)

Date.....



I certify that I am a United States citizen and that the statements in this absent voter ballot application are true.

.....  
(Signature)

**WARNING**

You must be a United States citizen to vote. If you are not a United States citizen, you will not be issued an absent voter ballot.

A person making a false statement in this absent voter ballot application is guilty of a misdemeanor. It is a violation of Michigan election law for a person other than those listed in the instructions to return, offer to return, agree to return, or solicit to return your absent voter ballot application to the clerk. An assistant authorized by the clerk who receives absent voter ballot applications at a location other than the clerk's office must have credentials signed by the clerk. Ask to see his or her credentials before entrusting your application with a person claiming to have the clerk's authorization to return your application.

**Certificate of Authorized Registered  
Elector Returning Absent Voter  
Ballot Application**

I certify that my name is ....., my address is ....., and my date of birth is .....; that I am delivering the absent voter ballot application of ..... at his or her request; that I did not solicit or request to return the application; that I have not made any markings on the application; that I have not altered the application in any way; that I have not influenced the applicant; and that I am aware that a false statement in this certificate is a violation of Michigan election law.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature) "

(6) The following instructions for an applicant for an absent voter ballot shall be included with each application furnished an applicant:

**INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS**

Step 1. After completely filling out the application, sign and date the application in the place designated. Your signature must appear on the application or you will not receive an absent voter ballot.

Step 2. Deliver the application by 1 of the following methods:

(a) Place the application in an envelope addressed to the appropriate clerk and place the necessary postage upon the return envelope and deposit it in the United States mail or with another public postal service, express mail service, parcel post service, or common carrier.

(b) Deliver the application personally to the clerk's office, to the clerk, or to an authorized assistant of the clerk.

(c) In either (a) or (b), a member of the immediate family of the voter including a father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild or a person residing in the voter's household may mail or deliver the application to the clerk for the applicant.

(d) If an applicant cannot return the application in any of the above methods, the applicant may select any registered elector to return the application. The person returning the application must sign and return the certificate at the bottom of the application.

(7) A person who prints and distributes absent voter ballot applications shall print on the application the warning, certificate of authorized registered elector returning absent voter ballot application, and instructions required by this section.

(8) A person who makes a false statement in an absent voter ballot application is guilty of a misdemeanor. A person who forges a signature on an absent voter ballot application is guilty of a felony. A person who is not authorized in this act and who both distributes absent voter ballot applications to absent voters and returns those absent voter ballot applications to a clerk or assistant of the clerk is guilty of a misdemeanor.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1958, Act 192, Eff. Sept. 13, 1958;—Am. 1959, Act 171, Eff. Mar. 19, 1960;—Am. 1962, Act 90, Imd. Eff. Apr. 30, 1962;—Am. 1963, Act 237, Eff. Sept. 6, 1963;—Am. 1965, Act 354, Eff. Mar. 31, 1966;—Am. 1974, Act 189, Imd. Eff. July 2, 1974;—Am. 1975, Act 178, Imd. Eff. July 25, 1975;—Am. 1980, Act 344, Imd. Eff. Dec. 23, 1980;—Am. 1982, Act 201, Eff. Jan. 1, 1983;—Am. 1995, Act 261, Eff. Mar. 28, 1996;—Am. 2012, Act 523, Eff. Mar. 28, 2013.

**Popular name:** Election Code

**MICHIGAN ELECTION LAW (EXCERPT)**  
**Act 116 of 1954**

**168.760 Absent voters; records, public inspection.**

Sec. 760. Upon receipt of such properly executed application, as above provided, the city, township or village clerk shall file the same in his office and shall enter the name of the applicant and the address to which the ballot or ballots are to be sent upon a list or record to be kept for such purpose, together with the date of receiving the application, the date of mailing or delivering the ballot or ballots to such voter, the date of receiving the ballot from such voter, and such other information as may seem necessary or advisable. Applications and lists shall be open to public inspection at all reasonable hours.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code



**MICHIGAN ELECTION LAW (EXCERPT)**  
**Act 116 of 1954**

**168.764b Delivery and acceptance of absent voter ballots; appointment, oath, credentials, and duties of assistants; collection of absent voter ballots; prohibition; noncompliance.**

Sec. 764b. (1) An absent voter ballot shall be delivered to the clerk only as authorized in the instructions for an absent voter provided in section 764a.

(2) The clerk of a city, township, or village may accept delivery of absent voter ballots at any location in the city, township, or village.

(3) The clerk of a city, township, or village may appoint the number of assistants necessary to accept delivery of absent voter ballots at any location in the city, township, or village. An appointment as assistant to accept delivery of absent voter ballots shall be for 1 election only. An assistant appointed to receive ballots at a location other than the office of the clerk shall be furnished credentials of authority by the clerk. If an absent voter's ballot is received by an assistant at any location other than the clerk's office the assistant, upon request, shall exhibit the credentials to the absent voter before the assistant accepts an absent voter ballot. An assistant, before entering upon the discharge of duties, shall take and subscribe to the oath of office as provided in section 1 of article XI of the state constitution of 1963. An assistant shall perform only the duties assigned by the clerk. A person shall not be appointed as an assistant to accept delivery of absent voter ballots who is a candidate or a member of the immediate family of a candidate whose name appears on the ballot at that election.

(4) A clerk who receives a request from an absent voter under section 764a for assistance in returning his or her absent voter ballot shall make arrangements to collect the ballot from the voter either personally or by sending an authorized assistant, if all of the following conditions are satisfied:

(a) The clerk's office issued the absent voter ballot to that absent voter.

(b) Upon the clerk's request, the absent voter states that he or she is unable to return the absent voter ballot by the other means specified in instructions (a), (b), or (c) of Step 5 under section 764a.

(c) The absent voter telephones the appropriate clerk for assistance on or before 5 p.m. on the Friday immediately preceding the election.

(d) The absent voter is requesting the clerk to pick up the absent voter ballot within the jurisdictional limits of the city, township, or village in which the absent voter is registered.

(5) Notwithstanding subsection (4), a clerk who receives a request from an absent voter under section 764a for assistance in returning his or her absent voter ballot may make arrangements to collect the ballot from the voter either personally or by sending an authorized assistant, if all of the following conditions are satisfied:

(a) The clerk's office issued the absent voter ballot to that absent voter.

(b) Upon the clerk's request, the absent voter states that he or she is unable to return the absent voter ballot by the other means specified in instructions (a), (b), or (c) of Step 5 under section 764a.

(6) The clerk shall maintain a list open to the public that contains the names and addresses of all authorized assistants appointed under this section who are available to collect absent voter ballots on or before election day in that city or township.

