

GENESEE COUNTY BAR ASSOCIATION 2012 HIGH SCHOOL MOCK TRIAL COMPETITION



PEOPLE OF THE STATE OF MICHIGAN v. DREW PORTER

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

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COURTHOUSE RULES

I. DRESS CODE

A. Apparel Not Permitted

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

B. Encouraged Dress Code

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

C. Other Courtroom Restrictions

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

TIPS FOR MOCK TRIAL TEACHERS

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

INSTRUCTIONS AND RULES FOR COMPETITION

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

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

I. GENERAL INSTRUCTIONS

A. Rules

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

B. The Case

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

C. Competition Structure

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

II. THE TRIAL

A. Team Presentation

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

B. Team Composition

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

2. Witnesses

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

3. Jurors

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

C. Witness Statements

1. Witness Bound by Statement

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

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

E. Time Limits

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

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

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

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

F. Motions

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

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

III. COURTROOM DECORUM

Observe the following rules in the courtroom at all times:

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

TRIAL PRESENTATION

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

A. OPENING STATEMENTS

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

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

B. PRESENTING EVIDENCE

1. Direct Examination

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

2. Cross Examination

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

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

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

C. INTRODUCTION OF EVIDENCE

The following steps will be used for introduction of evidence:

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

D. OBJECTIONS

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

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

1. Allowable Objections:

a. **Leading Questions:** "Counsel is leading the witness" or "The questions are leading." Leading questions suggest the answer and are generally not allowed on direct examination but are proper on cross examination. The Judge may allow leading questions on direct examination for preliminary matters.

b. **Hearsay:** "The question calls for Hearsay." Hearsay is evidence of an out-of-court statement offered to prove the truth of the matter asserted in the statement.

i. EXCEPTIONS to Hearsay:

a. **Admission against Interest:** Hearsay is admissible if the out-of-court statement was made by a party in the case and contains evidence which goes against that party's side. Admissions against interest are permitted because they are thought to be more trustworthy than other hearsay, since people generally do not make statements that are against their own interest unless they are true.

b. **Excited Utterance:** A statement relating to a startling event or condition by someone other than the witness testifying is admissible when the statement was made under the stress of excitement caused by the event or condition. Any other statement made under circumstances which, in the judgment of the Judge gives substantial assurance of the truth of the matter asserted.

c. **Irrelevant:** A question is irrelevant if it seeks information which has no logical bearing on the existence of a material issue before the court, or if its logical bearing is small in comparison to its inflammatory nature.

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

E. REDIRECT/RECROSS (OPTIONAL)

The purpose of redirect is to rehabilitate a witness or repair damage done by your opponent. If creditability or reputation for truthfulness of the witness has been attached on cross examination, the attorney whose witness has been damaged may wish to ask several more questions. These questions should be limited to the damage the attorney thinks has been done

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

F. CLOSING ARGUMENTS

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

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

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

ETHICAL CONDUCT

The purpose of the Genesee County 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 Mock Trial Competition Rules, the Law Day Committee has adopted the following Code of Ethical Conduct for all participants:

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

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

B. Statement of Principles for Mock Trial Jurors

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

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

A. Violation of Competition Rules During Trial

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

B. Judge’s Instructions

1. Materials.

All judges should have a copy of the competition materials.

2. Role of the Judge.

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

3. Enforcement of Code of Ethical Conduct.

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

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

4. Questions Regarding Mock Trial Rules.

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

CASE MATERIALS

**People of the
State of Michigan
v
Drew Porter**

TYPE OF CASE:

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

SUMMARY OF FACTS:

Defendant Drew Porter was living with his/her boyfriend/girlfriend, Lee Slatkin. On June 28, 2010, Drew and Lee began to argue in the middle of the parking lot which is outside their apartment building. The argument became physical. Lee threw a psychology textbook at Drew which hit Drew in the back of the neck. Drew turned around and began to walk towards Lee. Lee reached into a book bag and pulled out a paring knife which Drew took. Drew pinned Lee to the vehicle for a time then walked away. Lee threw his/her book bag at Drew then ran after Drew. Lee was stabbed in the stomach area.

Both parties were charged with criminal offenses. In this Mock Trial, the charges against Drew Porter is Assault with Intent to Do Great Bodily Harm (lesser included offense is Assault with a Dangerous Weapon), Drew Porter argues self-defense.

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 5th Amendment right and not testify at trial. If the Defendant does not testify, then the prosecution cannot use the defendant's affidavit as support for their case but may use statements made to the police officer. Further, a party may not call a witness that is designated for the opposing party. For example, the Prosecuting Attorney may not call Defendant's witness to testify at trial.
2. Defendant Drew Porter is charged as indicated on the Information on page 18.
3. The presiding judge will conduct the trial according to the Michigan Rules of Evidence. Trial will be by jury.
4. The jury will be instructed on the elements of the offense according to the jury instructions beginning on page 19.

5. The presiding judge will entertain no motions prior to trial.
6. All exhibits included in these case materials are authentic and are accurate in all respects; no objections to the authenticity of the exhibits will be entertained.

COMMENTS AND SUGGESTIONS:

The 2012 Mock Trial is a fictitious case. Any names, descriptions or events described herein are purely coincidental. Most witnesses were created to be gender-neutral.

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

Approved, SCAO

Original – Court
1st Copy – Prosecutor
2nd Copy – Defendant

STATE OF MICHIGAN JUDICIAL DISTRICT 7th JUDICIAL CIRCUIT		INFORMATION FELONY <input type="checkbox"/> Amended		CASE NUMBER DISTRICT 11-0025-FY CIRCUIT 11-007796-FH	
District Court ORI: MI-				Circuit Court ORI: MI-	
900 S. Saginaw St., Flint, Michigan 48502				(810) 257-3220	
THE PEOPLE OF THE STATE OF MICHIGAN		v	Defendant's name and address DREW M. PORTER 1234 Orchard View Flint, Michigan 48502	Victim or complainant Lee Slatkin	
				Complaining Witness Lee Slatkin	
Co-defendant(s)				Date: On or about June 28, 2010	
City/Twp/Village Mt. Morris		County in Michigan Genesee		Defendant CTN	Defendant SID
Police agency report no. 11-010253		Charge Felonious Assault		Maximum Penalty 4 yrs and/or \$2,000	
Witnesses		<input type="checkbox"/> Oper/Chauf <input type="checkbox"/> CDL		Vehicle Type	Defendant DLN P 999 999 999 999
Lee Slatkin		Quinn Vanguard			
Sonny Roberts		Jesse Meyer			
Cary Simons		Regan Hopkins		Officer Kerry Purdue	

STATE OF MICHIGAN, COUNTY OF GENESEE

IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN: The prosecuting attorney for this County appears before the court and informs the court that on the date and at the location described, the defendant:

COUNT 1: ASSAULT WITH INTENT TO DO GREAT BODILY HARM LESS THAN MURDER

did make an assault upon Lee Slatkin with intent to do great bodily harm less than the crime of murder;
contrary to MCL 750.84
FELONY: 10 Years or \$5,000.00

COUNT 2: ASSAULT WITH A DANGEROUS WEAPON

did make an assault upon Lee Slatkin with a dangerous weapon, to-wit a knife, without the intent to commit murder
or to inflict great bodily harm less than murder;
contrary to MCL 750.82
FELONY: 4 Years or \$2,000.00 or both

Upon conviction of a felony or an attempted felony court shall order law enforcement to collect DNA identification profiling samples.

and against the peace and dignity of the State of Michigan.

Prosecuting Attorney

Date: _____

By: John Q. Smith

JURY INSTRUCTIONS

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

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

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

CJI2d 3.3 *Defendant Not Testifying*

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

CJI2d 3.5 *Evidence*

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

influence your vote or express a personal opinion about how you should decide this case, you must pay no attention to that opinion. You are the only judges of the facts, and you should decide this case from the evidence.

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

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

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

CJI2d 4.3 *Circumstantial Evidence*

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

CJI2d 5.11 *Police Witness*

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

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

CJI2d 17.7 Assault with Intent to Do Great Bodily Harm Less Than Murder

- (1) The defendant is charged with the crime of assault with intent to do great bodily harm less than murder. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:
- (2) First, that the defendant tried to physically injure another person.
- (3) Second, that at the time of the assault, the defendant had the ability to cause an injury, or at least believed that he/she had the ability.
- (4) Third, that the defendant intended to cause great bodily harm. Actual injury is not necessary, but if there was an injury, you may consider it as evidence in deciding whether the defendant intended to cause great bodily harm. Great bodily harm means any physical injury that could seriously harm the health or function of the body.

