

# **GENESEE COUNTY BAR ASSOCIATION 2019 HIGH SCHOOL MOCK TRIAL COMPETITION**



## **PEOPLE OF THE STATE OF MICHIGAN v. JAYDEN DOUGLAS**

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
Quick Reminders .....	8
Trial Presentation .....	9
Ethical Conduct .....	14
Case Materials .....	17
Jury Instructions	19
Verdict Form	24
Exhibits	26
Statement of Blair Evans	31
Statement of Jaime Houston	35
Statement of Kendall Hallmark	38
Statement of Micky Collins	41
Statement of Jayden Douglas	43
Statement of Robin Curry	47
Statement of Frankie Montez	50
Statement of Sutton Pierson	53
Debriefing the Mock Trial .....	55

# 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.
4. No mini-skirts or “mini” dresses
5. No provocative attire (no see through shirts)

### B. Encouraged Dress Code

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

## II. OTHER COURTROOM RESTRICTIONS

### A. **NO CELLPHONES, PAGERS, RECORDING DEVICES, iPADS, TABLETS, IPODS, LAPTOPS, VIDEO CAMERAS OR ANY OTHER RECORDING DEVICES** are allowed in the Courthouse.

1. Students and/or volunteers will not be allowed into the courthouse with a cellphone or camera.
2. 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.

### B. **NO WEAPONS** are allowed in the Courthouse such as explosives, chemical or aerosol sprays or cutting instruments of any kinds including knives, scissors or anything with a sharp or cutting edge.

### C. **NO FOOD OR DRINK** whatsoever shall be brought into the courtroom.

### D. Courtroom tables may not be moved. If chairs are moved, they must be returned to their original location.

### E. 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 him/her 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 he/she is serving as an attorney, witness, or juror, will not be allowed in the courtroom if he/she does 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 courthouse. 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.
- I. Please advise the students that there should not be any planned outbursts or other theatrics during the Mock Trials. The purpose of the Mock Trial is to provide exposure to the courts and the legal system in a respectful manner. Our Attorney Advisors are teaching their respective teams how to present their cases in a respectable and appropriate manner. Planned outbursts or other theatrics are not appropriate behavior in a courtroom.

# **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/ensure 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 its 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 may 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. Prosecution may only call Prosecution Witnesses and Defense may only call Defense Witnesses.
- 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 each courtroom.
- c. Jurors will not be placed in 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 at 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 Supplemental 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.
9. No outbursts or other planned theatrics are allowed by participants.

## **QUICK REMINDERS**

1. Prosecution may only call three witnesses. The three witnesses shall only be those witnesses that are labeled Prosecution Witness on their Affidavit.
2. Defense may only call three witnesses. The three witnesses shall only be those witnesses that are labeled Defense Witness on their Affidavit.
3. No team may request that witnesses be sequestered. This is a learning experience for everyone involved and we would like the students to observe the entire process.
4. The Prosecution may not call the Defendant as a Witness, but it may cross-examine him/her if he/she chooses to testify. 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.
5. Defendant's statement cannot be used as an Exhibit if Defendant chooses not to testify. The Affidavit can be used to cross-examine the Defendant only.
6. No planned outbursts or theatrics will be allowed in the Mock Trial. Please advise students that they are to act in a respectful and appropriate manner within the courtroom. The purpose of the Mock Trial is to provide exposure to the courtroom and provide guidance on how to act appropriately while in the presence of a Judge and Jury.

## **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, as well as 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?”
  - 1. 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.
- j. Unfair Extrapolation.** See page 5 of this Trial Notebook.
- k. 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.

- 1. Any other objections based on reason or justice, including but not limited to “the question is ambiguous”

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

The purpose of redirect is to rehabilitate a witness or repair damage done by your opponent. If credibility or reputation for truthfulness of the witness has been attacked on cross examination,

the attorney whose witness has been damaged may wish to ask several more questions. These questions should be limited to the damage the attorney thinks has been done and should be phrased so as to try to “save” the witness’ truth-telling image in the eyes of the jury. Redirect examination is limited to issues raised by the attorney on cross-examination. If questions on other matters are asked, a proper objection would be: “Objection. Counsel is asking the witness about matters that did not come up in cross examination.”

## **F. CLOSING ARGUMENTS**

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

#### **C. 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.

#### **D. 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 sides 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  
Jayden Douglas**

### **TYPE OF CASE:**

This case involves a criminal prosecution. The Prosecuting Attorneys represent the People of the State of Michigan. The Defense Attorneys represent Defendant Jayden Douglas.

### **SUMMARY OF FACTS:**

Jayden Douglas dated Kendall Hallmark and had a son with her. Their relationship ended, and Blair Evans began to date Kendall. During the course of the relationship between Blair and Kendall, Jayden and Blair continued to run into each other when Jayden would go to Kendall's in order to pick up his son.

On August 24, 2017, Jayden and Blair were both at the corner of Saginaw and Kearsley in Flint, Michigan. After events taking place in a flat lot between Kearsley and First Street, Matthew Chatman was killed. Jayden Douglas is charged with First Degree Premeditated Murder for killing Matthew Chatham. Matthew Chatham was not the intended target.

### **STATUTES / CASE LAW**

1. A person who commits murder perpetrated by means of poison, lying in wait, or any other willful, deliberate, and premeditate killing is guilty of first degree murder and shall be punished by imprisonment for life without eligibility of parole. MCLA 750.316(1).
2. Second degree murder – All other kinds of murder shall be murder of the second degree, and shall be punished by imprisonment in the state prison for life, or any term of years, in the discretion of the court trying the same. MCLA 750.317
3. Manslaughter – Any person who shall commit the crime of manslaughter shall be guilty of a felony punishable by imprisonment in the state prison, not more than 15 years or by fine not more than \$7,500, or both, at the discretion of the court. MCLA 750.321
4. A person shall not purchase, carry, possess, or transport a pistol in this state without first having obtained a license for the pistol. MCLA 28.422(1).
5. An applicant to purchase, carry, possess, or transport pistol is qualified if all of the following circumstances exist:

- a. The person is not subject to an order under the mental health code, estate and protected individuals code, MCLA 600.2950, or MCLA 600.2950a. MCLA 28.422(a)
- b. The person is 18 years or older. If the person is a seller, the person is 21 years or older.
- c. The person is a U.S. citizen or an alien lawfully admitted into the U.S. and is a legal resident of the state.
- d. A felony is not pending against the person.
- e. The person is not prohibited from possessing, using, transporting, selling, purchasing, carrying, shipping, receiving, or distributing a firearm.
- f. The person has not been adjudged insane by the state or elsewhere unless the person has been adjudged restored to sanity.
- g. The person is not under an order of involuntary commitment in an inpatient or outpatient setting due to mental illness.
- h. The person has not been adjudged legally incapacitated.

MCLA 28.422

6. In order to qualify for a license to carry a concealed pistol, the person must file an application with the county clerk, complete a training course and pay \$100. MCLA 28.425b (this is a simplistic view of the statute for the purposes of this case)

## **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 or other individuals. 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. Jayden Douglas has a license allowing him to carry a concealed pistol.
3. Jayden Douglas has taken the training course required for the application to carry a concealed pistol.
4. The bullet from Jayden Douglas's gun was the sole cause of death of Matthew Chatham.
5. The presiding judge will conduct the trial according to the Michigan Rules of Evidence. Trial will be by jury.
6. The jury will be instructed on the elements of the offense according to the jury instructions beginning on page 20.

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

**COMMENTS AND SUGGESTIONS:**

The 2019 Mock Trial is a fictitious case. Any names, descriptions or events described in this packet are purely coincidental. Most witnesses were created to be gender-neutral.

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

## JURY INSTRUCTIONS

The court instructs the jury regarding the general features of a case, defines the offense, and explains 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 give 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 16.01 *First-degree Premeditated Murder*

The defendant is charged with the crime of first-degree premeditated murder. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

- (1) First, that the defendant caused the death of Matthew Chatham, that is, that Matthew Chatham died as a result of being shot.
- (2) Second, that the defendant intended to kill Matthew Chatham.
- (3) Third, that this intent to kill was premeditated, that is, thought out beforehand.

---

<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.

- (4) Fourth, that the killing was deliberate, which means that the defendant considered the pros and cons of the killing and thought about and chose his actions before he did it. There must have been real and substantial reflection for long enough to give a reasonable person a chance to think twice about the intent to kill. The law does not say how much time is needed. It is for you to decide if enough time passed under the circumstances of this case. The killing cannot be the result of a sudden impulse without thought or reflection.
- (5) Fifth, that the killing was not justified, excused, or done under circumstances that reduce it to a lesser crime.

#### *CJI2d 16.05 Second-degree Murder*

(1) You may also consider the lesser charge of second-degree murder. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant caused the death of Matthew Chatham, that is, that Matthew Chatham died as a result of being shot.

(3) Second, that the defendant had one of these three states of mind: he intended to kill, or he intended to do great bodily harm to Matthew Chatham, or he knowingly created a very high risk of death or great bodily harm knowing that death or such harm would be the likely result of his actions.

(4) Third, that the killing was not justified, excused, or done under circumstances that reduce it to a lesser crime.

#### *CJI2d 16.09 Voluntary Manslaughter as a Lesser Included Offense of Murder*

(1) The crime of murder may be reduced to voluntary manslaughter if the defendant acted out of passion or anger brought about by adequate cause and before the defendant had a reasonable time to calm down. For manslaughter, the following two things must be present:

(2) First, when the defendant acted, his thinking must be disturbed by emotional excitement to the point that a reasonable person might have acted on impulse, without thinking twice, from passion instead of judgment. This emotional excitement must have been the result of something that would cause a reasonable person to act rashly or on impulse. The law doesn't say what things are enough to do this. That is for you to decide.