(7) An absent voter ballot received by the clerk before the close of the polls on election day shall not be invalidated solely because the delivery to the clerk was not in compliance with section 764a or this section, however the ballot shall be considered challenged and shall be marked and processed as provided in section 745.

**History:** Add. 1982, Act 201, Imd. Eff. July 1, 1982;—Am. 1995, Act 261, Eff. Mar. 28, 1996;—Am. 1996, Act 207, Imd. Eff. May 21, 1996.

**Popular name:** Election Code



**MICHIGAN ELECTION LAW (EXCERPT)**  
**Act 116 of 1954**

**168.931 Prohibited conduct; violation as misdemeanor; "valuable consideration" defined.**

Sec. 931. (1) A person who violates 1 or more of the following subdivisions is guilty of a misdemeanor:

(a) A person shall not, either directly or indirectly, give, lend, or promise valuable consideration, to or for any person, as an inducement to influence the manner of voting by a person relative to a candidate or ballot question, or as a reward for refraining from voting.

(b) A person shall not, either before, on, or after an election, for the person's own benefit or on behalf of any other person, receive, agree, or contract for valuable consideration for 1 or more of the following:

(i) Voting or agreeing to vote, or inducing or attempting to induce another to vote, at an election.

(ii) Refraining or agreeing to refrain, or inducing or attempting to induce another to refrain, from voting at an election.

(iii) Doing anything prohibited by this act.

(iv) Both distributing absent voter ballot applications to voters and receiving signed applications from voters for delivery to the appropriate clerk or assistant of the clerk. This subparagraph does not apply to an authorized election official.

(c) A person shall not solicit any valuable consideration from a candidate for nomination for, or election to, an office described in this act. This subdivision does not apply to requests for contributions of money by or to an authorized representative of the political party committee of the organization to which the candidate belongs. This subdivision does not apply to a regular business transaction between a candidate and any other person that is not intended for, or connected with, the securing of votes or the influencing of voters in connection with the nomination or election.

(d) A person shall not, either directly or indirectly, discharge or threaten to discharge an employee of the person for the purpose of influencing the employee's vote at an election.

(e) A priest, pastor, curate, or other officer of a religious society shall not for the purpose of influencing a voter at an election, impose or threaten to impose upon the voter a penalty of excommunication, dismissal, or expulsion, or command or advise the voter, under pain of religious disapproval.

(f) A person shall not hire a motor vehicle or other conveyance or cause the same to be done, for conveying voters, other than voters physically unable to walk, to an election.

(g) In a city, township, village, or school district that has a board of election commissioners authorized to appoint inspectors of election, an inspector of election, a clerk, or other election official who accepts an appointment as an inspector of election shall not fail to report at the polling place designated on election morning at the time specified by the board of election commissioners, unless excused as provided in this subdivision. A person who violates this subdivision is guilty of a misdemeanor, punishable by a fine of not more than \$10.00 or imprisonment for not more than 10 days, or both. An inspector of election, clerk, or other election official who accepts an appointment as an inspector of election is excused for failing to report at the polling place on election day and is not subject to a fine or imprisonment under this subdivision if 1 or more of the following requirements are met:

(i) The inspector of election, clerk, or other election official notifies the board of election commissioners or other officers in charge of elections of his or her inability to serve at the time and place specified, 3 days or more before the election.

(ii) The inspector of election, clerk, or other election official is excused from duty by the board of election commissioners or other officers in charge of elections for cause shown.

(h) A person shall not willfully fail to perform a duty imposed upon that person by this act, or disobey a lawful instruction or order of the secretary of state as chief state election officer or of a board of county election commissioners, board of city election commissioners, or board of inspectors of election.

(i) A delegate or member of a convention shall not solicit a candidate for nomination before the convention for money, reward, position, place, preferment, or other valuable consideration in return for support by the delegate or member in the convention. A candidate or other person shall not promise or give to a delegate money, reward, position, place, preferment, or other valuable consideration in return for support by or vote of the delegate in the convention.

(j) A person elected to the office of delegate to a convention shall not accept or receive any money or other valuable consideration for his or her vote as a delegate.

(k) A person shall not, while the polls are open on an election day, solicit votes in a polling place or within 100 feet from an entrance to the building in which a polling place is located.

(l) A person shall not keep a room or building for the purpose, in whole or in part, of recording or registering bets or wagers, or of selling pools upon the result of a political nomination, appointment, or



election. A person shall not wager property, money, or thing of value, or be the custodian of money, property, or thing of value, staked, wagered, or pledged upon the result of a political nomination, appointment, or election.

(m) A person shall not participate in a meeting or a portion of a meeting of more than 2 persons, other than the person's immediate family, at which an absent voter ballot is voted.

(n) A person, other than an authorized election official, shall not, either directly or indirectly, give, lend, or promise any valuable consideration to or for a person to induce that person to both distribute absent voter ballot applications to voters and receive signed absent voter ballot applications from voters for delivery to the appropriate clerk.

(2) A person who violates a provision of this act for which a penalty is not otherwise specifically provided in this act, is guilty of a misdemeanor.

(3) A person or a person's agent who knowingly makes, publishes, disseminates, circulates, or places before the public, or knowingly causes directly or indirectly to be made, published, disseminated, circulated, or placed before the public, in this state, either orally or in writing, an assertion, representation, or statement of fact concerning a candidate for public office at an election in this state, that is false, deceptive, scurrilous, or malicious, without the true name of the author being subscribed to the assertion, representation, or statement if written, or announced if unwritten, is guilty of a misdemeanor.

(4) As used in this section, "valuable consideration" includes, but is not limited to, money, property, a gift, a prize or chance for a prize, a fee, a loan, an office, a position, an appointment, or employment.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1982, Act 201, Imd. Eff. July 1, 1982;—Am. 1984, Act 113, Imd. Eff. May 29, 1984;—Am. 1995, Act 261, Eff. Mar. 28, 1996;—Am. 1996, Act 583, Eff. Mar. 31, 1997.

**Compiler's note:** Act 269 of 2001, which was approved by the Governor and filed with the Secretary of State on January 11, 2002, provided for the amendment of MCL 168.31, 168.73, 168.283, 168.393, 168.509y, 168.509aa, 168.561a, 168.624, 168.624a, 168.686, 168.706, 168.727, 168.737, 168.745, 168.769, 168.782b, 168.795, 168.795c, 168.797a, 168.798c, 168.799a, 168.803, 168.804, 168.842, and 168.931 of, the addition of Sec. 701 to, and the repeal of Sec. 509 of, Act 116 of 1954, known as the Michigan Election Law. A petition seeking a referendum on Act 269 of 2001 was filed with the Secretary of State. The Board of State Canvassers officially declared the sufficiency of the referendum petition on May 14, 2002. Const 1963, art 2, sec 9, provides that no law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election. A referendum on Act 269 of 2001 was presented to the electors at the November 5, 2002, general election as Proposal 02-1, which read as follows:

**"A REFERENDUM ON PUBLIC ACT 269 OF 2001—AN ACT TO AMEND CERTAIN SECTIONS OF MICHIGAN ELECTION LAW**

Public Act 269 of 2001 would:

- Eliminate "straight party" vote option on partisan general election ballots.
- Require Secretary of State to obtain training reports from local election officials.
- Require registered voters who do not appear on registration list to show picture identification before voting a challenged ballot.
- Require expedited canvass if presidential vote differential is under 25,000.
- Require ballot counting equipment to screen ballots for voting errors to ensure the accurate tabulation of absentee ballots. Permit voters in polls to correct errors.
- Provide penalties for stealing campaign signs or accepting payment for campaign work while being paid as a public employee to perform election duties.