CJI2d 17.9 Assault with a Dangerous Weapon

- (1) You may also consider the lesser charge of felonious assault. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:
- (2) First, that the defendant either attempted to commit a battery on Lee Slatkin or did an act that would cause a reasonable person to fear or apprehend a battery. A battery is a forceful or violent touching of the person or something closely connected with the person.
- (3) Second, that the defendant intended either to injure Lee Slatkin or to make Lee Slatkin reasonably fear an immediate battery.
- (4) Third, that at the time, the defendant had the ability to commit a battery, appeared to have the ability, or thought he/she had the ability.
- (5) Fourth, that the defendant committed the assault with a dangerous weapon.

CJI2d 17.10 Definition of Dangerous Weapon

- (1) A dangerous weapon is any object that is used in a way that is likely to cause serious physical injury or death.
- (2) Some objects, such as guns or bombs, are dangerous because they are specifically designed to be dangerous. Other objects are designed for peaceful purposes but may be used as dangerous weapons. The way an object is used or intended to be used in an assault determines whether or not it is a dangerous weapon. If an object is used in a way that is likely to cause serious physical injury or death, it is a dangerous weapon.
- (3) You must decide from all of the facts and circumstances whether the evidence shows that the knife in question here was a dangerous weapon.

CJI2d 17.14 Definition of Force and Violence

As used in these instructions, the words “force and violence” mean any use of physical force against another person so as to harm or embarrass him/her.

CJI2d 7.22 *Use of Nondeadly Force in Self-Defense or Defense of Others*

- (1) The defendant claims that he/she acted in lawful self-defense. A person has the right to use force to defend himself/herself under certain circumstances. If a person acts in lawful self-defense, his/her actions are justified and he/she is not guilty of Assault with Intent to do Great Bodily Harm or the lesser included offense of Assault with a Dangerous Weapon.
- (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/her at the time he/she acted.
- (3) First, at the time he/she acted, the defendant must not have been engaged in the commission of a crime.
- (4) Second, when he/she acted, the defendant must have honestly and reasonably believed that he/she had to use force to protect himself/herself from the imminent unlawful use of force by another. If his/her belief was honest and reasonable, he/she could act at once to defend himself/herself, even if it turns out later that he/she was wrong about how much danger he/she was in.
- (5) Third, a person is only justified in using the degree of force that seems necessary at the time to protect himself/herself from danger. The defendant must have used the kind of force that was appropriate to the attack made and the circumstances as he/she saw them. When you decide whether the force used was what seemed necessary, you should consider whether the defendant knew about any other ways of protecting himself/herself, but you may also consider how the excitement of the moment affected the choice the defendant made.
- (6) Fourth, the right to defend oneself only lasts as long as it seems necessary for the purpose of protection.
- (7) Fifth, the person claiming self-defense must not have acted wrongfully and brought on the assault.

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.

CJI2d 7.23 *Past Violence by Complainant or Decedent*

- (1) There has been evidence that the complainant may have committed violent acts in the past and that the defendant knew about these acts. You may consider this evidence when you decide whether the defendant honestly and reasonably feared for his/her safety.