(3) Second, the killing itself must result from this emotional excitement. The defendant must have acted before a reasonable time had passed to calm down and return to reason. The law doesn't say how much time is needed. That is for you to decide. The test is whether a reasonable time passed under the circumstances of this case.

#### *CJI2d 16.21 Inferring State of Mind*

(1) You must think about all the evidence in deciding what the defendant's state of mind was at the time of the alleged killing.

(2) The defendant's state of mind may be inferred from the kind of weapon used, the type of wounds inflicted, the acts and words of the defendant, and any other circumstances surrounding the alleged killing.



(3) You may infer that the defendant intended to kill if he used a dangerous weapon in a way that was likely to cause death. Likewise, you may infer that the defendant intended the usual results that follow from the use of a dangerous weapon.

(4) A gun is a dangerous weapon.

(5) A dangerous weapon is any instrument that is used in a way that is likely to cause serious physical injury or death.

(6) Premeditation and deliberation may be inferred from any actions of the defendant which show planning or from any other circumstances surrounding the killing. The prosecutor need not prove a motive for the killing. But, you may consider evidence of motive in deciding if there was premeditation and deliberation. Motive by itself does not prove premeditation and deliberation.

#### *CJI2d 16.22 Transferred Intent*

If the defendant intended to kill one person, but by mistake or accident killed another person, the crime is the same as if the first person had actually been killed.

#### *CJI2d 7.15 Use of Deadly Force in Self-Defense*

(1) The defendant claims that he acted in lawful self-defense. A person has the right to use force or even take a life to defend himself under certain circumstances. If a person acts in lawful self-defense, that person's actions are justified and he is not guilty of First Degree Premeditated Murder.

(2) You should consider all the evidence and use the following rules to decide whether the defendant acted in lawful self-defense. Remember to judge the defendant's conduct according to how the circumstances appeared to him at the time he acted.

(3) First, at the time he acted, the defendant must have honestly and reasonably believed that he was in danger of being killed or seriously injured. If the defendant's belief was honest and reasonable, he could act immediately to defend himself even if it turned out later that he was wrong about how much danger he was in. In deciding if the defendant's belief was honest and reasonable, you should consider all the circumstances as they appeared to the defendant at the time.

(4) Second, a person may not kill or seriously injure another person just to protect himself against what seems like a threat of only minor injury. The defendant must have been afraid of death or serious physical injury. When you decide if the defendant was afraid of one or more of these, you should consider all the circumstances: the condition of the people involved, whether the other person was armed with a dangerous weapon or had some other means of injuring the defendant, the nature of the other person's attack or threat, or whether the defendant knew about any previous violent acts or threats made by the other person.

(5) Third, at the time he acted, the defendant must have honestly and reasonably believed that what he did was immediately necessary. Under the law, a person may only use as much force as he thinks is necessary at the time to protect himself. When you decide whether the amount of force used seemed to be necessary, you may consider whether the defendant knew about any other ways of protecting himself, but you may also consider how the excitement of the moment affected the choice the defendant made.

*CJI2d 7.16 Duty to Retreat to Avoid Using Deadly Force*

(1) A person can use deadly force in self-defense only where it is necessary to do so. If the defendant could have safely retreated but did not do so, you may consider that fact in deciding whether the defendant honestly and reasonably believed he needed to use deadly force in self-defense.

(2) However, a person is never required to retreat if attacked in his own home, nor if the person reasonably believes that an attacker is about to use a deadly weapon, nor if the person is subject to a sudden, fierce, and violent attack.

(3) Further, a person is not required to retreat if the person -

(a) has not or is not engaged in the commission of a crime at the time the deadly force is used, and

(b) has a legal right to be where the person is at that time, and

(c) has an honest and reasonable belief that the use of deadly force is necessary to prevent imminent death or great bodily harm of the person or another.

*CJI2d 7.20 Burden of Proof--Self-Defense*

The defendant does not have to prove that [he / she] acted in self-defense. Instead, the prosecutor must prove beyond a reasonable doubt that the defendant did not act in self-defense.

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

---

PEOPLE OF THE STATE  
OF MICHIGAN,  
Prosecution

Case No. 18-000135-FH

v.

JUDGE

JAYDEN DOUGLAS,  
Defendant.

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

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

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

Count I: First Degree Premeditated Murder

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

Guilty \_\_\_\_\_ (End, you have reached your verdict.)

Count II: Second-Degree Murder

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

Guilty \_\_\_\_\_ (End, you have reached your verdict)

Count III: Voluntary Manslaughter

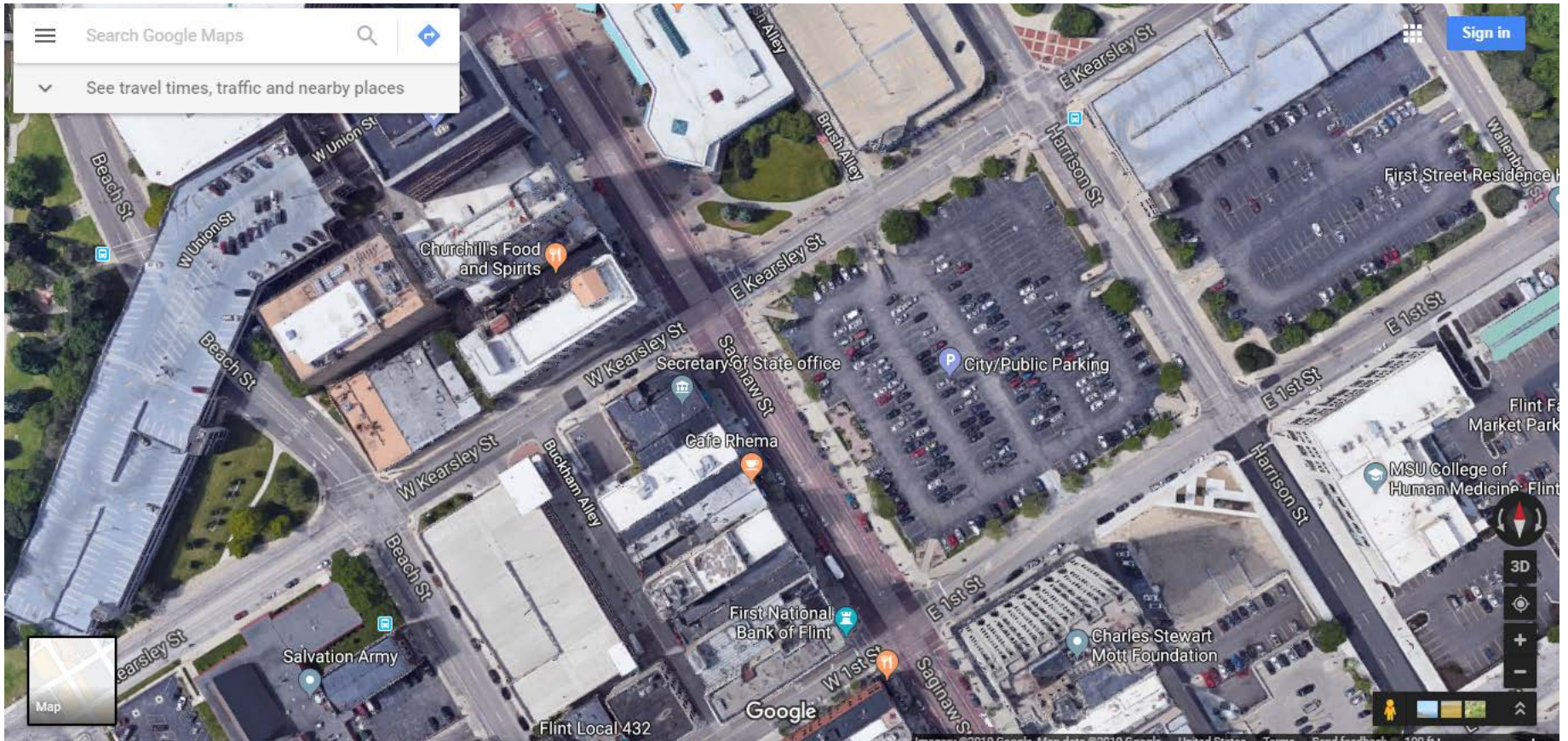
Not Guilty \_\_\_\_\_ (Go to Count IV)