Should this law be approved?

Yes \_\_\_\_\_

No \_\_\_\_\_

Act 269 of 2001 was not approved by a majority of the electors voting thereon at the November 5, 2002, general election.

**Popular name:** Election Code

**PROBATE CODE OF 1939 (EXCERPT)**  
**Act 288 of 1939**

**710.60 Adoptee to be known and called by new name; status and liability of persons adopting adoptee; rights and duties of adopted person; adopted person as heir at law; order for grandparenting time.**

Sec. 60. (1) After the entry of an order of adoption, if the adoptee's name is changed, the adoptee shall be known and called by the new name. The person or persons adopting the adoptee then become the parent or parents of the adoptee under the law as though the adopted person had been born to the adopting parents and are liable for all the duties and entitled to all the rights of parents.

(2) After entry of the order of adoption, there is no distinction between the rights and duties of natural progeny and adopted persons, and the adopted person becomes an heir at law of the adopting parent or parents and an heir at law of the lineal and collateral kindred of the adopting parent or parents. After entry of the order of adoption, except as provided in section 2114(2) of the estates and protected individuals code, 1998 PA 386, MCL 700.2114, an adopted child is no longer an heir at law of a parent whose rights have been terminated under this chapter or chapter XIII or the lineal or collateral kindred of that parent, nor is an adopted adult an heir at law of a person who was his or her parent at the time the order of adoption was entered or the lineal or collateral kindred of that person, except that a right, title, or interest that has vested before entry of the final order of adoption is not divested by that order.

(3) This section does not prohibit the filing of an action or entry of an order for grandparenting time as provided in section 7b of the child custody act of 1970, 1970 PA 91, MCL 722.27b.

**History:** Add. 1974, Act 296, Eff. Jan. 1, 1975;—Am. 1980, Act 116, Eff. Sept. 12, 1980;—Am. 1982, Act 72, Imd. Eff. Apr. 14, 1982;—Am. 1982, Act 341, Imd. Eff. Dec. 17, 1982;—Am. 1996, Act 16, Eff. June 1, 1996;—Am. 1996, Act 409, Eff. Jan. 1, 1998;—Am. 2006, Act 352, Imd. Eff. Sept. 18, 2006.

**Popular name:** Probate Code

**THE MICHIGAN PENAL CODE (EXCERPT)**  
**Act 328 of 1931**

**750.157a Conspiracy to commit offense or legal act in illegal manner; penalty.**

Sec. 157a. Any person who conspires together with 1 or more persons to commit an offense prohibited by law, or to commit a legal act in an illegal manner is guilty of the crime of conspiracy punishable as provided herein:

(a) Except as provided in paragraphs (b), (c) and (d) if commission of the offense prohibited by law is punishable by imprisonment for 1 year or more, the person convicted under this section shall be punished by a penalty equal to that which could be imposed if he had been convicted of committing the crime he conspired to commit and in the discretion of the court an additional penalty of a fine of \$10,000.00 may be imposed.

(b) Any person convicted of conspiring to violate any provision of this act relative to illegal gambling or wagering or any other acts or ordinances relative to illegal gambling or wagering shall be punished by imprisonment in the state prison for not more than 5 years or by a fine of not more than \$10,000.00, or both such fine and imprisonment.

(c) If commission of the offense prohibited by law is punishable by imprisonment for less than 1 year, except as provided in paragraph (b), the person convicted under this section shall be imprisoned for not more than 1 year nor fined more than \$1,000.00, or both such fine and imprisonment.

(d) Any person convicted of conspiring to commit a legal act in an illegal manner shall be punished by imprisonment in the state prison for not more than 5 years or by a fine of not more than \$10,000.00, or both such fine and imprisonment in the discretion of the court.

**History:** Add. 1966, Act 296, Eff. Mar. 10, 1967.

**Constitutionality:** A mandatory life sentence imposed for conspiracy to commit first-degree murder, even if nonparolable, is not so excessive as to constitute cruel and unusual punishment; nor does it violate the Equal Protection Clauses of the Michigan and United States Constitutions. People v Fernandez, 427 Mich 321; 398 NW2d 311 (1986).



**THE MICHIGAN PENAL CODE (EXCERPT)**  
**Act 328 of 1931**

**750.505 Punishment for indictable common law offenses.**

Sec. 505. Any person who shall commit any indictable offense at the common law, for the punishment of which no provision is expressly made by any statute of this state, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 5 years or by a fine of not more than \$10,000.00, or both in the discretion of the court.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.505;—Am. 1954, Act 66, Eff. Aug. 13, 1954.

**Former law:** See section 15 of Ch. IX of Act 175 of 1927, being CL 1929, § 17343.

## **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.

---

<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 10.1 *Conspiracy*

- (1) The defendant is charged with the crime of conspiracy to commit obstruction of justice. Anyone who knowingly agrees with someone else to commit obstruction of justice is guilty of conspiracy.
- (2) To prove the defendant's guilt, the prosecutor must prove each of the following elements beyond a reasonable doubt:
- (3) First, that the defendant and someone else knowingly agreed to commit obstruction of justice.
- (4) Second, that the defendant specifically intended to commit or help commit that crime.
- (5) Third, that this agreement took place or continued during the period from July 2013 to September 2013

### CJI2d 10.2 *Agreement*

- (1) An agreement is the coming together or meeting of the minds of two or more people, each person intending and expressing the same purpose.
- (2) It is not necessary for the people involved to have made a formal agreement to commit the crime or to have written down how they were going to do it.
- (3) In deciding whether there was an agreement to commit a crime, you should think about how the members of the alleged conspiracy acted and what they said as well as all the other evidence.
- (4) To find the defendant guilty of conspiracy, you must be satisfied beyond a reasonable doubt that there was an agreement to commit obstruction of justice. However, you may infer that there was an agreement from the circumstances, such as how the members of the alleged conspiracy acted.