EXHIBITS

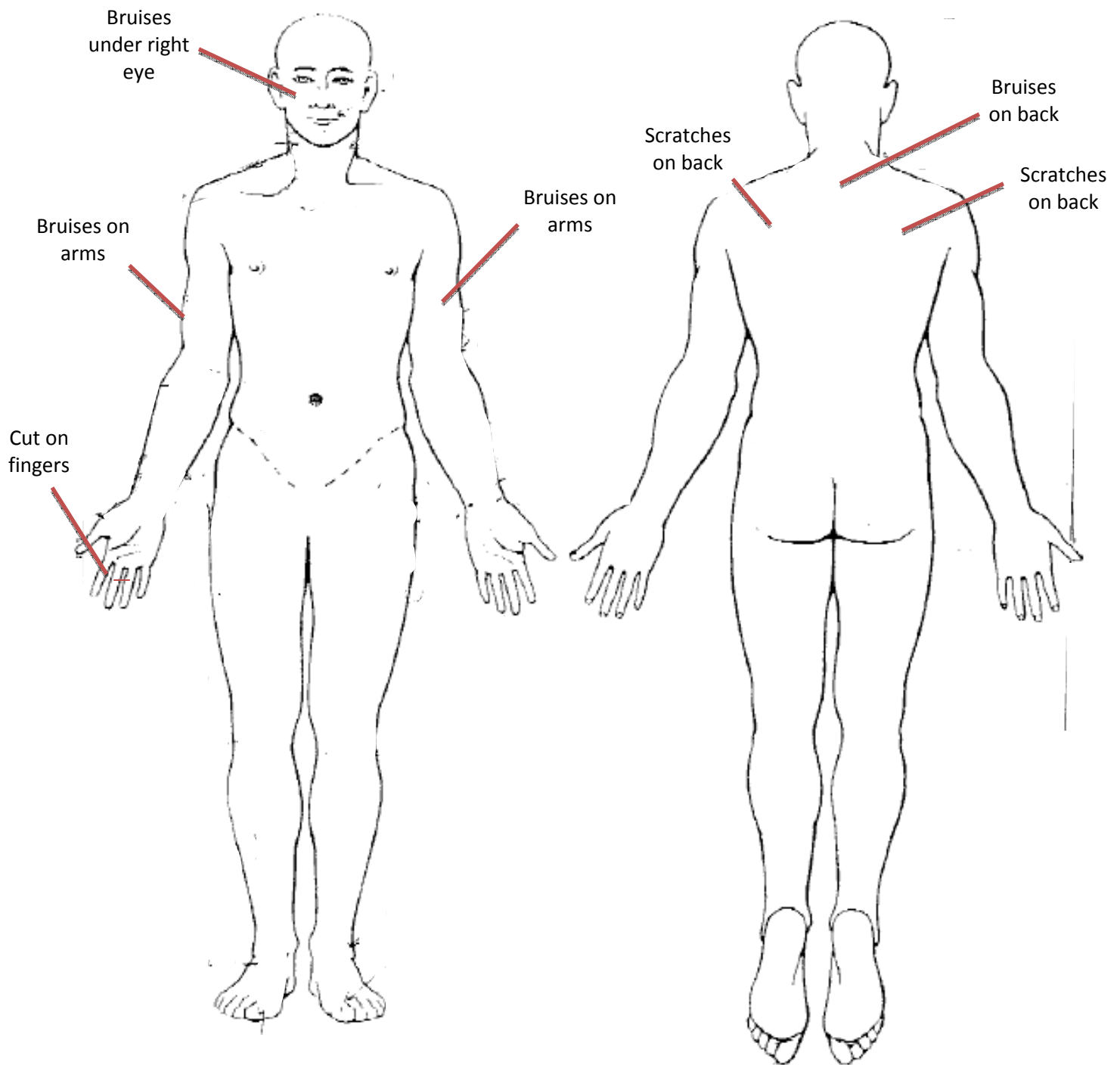


Diagram of bruises and scratches found on
Drew Porter

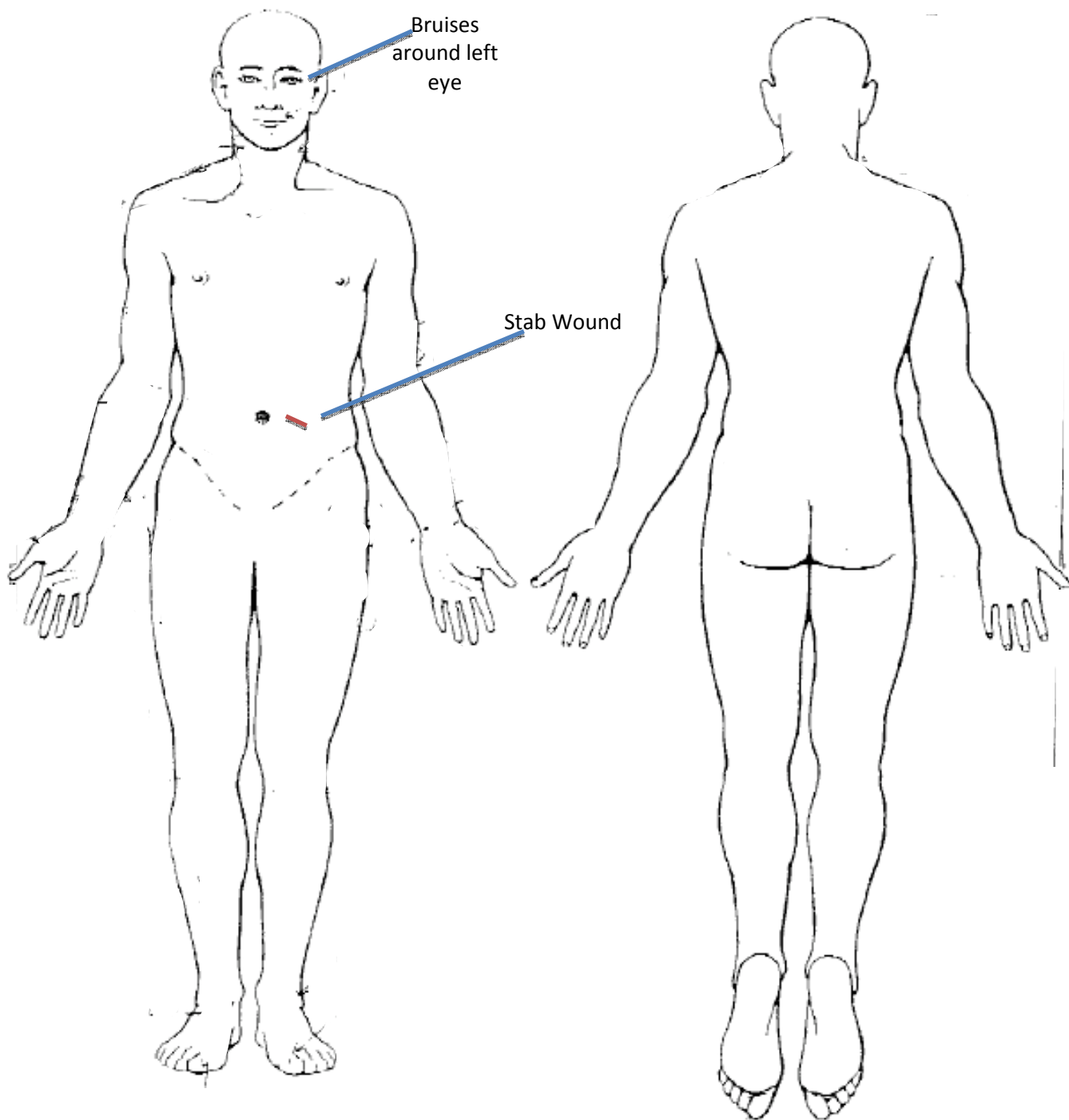
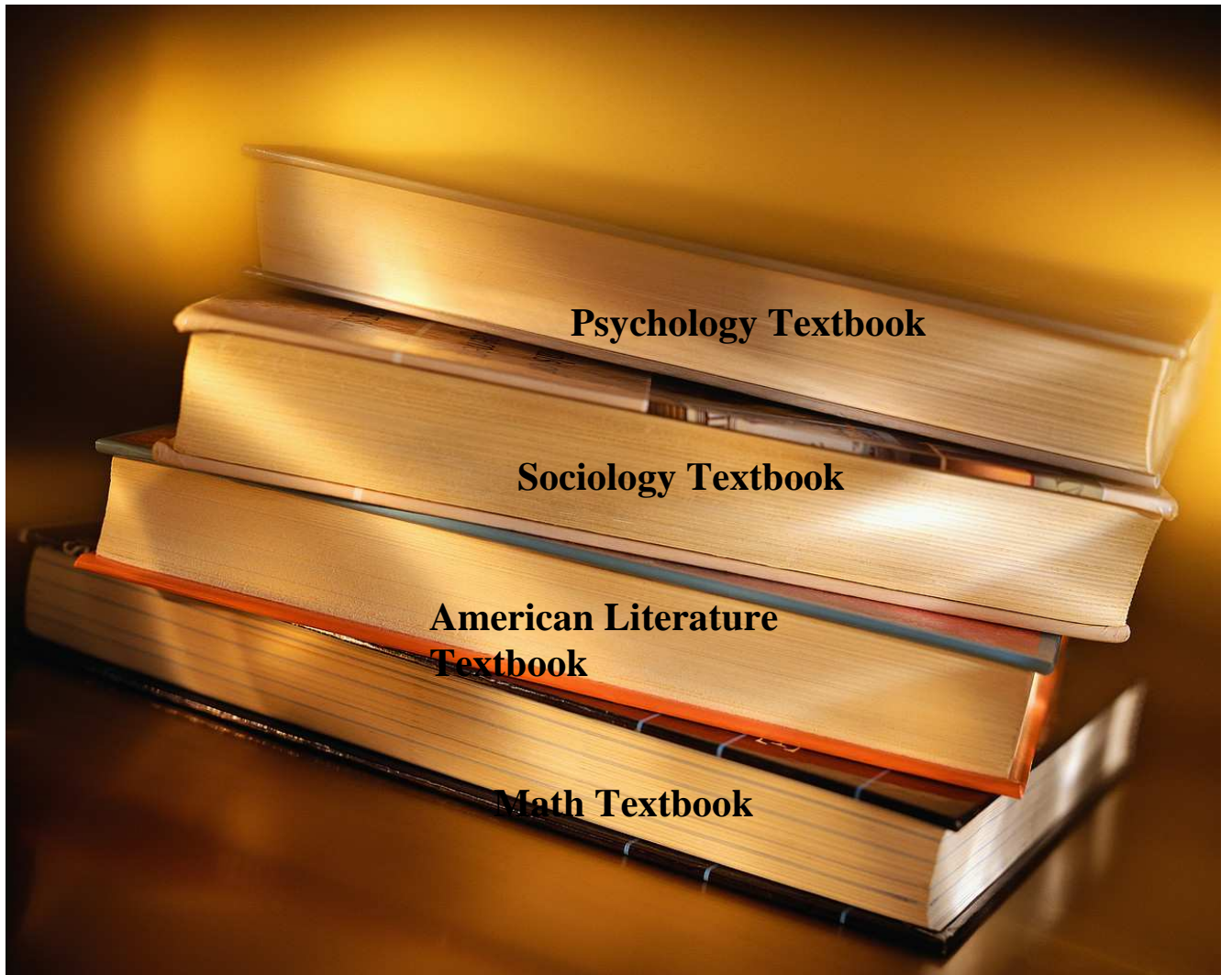


Diagram of bruises and scratches found on
Lee Slatkin







STATEMENT OF LEE SLATKIN

AFFIDAVIT OF LEE SLATKIN

Prosecution Witness

1. My name is Lee Slatkin. I am 19 years old. I am approximately 5'7" and weigh about 142 pounds.
2. I am a student at the University of Michigan – Flint campus. My major is Psychology. It is my goal to become a Psychologist.
3. I reside at 1345 Rumsey Lane, Building G, Apt 4, Fenton, Michigan with my boyfriend/girlfriend, Drew Porter. Building G has eight apartments – four on the top floor and four on the first floor. There is a basement for storage and mechanical equipment.
4. Drew and I began dating in April 2009 when we met at a mutual friend's graduation party. After dating for a year, we decided to move into together. I began to live with Drew in the beginning of January 2010. Our apartment is a two bedroom apartment. Drew and I share a room with a "guest" bedroom/office in the second bedroom.
5. I am a full time student with a part time job at Best Buy as a sales associate.
6. Drew is a part time student and works full time at Meijer's as an associate. I am not sure what his/her job duties include.
7. Drew and I share his/her vehicle, a 2004 Chevrolet Malibu, in order to get back and forth to school and our jobs. The vehicle is titled in Drew's name. Drew pays the monthly car payment and insurance.
8. Drew and I argue a lot. This is not the first time that one of us was arrested. About two months earlier, I was arrested for domestic violence. The police officer saw a scratch on Drew then arrested me as the aggressor. Drew did not want to proceed with the case against me but the prosecutor refused to dismiss the case. My attorney stated that it is the prosecutor's decision as to whether a case is dismissed or not. It is not the victim's decision. The prosecutor proceeded with the case and Drew testified. Drew "forgot" how he/she was scratched and the judge found me not guilty after lecturing Drew and I about physical violence.
9. The police have been called to our apartment on numerous occasions because our neighbor, Jessie Meyer, is always calling them. Jessie should just mind his/her own business and stay the hell out of mine. Jessie lives on the same floor as my apartment in Building G.
10. Sonny Roberts is another neighbor. He/she lives on the floor below Jessie's apartment. Jessie and Sonny's apartments are facing the parking lot where we park our vehicles.

