

# **GENESEE COUNTY BAR ASSOCIATION 2016 HIGH SCHOOL MOCK TRIAL COMPETITION**



## **PEOPLE OF THE STATE OF MICHIGAN v. TRACY KNOTTING**

Seventh Judicial Circuit  
Court for Genesee County  
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.
4. No mini-skirts or “mini” dresses

### B. Encouraged Dress Code

1. No provocative attire;
2. Shirt and tie for males;
3. Pants other than blue jeans;
4. Neat and clean shoes.

### C. Other Courtroom Restrictions

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

## **TIPS FOR MOCK TRIAL TEACHERS**

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

# **INSTRUCTIONS AND RULES FOR COMPETITION**

The Genesee County Bar Association Mock Trial Competition is governed by these instructions and rules as set forth below. They should be studied carefully before beginning preparation of the case. These instructions and rules are designed to promote/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 its appointed side of the case. The case will be tried before a jury.

### **B. Team Composition**

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

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

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

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

## 2. Witnesses

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

## 3. Jurors

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

## C. Witness Statements

### 1. Witness Bound by Statement

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

information pivotal to the particular facts at issue. **ONLY THOSE FACTS WHICH ARE NEUTRAL TO BOTH SIDES ARE FAIR EXTRAPOLATIONS.** If you have a question as to whether a particular added fact would be allowable background information, or if you believe it might be an unfair extrapolation, do not add the questionable fact. As a general rule of thumb, the more the “supplemental” information helps your case, the more cautious you should be in adding it to the witness’ testimony. **WHEN IN DOUBT, LEAVE IT OUT!**

## 2. Unknown Information

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

## 3. Unfair Extrapolations

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

- iv. Ruling taken under advisement. (After another question or answer, the Judge may rule or respond to another objection.)

D. Preparation and Supplement Material

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

E. Time Limits

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

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

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

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

F. Motions

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



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

### **III. COURTROOM DECORUM**

Observe the following rules in the courtroom at all times:

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

## **QUICK REMINDERS**

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

# **TRIAL PRESENTATION**

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

## **A. OPENING STATEMENTS**

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

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

## **B. PRESENTING EVIDENCE**

### **1. Direct Examination**

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

### **2. Cross Examination**

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

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

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

### C. INTRODUCTION OF EVIDENCE

The following steps will be used for introduction of evidence:

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

## D. OBJECTIONS

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

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

### 1. Allowable Objections:

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

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

#### i. EXCEPTIONS to Hearsay:

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

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

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

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

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

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

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

## **F. CLOSING ARGUMENTS**

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

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

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

## ETHICAL CONDUCT

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

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

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



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

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

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

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

#### **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 sides and still maintain the essential form of a trial.

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

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

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

### 4. Questions Regarding Mock Trial Rules.

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

## **CASE MATERIALS**

**People of the  
State of Michigan**

**v**

**Tracy Knotting**

### **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 Tracy Knotting who is represented by the Defense Attorneys.

The case will be tried before a jury in Genesee County Circuit Court.

### **SUMMARY OF FACTS:**

Defendant Tracy Knotting went to O'Conner's Restaurant with Chris, a friend. Knotting is eighteen years old, a member of Junior ROTC, and a body builder. Knotting and Chris sat down in a booth. A few minutes later, Regan Hollingsworth entered the restaurant with friends, Andy Townsend and Billie Stevens. Stevens sat next to Chris. Knotting told Stevens to leave the seat. Stevens left and sat in another booth with Townsend and Hollingsworth. Defendant's friends, Shawn Kelly and Terry Rinehart were sitting in another booth. Hollingsworth, Stevens, and Townsend exchanged insults with Kelly and Rinehart. Stevens became disruptive, jumped over the back of the booth and onto the drink stand behind it, and began to yell. Stevens, Hollingsworth, and Townsend were asked to leave the restaurant. Shortly after they left, Kelly and Rinehart exited the restaurant.

Once outside of O'Conner's Restaurant, Hollingsworth, Stevens, Townsend, Kelly and Rinehart exchanged more words and a fight ensued. Hollingsworth and Stevens attacked Kelly while Townsend and Rinehart began to fight. Watching from inside, Knotting left the restaurant, walked over to Kelly who was being double teamed, and pulled Hollingsworth off of Kelly. Knotting hit Hollingsworth and Hollingsworth fell to the concrete. Knotting then appeared to have kicked Hollingsworth. Hollingsworth did not fight back. Paramedics were able to resuscitate Hollingsworth before taking Hollingsworth to the hospital. While at the hospital, Hollingsworth was placed on life support and died three days later.