### CJI2d 10.3 *Membership*

If there was a conspiracy, you must decide whether the defendant was a member of it. You may only consider what the defendant did and said during the time the conspiracy took place. A finding that the defendant was merely with other people who were members of a conspiracy is not enough by itself to prove that the defendant was also a member. In addition, the fact that a person did an act that furthered the purpose of an alleged conspiracy is not enough by itself to prove that that person was a member of the conspiracy. It is not necessary for all the members to know each other or know all the details of how the crime will be committed, but it must be shown beyond a reasonable doubt that the defendant agreed to commit the crime and intended to commit or help commit it.



#### CJI2d 10.4 *Scope*

- (1) The defendant is not responsible for the acts of other members of the conspiracy unless those acts are part of the agreement or further the purposes of the agreement.
- (2) If the defendant agreed to commit a completely different crime, then he/she is not guilty of conspiracy to commit obstruction of justice.
- (3) A person who joins a conspiracy after it has already been formed is only responsible for what he/she agreed to when joining, not for any agreement made by the conspiracy before he/she joined.
- (4) Members of a conspiracy are not responsible for what other members do or say after the conspiracy ends.

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

---

PEOPLE OF THE STATE  
OF MICHIGAN,

Plaintiff,

Case No. 14-000135-FH

v.

JUDGE \_\_\_\_\_

TAYLOR GRIFFIN,

Defendant.

\_\_\_\_\_  
School Name

PROSECUTING ATTORNEY

School Name

ATTORNEY FOR DEFENDANT  
\_\_\_\_\_

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

Count I: Obstruction of Justice – Did Taylor Griffin obstruct justice by having an Oath Certificate created during the grand jury investigation? (Yes = Guilty; No = Not Guilty)

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

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

Count II: Conspiracy to Commit Obstruction of Justice – Did Taylor Griffin conspire with another to have the Oath Certificate created during the grand jury proceedings? (Yes = Guilty; No = Not Guilty)

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

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

Count III: Violation of Election Law – Did Taylor Griffin hire a member of the immediate family of a candidate to collection absentee ballots? (Yes = Guilty; No = Not Guilty)

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

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

---

<sup>2</sup> Please return the Verdict Form with the Judge's name on the top to the Genesee County Bar Association upon completion of the Mock Trial.

Count IV: Violation of Election Law – Did Taylor Griffin fail to perform his duties by failing to allow the public to inspect the absentee voter applications and lists? (Yes = Guilty; No = Not Guilty)

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

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

Count V: Violation of Election Law – Did Taylor Griffin forge the signature of Devon Carter on an absentee ballot application? (Yes = Guilty; No = Not Guilty)

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

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

Count VI: Violation of Election Law – Did Taylor Griffin forge the signature of Riley Williams on an absentee ballot application? (Yes = Guilty; No = Not Guilty)

Not Guilty \_\_\_\_\_ (END)

Guilty \_\_\_\_\_ (END)

## EXHIBITS

Absent Voter Ballot Application

Application for absent voter ballot for:

- ☐ The primary or special primary election to be held on August 6, 2013.
- ☐ The election to be held on \_\_\_\_\_, 20\_\_\_\_\_.

I, Riley Williams, a United States citizen and a qualified and registered elector of the 10 Precinct of the city of Burton or township of \_\_\_\_\_ in the County of Genesee and State of Michigan, apply for an official ballot, or ballots, to be voted by me at the election or elections as requested in this application.

The statutory grounds on which I base my request are (check applicable reason):

- ☐ I expect to be absent from the community in which I am registered for the entire time the polls are open on election day.
- ☐ I am physically unable to attend the polls without the assistance of another.
- ☐ I cannot attend the polls because of the tenets of my religion.
- ☐ I have been appointed an election precinct inspector in a precinct other than the precinct where I reside.
- ☒ I am 60 years of age or older.
- ☐ I cannot attend the polls because I am confined to jail awaiting arraignment or trial.

Send absent voter ballot to me at:

My registered address:

1235 Village Road

Street Address or R.R.

1235 Village Road

Street Address or R.R.

Burton, MI 48509

Post Office City

State

Zip Code

Burton, MI 48509

Post Office City

State

Zip Code

Sign

Here:

I CERTIFY THAT I AM A UNITED STATES CITIZEN AND THAT THE STATEMENTS IN THIS ABSENT VOTER BALLOT APPLICATION ARE TRUE

Riley Williams

Signature Date

WARNING:

You must be a United States citizen to vote. If you are not a United States citizen, you will not be issued an absent voter ballot. A person making a false statement in this absent voter ballot application is guilty of a misdemeanor. It is a violation of Michigan election law for a person other than those listed in the instructions to return, offer to return, agree to return, or solicit to return your absent voter ballot application to the clerk. An assistant authorized by the clerk who receives absent voter ballot applications at a location other than the clerk’s office must have credentials signed by the clerk. Ask to see his or her credentials before entrusting your application with a person claiming to have the clerk’s authorization to return your application.

FILL OUT THIS BOTTOM PORTION ONLY IF YOU ARE ASSISTING A VOTER IN FILING THIS APPLICATION

Certificate of Authorized Registered Elector Returning Absent Voter Ballot Application

I certify that my name is Kerry Ramon, my address is 1234 Village Road, Burton, MI 48509, and my date of birth is 02/20/1973; that I am delivering the absent voter ballot application of Riley Williams at his or her request; that I did not solicit or request to return the application; that I have not made any markings on the application; that I have not altered the application in any way; that I have not influenced the applicant; and that I am aware that a false statement in this certificate is a violation of Michigan election law.

Sign

Here:

Kerry Ramon

Signature

07/15/2013

Date

INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

Step 1. After completely filling out the application, sign and date the application in the place designated. Your signature must appear on the application or you will not receive an absent voter ballot.

Step 2. Deliver the application by 1 of the following methods:

- (a) Place the application in an envelope addressed to the appropriate clerk and place the necessary postage upon the return envelope and deposit it in the United States mail or with another public postal service, express mail service, parcel post service, or common carrier.
- (b) Deliver the application personally to the clerk’s office, to the clerk, or to an authorized assistant of the clerk.
- (c) In either (a) or (b), a member of the immediate family of the voter including a father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in law, grandparent, or grandchild or a person residing in the voter’s household may mail or deliver the application to the clerk for the applicant.
- (d) If an applicant cannot return the application in any of the above methods, the applicant may select any registered elector to return the application. The person returning the application must sign and return the certificate at the bottom of the application.

Absent Voter Ballot Application

Application for absent voter ballot for:

- ☐ The primary or special primary election to be held on August 6, 2013.
- ☐ The election to be held on \_\_\_\_\_, 20\_\_\_\_\_.