11. On Sunday, June 27, 2010, Drew went out with some friends for drinks. He/she did not get home until about 3:00 a.m. When Drew came into the apartment, I asked him/her why he/she came home so late given the fact that I had class at 9:00 a.m. and he/she had to be to work by 10:00 a.m. Drew walked into the bedroom without answering my question. I followed him/her into the bedroom and repeated my question. Drew ignored me and I threw a towel at him/her. Drew walked into the bathroom in which I followed. At no time did I see Cary Simons in our apartment. Drew would not respond, so I started yelling at him/her. I hate it when Drew refuses to talk to me.
12. About 4:00 a.m., the police came to the apartment. The officer stated that a couple of neighbors called to complain about the noise. Drew was still hiding out in the bathroom at this time with the door locked. I told the police that we were just arguing. The police left with a warning that if they had to return then someone would be going to jail. I went to bed around 4:15 a.m. and Drew was still in the bathroom with the door locked.
13. On Monday, June 28, 2010, I woke up and Drew was laying on the couch in the living room. It was about 8:15 a.m. I hurried up to get ready in order for Drew to take me to class. I wore a green t-shirt and blue jeans.
14. I tried to wake up Drew but he/she rolled over with his/her face towards the couch. I yelled at him/her to wake up or I was taking the car. Drew ignored me as usual. I took Drew's keys to the car and walked out the apartment. Drew does not like me to drive his/her vehicle because his/her dad told him/her that if I got into an accident then the person could sue both Drew and I for damages. I took the keys anyways because I had to get to class.
15. I approached the vehicle which was parked at the fair end of the parking lot in front of Building G. I unlocked the driver side door and threw my Psychology textbook and my book bag which contained my Sociology and American Literature textbooks onto the passenger seat. When I began to get into the vehicle, Drew grabbed my right arm and pulled me out of the vehicle. I did not even see Drew come out of the apartment building. Drew was wearing a white button down shirt with khaki's.
16. After pulling me out of the vehicle, he/she pushed me against the back passenger door very hard. Drew then pinned me against the car by placing his/her left forearm against my chest. Drew is about 5'9" and weighs about 154 pounds. After forcing me to stay against the vehicle, Drew took the car keys from my hand. As he/she was taking the keys, he/she stated that I could not take his/her car and yelled at me to leave him/her the hell alone. I asked how else would I get to class if he/she did not take me. He/she said it was my problem. He/she began to walk back to the apartment building.
17. When Drew left, the car was unlocked still. I reached into the vehicle and grabbed my psychology textbook. When Drew was near the front bumper of the car, I threw my psychology text book at Drew. The book hit him/her in the upper back between the shoulder blades. I knew this would get Drew's attention which it did. Drew stopped. The book fell onto the parking lot near the curb. Drew turned around and began yelling

at how stupid I was and that I can't let crap go. As he/she continued yelling that he/she wanted me to get the hell away from him/her, Drew started walking towards me.

18. I was scared for my safety because Drew is a hot head. In order to protect myself, I reached into the vehicle and grabbed for my bag. I found a paring knife in the bag. I had it in my bag the day before because I used it to cut an apple for my lunch while I was at school. I held out the knife to keep Drew away. Drew still came at me. I jabbed the knife towards Drew and cut Drew's hand. It wasn't a bad cut or anything. Drew then forcefully pushed me against the vehicle. Once I was held against the vehicle, Drew pushed his/her left forearm against my throat. I felt like I was going to die. I could not breathe. When Drew had me pinned to the car, he/she grabbed the knife from my hand. I let go of it.
19. As Drew had me pinned to the vehicle, he/she began to yell that he/she was tired of my crap and began to wave the knife around while he/she had me pinned to the vehicle. I kept hitting him/her with my fists but I was unable to catch my breath and I became very weak. My attempts to hit Drew were weak. Drew continued yelling that I was a no good piece of crap and that he/she wanted nothing more to do with me.
20. When Drew was yelling, he/she was waving the knife around in an agitated state. I begged him/her to put the knife down because he/she was scaring me and that he/she would hurt me if he/she did not. I was afraid that he/she was going to seriously injure me because of the way he/she was waving the knife around and how he/she had me pinned to the car, cutting off my airway.
21. Drew told me to leave him/her the hell alone. Then, he/she began beating the top of the car with his/her right hand. Drew was holding the knife in his/her right hand. I tried to move away but he/she still had me pinned. Drew let me go and began to walk away with the knife in his/her hand. I grabbed my book bag from the vehicle (the one that contained two textbooks in it) and threw it at Drew. The bag caught the back of his/her calf. Drew stopped. I thought Drew was going to turn around and start coming at me. I was fearful that things would escalate again but then Drew kept walking.
22. When Drew started to walk away again, I wanted to get back into the apartment and pack my things. As I tried to run around Drew, he/she turned around, called me a witch then stabbed me with the knife in my left side, close to my belly button. He/she was really angry at the time. I fell down in excruciating pain on the sidewalk in front of the vehicle. Drew dropped the knife next to me and then stated that he/she wished that I died. Then Drew ran into the apartment building.
23. Within seconds of Drew running into the building, a person from down the parking lot came over to check on me. He/she stayed with me until the ambulance and police came. I was taken to the hospital in order to have my stab wound looked at. Sonny Roberts came out as well but he/she just stood there watching the other person help me.

24. Before I went to the hospital, I talked with Officer Kerry Purdue of Fenton Police Department. When I did eventually go to the hospital, I received 8 stitches.
25. Officer Kerry Purdue asked that I come to the police station and swear out this statement.
26. I thought Drew was going to kill me. He/she can be violent but I never imagined this.
27. Even though I was the victim, I was charged with domestic violence because there were witnesses to my throwing the book and book bag at Drew's head. Drew refused to testify at the hearing because he pled the 5th. The case proceeded anyways with Jessie Meyer and Quinn Vanguard testifying against me. The jury came back guilty and I was sentenced to 1 year of probation. With attorney fees, fines, and victim right's fees, I paid about \$5,000 in addition to the probation time. Did you know they charged you fees for being on probation?

/s/ **Lee Slatkin**

Lee Slatkin



TO BE USED FOR ILLUSTRATIVE PURPOSES ONLY – NOT TO BE USED AS AN EXHIBIT

STATEMENT OF QUINN VANGUARD

AFFIDAVIT OF QUINN VANGUARD

Prosecution Witness

1. My name is Quinn Vanguard. I reside in at 1344 Rumsey Lane, Building I, Fenton, Michigan. I have resided in this apartment complex for fifteen years. I live on the second floor.
2. I am a nurse at General Hospital.
3. On June 28, 2010, I was arriving home at about 8:40 a.m. As I was turning on Rumsey Lane from Alaster Court, I saw two people arguing near the rear of the vehicle in the parking lot. The vehicle was in front of Building G.
4. As I approached the area of the parked vehicle, the couple was in a heated argument. One person was pinned against the vehicle by the back door on the driver's side. This person who was pinned to the car was wearing a green t-shirt and was later identified as Lee Slatkin. The other person was wearing white shirt. I later found out that it was Drew Porter.
5. Drew had his/her arm up against Lee's chest. Drew appeared to be waiving his/her right arm freely. As I was pulling closer, I saw the sun reflect off an object in Drew's hand as he/she pounded his/her fist on the top of the vehicle. As I began to pull into a parking spot in front of Building I, I noticed Drew was walking away and Lee was still standing. I parked my car and heard yelling through the opened driver side window of my vehicle. I specifically heard Drew yell that he/she was done with this crap and Lee needs to stop before he/she gets hurt. Then, I heard a thud as I was opening my car door. When I got out of the vehicle, Drew was gone and Lee was on the ground in front of the vehicle. I walked over to Lee and saw blood coming from his/her stomach area.
6. I tried to put pressure onto Lee's wound until the ambulance arrived. While waiting for assistance, I talked with Lee. He/she stated that this is not the first time that Drew had assaulted him/her. Drew has done it in the past but never to this extent. Lee was visibly shaken because he/she was crying. I tried to tell Lee to stay calm and everything will be okay. As I was helping Lee, I noticed a Psychology book lying in between the vehicles and a book bag near the sidewalk. A knife was lying on the grass near Lee. Police arrived shortly with the ambulance close behind.
7. This is not the first time that I have seen this couple arguing in the parking lot. On one other occasion, I saw Lee pulling on Drew's arm to get him/her out of the vehicle. Lee stood between the door and Drew was sitting in the driver side. Drew put his/her hand on the door frame then Lee turned around and slammed the door on Drew's hand. Lee laughed as he/she walked away. Drew closed the door and sped out of the parking lot. I don't know what happened after that.

Quinn Vanguard

Quinn Vanguard



According to Quinn Vanguard's testimony, the rectangle is where Quinn was turning when she saw the fight.

Quinn Vanguard's parked here.

According to Quinn Vanguard's testimony, "X" Marks spot where Drew's vehicle was parked.