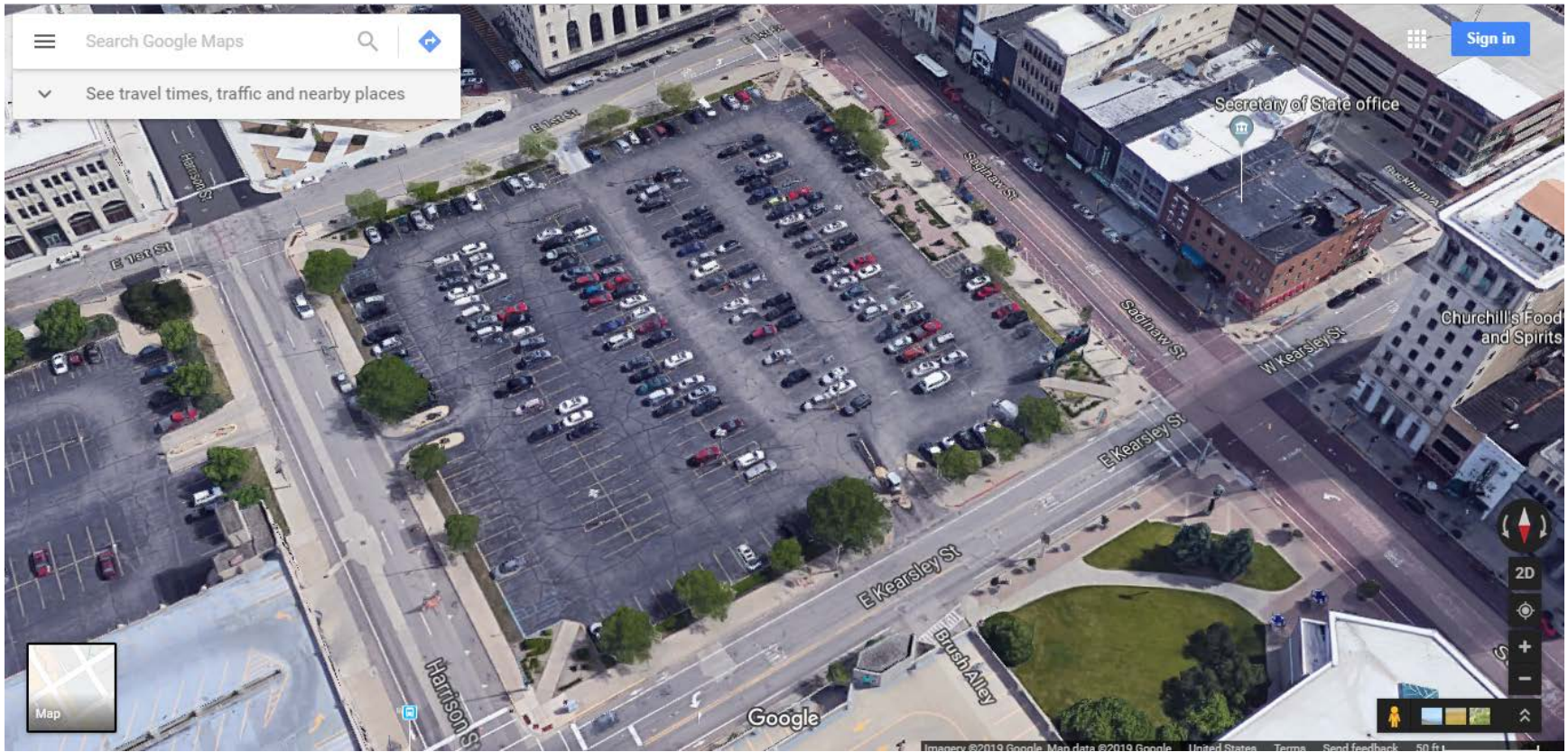
Guilty \_\_\_\_\_ (End, you have reached your verdict)

---

<sup>2</sup> Please return the verdict form to the Genesee County Bar Association with the results of your school's verdicts. Fax to 810-232-8310 or email to [gcba@gcbalaw.org](mailto:gcba@gcbalaw.org).

## EXHIBITS





# STATEMENTS

## STATEMENT OF BLAIR EVANS

### Prosecution Witness

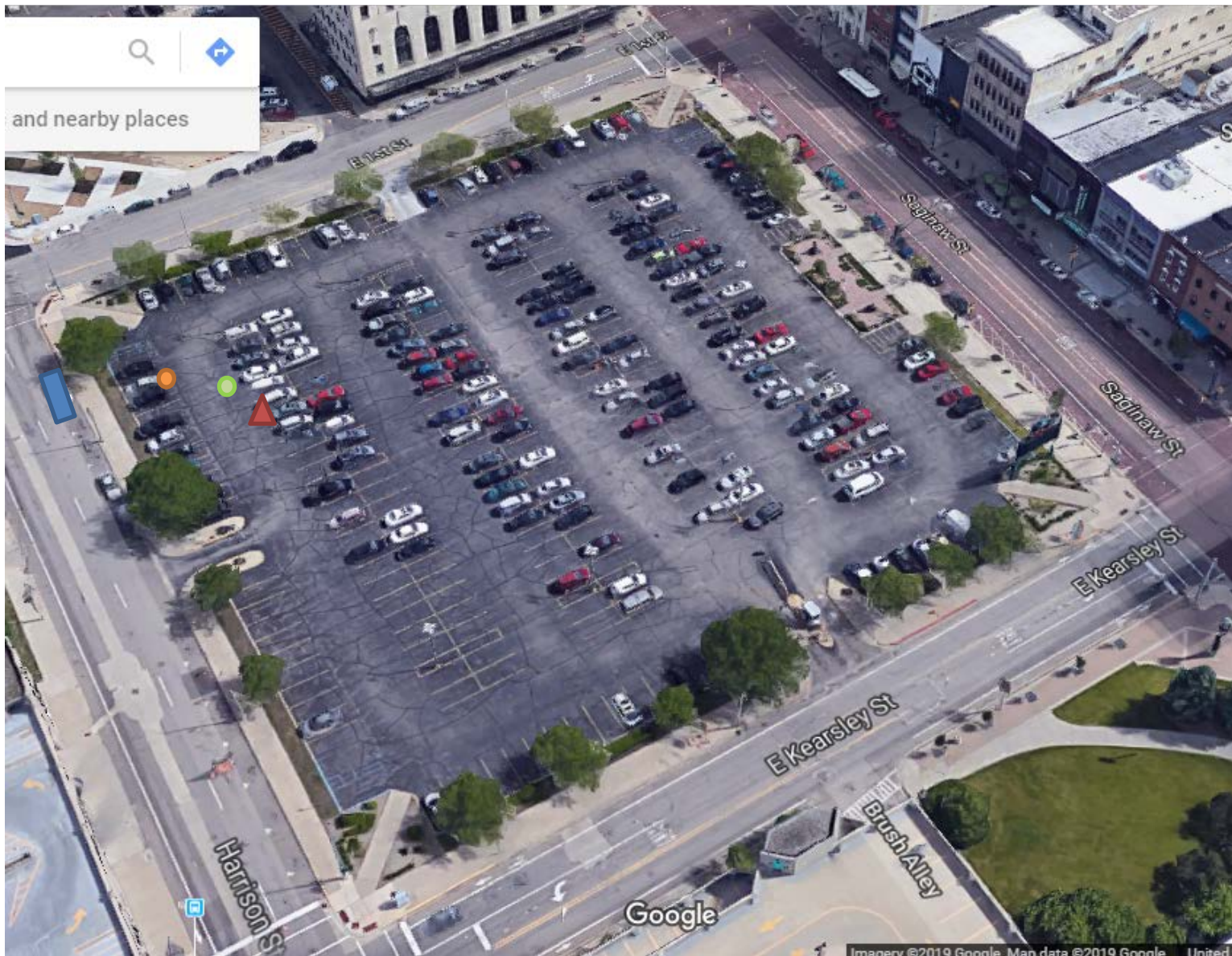
1. My name is Blair Evans. I am 20 years old. I am a journalism student at Central Michigan University. I am on the Dean's List.
2. I drive a 2014 Chevrolet Camaro, black.
3. I am from Flint, Michigan and wanted an article about my hometown for the Grand Central Magazine. Grand Central Magazine is a publication in the Journalism Department. I decided to work on an article about the people affected by Flint Water Crisis. This is when I met Kendall Hallmark.
4. Kendall Hallmark lived and worked in Flint, Michigan at the time of the news of the water crisis hit. This was in 2014. Kendall is a single mother raising a son who was a one-year old at that time.
5. Over the course of the summer 2017, I spent a lot of time with Kendall and her son. I wanted to experience what they were living with as much as possible. Kendall was worried about the effects of lead exposure in her son.
6. Kendall's son was diagnosed early with high lead exposure. Lead exposure has been linked to lower IQ, limited attention span, behavioral patterns and inability to concentrate. Kendall talked to me about how her now four-year-old child could not sit through a half hour television show. Kendall was teaching her son the alphabet, but he would not sit still.
7. Kendall and I discussed her concerns about the water, the health effects on her and her son, and the remedies proposed by the state and city. Further, we discussed other things like Kendall's desire to go to college and study psychiatry.
8. Over the course of the summer, Kendall and I became close. It was now more than the story that I was working on. I cared about Kendall and her son.
9. In the beginning of July, Kendall and I were sitting on Kendall's couch when I leaned in and kissed Kendall. At that moment, the door to the apartment opened and Jayden Douglas walked in.
10. Jayden stood in the doorway and began yelling. Jayden was the father to Kendall's son. Jayden walked towards me and grabbed me. Jayden began pushing me out of the door and told me to stay away from Kendall or I would regret it.
11. Later that afternoon, Kendall called and explained that her and Jayden had not been together since 2014. They co-parented their son. Kendall wanted to see me again. We started dating.