I, Devon Carter, a United States citizen and a qualified and registered elector of the 10 Precinct of the city of Burton or township of \_\_\_\_\_ in the County of Genesee and State of Michigan, apply for an official ballot, or ballots, to be voted by me at the election or elections as requested in this application.

The statutory grounds on which I base my request are (check applicable reason):

- ☒ I expect to be absent from the community in which I am registered for the entire time the polls are open on election day.
- ☐ I am physically unable to attend the polls without the assistance of another.
- ☐ I cannot attend the polls because of the tenets of my religion.
- ☐ I have been appointed an election precinct inspector in a precinct other than the precinct where I reside.
- ☐ I am 60 years of age or older.
- ☐ I cannot attend the polls because I am confined to jail awaiting arraignment or trial.

Send absent voter ballot to me at:

My registered address:

1234 Manor Drive

Street Address or R.R.

1234 Manor Drive

Street Address or R.R.

Burton, MI 48509

Post Office City

State

Zip Code

Burton, MI 48509

Post Office City

State

Zip Code

Sign

Here:

I CERTIFY THAT I AM A UNITED STATES CITIZEN AND THAT THE STATEMENTS IN THIS ABSENT VOTER BALLOT APPLICATION ARE TRUE

Devon Carter

Signature Date

WARNING:

You must be a United States citizen to vote. If you are not a United States citizen, you will not be issued an absent voter ballot. A person making a false statement in this absent voter ballot application is guilty of a misdemeanor. It is a violation of Michigan election law for a person other than those listed in the instructions to return, offer to return, agree to return, or solicit to return your absent voter ballot application to the clerk. An assistant authorized by the clerk who receives absent voter ballot applications at a location other than the clerk's office must have credentials signed by the clerk. Ask to see his or her credentials before entrusting your application with a person claiming to have the clerk's authorization to return your application.

FILL OUT THIS BOTTOM PORTION ONLY IF YOU ARE ASSISTING A VOTER IN FILING THIS APPLICATION

Certificate of Authorized Registered Elector Returning Absent Voter Ballot Application

I certify that my name is Kerry Ramon, my address is 1234 Village Road, Burton, MI 48509, and my date of birth is 02/20/1973; that I am delivering the absent voter ballot application of Devon Carter at his or her request; that I did not solicit or request to return the application; that I have not made any markings on the application; that I have not altered the application in any way; that I have not influenced the applicant; and that I am aware that a false statement in this certificate is a violation of Michigan election law.

Sign

Here:

Kerry Ramon

Signature

07/15/2013

Date

INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

Step 1. After completely filling out the application, sign and date the application in the place designated. Your signature must appear on the application or you will not receive an absent voter ballot.

Step 2. Deliver the application by 1 of the following methods:

- (a) Place the application in an envelope addressed to the appropriate clerk and place the necessary postage upon the return envelope and deposit it in the United States mail or with another public postal service, express mail service, parcel post service, or common carrier.
- (b) Deliver the application personally to the clerk's office, to the clerk, or to an authorized assistant of the clerk.
- (c) In either (a) or (b), a member of the immediate family of the voter including a father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in law, grandparent, or grandchild or a person residing in the voter's household may mail or deliver the application to the clerk for the applicant.
- (d) If an applicant cannot return the application in any of the above methods, the applicant may select any registered elector to return the application. The person returning the application must sign and return the certificate at the bottom of the application.

## STATEMENTS

## STATEMENT OF OFFICER ALEX MILLER

AFFIDAVIT OF ALEX MILLER

Prosecution Witness

1. My name is Alex Miller. I am employed at the Genesee County Sheriff's Department as a detective. I have been employed by the Genesee County Sheriff's Department since 1987.
2. As a detective, I investigate criminal complaints. Usually, I will receive reports from the road patrol or consumer complaints to investigate each morning. They range from domestic violence to homicide.
3. On August 1, 2013, our department received several complaints about possible voter tampering in the City of Burton. The Complaints ranged from a family member of a candidate collecting absentee ballots, soliciting absentee ballots, attempting to have another vote as an absentee voter even though the person was not eligible, and destroying absentee votes.
4. My investigation started with Bailey Sumner who registered one of the Complaints. Bailey Sumner works at the City of Burton Clerk's office and knows Kerry Ramon to be the blood relative of Madison Humphrey. Sumner indicated that Kerry Ramon is the younger blood brother/sister of Madison Humphrey.
5. Taylor Griffin was the City of Burton Clerk. Taylor hired Kerry Ramon to assist in collecting absentee voter ballots.
6. Madison Humphrey was a candidate for Burton City Council.
7. Sumner indicates that Taylor knows that Kerry Ramon is the blood sibling of Madison Humphrey. Taylor hired Kerry to collect absentee ballots. I requested to see the absentee ballot applications and the absentee poll book containing the records of applications that had been mailed for the current primary election but Sumner denied access after talking with Taylor Griffin.
8. I talked with Taylor Griffin and again requested to see the absentee ballot applications and the absentee poll book containing the records of applications that had been mailed for the current primary election and he/she refused access.
9. I requested a search warrant which was provided. I searched the records. A second search warrant of the absentee ballots occurred after the election polls closed on August 8, 2013, and a third search warrant seeking all records pertaining to absentee voting was executed on August 28, 2013. Neither an oath certificate nor any other document in the name of Kerry Ramon was discovered during any of the three searches. I was looking for two specific items relating to Kerry Ramon. First, a certificate of oath and affirmation purportedly issued to Kerry Ramon on July 9, 2013 that should be on file with the City of



Burton Clerk's office. Second, a wallet-sized election card that would serve as Kerry's authorization to assist in official election-related activities.

10. I asked Taylor Griffin who was authorized to collect and receive absentee voter applications and ballots. Taylor stated that he/she, Bailey Sumner, and Lee Torrey. Bailey Sumner is the deputy clerk and Lee Torrey is the administrative services clerk.
11. On August 2, 2013, I talked with Devon Carter regarding an absentee ballot application on file with the City of Burton. Devon stated that he/she did not apply for an absentee ballot application. He/she does not vote on a regular basis and had no intention of voting in this primary. I asked Devon about his/her contact with Taylor Griffin, Kerry Ramon, Bailey Sumner, and Leo Torrey. He/she indicated that he/she talked with Taylor Griffin about not voting in the primary election.
12. On August 5, 2013, a one man grand jury was paneled to hear evidence against Taylor Griffin. During Taylor's testimony, Kerry Ramon sat in a jury room. I asked Kerry if he/she had an election card authorizing him/her to receive ballots. Kerry produced the card. I asked about his/her relationship with Madison Humphrey. He/she indicated that they are siblings but did not grow up together. He/she was adopted by their aunt while Madison was raised by his/her grandmother. They met later in life while working at the Flint Truck plant and became really good friends.
13. Kerry's card was produced to the grand jury. Taylor testified that an oath certificate was prepared after he/she administered the oath to Kerry. Taylor did not recall whether he/she signed it after it was prepared. The grand juror requested that Taylor contact his/her office to make sure that the oath certificate was available for officers to retrieve.
14. As I was leaving, I saw Taylor Griffin make a call on his/her cellphone. I went directly to the City of Burton Clerk's office in order to retrieve the oath certificate for Kerry Ramon.
15. When I arrived to the City of Burton Clerk's Office, Lee Torrey was standing near the counter. Lee asked how he/she could help. I asked for a copy of the oath certificate for Kerry Ramon. Lee opened a drawer below the counter and handed me the certificate. The unsigned certificate was dated July 9, 2013. I asked when it was prepared. Lee Torrey looked at the typewriter but stated the date on the oath certificate.
16. Torrey indicated that he/she was not present when Griffin administered the oath to Kerry. At that time, Bailey Sumner walked into the office. I asked him/her whether he/she knows when the oath certificate for Kerry Ramon was prepared. He/she said that he/she prepared the document in July but was not present for the administration of the oath to Kerry.
17. No one could explain why the certificate was not found during one of the three search warrants.