During the autopsy, Dr. Lavern Ott examined the body of Regan Hollingsworth and found that Hollingsworth had died from a subarachnoid hemorrhage secondary to hyperextension. Dr. Leslie Heinz, acting for the defense, reviewed the autopsy report and talked with Dr. Ott. Dr. Heinz found that since Dr. Ott could not identify the location of the hemorrhage; hyperextension was not verifiable.

## **STIPULATIONS**

1. There are statements from four witnesses for each party. Each statement is designated as Prosecution Witness or Defense Witness. Each party may call only three witnesses to the stand. It will be up to each team to determine which witnesses will testify at trial. The Defendant may invoke his or her 5<sup>th</sup> Amendment right and not testify at trial. If the Defendant does not testify, then the prosecution cannot use the defendant's affidavit as support for their case but may use statements made to the police officer. Further, a party may not call a witness that is designated for the opposing party. For example, the Prosecuting Attorney may not call Defendant's witness to testify at trial.
2. Defendant Tracy Knotting is charged with Voluntary Manslaughter in the death of Regan Hollingsworth.
3. Voluntary Manslaughter is a felony punishable by imprisonment in the state prison for not more than 15 years or a fine of not more than 7,500 dollars, or both, at the discretion of the court. *See MCLA 750.321.*
4. At the hospital, Regan Hollingsworth's blood alcohol level was 235 milligrams per hundred cubic centimeters of blood.
5. In terms of drunk driving, Regan Hollingsworth's blood alcohol content was .235 grams per 100 milliliters which is the equivalent of 10-12 shots of 80 proof alcohol or 10-12, 12oz. beers within one hour.
6. In terms of drunk driving, a person with 0.08 grams blood alcohol level is legally drunk or intoxicated under Michigan law, and would be charged with Operating While Intoxicated (OWI).
7. The presiding judge will conduct the trial according to the Michigan Rules of Evidence. Trial will be by jury.
8. The jury will be instructed on the elements of the offense and defenses according to the jury instructions beginning on page 18.
9. The presiding judge will entertain no motions prior to trial.
10. 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 2016 Mock Trial is based on an actual case that occurred in Genesee County. All names, descriptions, and some events have been changed. Most witnesses were created to be gender-neutral.

All admissible exhibits and information relating to the case are contained in these case materials. Students are not allowed to introduce at trial cases or exhibits not contained in the case materials.

## JURY INSTRUCTIONS

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

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

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

### CJI2d 3.3 *Defendant Not Testifying*

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

### CJI2d 3.5 *Evidence*

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

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

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

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

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

#### *CJI2d 4.3 Circumstantial Evidence*

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

#### *CJI2d 5.11 Police Witness*

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

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

### CJI2d 16.08 *Voluntary Manslaughter*

(1) The defendant is charged with the crime of voluntary manslaughter. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant caused the death of Regan Hollingsworth that is, that Regan Hollingsworth died as a result of being hit or kicked.

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

(4) Third, that the defendant caused the death without lawful excuse or justification.

### CJI2d 16.15 *Act of Defendant Must Be Cause of Death*

There may be more than one cause of death. It is not enough that the defendant's act made it possible for the death to occur. In order to find that the death of <name deceased> was caused by the defendant, you must find beyond a reasonable doubt that the death was the natural or necessary result of the defendant's act.

### CJI2d 16.23 *State of Mind*

(1) You have heard evidence concerning the defendant's mental condition at the time of the alleged crime.

(2) It is not enough that the defendant did an act that caused death. In addition, the defendant must have had a certain state of mind when he / she did that act. In deciding whether the defendant had the required state of mind you may consider such things as all of the circumstances surrounding the alleged crime.

(3) If you have a reasonable doubt about whether the defendant had the required state of mind at the time of the alleged crime, you must find the defendant not guilty of Voluntary Manslaughter.