12. Over the course of our relationship, Jayden continued to threaten me, put his hands on me, and tell me to stay away from Kendall.
13. Other things started to happen, such as three of my tires were slashed. My car was keyed. My parents' house and vehicles were egged.
14. Jayden drove a 2004 Pontiac Bonneville, black in color.
15. By the end of July, I began noticing Jayden following me. He would be sitting outside my parents' house then follow me when I left the house.
16. On August 18, 2017, I was with Kendall and her son at the park. Jayden showed up unexpectedly at the park. Kendall and I were sitting on a blanket while her son was playing on the swings. Kendall went to get her son. When her back was turned, Jayden kicked me in the face, breaking my nose. Jayden said that he would kill me if he ever saw me with Kendall or their son again. Blood was pouring out of my nose. Jayden grabbed his son and left. Kendall took me to the hospital.
17. After the incident on August 18, 2017, I was in fear for my life. I began carrying a gun with me at all times. The gun was not visible. I wore baggy shirts to cover the gun. I carried it on my right side. I am not licensed to carry a concealed pistol.
18. On August 20, 2017, I was at Kendall's apartment when Jayden brought his son back. Kendall and her son went into the son's bedroom leaving Jayden and I alone in the living room. Jayden asked how the nose was and began to laugh. I told Jayden that he can laugh now because it will not happen again. I showed the gun in my belt buckle. Jayden immediately left.
19. On August 24, 2017 at about 10:30 a.m., I was walking in downtown Flint on Kearsley just east of Saginaw Street. I was across the street from the flat parking lot. I had just left the University Pavilion and was walking towards the flat lot. Before crossing the street, I looked across and saw Jayden. Jayden stopped and looked at me. I lifted my shirt and showed the gun.
20. Jayden started walking east on Kearsley. I crossed the street in order to go my car which was parked in the flat lot.
21. Jayden kept looking back at me as he continued to walk east on the sidewalk. I was hesitant to continue but needed to get to my car. Jayden then turned right down the lane where my vehicle was parked. I did not know what Jayden was doing. I pulled the gun out of my waistband.
22. When I rounded the lane where my car was parked, Jayden was at my car. I had the gun at my side when I asked what Jayden was doing.

23. Jayden pulled out a gun from his backpack and shot it. It missed me, but the bullet hit someone else.
24. I looked at Jayden and was in fear for my life. I ran away. I did not see what Jayden did.
25. I went to Kendall's apartment. I told Kendall that Jayden shot at me and hit someone else. She called the police.

***BLAIR EVANS***  
BLAIR EVANS



- Jayden 
- Jayden's Vehicle 
- Blair 
- Victim 

This is the locations based on Blair Evan's testimony. This is for witness preparation only and cannot be used for a trial exhibit.

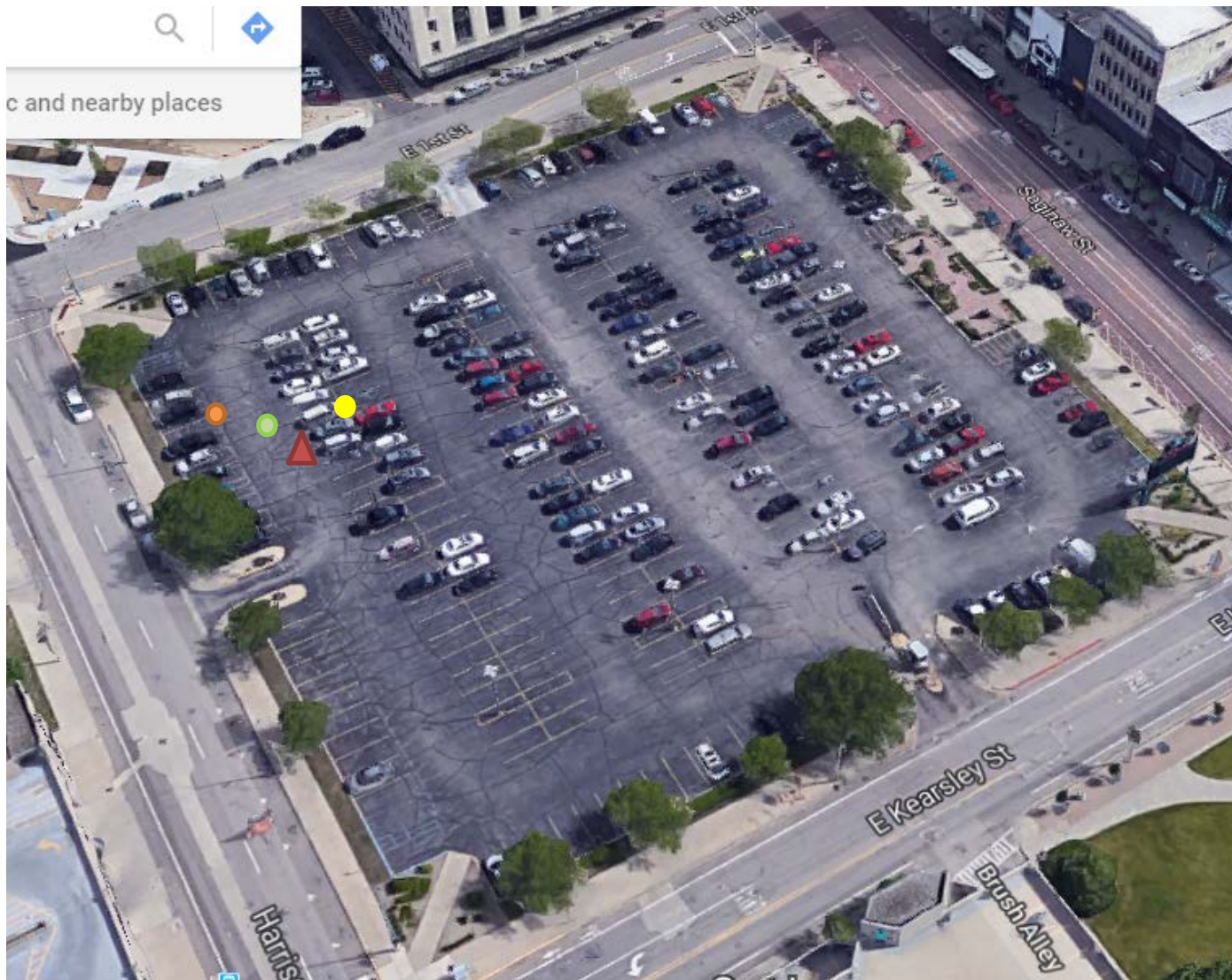
## STATEMENT OF JAIME HOUSTON

Prosecution Witness

1. My name is Jaime Houston. I work third shift at the Flint Truck and Bus Plant as a line worker. I worked for General Motors for 35 years.
2. On August 24, 2017, I went to the Secretary of State on Kearsley and Saginaw St in downtown Flint in order to renew my driver's license and vehicle registration.
3. At about 10:30 a.m., I was exiting the Secretary of State building and walking to my vehicle which I parked in the last lane of the flat lot. I walked across the street and began walking through the flat lot.
4. When I came up to the third lane of parked vehicles, I heard arguing. I could not make out what they were saying but it was loud. As I got closer, I saw two people.
5. I later read a newspaper article which identified them. The person with his back to me was Blair Evans. The other person was Jayden Douglas. I never met them before.
6. Jayden was yelling that Blair needed to stay away from Kendall and his son. Jayden was standing next to the last lane of vehicles which were parked near the curb of the flat lot (nearest to Harrison Street), about two vehicles away from my vehicle.
7. Blair stated that he had no intention of doing that. Blair was standing next to the vehicles across from where Jayden was standing. Blair mentioned that Kendall was going to seek custody of their son because of Jayden's unpredictable behavior.
8. As they continued to argue, I saw Jayden reach into a backpack and pull something out. The object was shiny. I stopped in the middle of the last row of vehicles because I heard Jayden state that Blair would regret it.
9. I saw Jayden raise the shiny object then I heard a bang. I dropped down between the vehicles. I saw a man who was behind Blair fall to the ground. Blair ran to the left down Harrison and Jayden ran to a vehicle parked on the street.
10. When they both left the area, I went to the man. He was shot in the head.

*Jaime Houston*

Jaime Houston



- Jayden ●
- Blair ●
- Jaime Houston ●
- Victim ▲

This is the locations based on Jaime Houston’s testimony. This is for witness preparation only and cannot be used for a trial exhibit.

## STATEMENT OF KENDALL HALLMARK

### Prosecution Witness

1. My name is Kendall Hallmark. I am twenty-one years old. I live in Flint with my son. Jayden Douglas is the father of my son.
2. I met Blair Evans through a mutual friend. Blair wanted to do a human-interest story about the Flint Water Crisis. He wanted to follow my son and I for the summer. I agreed.
3. Over the course of the summer, I grew to like Blair. In early July, we were sitting on the couch in my apartment when I leaned into him and kissed him. We were kissing when Jayden opened the front door.
4. Jayden walked over to Blair, grabbed him, and through him out of the door. Jayden told Blair that he was to leave me alone or he would regret it.
5. After Blair left, Jayden told me that he still loved me and wanted to get back together. I told him that it would not happen. I explained that I made that mistake before and have been paying for it ever since. Jayden looked at me and asked if I meant our son. I told him no but Jayden threw a vase at the wall and left.
6. Jayden is violent. If he does not get his way, he reacts physically.
7. Despite Jayden, Blair and I started dating. One day, Blair and I went to the park with my son. Jayden was to have our son for the weekend. We were having a picnic. My son was on the swings while Blair and I sat on a blanket watching him.
8. Jayden came to the park. I do not know how he knew where we were at. Jayden was angry. I knew something bad was going to happen. I went over to my son to shield him from whatever Jayden was going to do. I turned around and saw Jayden kick Blair in the face. I told Jayden to leave. He walked over and talked with our son. Then, they left.
9. I took Blair to the hospital. He had a broken nose.
10. On August 20, 2017, Blair was at my apartment. We were talking when Jayden came into the apartment. I hugged my son and took him to his bedroom. We put his things away. I told him to play in the bedroom. I went back out to the living room. Jayden was gone.
11. I asked Blair what happened. Blair said that the fighting was over between him and Jayden. This concerned me but I did not know why.
12. On August 24, 2017, Blair came running into my apartment. He was sweating and incoherent at first. After Blair calmed down, he explained that he ran into Jayden at the

corner of Saginaw and Kearsley when Blair was coming out of the University Pavilion. Blair ignored Jayden and started to walk towards his car. Jayden kept walking the same way. Blair said that he was parked in the last lane of the flat lot parking near Harrison Street.