18. I asked them whether they received a telephone call from Taylor Griffin before I had arrived. They all denied receiving such as call.
19. On August 6, 2013, I received a telephone call from Bailey Sumner indicating that Lee Torrey created the oath certificate for Kerry Ramon after receiving a cellphone call from Taylor Griffin. Also, it was his/her understanding that there were absentee ballots and applications forged by Taylor Griffin.
20. Taylor Griffin's signature appears to match the signatures on the absentee ballot applications for Devon Carter and Riley Williams. I am not an expert in handwriting analysis but have compared the signatures.
21. The grand jury handed down an indictment for Taylor Griffin and Taylor was charged by information.

*Alex Miller*

Alex Miller, Badge #11458

## **STATEMENT OF BAILEY SUMNER**

AFFIDAVIT OF BAILEY SUMNER

Prosecution Witness

1. My name is Bailey Sumner. I am employed at the Burton City Clerk's office. The City Clerk is responsible for maintaining records, keeping minutes of the City Council, and handling election activities. I am the Deputy Clerk.
2. As part of the election duties, the City Clerk has to hire election inspectors and sometimes will hire an assistant to collect absentee ballots.
3. In early July 2013, Madison Humphrey announced his/her intention to be a candidate for City Council. He/she filed a petition with the required number of signatures on it and is currently on the ballot in August 2013.
4. Taylor Griffin is the City of Burton Clerk. He/she was appointed by the City Council. He/she has been the City Clerk for about three years.
5. In July 2013, Kerry Ramon began working in our office. This was after Madison Humphrey filed his/her petition for candidate. Kerry Ramon was required to accept absentee ballots. I have known Kerry Ramon since elementary school. Kerry is the blood brother/sister of Madison Humphrey. Kerry was raised by his/her aunt while Madison was raised by their grandmother. Kerry's aunt could not have children. She did not want two kids and only took the younger of the two. Kerry and Madison's birth parents were using drugs and their parental rights were terminated. They grew up with each other and knew they were siblings.
6. When Kerry began working in the office, I talked to Taylor Griffin about letting Kerry accept absentee ballots because he/she was an immediate family member of a candidate. Taylor said that they were not immediate family and I should mind my own business.
7. Taylor and Madison Humphrey have been friends for a long time. Like I said, we grew up together. Taylor and Madison were friends since high school. Taylor is the godparent to one of Madison's children.
8. To my knowledge, Kerry was not sworn as an individual who could accept absentee ballot applications. I checked the records and did not find an Oath Certificate for Kerry Ramon until the police came to our office during the grand jury investigation.
9. I was not working in the Clerk's Office from June 29, 2013 through July 28, 2013 because I was on family leave in order to take care of my ailing mother.
10. On July 29, 2013, Taylor provided Kerry an application for absentee ballot for Devon Carter and Riley Williams. Taylor gave them to Kerry to "collect". They both started laughing. Kerry told Taylor that he/she must have been persuasive when

he/she talked to Riley and Devon about voting. Taylor stated that was his/her job. When Taylor handed the absentee ballot to me, it was dated for July 15, 2013.

11. On August 5, 2013, I saw Lee Torrey type an Oath Certificate for Kerry Ramon. Lee stated he/she had previously typed one which was signed but they could not locate it. When the police officer came to the office, Lee provided the newly typed Oath Certificate for Kerry Ramon.
12. After Lee typed the new Oath Certificate, he/she took the typewriter ribbon from the typewriter. As Lee was walking out the door for lunch, I saw him/her place the ribbon in his/her bag. I watched Lee walk to his/her car and then drive off.
13. I called Detective Miller regarding the Oath Certificate because I was not going to be in trouble for these liars.
14. I should also tell you that I dated Kerry Ramon for a few years. Kerry proposed but in December 2012 we ended the relationship in January 2013 because Kerry's sibling, Madison Humphrey; Kerry's aunt and Kerry's grandmother did not approve of our relationship.
15. Let's just say the relationship did not end well and I was not happy when Kerry began working at the City of Burton Clerk's office. Taylor knew about my relationship with Kerry and knew the issues between us. That did not matter to Taylor, he/she hired Kerry in order to help Madison win the election. I was not happy with Kerry working in the office.
16. Madison Humphrey won the election by a narrow victory. I question whether Taylor and Kerry assisted in that narrow victory.

*Bailey Sumner*  
Bailey Sumner

## STATEMENT OF RILEY WILLIAMS

AFFIDAVIT OF RILEY WILLIAMS

Prosecution Witness

1. My name is Riley Williams. I reside at 1235 Village Road, Burton, MI 48509. I live next door to Kerry Ramon. I am 65 years old and unable to move around due to rheumatoid arthritis. I need a wheelchair.
2. On July 5, 2013, Taylor Griffin came to my home and inquired as to whether I was going to vote in the primary election in August 2013. I told Taylor that I did not intend to vote because I did not like any of the candidates.
3. Taylor asked how I got along with Kerry. I told him/her that we are neighbors. We are currently involved in a lawsuit over the boundary line. Taylor advised me that Madison Humphrey was Kerry's blood sibling and that Madison was running for City Council.
4. I asked Taylor why as City Clerk he/she was asking whether I intended to vote or not. Taylor stated that it was his/her job to make sure all the residents are able to vote if they want to.
5. I told him/her that I did not intend to vote and that I did not want to vote.
6. Taylor stated that he/she would be willing to help me vote by absentee ballot if I could not leave the house. Again, I told Taylor that I did not want to vote.
7. After Taylor left my house (finally), he/she went to Kerry's home where another vehicle drove up. That person came over to my house and introduced himself/herself as Madison Humphrey. He/she was running for City Council and would appreciate my vote. I told Madison that I did not intend to vote.
8. Afterwards, Madison went into Kerry's home where Taylor was already at. They did not come out of the house for an hour afterwards. As they were leaving, I heard Taylor wish Madison good luck in the election. Madison stated that with friends like Taylor and Kerry, he/she would not need good luck.
9. I have not completed an absentee voter application and did not turn one into the City Clerk's office.
10. I did not appreciate having the City Clerk come to my home and try to solicit a vote for Madison Humphrey. I have always had issues with Kerry Ramon. I have lived in my house for 40 years. Kerry moved into the neighborhood about 5 years ago. As soon as he/she moved in, he/she started tearing up my yard and planting flowers. I told Kerry that it was my property but he/she did not listen. We ended up in Court. We are still in