### CJI2d 7.21 *Defense of Others -- Deadly Force*

(1) The defendant claims that he / she acted lawfully to defend Shawn Kelly. A person has the right to use force or even take a life to defend someone else under certain circumstances. If a person acts in lawful defense of another, his / her actions are justified and he / she is not guilty of Voluntary Manslaughter

(2) You should consider all the evidence and use the following rules to decide whether the defendant acted in lawful defense of another. 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 Shawn Kelly was in danger of being killed or seriously injured. If his / her belief



was honest and reasonable, he / she could act at once to defend Shawn Kelly, even if it turns out later that the defendant was wrong about how much danger Shawn Kelly was in.

(5) Third, if the defendant was only afraid that Shawn Kelly would receive a minor injury, then he / she was not justified in killing or seriously injuring the attacker. The defendant must have been afraid that Shawn Kelly would be killed or seriously injured. When you decide if he / she was so afraid, you should consider all the circumstances: the conditions of the people involved, including their relative strength / whether the other person was armed with a dangerous weapon or had some other means of injuring Shawn Kelly / the nature of the other person's attack or threat / whether the defendant knew about any previous violent acts or threats made by the attacker.

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

(7) The defendant does not have to prove that he / she acted in defense of Shawn Kelly. Instead, the prosecutor must prove beyond a reasonable doubt that the defendant did not act in defense of Shawn Kelly.

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

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PEOPLE OF THE STATE  
OF MICHIGAN,  
Plaintiff,

Case No. 16-000135-FH

v.

JUDGE

TRACY KNOTTING  
Defendant.