TO BE USED FOR ILLUSTRATIVE PURPOSES ONLY – NOT TO BE USED AS AN EXHIBIT

STATEMENT OF SONNY ROBERTS

AFFIDAVIT OF SONNY ROBERTS

Prosecution Witness

1. My name is Sonny Roberts. I am 23 years old and a recent graduate of University of Michigan – Flint campus in Nursing.
2. I live in a first floor apartment in Building G on Rumsey Lane. The windows in my apartment face the parking lot.
3. Drew and Lee fight constantly. You can hear them. When I have been in the hallway outside my apartment, I could hear things crashing, doors slamming, and yelling almost every day. I do not know why they are living together. I've complained to the management but they will not do anything.
4. A couple of months ago, I called the police because they were yelling and slamming doors at 4:00 in the morning. I had a job interview at 9:00 a.m. and I could not get to sleep. When I looked through my window, I saw that Lee was handcuffed and arrested. I heard Drew say that he/she threw a lamp at his/her head. When I saw Drew the next day, I saw a cut under his/her left eye.
5. A lot of times when I hear them start to argue, I see Drew leave the apartment then Lee always follows him/her. Drew tries to leave but Lee wants to continue the argument.
6. On June 28, 2010, I heard Drew and Lee begin to argue upstairs. Mostly it was Lee yelling at Drew. The voices were muffled but Lee stormed out of the apartment. I looked out the window and saw him/her go towards Drew's vehicle. Within minutes, I heard a door upstairs slam and Drew came out of the building. I continued to look through the window out onto the parking lot. Drew walked over to the vehicle and appeared to have grabbed something from Lee.
7. Drew then turned away and began to walk away. When Drew was about to reach the sidewalk in order to walk in front of his/her vehicle, Lee threw a book at Drew and hit Drew in the upper back. Drew turned around and walked towards Lee. Lee looked like he/she attempted to get back in the vehicle but then came out again when Drew approached. Drew began yelling that Lee cannot tell him/her what to do and that Drew wanted to move out of the apartment and break up.
8. At that point, Lee's right arm reached out towards Drew and Drew jumped back. Drew then pinned Lee to the vehicle and appeared to have taken something away from Lee. When Drew held up his/her hand, I saw a shiny silver object. It was about 2-3" in length. Drew was waving the item around frantically. I have seen their arguments get heated before but nothing like this. I called 911 and requested the police to come.

9. When I went back to the window, I saw Drew walking towards the apartment building and a book bag was on the sidewalk. Lee began to run towards Drew. I heard Drew yell that if Lee did not leave him/her alone then one of them would end up hurt pretty bad. Next thing, I heard was Lee scream that Drew stabbed him/her and he/she needed help. Drew looked down at Lee. I ran out of my apartment to see if I could help Lee. When I opened my door, Drew said that he/she was going upstairs if needed.
10. I ran out to the sidewalk where Lee was at and found him/her slumped over. Another person was helping Lee. The police came with an ambulance about 20 minutes later.
11. I talked with Officer Kerry Purdue about what I saw. After Lee was taken to the hospital, Officer Purdue and another officer went up to Drew's apartment and arrested him/her.

Sonny Roberts

Sonny Roberts



According to Sonny Roberts' testimony, the donut is where Sonny was located on the ground floor of the apartment during the fight.

According to Sonny Roberts' testimony, "X" Marks spot where Drew's vehicle was parked.

TO BE USED FOR ILLUSTRATIVE PURPOSES ONLY – NOT TO BE USED AS AN EXHIBIT

REPORT OF OFFICER KERRY PURDUE

REPORT OF KERRY PURDUE

Prosecution Witness

1. My name is Kerry Purdue. I am employed at the Fenton Police Department as a patrol officer. I have been an officer since 1998 and have had additional training in domestic violence type cases.
2. On or about June 28, 2010, I was working first shift which is 0600 hours to 1530 hours. As part of my patrol duties, I patrol the streets of Fenton for traffic until I receive a call from Central Dispatch. At approximately 0838 hours, I received a call from Central Dispatch about a possible domestic violence call on Rumsey Lane near Building G of the apartment complex. Two callers called 911 stating that a couple who reside in Building G are fighting in the parking area and further assistance is necessary.
3. When I arrived to the scene, I was flagged down by an individual later identified as Quinn Vanguard who stated that an individual later identified as Lee Slatkin was in need of medical assistance. I made contact with the victim and found that he/she had a laceration on the left side stomach area.
4. I talked with Sonny Roberts who lives in the downstairs apartment in the same building as the suspect and victim. Roberts indicated that he/she saw the victim, Lee Slatkin, throw a book at the suspect, Drew Porter. The book did hit Porter in the back between the shoulders. I found a psychology book lying on the ground a few feet from the Chevrolet Malibu where I found the victim. Then, Roberts indicated that he/she saw the victim make a forward motion with his/her hand towards Porter but Porter moved away then grabbed something from the victim's hand. At that point, Porter began to waive a knife around. Based on Porter's hand movements, Roberts contacted police. Roberts also stated that the victim and suspect argued constantly and the police have been called quite a few times in the past few months.
5. Next, I talked with Quinn Vanguard who was pulling into the parking area during the disturbance. He/she saw the suspect pin the victim to the car with his/her left arm. The suspect began waiving what appeared to be a knife frantically. As he/she parked his/her car, he/she heard a scream. He/she got out of his/her car and saw the suspect running into Building G and the victim was lying on the asphalt with a knife with blood on the ground next to the victim.
6. Vanguard mentioned that another individual was standing outside on the sidewalk watching most of what happened but Vanguard did not know where he/she went.
7. Jessie Meyer, an upstairs tenant, had left the scene and I was unable to make contact with Meyer.
6. Near the rear driver side wheel, a knife with a three inch blade was found. It had what appeared to be blood on the blade and handle. I went to the back of my patrol vehicle

and obtained a plastic evidence bag and placed the knife in the bag in order to transport to the crime laboratory for preservation.

8. After securing the physical evidence, I talked with Lee Slatkin, the victim. He/she stated that he/she lives with the suspect, Drew Porter. Slatkin stated that they were arguing about his/her use of Porter's vehicle in order to go to school. Porter did not want Slatkin to use the vehicle. Slatkin then stated that during the argument he/she removed a paring knife from his/her book bag and held it outwards. Porter took the knife away from Slatkin and pinned Slatkin to the vehicle with his/her left arm. At this time, Porter began to frantically waive the knife around and began to pound on the vehicle. Slatkin then stated that Porter began to walk away and Slatkin tried to run around Porter in order to get into the apartment before Porter. Porter turned around and stabbed Slatkin in the stomach area. Then, Porter dropped the knife and ran into the building. I asked about Slatkin throwing the book at Porter. Slatkin refused to discuss it further and requested an attorney.
9. After Slatkin was taken to the hospital for medical attention, I went up to Porter's apartment. Porter was by himself/herself in the apartment. Porter was sitting at a table in the kitchen area and was visibly shaken. I gave Porter his/her Miranda Warnings. Porter stated that he/she acted in self-defense because Slatkin kept coming after him/her and throwing his/her book then his/her book bag. Porter refused to answer any further questions. When examining Porter, I found a cut on his right hand that was bleeding.

Kerry Purdue

Ofc. Kerry Purdue, Badge #11458

STATEMENT OF DREW PORTER

AFFIDAVIT OF DREW PORTER

Defense Witness

1. My name is Drew Porter. I am twenty years old. I work two jobs, a full time one at Meijer, and a part time one at Sprint. I am also going to Baker College part time.
2. I am 5'9" and weigh about 150 pounds.
3. I have been dating Lee Slatkin since 2009 when we met at a party. We decided to move in together in January 2010 and had lived with each other for 6 months before the incident. After the incident, we broke up and do not talk to each other. I never believed someone could be so hateful until I moved in with Lee.
4. Ever since Lee and I moved into the apartment, Lee has been very violent. Lee has scratched my back when I turned to walk away from an argument. Lee has thrown a lamp which broke at my face. The glass from the lamp left a cut under my eye. Lee was charged with domestic violence but I refused to testify at the hearing. During one fight, Lee grabbed headphones that I was wearing because I tried to listen to music when he/she wanted to fight. Lee destroyed some of my personal belongings because I refused to continue an argument. Whenever Lee starts to fight, I walk away or lock myself in the bathroom or the other bedroom in the apartment in order to stop the fighting. Lee continues the fight by yelling at me, emailing me, texting me, or calling my cellular phone. Lee does not know when to stop.
5. On June 27, 2010, I had enough of Lee. I called my friend, Cary Simons, and decided to go out and cool down. Lee was arguing about how I did not buy the right kind of bread to go with dinner. I told Lee that I was sorry but he/she was not specific about the type of bread on the grocery list. Then, I suggested maybe he/she start doing the shopping since I was not buying the right things. Lee stated that he/she did not have enough time to do that because he/she has a full class load and is working part time. I reminded Lee that I had a full time and part time job in order to pay for the rent, utilities, groceries, and car payment. In addition, I was going to school part time. Lee barely worked at his/her part time job at Best Buy. Lee probably got about 10 hours a week and he/she spent the money on things that he/she wanted. I paid for everything else.
6. Anyways, I went out with friends on June 27, 2010 at approximately 9:00 p.m. Around 3:00 a.m., my friend, Cary Simons, and I came back to the apartment. Cary went into the guest room. As I was walking into the bedroom, Lee came out of the bathroom. He/she was telling me that I was inconsiderate to be coming back to the apartment at this hour and bringing a person into the apartment that he/she did not like. Further, he/she began yelling that I should have the common courtesy to call in order to let him/her know when I was returning. He/she had to go to class at 9:00 a.m. I went into the bedroom in order to change clothes. When I turned my back on Lee, he/she threw a wet towel at me. Lee would not stop the complaining about coming home late. He/she kept pacing back and

forth in front of the bed. I refused to answer his/her non-stop questions about what I did that night.