Court fighting it out. Our trial is August 12, 2014. Kerry is arguing that he/she owns the property and I say that I own it. I know where my boundary line is. Taylor Griffin is one of Kerry Ramon's witnesses in the trial. Madison, Kerry and Taylor always help each other out.

*Riley Williams*  
Riley Williams

## STATEMENT OF DEVON CARTER

AFFIDAVIT OF DEVON CARTER

Prosecution Witness

1. My name is Devon Carter. I reside at 1435 Village Road, Burton, Michigan 48509.
2. I have known Taylor Griffin and Kerry Ramon for a long time. We went to high school together. Taylor and I played basketball. Kerry played soccer.
3. On July 3, 2013, Taylor stopped by my house which he/she did often. I was still good friends with Kerry and Taylor. We would often have weekend barbeques at each other's houses. I was a little surprised by the visit because we did not talk about getting together.
4. When Taylor came over, he/she and I shared a cold beverage. We talked about a lot of different things including the upcoming primary election in August. We talked about candidates. Not just one in particular but all of them. I am so disgruntled with politicians and their speeches. They say one thing but do a completely opposite thing. As my father stated, watch their actions. They tell more than their words. I told Taylor that I did not intend to vote.
5. Taylor told me that Madison Humphrey was running as candidate of City Council. Madison is the blood sibling to Kerry. Taylor wanted to see one of us on the Council to bring the City into the future.
6. Taylor told me that I could vote by absentee ballot if I wanted to. I told him/her that I am not qualified to vote as an absentee voter. I will be in town on the day of election, I'm able to walk or drive to the polls and I'm under 65.
7. Taylor said that was true.
8. I have not completed an absentee voter application and did not turn one into the City Clerk's office.
9. Shortly after I said that I was not voting, Taylor left.
10. I am currently unemployed. I was fired from my previous job because I embezzled money. I accepted a guilty plea where I plead no contest. My attorney explained that this means that my boss could not sue me using the guilty plea against me. I received a year of probation and paid the money back. As long as I completed the probation and paid the money back, the case will be dismissed. I completed the probation without any problems and I paid the money back. I received the dismissal in the mail shortly after.

Devon Carter

Devon Carter

## **STATEMENT OF TAYLOR GRIFFIN**

AFFIDAVIT OF TAYLOR GRIFFIN

Defense Witness

1. My name is Taylor Griffin. I am the current City Clerk for the City of Burton. I have been the City Clerk for Burton for about five years.
2. As City Clerk, part of my job description is to encourage and educate the public on voter registration. Also, I set up precincts boundaries, hire election inspectors, and hire employees in the clerk's office. It is my goal to encourage the public to vote and let their voices be heard. If they are unable to come to the precinct to vote and need assistance, we are here to help as long as it complies with the laws of this great State.
3. I grew up with Bailey Sumner, Devon Carter, Madison Humphrey, and Kerry Ramon. We went to school together at Atherton High School.
4. In July 2013, I began planning for the primary election in August. I needed to hire additional staff to collect and count absentee ballots. Kerry Ramon applied for a job with our office because he/she was out of work.
5. After interviewing with Kerry, I decided to hire him/her. Kerry stated that he/she did not have any immediate family member in the election. I did know that Kerry and Madison were blood siblings. I knew that Kerry was adopted by his/her aunt and Madison was raised by his/her grandmother. Madison is two years older than Kerry. They always fought in school.
6. One day, I was going over to Kerry's house in order to pick up some tomatoes. Kerry has a garden at his/her house. He/she grows tomatoes, cucumbers, green peppers, jalapenos, and flowers.
7. When I was going over Kerry's house, I saw Riley Williams sitting on his/her porch. I went over there and introduced myself to him/her. As I stated earlier, I want to educate the public about voting. I asked whether Riley intended on voting and he/she said that it was difficult for him/her to get to a precinct. I asked Riley about his/her age to which Riley stated he/she was 65ish. I advised Riley that he/she should complete an absentee ballot application then we could send a ballot to his/her home.
8. Riley stated that he/she knew that Madison Humphrey was running for candidate and had no intention of voting for Madison. I told Riley that it is purely a personal decision but if he/she wanted to vote then they could.
9. As I was leaving Riley's house, I heard him/her yell that I was a liar and that I knew nothing about the boundary dispute that he/she had with Kerry. I turned around and asked what Riley meant. Riley advised that I was listed as a witness in a boundary dispute case that he/she had ongoing with Kerry. I shook my head and walked away.



10. After talking with Riley, I walked over to Kerry's house in order to pick up some vegetables because Kerry stated that he/she had a lot and needed to give some away. When I got into Kerry's house, I inquired as to the boundary dispute that he/she had with Riley Williams. Kerry said that Riley was trying to take over some of his/her land.
11. While I was at Kerry's house, Madison Humphrey came over. We talked for about an hour about old times and our children. We did not talk politics because that would have been awkward since I am the City Clerk and Madison is a candidate. I did not give it much thought that Madison was at Kerry's house.
12. On July 9, 2013, I swore Kerry Ramon in as a person who can receive absentee ballots. The Oath Certificate was kept on file with the Clerk's office and Kerry was given a pocket copy. Only Kerry and I were in the office at the time I administered the oath. Leo Torrey prepared the Oath Certificate before I administered the oath.
13. We could not locate the Oath Certificate when Detective Miller came to the office with the search warrants but it was later found in the back of one of the cabinets. It was not signed because I forgot to have Kerry sign it when I swore him/her in.
14. On July 29, 2013, I provided two absentee ballot applications to Kerry. The applications were for Riley Williams and Devon Carter. I helped each of them fill out the applications in the City Clerk's office. No one else was present when the applications were filled out.
15. I did not hire Kerry because he/she was a sibling of Madison. Actually, I thought Kerry needed the job and I wanted to help a friend. I always remembered them not getting along. They always fought when we were in high school.