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

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

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

Count I: Voluntary Manslaughter

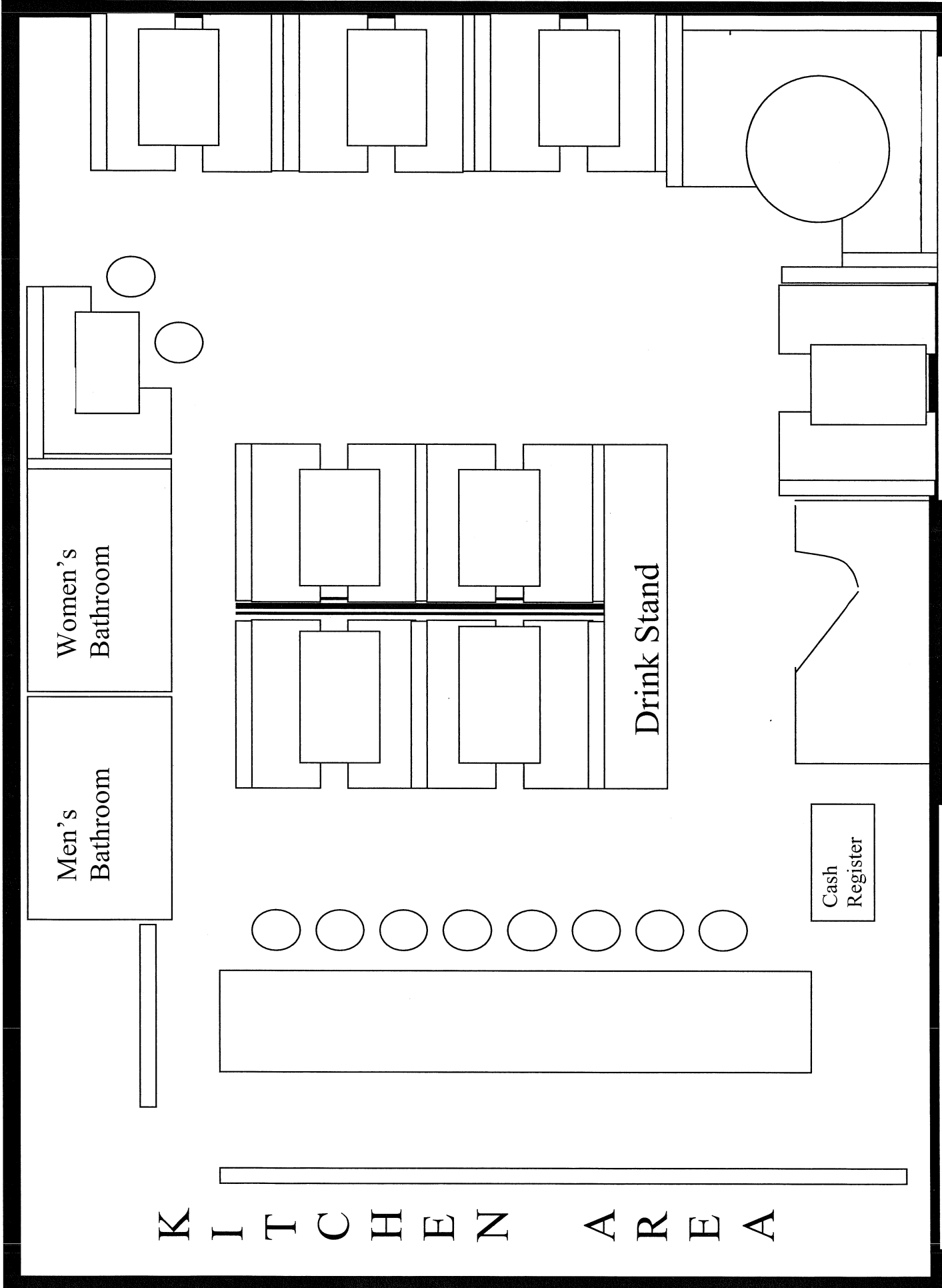
Not Guilty \_\_\_\_\_

Guilty \_\_\_\_\_

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<sup>2</sup> Please return the verdict form to the Genesee County Bar Association with the results of your school's verdicts.

# EXHIBITS



Men's  
Bathroom

Women's  
Bathroom

Drink Stand

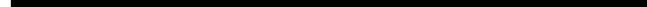
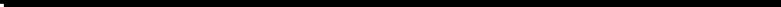
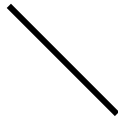
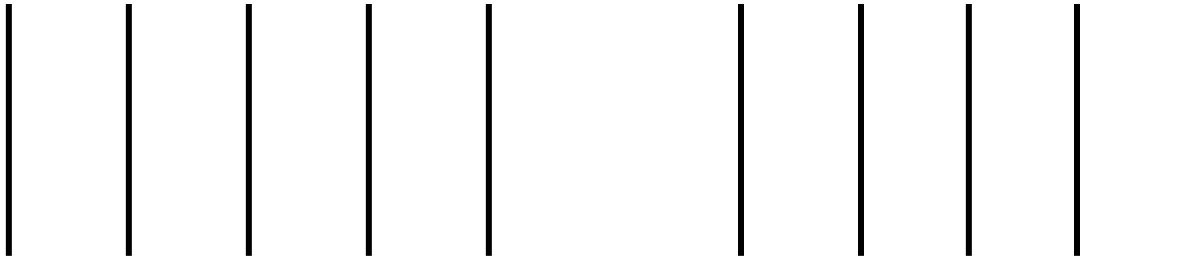
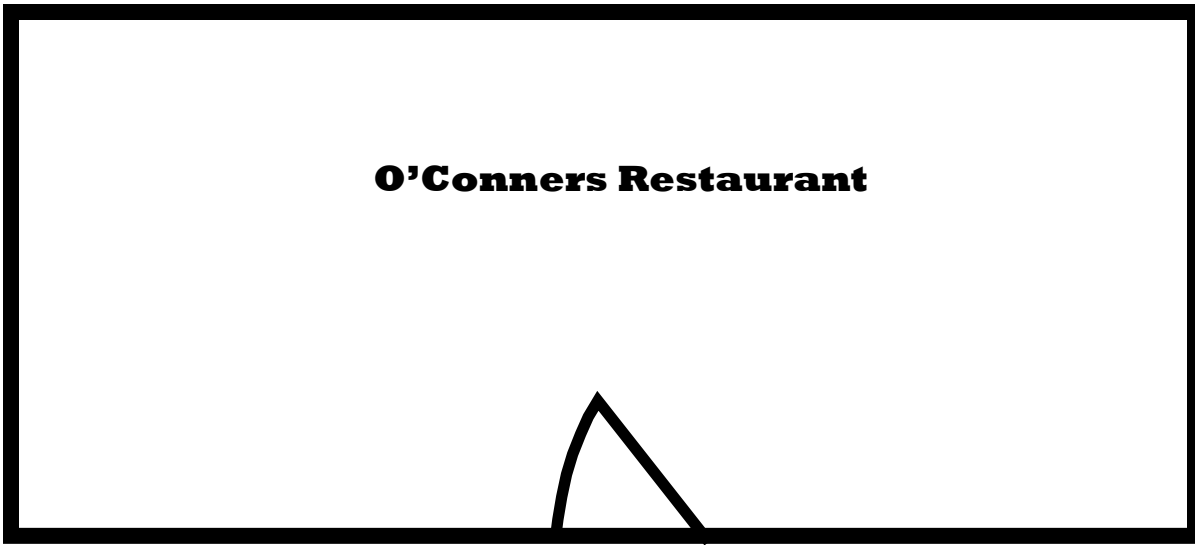
Cash  
Register