7. About 3:50 a.m., I went into the bathroom and locked the door. Lee continued yelling at me. I reminded Lee that the neighbors were trying to sleep but he/she did not care. About ten minutes later, the police were at the door. When the police knocked on the bathroom door, I came out. I advised the police officer that it was just an argument because I came home late. Cary agreed. The police left and told us to quiet down.
8. After the police left, Lee went into the bedroom and locked the door. I laid down on the couch in the living room.
8. The next morning around 8:00 a.m., Lee tried to wake me up. I did not want to deal with another fight, so I turned over towards the inside of the couch and pulled the blanket over my head. Lee told me to get up because he/she had to go to class. I ignored him/her. I had left my car keys on the living room table. About 15 minutes later, I heard someone grab my keys and tell me to go screw myself. Then the front door slammed.
9. I turned around and saw that Lee had taken my keys. It was my car. Titled in my name and I paid for it, like I paid for everything else. I got up and ran downstairs. Lee threw his/her book bag into the passenger side and began to get into the driver side. I ran to the car and told Lee to give me back my keys because I had to go to work. Lee refused. I leaned into the car and grabbed the keys from his/her hand. While I was doing this, Lee was hitting me in the head. He/she gave me a pretty good punch to the eye. I finally got the keys and walked away from the vehicle.
10. As I was walking away, Lee threw one of his/her textbooks at me and hit me between the shoulder blades on my neck. It hurt. I turned around and went towards Lee. I don't know what I was thinking at this time. I have been punched, hit, and had things thrown at all because I did not get the right type of bread. I walked back to the car when I saw Lee reaching into his/her bag. When he/she came out of the vehicle, he/she was holding a knife. I could not believe that he/she would bring out a knife. I only wanted to talk to him/her. I stepped back when Lee lunged towards me with the knife in his/her right hand. Lee cut me on the index and middle finger of my right hand. I grabbed the knife from Lee and pinned him/her to the vehicle with my left arm. I asked Lee what the hell he/she was thinking. He/she could have seriously hurt me. Lee kept going for the knife. I saw Cary on the sidewalk and asked that he/she call the police.
11. Lee kept going for the knife and I kept pulling it away from him/her. I became so frustrated that I began to hit the vehicle. I told Lee that I had enough and I was moving out of the house. I wanted nothing more to do with this relationship. I walked away and had the knife in my right hand. Lee yelled at me that I was never going to leave him/her without paying for it. Lee said that I will pay for this. Next thing I know, I was hit with Lee's book bag before I reached the sidewalk. Lee was yelling that he/she was going to kill me. I heard Lee running towards me. Then when I turned around, Lee ran into the

knife. I did not stab Lee on purpose. I only turned around to defend myself. I forgot that I had the knife in my hands.

12. Lee jumped back. He/she said that I would pay for making him/her miserable. Lee dropped to the ground and I ran upstairs to make sure that Cary called the police and ambulance. When I came back outside, another lady and Sonny Roberts was taking care of Lee. I went back upstairs and stayed in my apartment. Cary was gone when I returned.

13. About 20 minutes later, Officer Purdue came up to the apartment. I explained to him/her what happened and how it was self-defense. I showed him/her the wounds on my hand from Lee cutting me and the bruises under my eye from when Lee tossed the lamp at my heads as well as the bruises from the book. Officer Purdue said that Lee's injuries were worse and I was under arrest for assault with intent to do great bodily harm.

Drew Porter
Drew Porter



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STATEMENT OF CARY SIMONS

AFFIDAVIT OF CARY SIMONS

Defense Witness

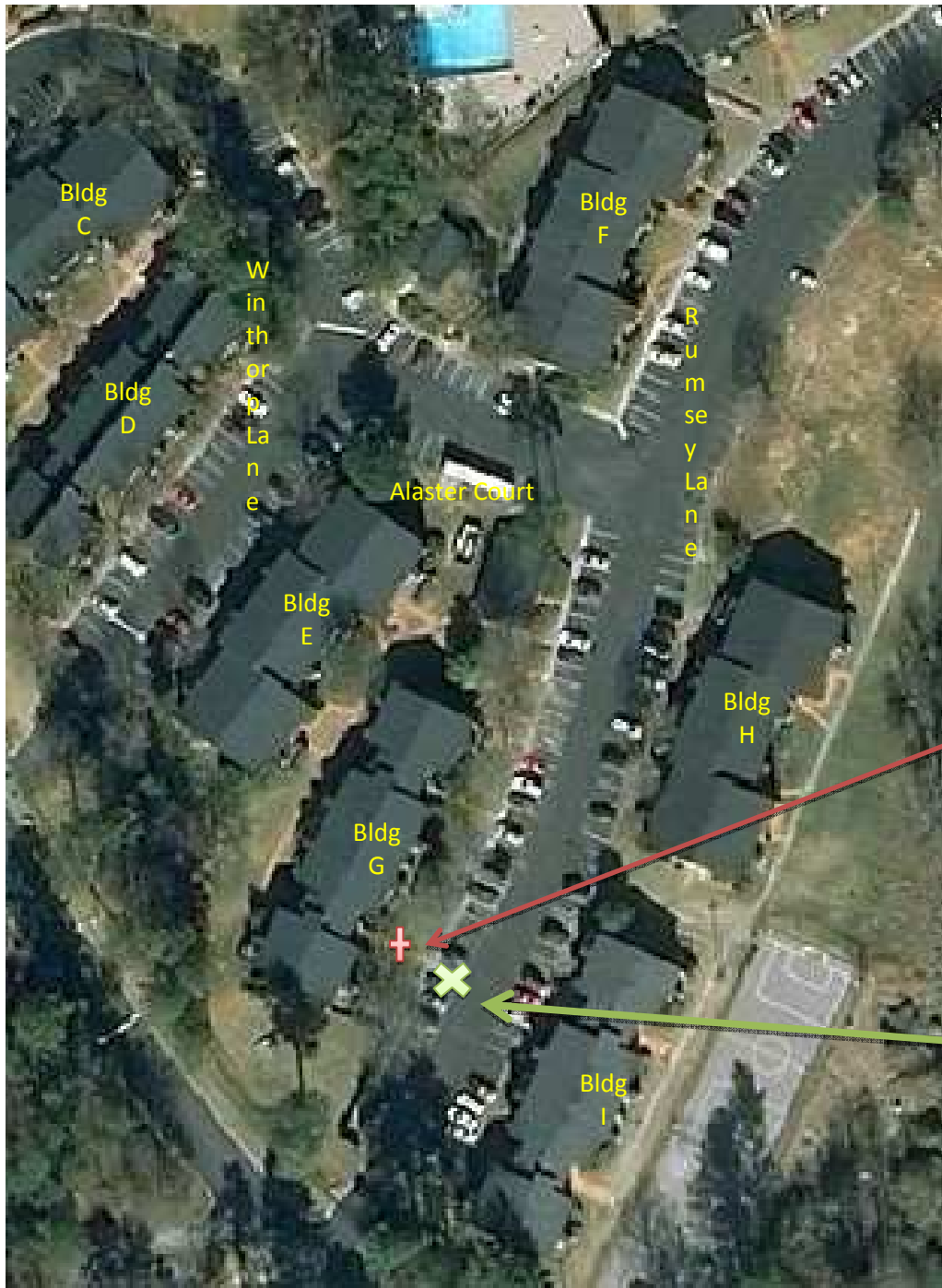
1. My name is Cary Simons. I am currently a student at Baker College. I am 21 years old. I am studying Automotive Services Technology.
2. I have been friends with Drew Porter since 3rd grade. We lived next door to each other growing up and stayed in contact after high school.
3. On June 27, 2010, Drew called and asked whether I wanted to go out with him/her. Drew stated that he/she and Lee were fighting. Ever since Drew and Lee began dating, Drew's personality changed. He/she is more reserved, quiet, and depressed. Anyways, Drew and Lee were fighting again and he/she needed to get out. So, we went to a local pub around the corner of the apartments where Drew lived and drank a few beers and played pool. We agreed not to talk about our relationships and just have fun. Drew really was able to unwind.
4. We walked back to Drew's apartment and Drew stated that I should stay in the second bedroom because I was too drunk to drive. I agreed. I had a lot to drink. Drew walked into the apartment and Lee was sitting on the couch in the dark. Lee turned on the living room light and began to yell at Drew about coming home late. Then Lee saw me and began yelling about going out with me. Based on what Lee was yelling, Lee did not want Drew to hang around any of his/her friends. Lee asked me to leave but Drew said to stay. Drew walked me into the second bedroom and opened up the sofa sleeper. I laid down because I was tired. Drew went to his/her bedroom with Lee not far behind him. Lee never shut up. He/she kept yelling at Drew.
5. About five minutes later, Drew went into the bathroom and must have locked the door. Lee began yelling about letting him/her in the bathroom but Drew stayed inside. Next thing I know, Lee is talking to someone at the door. It was the police. They came and knocked on the bathroom door to make sure that Drew was okay. Drew said that he/she was fine. I came out of the bedroom to see the police officer as well. The officer left. Drew stayed in the bathroom with the door locked. After Lee closed the front door, he/she went into the bedroom and slammed the door shut. I fell asleep shortly after.
6. The next morning, I was awakened by Lee yelling again about having to go to school. I got up and peaked out the bedroom door. Lee grabbed the keys from the table and left. Drew followed behind shortly after. I was concerned because Drew was mumbling under his/her breathe.
7. I got dressed and walked down to the parking lot. I was standing in the doorway of the apartment building. I saw that Drew was walking away from the car when Lee threw a thick book at him/her. Drew turned around and walked towards Lee. As Drew was walking towards Lee, I walked to the front of the vehicle next to Drew's vehicle. When