*Taylor Griffin*  
Taylor Griffin

## STATEMENT OF KERRY RAMON

AFFIDAVIT OF KERRY RAMON

Defense Witness

1. My name is Kerry Ramon. I was hired temporarily in the City Clerk's Office during the elections in 2013. I received and distributed absentee ballots.
2. Madison Humphrey is my older sibling. My biological parents were drug users and occasional dealers. One night when I was ten and Madison was twelve, my parents were smoking and caught the house on fire. Social Services came and took my sibling and me away. My paternal aunt agreed to take me and my maternal grandmother took Madison. A few years later, my aunt decided to adopt me after my biological parent's rights were terminated.
3. Despite being adopted, I still had a strong relationship with my sibling, Madison. We saw each other in school and fought like normal siblings. We saw each other every weekend because my aunt let me go see my grandmother. The adoption did not change anything regarding my relationship with my sibling in my eyes.
4. I have been unemployed for about two years. This economy is not taking off and there are not a lot of jobs available.
5. In order to find work, I checked the City of Burton's website as well as the local newspaper. In early May, I found an opening in the Clerk's office for elections. I applied. I interviewed with Taylor Griffin who I happened to be friends with. During the interview, Taylor asked about my relationship with Madison as he/she was a candidate. I told Taylor that I did not know Madison was running for election.
6. A few days later, I received a telephone call from Taylor who offered me the job as an Assistant City Clerk. My major responsibility would be to administer the absentee ballots and applications.
7. On July 9, 2013, Taylor gave me an Oath Certificate in order for me to carry it in my wallet. This gave me the authority to accept the absentee ballot applications and ballots.
8. After I began working for Taylor, I told him/her that I had a lot of vegetables from my garden if he/she wanted them. Taylor did want them. I told Taylor to come by my house to pick it up.
9. When Taylor came over, he/she told me that Riley Williams, the neighbor next door, and Devon Carter, a friend, did not intend to vote during the primary. Taylor stated what a shame that was especially since Devon was a friend of ours and Madison's. While Taylor was at my house, Madison stopped by. We talked about the family and old times.

As we were leaving, I heard Madison say that with friends like us, he/she would be in good shape during the election. Taylor and I had told Madison that we would vote for him/her.

10. After few days after meeting with Madison at my house, Taylor provided two absentee ballots from Riley Williams and Devon Carter. I was surprised that they had applied but thought maybe they changed their minds after finding out that they could use the absentee ballots. Taylor must have educated them about voting.
11. I processed the ballots and gave them to Taylor to mail. When we received both ballots back, Riley and Devon voted for Madison.
12. During the grand jury, I sat in a jury room and talked with Detective Miller. Detective Miller requested my election card allowing me to receive ballots which I provided.
13. Yes, I use to date Bailey Sumner. We ended our relationship shortly after we were engaged. My aunt, maternal grandmother, and Madison did not like Bailey. It made it hard. I would never be with someone who my family did not approve of. I ended the relationship with Bailey. Shortly after, I found my true love, Lee Torrey.
14. Bailey knows that Lee and I are dating. Bailey would do anything to hurt me at this point. He/she blames Taylor for my relationship with Lee. I would not have seen Lee again if it was not for being hired into the City Clerk's office.

*Kerry Ramon*

Kerry Ramon

## STATEMENT OF LEE TORREY

AFFIDAVIT OF LEE TORREY

Defense Witness

1. My name is Lee Torrey. I am the administrative services clerk for the City of Burton. My boss is Taylor Griffin.
2. Bailey Sumner is the Deputy City Clerk.
3. In July 2013, Kerry Ramon began working in the Clerk's office in order to collect absentee ballots and applications. I prepared the Oath Certificate on July 9, 2013 and gave it to Taylor.
4. I do not know when Taylor administered the oath to Kerry.
5. I did type the election card that Kerry Ramon was carrying. I gave the oath card to Taylor at the same time that I gave him/her the election card. I did not see him/her sign the card. I do not know why the election card was signed but not the oath certificate.
6. I did not prepare the oath certificate on the day of the grand jury hearing where Taylor testified. I believe the certificate was missed during the previous search warrants because it was stuck in the top drawer of Taylor's desk.
7. I did not receive any telephone calls from Taylor after July 2013 in order to prepare another oath certificate for Kerry Ramon.
8. Bailey told me that Madison, Taylor, and Kerry were friends. In fact, he/she said that Kerry and Madison were siblings but that their parents lost custody because of drugs.
9. I cannot believe that Bailey claims that I created the oath certificate during the grand jury hearings. I know he/she is not happy with me because I am dating Kerry. We really hit it off when Kerry worked at the City Clerk's office. We started dating shortly after his/her sibling won the election. Kerry took me to the Victory party. I saw Taylor with his/her spouse there as well.
10. It is my understanding that Bailey and Kerry were in a relationship but it ended because Kerry's family did not approve of Bailey. Kerry's family loves me though.

Lee Torrey

Lee Torrey

## STATEMENT OF MADISON HUMPHREY

AFFIDAVIT OF MADISON HUMPHREY

Defense Witness

1. My name is Madison Humphrey. I am a member of the City of Burton City Council. I also am a high school teacher at Atherton High School.
2. In 2013, I ran for City Council because I believed that I could make a difference in our community. After talking it over with my family, I decided to run for office. The family members that I talked with were my spouse, my paternal aunt, maternal grandmother, and sibling, Kerry Ramon.
3. I received the required number of signatures and turned in the petition to Taylor Griffin.
4. Taylor and I are really good friends. I asked Taylor what he/she thought about my running. Taylor said that it was great for the community to have me as part of the council. Taylor wanted to help as much as he/she could. Taylor was concerned about the appearance of impropriety as much as I was.
5. Taylor helped make signs for my candidacy which others passed out. Taylor was active in my campaign but was not openly active in it.
6. Before the primary election, I went to Kerry Ramon's house. Kerry and I are blood siblings. Kerry was adopted by my paternal aunt after our parent's rights were terminated after they almost burned down the house. My grandmother took me. Kerry and I stayed close. We saw each other at school and spent every other weekend together.
7. While at Kerry's house, Taylor was there. We talked about our futures, our children, and old times. I was excited to be running for City Council. Both Taylor and Kerry were very supported and said that they would help as much as they could but had to be careful because they both worked for the City Clerk's office.
8. Taylor is a good person. Taylor gave Kerry a job after being unemployed for two years. Not a lot of people would do that. Kerry was given a second chance. That was pretty admirable for Taylor.
9. I won the City Council seat by a narrow victory of 135 to 128. My opponent decided not to challenge the victory.
10. I owe a lot to my committee and the workers who helped get me elected even if all they did was make signs.

*Madison Humphrey*

Madison Humphrey

## **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?