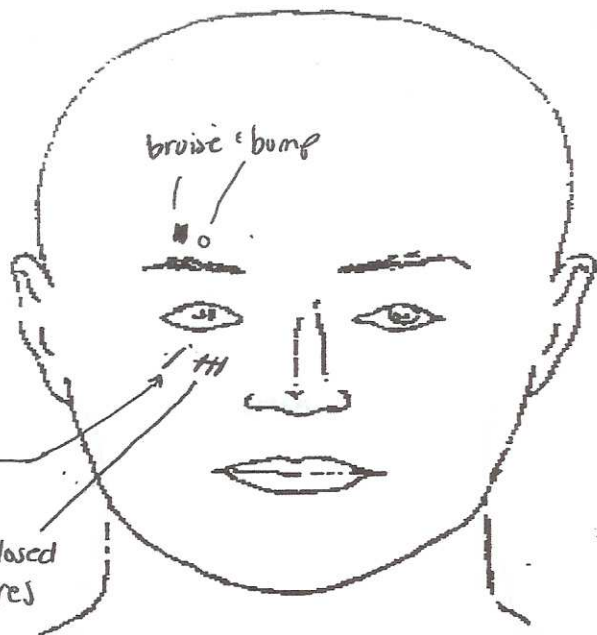
KITCHEN AREA

**O'Connors Restaurant**

**Bay**

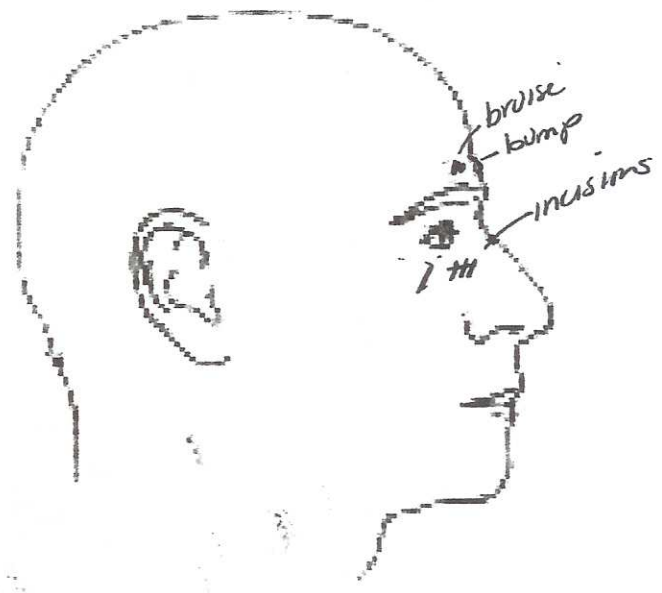
**Madison**



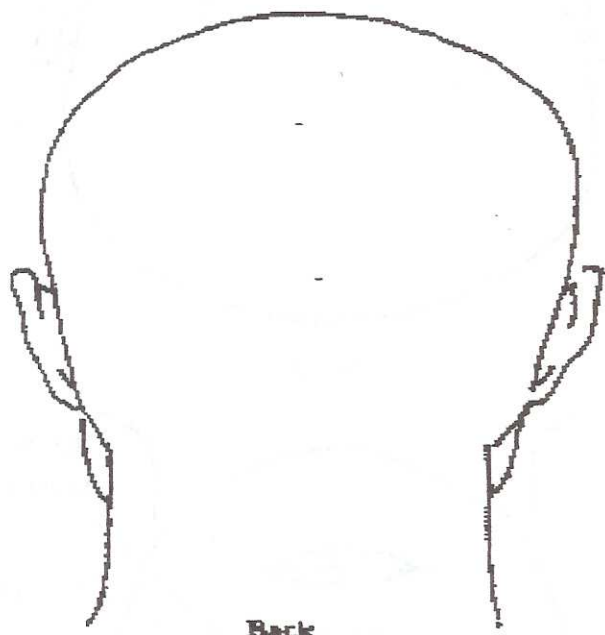


incision  
(1")  
incision closed  
by sutures

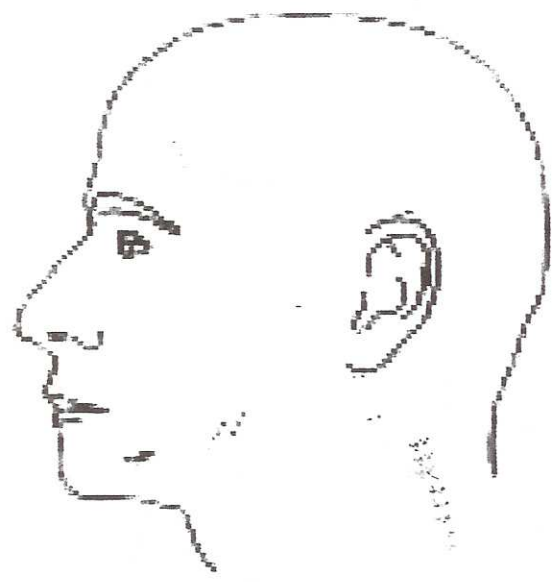
Front



bruise  
bump  
incisions



Back



**TOXICOLOGY REPORT**

CANNABIS (MARIJUANA) SCREEN: Not done                      NORMAL: Negative

BLOOD ALCOHOL: Positive for ethanol: .235 grams alcohol per 100 milliliters blood

SPECIMEN IDENTIFIED: Regan Hollingsworth

DATE SPECIMEN RECEIVED: March 2, 2015                      TYPE OF SPECIMEN: Blood

DATE TEST PERFORMED: March 3, 2015                      DOCTOR: Lavern Ott

Specimen submitted by: Sheriff's coroner

Technologist: Danny Trainor      Dated: 03/03/2015

## STATEMENTS



## STATEMENT OF ALEX O'CONNOR

### Prosecution Witness

1. My name is Alex O'Conner. I am fifty five (55) years old. I own O'Conner's Restaurant located at 4567 Madison Road, Flint, Michigan which is approximately four blocks from Flint High School. I have owned O'Conner's for twenty three (23) years.
2. O'Conner's employs two full time chefs and six waiters/waitresses. During the evening shift, the restaurant is staffed with a chef and two waitresses who work along with me.
3. My restaurant sits on the corner of Madison and Bay, a busy intersection.
4. In the front of the restaurant are two big windows. The windows take up the majority of the front structure. In front of the restaurant, there are about six parking spaces that are separated in the middle with an opening with yellow lines for the entrance. The O'Conner's sign sits on the corner at an angle.