13. Blair said that he continued to walk to his car but Jayden kept walking the same way. When Blair got to the end of the parking lot, Jayden pulled out a gun and shot at Blair. When Blair told me, I was not shocked. Jayden was always violent.
14. Blair said that another person was shot. This is when Blair ran to my apartment. Jayden ran the other way.
15. I have never known Blair to have a gun. Jayden does have a gun. I saw it when we lived together.
16. Jayden and I were fighting over custody before Blair and I even met. Jayden wanted 50/50 parenting time instead of every other weekend. I did not think that he should have any additional time especially with his anger issues.
17. After the shooting, I filed for sole custody of my son and asked for child support to be increased.

Kendall Hallmark

Kendall Hallmark

## STATEMENT OF MICKY COLLINS

### Prosecution Witness

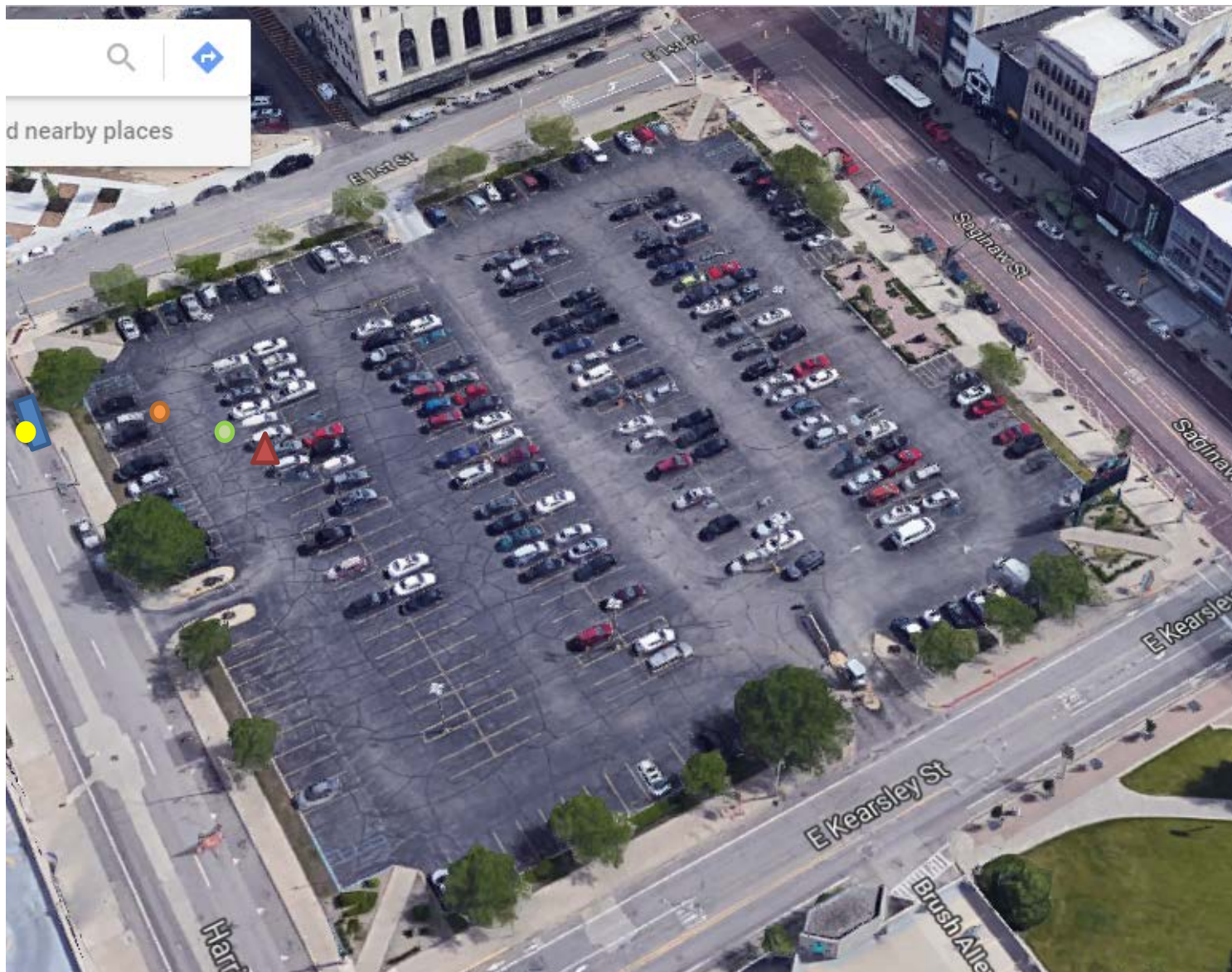
1. My name is Micky Collins. I was a friend of Jayden Douglas. We went to school together.
2. Jayden and Kendall began dating while in tenth grade. They were inseparable.
3. Before dating Kendall, Jayden was on the honor roll as well as a member of the soccer team and basketball team. Jayden was a popular outgoing person.
4. After they were dating, Jayden began distancing himself from all of his friends. Kendall became Jayden's life. It felt like Kendall wanted to isolate Jayden.
5. Jayden's demeanor also changed. He became quieter and brooding. Jayden was also very protective of Kendall, almost bordering on possessive.
6. In eleventh grade, Kendall and I were lab partners in Chemistry. Jayden was partnered with another person. Jayden started following me around in an attempt to intimidate me. Jayden was merciless. He would walk down the hall and bump into me. One time, I knelt down in order to tie my shoes. Jayden walked by and knelt me in the head. I stood up and punched Jayden. We ended up fighting in the hallway.
7. In our senior year, Jayden and Kendall had a baby boy. Their son was Jayden's life. After graduation, Jayden had two jobs and moved into an apartment with Kendall. Kendall did not work.
8. Kendall wanted a lot of things for their apartment, but she did not have any money coming in. Jayden was the only one working. Jayden was tired, moody and distant.
9. Just before their baby turned one, Jayden and Kendall broke up. Kendall ended the relationship because Jayden was never around. He wasn't around because he was working.
10. Even after they broke up, Jayden still spent all his available time at Kendall's apartment because Jayden wants to spend time with their son.
11. In 2014, the Flint Water Crisis hit. Kendall became obsessed with the topic. She was convinced that the water crisis affected their son. Kendall took their son to multiple doctors in order to have his lead levels checked. They were elevated. Kendall sought out doctors to discuss behavioral issues that she claimed was ongoing but no one else saw.
12. Kendall wanted more money in order to hire experts to help their son. She was convinced that the elevated lead levels would affect her son's IQ and already affected his behavior.



13. After they broke up, Jayden came to my house. He apologized for what happened in high school. Jayden stated that Kendall never wanted him to be with anyone else even family. Basically, Kendall wanted Jayden isolated.
14. Shortly after Jayden and Kendall broke up, Kendall's apartment was broken into. The burglary affected Jayden because he was not there to protect Kendall and their son.
15. Jayden and I started to go to a gun range to learn how to shoot a gun. We then obtained a Concealed Pistol License ("CPL") which required us to take an eight-hour course, get fingerprinted, and have a criminal background check completed. After he received the CPL, he began to carry the gun.
16. I saw Kendall hanging around a person named Blair Evans. I told Jayden about the new person in Kendall's life. Jayden was angry. Jayden was at my house for five minutes then he left.
17. Whenever I saw Jayden after that, he complained about Blair and how Blair kept trying to get in between him and Kendall. Jayden came over after he met Blair at Kendall's apartment. Jayden stated that Blair threatened to keep his son away from him. That was the worse thing to say to Jayden. Jayden was livid. He was walking back and forth and muttering. I never saw Jayden like this.
18. On August 24, 2017, Jayden picked me up in order to run some errands. Jayden stated that he had to go to the Secretary of State office. He did not take the easiest route. He went a different way that was out of the way.
19. We were behind a black Chevrolet Camaro. When we came to the corner of Harrison and First St, Jayden parked on Harrison just after First. The black Camaro parked in the flat lot. Jayden waited a few minutes then he got out and grabbed a back pack. He walked through the flat lot towards Saginaw St.
20. About a half hour later, I noticed Jayden walking from Saginaw St, down Kearsley St. then through the flat lot. He stopped and turned around. When Jayden turned around, I noticed Blair was walking behind Jayden. I saw something shiny in Blair's right hand. The sunlight shined off of it. I opened the car door and got out of the passenger side. Jayden's back was to me at this point. Next thing, I heard a pop and a man behind Blair fell to the ground. Blair ran away from Jayden. Jayden ran to the car, threw his backpack into the back seat, and told me to get in. We drove away.
21. I asked what happened. Jayden did not say anything. He drove me to my house and dropped me off. We never spoke to each other after that.

Micky Collins

Micky Collins



Jayden	●
Jayden's Vehicle	▭
Blair	●
Victim	▲
Micky Collins	●

This is the locations based on Micky Collin's testimony. This is for witness preparation only and cannot be used for a trial exhibit.