Drew approached Lee, Lee pulled a knife out and pointed it at Drew. Lee kept making stabbing motions and Drew kept jumping back. I think Lee cut Drew on the hand. Drew finally got a hold of Lee's arm and pushed Lee against the vehicle. Drew told me to call the cops. I went back into the apartment building and ran upstairs.

8. After I called 911, I went back outside. Drew was near the front bumper of the vehicle when Lee threw something at Drew again. Drew stopped then Lee ran after him/her. As Lee was running towards Drew, I heard Lee stating that he/she was going to kill Drew. Drew turned around and Lee ran into Drew. Lee backed up and I could see the knife in Drew's hand was red on the blade. Lee fell to the ground.
9. I had all of my stuff from the apartment. Drew walked back into the apartment building. I left the apartment after the incident because I had a bench warrant for some tickets. I did not have any money to get bailed out, so I left.
10. Ever since I have known Drew, I have never seen him/her violent with anyone. It is hard for Drew to lose his/her temper. Ever since he/she started dating Lee, he/she tries to hide more, loses his/her temper quicker, and tries to escape confrontation.
11. Lee has been all over Drew since last night and basically treats Drew like crap. I hate to say it because Drew feels really bad about the accident, but man, Lee deserved it.

Cary Simons

Cary Simons



According to Cary Simon's testimony, "+" marks spot where Cary stood during the argument.

According to Cary Simon's testimony, "X" Marks spot where Drew's vehicle was parked.