## STATEMENT OF JAYDEN DOUGLAS

### Defense Witness

1. My name is Jayden Douglas. I work two jobs. During the day shift, I work at Target as a Sales Associate. At night, I stock shelves at Meijer.
2. When I was in high school, I was an honor roll student, captain of the soccer team, member of the basketball team, and on student council. I also had a part-time job at Rally's.
3. Kendall Hallmark and I have a son together. We started dating in tenth grade. I loved Kendall. I never felt that way about another person.
4. Kendall wanted me to spend all my spare time with her. I started to miss practices and council meetings in order to be with Kendall. I quit working at Rally's. Eventually, my grades started to fall.
5. Kendall complained when I spent time with my friends or with my family. I cut friends and family from my life in order to spend more time with Kendall.
6. After graduation, Kendall and I got an apartment together. In order to support both of us and our son, I had two jobs. Kendall did not work. Kendall did not think that she should work because someone had to take care of our son. Kendall chose to stay home.
7. Kendall wanted the world, but I could not afford it. It was a daily argument because I was already working two jobs. I suggested that she get a job. My mother would watch our son. Kendall lost it and told me to get out. She said that she would find someone who would take care of them in the way that she wanted, and it wasn't me.
8. I went into the bedroom and packed up my things. I left. I still love Kendall but her demands were too much. I did not think it would be healthy for our son.
9. After we ended our relationship, Kendall and I were trying to work on an agreement for custody of our son. She refused to work and still wanted me to pay for everything. I wanted to go to college in order to get a better job but I could not do that if I was working two jobs.
10. We argued all the time over when I would be able to see my son. I paid Kendall's rent, utilities, and gave money for food. Most of my income went to Kendall; while, I lived with my mother. If it wasn't for my mother, I would not have survived.
11. One day, I went to Kendall's apartment to get my son. I wanted to take him to the park. When I went into the apartment, it was trashed. Kendall and my son came home. Kendall stated that someone must have broken in. The television, gaming system, and Kendall's jewelry were gone. I was shaken to my core after this. I

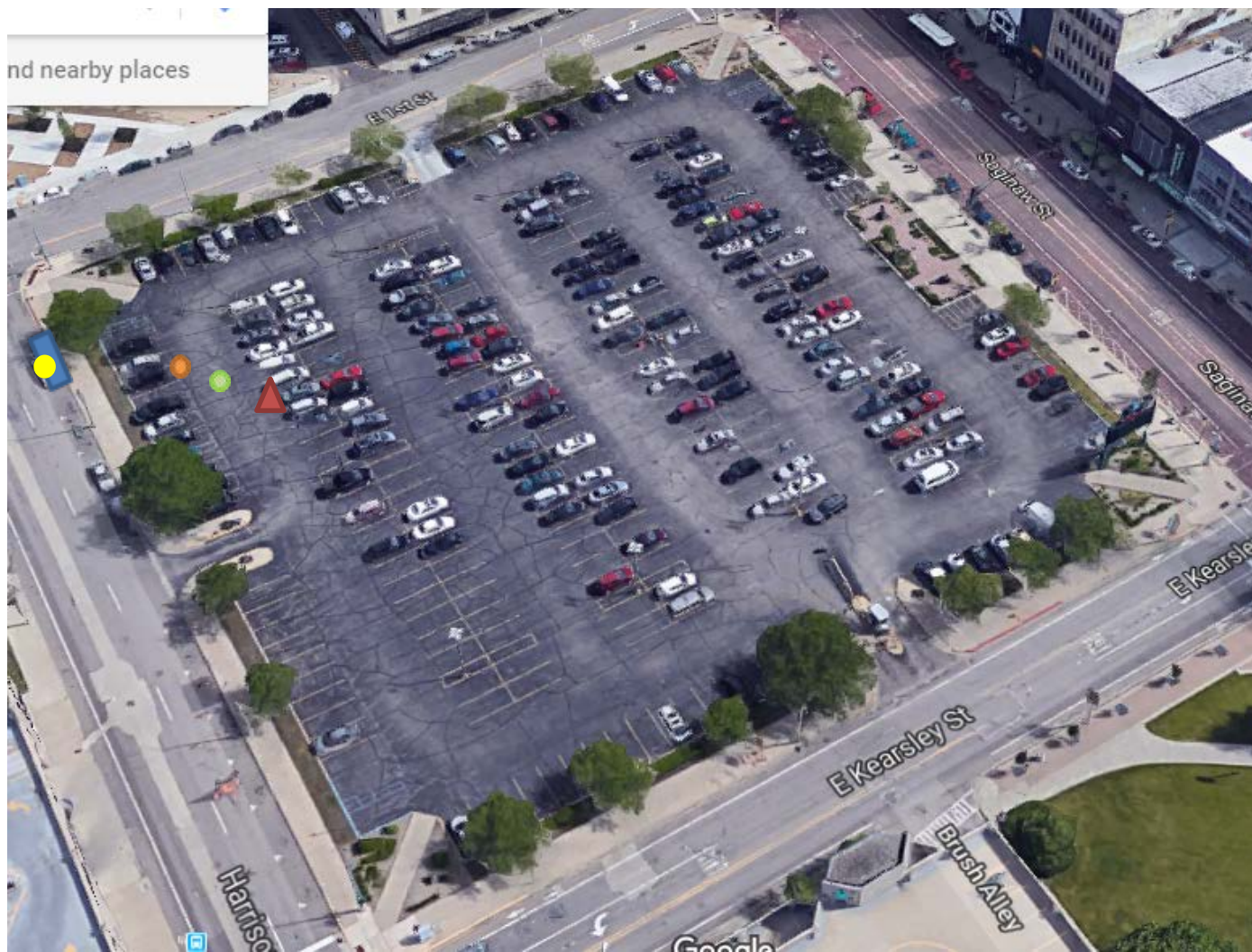
- wasn't there to protect my son. What would've happened if my son was home when the apartment was burglarized? I wasn't there to protect him.
12. After the burglary, I started to take shooting lessons. I wanted to know about gun safety and how to shoot. I took classes for the Concealed Pistol License ("CPL"). Even though I have a CPL, I do not always carry a gun with me.
  13. When the Flint Water crisis became known, Kendall was more obsessive about our son. She did not want to let our son out of her sight. Kendall read everything about the Flint Water crisis. She took our son to get tested for lead. His levels were slightly elevated. Kendall told everyone that his levels were extremely high.
  14. Kendall complained that our son showed symptoms from the lead but I did not see anything different in him. We argued about it constantly. Kendall started to refuse my spending time with our son. She was trying to cut me out of my son's life. I love that kid.
  15. Kendall started to hang around someone named Blair. I do not have a problem with Kendall dating. I am over her. I do have a problem with someone trying to replace me in my son's life as a parent.
  16. When I would go over to Kendall's apartment and she would go to get our son, Blair would tell me that he was taking my place. I asked what he meant by that. Blair stated that he and Kendall were taking care of my son since I did not see to it. He claimed that my son had effects from lead that I was denying. Kendall was right that I did not deserve to be a parent.
  17. I told Blair to stay away from my son. He is not the father. He and Kendall were not going to take my son away from me. I live for that kid. Kendall came out with my son and we left.
  18. I spent the afternoon with my son. We went to the park. My son told me that Blair told him to call him daddy. I was infuriated. I tried to let the anger go when I was with my son.
  19. I took my son home. When I walked into Kendall's apartment, I saw Blair kissing Kendall. I do not care whether Blair dates Kendall. My anger from what my son said earlier came flooding back. I pay for the apartment, the utilities, and the food. I lost it. I started yelling at Blair. I was so mad that I do not recall what I said. All I kept thinking about was Blair taking my son. I walked towards Blair, grabbed him, and pushed him out the door. I told Blair to stay away from my son or he would regret it.
  20. When Blair left, I told Kendall that I was the father of our son. Me, not Blair. I told her that it was time that we had something more definitive on the parenting and child






- support. Kendall yelled at me that just because I paid for the apartment and utilities that I did not own her or our son. I never thought I owned anyone.
21. Over the course of the summer, Blair kept trying to act like my son's parent. He even tried to tell me that I could not see him.
  22. I did not follow Blair, slash his tires, egg his parent's house or any other action against Blair. I do not care about Blair. I just want him to leave me and my son alone.
  23. On August 18, 2017, I was supposed to pick my son up from Kendall at her apartment. I was to have our son for a week since I took some vacation time from both jobs. I was mad that they were not there. We agreed on the time. I talked to Kendall's neighbor who said that they went to the park.
  24. I went to the park and saw Kendall with Blair on a blanket making out while my four-year-old son was playing alone on the swing set. I yelled at both of them because they left my son alone and were not even watching him. Kendall jumped up and went to our son.
  25. When Kendall went to our son, Blair looked at me and told me that I was interrupting family time. I yelled at him that it was my time with my son. Blair stated that I would never get to spend time with my son again. I kicked Blair in the face. I was so angry. Afterwards, I walked over to my son and we went to my mother's house where I lived.
  26. Kendall called and said that I could not keep our son over the week. I told her that I took off the week to spend time with him. Kendall stated that I needed to bring him home or she was going to call the police. Instead of arguing with Kendall, I told our son that his mom wanted him to come home. He did not want to go because he did not like Blair.
  27. I took my son back to Kendall even though I did not want to. My mom reminds me every day not to put our son in the middle of my problems with Kendall and Blair. I do not want my son to suffer because I am no longer in a relationship with Kendall.
  28. When I opened the door to Kendall's apartment, Kendall got up and took our son to his bedroom. Blair and I were alone. Blair told me that I will not see my son anymore without supervision. He indicated that Kendall saw an attorney and is filing for sole legal and physical custody. I started to go into my son's bedroom when Blair told me to stop. He grabbed me by the elbow and lifted up his shirt. I saw a gun.
  29. I asked Blair what he was doing with that gun and reminded him that my son was in the apartment. Kendall came out of the back and told me to leave the apartment.

30. After seeing the gun, I contacted a few attorneys in order to see about getting custody of my son. I found an attorney who agreed to help me. I wanted to proceed as soon as possible.
31. On August 24, 2017, I picked up my friend, Micky Collins, at his house. We were going to hang out after doing some errands but that did not happen.
32. I knew there was some construction and I had to take a different route from Micky's house to the Secretary of State. By taking the alternate route, I noticed that Blair was in front of me. I did not worry about him. I had to renew my registration on my vehicle.
33. I parked on Harrison St behind the flat lot because it is cheaper to park on the street than in the flat lot. It costs \$5.00 to park in the flat lot. I walked through the flat lot to get to the Secretary of State on the corner of Kearsley and Saginaw.
34. When I walked out of the Secretary of State, I saw Blair across the street. He was standing on the corner of Kearsley and Saginaw St near the University Pavilion. When I looked at him, he lifted up his shirt and showed that he had a gun. I put my head down and continued to walk to my vehicle.
35. Blair crossed the street and started walking behind me. I was uneasy especially since he had a gun. Blair started saying stuff under his breath. I heard him say to stay away from his family. When I reached the last lane of parking, Blair told me that Kendall was going after custody and that I would never see my son again. I told him that Kendall and I will deal with that. It is none of his business.
36. I continued to walk to my car. Blair kept taunting me. When I was about to walk out of the flat lot, Blair told me to stay away from Kendall and my son. I turned around and saw that Blair had the gun in his right hand. Blair reiterated what he said about staying away from Kendall and my son.
37. He lifted the gun and pointed it at me. I started to rifle through my backpack and retrieved my gun. I told Blair to put the gun away but he did not. I pulled my gun fully out of the backpack and held it at my side. Blair would not put his gun away. I raised my gun and told Blair to knock it off. Blair lifted his right arm and I shot.
38. I was in fear for my life. It was Blair or me and I had a son to go home to. When I opened my eyes after shooting, I saw that I missed Blair and that I hit a man that was behind Blair.
39. I ran to my car, got in and took off. I was scared. I do not know where Blair went.

40. Kendall and I are in a very contentious child custody fight over our son.

Jayden Douglas  
Jayden Douglas



- Jayden 
- Jayden's Vehicle 
- Blair 
- Victim 
- Micky Collins 

This is the locations based on Jayden Douglas' testimony. This is for witness preparation only and cannot be used for a trial exhibit.



## STATEMENT OF ROBIN CURRY

### Defense Witness

1. My name is Robin Curry. I was a friend to Blair Evans. We have known each other since freshman year at high school. We are both enrolled at Central Michigan University and were roommates.
2. Blair has always wanted something or someone that was not his. He will use manipulation, coercion or whatever is necessary to get what he wants.
3. Blair wanted to be the most successful journalist ever. He wanted to win the Pulitzer Prize. When the Flint Water Crisis hit, he set his eyes on writing the greatest human-interest story ever. He would do anything to get the story.
4. In the summer before our junior year, Blair decided to go home to Flint in order to meet some people who were affected by the water. This is when he met Kendall Hallmark. Kendall was a single parent who stated that her son had elevated lead levels. Kendall claimed that her son was suffering from limited attention span, behavioral issues, and inability to concentrate.
5. Kendall's son was four years old. I do not know many kids who can sit still. I never did believe that Kendall's son had elevated levels of lead or any complications because of it.
6. Blair and I were roommates during the summer when he followed Kendall around. Blair said that he would probably get more access or more information if he started to date Kendall. Blair was always looking for the story.
7. In late June, I saw a gun on the table in the living room. I asked Blair why there was a gun in the apartment. Blair stated that he got it for protection because he was going into some scary places in Flint. He did not have a license to carry a concealed pistol.
8. It was not until early July that Blair started talking about Kendall's ex, Jayden. Kendall and Jayden dated while in high school and had a son together. Blair stated how Kendall had Jayden wrapped around her little finger.
9. Blair stated that Jayden was paying for Kendall's apartment, her utility bills, and her food. Plus, Jayden gave Kendall money for odds and ends for the support of their son. Jayden worked two jobs in order to provide this. Blair thought it was pathetic.
10. Blair started dating Kendall. He said that this would help him with the story. Shortly after, Blair began to carry the gun around with him. I asked him why he was carrying it but Blair never answered. He just smirked and said that you have to play the game.
11. I finally met Kendall when she came to the house to see Blair. Blair was not home. Kendall mentioned that she and Blair were going to move in together. I told her that

Blair did not have a job and was going to school at Central Michigan in the Fall. Kendall indicated that Jayden paid all the bills and Jayden would be out of the picture soon.

12. I asked what that meant. Kendall did not answer. She smiled and left.
13. On August 19, 2017, I walked out of the house and noticed a 2004 Pontiac Bonneville idling across the street. I walked over to the vehicle and asked if there was something needed. It was Jayden. He asked what Blair's deal was because Blair keeps telling Jayden that he will lose his son. Jayden stated that the only thing that matters to him is his son. He does not care whether Blair and Kendall date. He just wants to spend time with his son when he has time off.
14. Jayden stated that he and Blair got into it yesterday because Blair threatened to keep Jayden away from his son. Jayden admitted to kicking Blair in the face. I told Jayden to be careful around Blair. I warned him about the gun that Blair has been carrying lately.
15. On August 24, 2017, Blair came home. He was hyper. Blair went into the refrigerator and grabbed a beer. Blair sat down in a chair and told me that Jayden shot and killed a man in the flat lot on First and Saginaw.
16. I was shocked. Blair stated that Jayden will no longer be a problem. Blair continued by stating that he observed Jayden exiting the Secretary of State. Blair flashed the gun in his waistband. Jayden kept walking down Kearsley towards Harrison with his head down. Blair continued to follow Jayden. When Jayden got to Blair's vehicle, Blair told Jayden that he would never be good enough for Kendall's son. Blair was laughing at how he told Jayden how he was a poor slob working two jobs in order to support his son and his baby mama, no education and living at home. How pathetic! Blair then stated that he told Jayden that it was time that Jayden walked away from Kendall and his son.
17. Blair stated that he took the gun out of his waistband and held it in his right hand. Next, Blair stated that Jayden looked pathetic when the gun was out. He fumbled through his backpack. Blair kept the gun out. Jayden got his gun out. Blair told Jayden to leave Kendall and her son alone but that Jayden still had to support them in their lifestyle. Jayden shot at Blair. The bullet missed Blair and hit another man who was behind him.
18. Blair stated that he went to Kendall's apartment. On the way to the apartment, he dropped his gun in a sewer drain.
19. Kendall then filed for sole legal and joint custody. In her filing, she mentioned that Jayden murdered a man and was a danger to her and her son.