TO BE USED FOR ILLUSTRATIVE PURPOSES ONLY – NOT TO BE USED AS AN EXHIBIT

STATEMENT OF JESSIE MEYER

AFFIDAVIT OF JESSIE MEYER

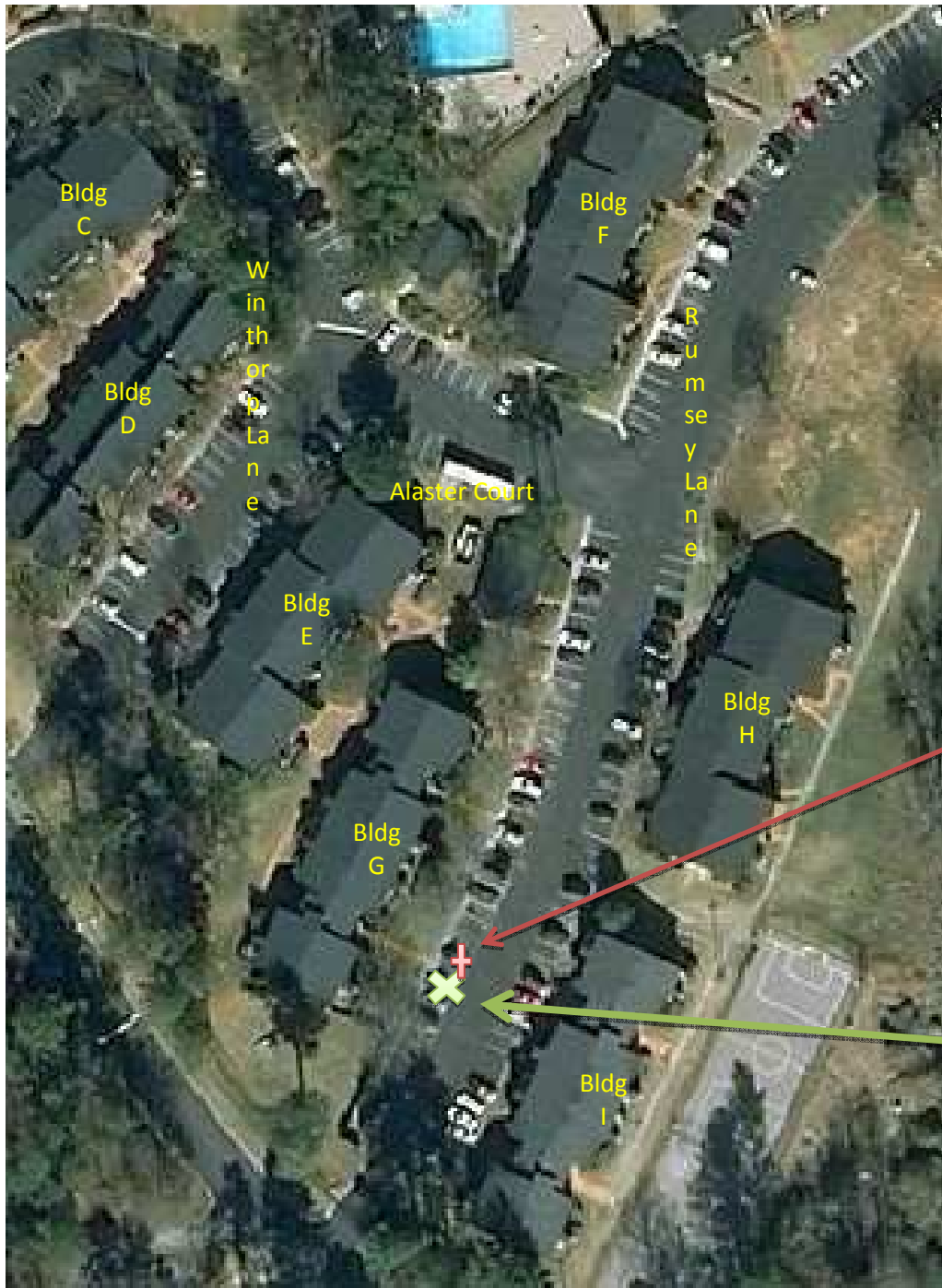
Defense Witness

1. My name is Jessie Meyer. I live on the second floor of the apartment building G. My neighbors are Lee and Drew. I live above Sonny Roberts.
2. I work at Flint Truck and Bus. I am a single person with no children. I live alone.
3. Drew is a nice person. If Drew sees that I have a lot to bring upstairs, he/she will help me bring up the bags or packages. On the other hand, Lee is a witch. Lee walks past me in the hallway and does not say "hello". He/she is very rude and constantly yelling in their apartment. Drew is a nice neighbor and you barely hear him/her but you always hear how Drew has done something wrong because Lee is yelling at the top of his/her lungs.
4. On June 27, 2010, I went to bed around 9:00 p.m. I heard loud banging next door but no yelling. I was not sure what was going on but I went to bed anyways. About 3:30 a.m., I heard Lee begin to yell at the top of his/her lungs. Lee kept stating that they are in a relationship and that he/she needed to spend time with him/her instead of his/her friends. Then, I heard Lee state that he/she was going to kick the crap out of Drew if he/she walked away from him/her again. I was tired and wanted to go to sleep but the noise was constant for about a half hour. I called the police. Around 4:30 a.m., it was quiet.
5. The following morning around 8:30 a.m., I was getting ready for work when I heard Lee yelling at Drew to get up because he/she had to get to work. I was walking out of the apartment building door when I saw Lee getting into Drew's vehicle. Drew came running past me. Drew apologized then went to his/her car. He/she reached into the vehicle where Lee was sitting. Then I noticed that Drew was walking to the front of his/her car. I began to walk to my vehicle which was parked next to Drew's vehicle. Lee threw a book at Drew. Drew stopped and turned around. Lee began to reach into his/her book bag on the passenger seat. I could hear Lee through the opened window on Drew's car saying something about a knife. Drew came back to the car door. Lee pointed a knife at Drew. Lee kept reaching his/her hand out towards Drew. Drew kept jumping back. Finally, Drew pinned Lee to the vehicle and took the knife away. Drew was visibly upset and began to move his/her right hand around then beat on the hood of the car. I did not see Drew make any affirmative movements with the knife at Lee.
6. Drew turned away from Lee and began to walk back to the building. I began to back out of the parking spot. When I was behind Drew's car, I saw Lee run after Drew. Drew turned around and Lee stopped. Next thing, Lee fell to the ground. Drew dropped the knife. Drew looked stunned at what happened and yelled "what the hell did you do?" A lady came around my vehicle and helped Lee then Sonny came out. Since there were

people there to help, I did not have time to stay and talk to the police. It was Lee's fault.
Poor Drew.

Jessie Meyer

Jessie Meyer



According to Jessie Meyer's testimony, "+" marks spot where Jessie was parked.

According to Jessie Meyer's testimony, "X" Marks spot where Drew's vehicle was parked.

TO BE USED FOR ILLUSTRATIVE PURPOSES ONLY – NOT TO BE USED AS AN EXHIBIT

STATEMENT OF REGAN HOPKINS

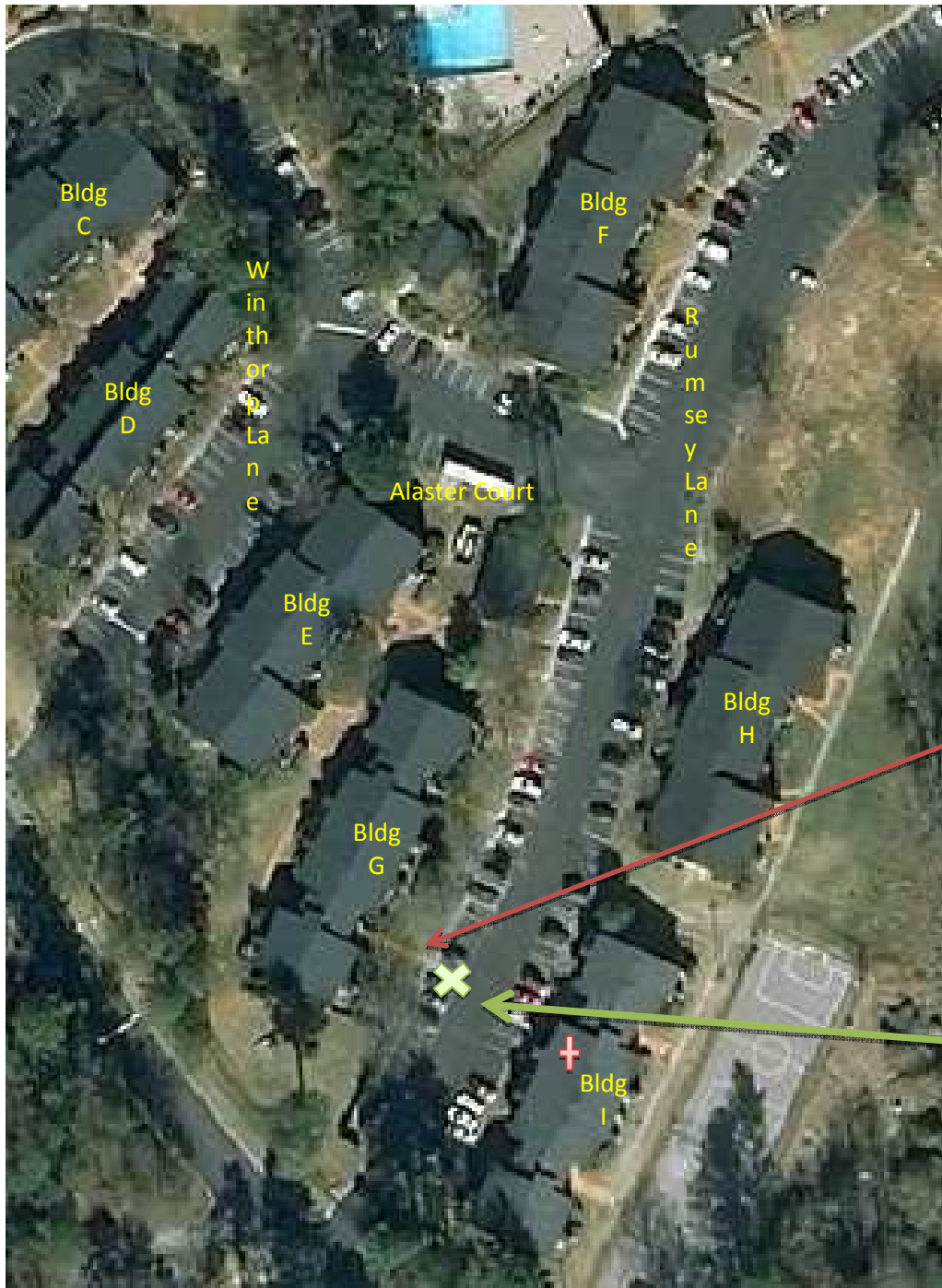
AFFIDAVIT OF REGAN HOPKINS

Defense Witness

1. I am Regan Hopkins and I live in Building I on the second floor. I am unemployed at this time. I was working for a florist but I was laid off because of the economy. The business shut down.
2. On June 28, 2010, I was washing the windows in my apartment complex. I noticed a couple arguing in the parking lot. The person wearing the green shirt, which I later learned was Lee Slatkin, had a knife in his/her hand and attempting to stab the person in the white shirt, which I later learned was Drew Porter. After Lee kept waiving the knife at Drew, Drew looked down to his/her right hand as if he/she were cut. Finally, Drew was able to take the knife away from Lee. Drew pinned Lee to the vehicle and was yelling. I saw Drew waiving the knife around but it never came near Lee until Drew pounded his/her fist on the top of the vehicle. I was not afraid that he/she would hurt Lee at this point.
3. After Drew began to walk away, I saw Lee go into the vehicle and reach over into the passenger seat. Lee took out his/her book bag and threw it at Drew. Lee ran after Drew who turned around. Lee stopped suddenly and fell to the ground. I turned around to get the window cleaner. When I looked out the window, Lee was on the ground and two other people were near him/her. I did not see Drew.
4. About 10-15 minutes later, I saw a police car and ambulance. Lee was taken away on a stretcher and Drew was taken away in a police car. I am not sure what happened but it appeared that Lee was the aggressor and Drew was trying to protect himself.

Regan Hopkins

Regan Hopkins



According to Regan Hopkins' testimony, "+" marks spot where Regan's apartment is located on the second floor.

According to Cary Simon's testimony, "X" Marks spot where Drew's vehicle was parked.

TO BE USED FOR ILLUSTRATIVE PURPOSES ONLY – NOT TO BE USED AS AN 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 Arguments

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

G. Judge's charge to the jury

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

H. Jury retires to determine verdict

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

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

I. Clerk reads verdict

J. Judge determines sentence

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

II. Review the major participants in a trial

A. Clerk

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

B. Judge

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

C. Attorneys

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

D. Foreman

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

E. Witnesses

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

III. Questions about the actual case

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

- H. Why was that decision reached?
- I. Can the losing party appeal his case to a higher court?

IV. Questions about our trial system

- A. Does our judicial system insure that the defendant receives a fair trial?
- B. What provisions in our system insure that the defendant receives a fair trial?
- C. Are some part of the trial more important than others?
- D. What is the importance of the sequence of events of a trial?
- E. Are some trial participants more important than others?
- F. In what ways can this procedure be improved?
- G. What changes, if any, would you recommend in our judicial system?