*Robin Curry*  
Robin Curry

## STATEMENT OF FRANKIE MONTEZ

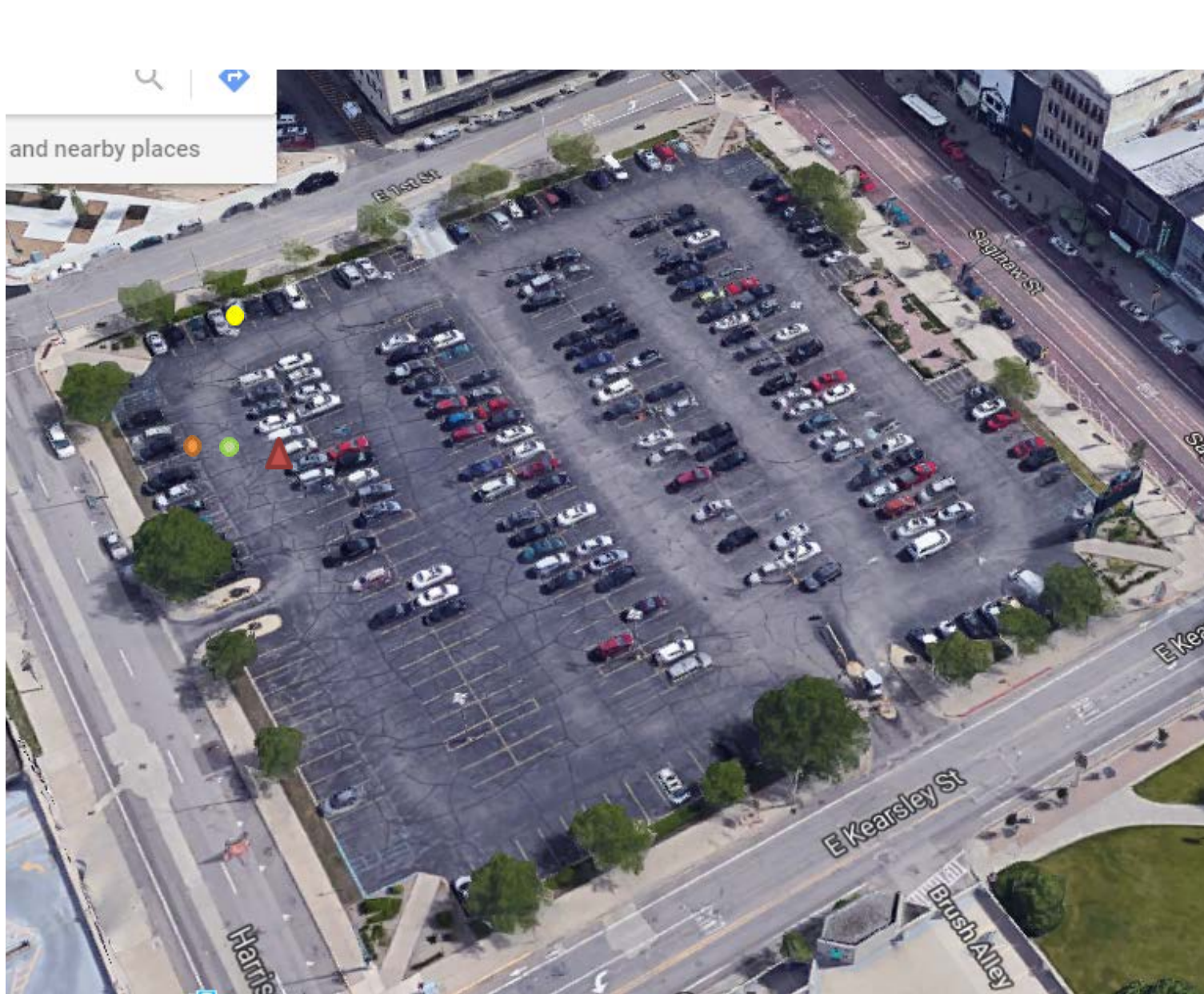
### Defense Witness

1. My name is Frankie Montez. I am 65 years old. I am a retired marine.
2. I have been diagnosed with glaucoma but caught it in the early stages and am taking medication. Glaucoma causes damage to the optic nerve. The damage is caused by abnormally high pressure in the eye. My medication slows the progress of glaucoma which can cause vision loss.
3. On August 24, 2017, I went to Downtown Flint to run some errands. I parked on the flat lot on First and Saginaw St. I parked in the lot near the back of the lot, closest to First St. I went to the Flint Crepe Company for breakfast then I went to the Farmer's Market.
4. At about 10:25 a.m., I was walking down Harrison to the flat lot just off of First Street. When I approached the flat lot, I heard two men arguing. They were later identified as Jayden Douglas and Blair Evans.
5. Jayden was near vehicles parked in the last parking lanes closest to Harrison. Blair was standing diagonally, a few feet from the other parking lane.
6. I approached my vehicle. I saw that Jayden had a back pack in his left hand. Blair had something shiny in his right hand. I stood by the backseat door behind the driver. I hear Blair yell at Jayden that he will lose everything. Jayden said that the only thing that mattered was his son. Blair stated that he will take that from Jayden. I saw Blair raise his right hand and point it towards Jayden.
7. Jayden fumbled in his backpack. When I looked at Blair again, I saw a man behind him from a vehicle that parked behind him. A lady was with him. Blair had a gun in his right hand. The gun was shiny. The sunlight glared off gun. I knew it was a gun based on my experience as a marine. I was a sergeant in the armory division.
8. Jayden pulled a gun out of the backpack. He appeared to be shaking. Jayden yelled for Blair to leave him alone. Blair yelled back that he couldn't because Jayden was by his car. Blair laughed. Jayden said that if Blair would put his gun away that he would walk to his car and leave.
9. Blair put his gun down but then brought it back up immediately. Jayden pulled his trigger. The shot appeared to miss Blair and hit the man identified later as Matthew Chatham. Blair and Jayden took off running in different directions.

10. I ran to help Matthew until the ambulance arrived. I tried to do CPR but was unable to revive him. It is my understanding that he was pronounced dead on arrival.

*Frankie Montez*

Frankie Montez



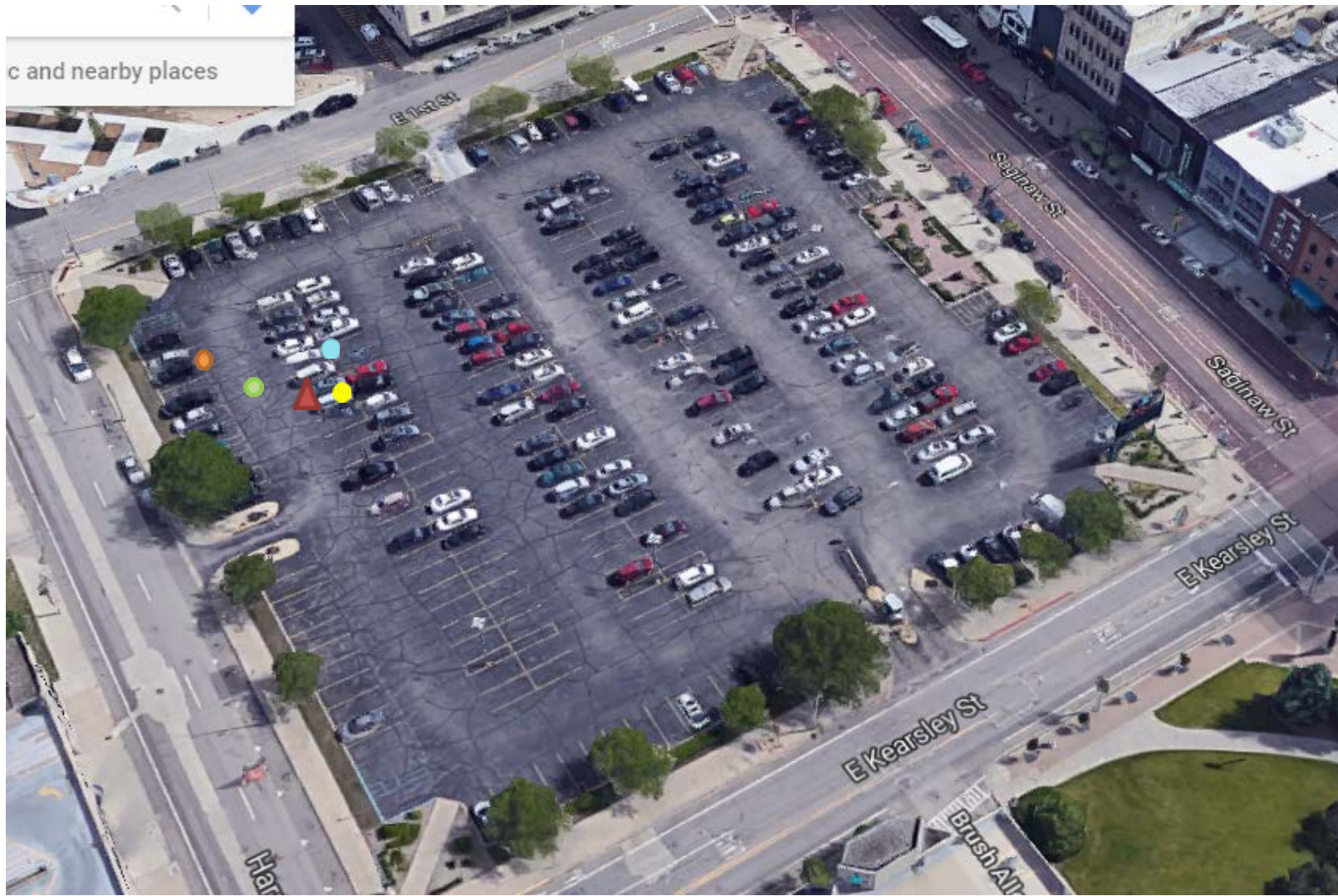
- Jayden ●
- Blair ●
- Victim ▲
- Frankie Montez ●

This is the locations based on Frankie Montez’s testimony. This is for witness preparation only and cannot be used for a trial exhibit.

**STATEMENT OF SUTTON PIERSON**  
Defense Witness

1. My name is Sutton Pierson. I was engaged to be married to Matthew Chatham.
2. On August 24, 2017, Matthew was shot and killed in the flat parking lot on Saginaw and First in downtown Flint.
3. At about 10:30 a.m., Matthew and I were going to class at the University of Michigan – Flint. Before we went to class, we wanted to grab breakfast at Steady Eddy’s at the Flint Farmer’s Market.
4. We parked in the last double lane of parking nearest Harrison in the flat lot. I was driving and Matthew was the passenger. Matthew got out of the vehicle and got his backpack from the back seat. I was unplugging my phone from the charger before I got out.
5. Matthew stood at the front of the car. There was another man a few feet from him arguing with another man in the last lane of parking near Harrison. Matthew was watching me.
6. When I got out of the car, I heard the two men yelling. They were identified as Blair Evans and Jayden Douglas. The man closest to us was Blair Evans. He yelled at Jayden that he needed to get over Kendall and leave her alone. Jayden said that he only cared about his son, not Kendall. Blair said that he will lose everything he cared about.
7. After I got my backpack, I started to walk near the front of the car. I heard Jayden say put the gun away. Matthew turned around. I was just behind him. I saw Blair raise his right arm. There was something shiny in his hand. Jayden pulled a gun out of his backpack and shot.
8. After I heard the bang, Matthew fell. The bullet hit him in the head. Blair ran away in the opposite direction. Jayden ran to a vehicle and pulled away.
9. By the time the ambulance came, Matthew was dead.

**Sutton Pierson**  
Sutton Pierson



- Jayden ●
- Blair ●
- Victim ▲
- Sutton Pierson ●
- Jaime Houston ●

This is the locations based on Sutton Pierson’s testimony. This is for witness preparation only and cannot be used for a trial exhibit.

## **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 Argument

1. What is its purpose?
  - a. To synthesize for the jury all the facts 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?