5. On most days, several students regularly come into the restaurant after school or school activities.
6. Tracy Knotting is a regular. Tracy comes into the restaurant after Junior ROTC. Tracy is an athlete, has a muscular build, and is about six feet tall. Tracy usually comes into the restaurant with friends Shawn Kelly and Terry Rinehart who are also in Junior ROTC.
7. Regan Hollingsworth, Andy Townsend, and Billie Stevens are high school drop-outs. They come into the restaurant on occasion. They always seem to start trouble when they are in the restaurant.
8. On or about March 2, 2015, at around 5:30 p.m., Tracy was sitting in the booth with his/her friend, Chris. Tracy and Chris sat in a booth that normally seats eight people. The booth is in the corner to the right of the front door when you enter the restaurant. Tracy's friends, Shawn Kelly and Terry Rinehart, walked into the restaurant. They said hello to Tracy and Chris then sat in the same row of booths, two booths down.
9. Normally around 5:30 p.m., the restaurant is near capacity for the dinner rush. The staff and I are usually greeting guests as they enter into the restaurant, waiting tables, serving orders, and assisting customers at the cash register.
10. About 15 minutes after Shawn and Terry came into the restaurant, Regan Hollingsworth, Billie Stevens, and Andy Townsend came into the restaurant. I was at the malt machine making a malt for another customer. I heard Tracy yell, "You are not sitting here." I looked over my shoulder towards Tracy's table and I saw Billie leaving the booth.
11. As I was waiting on other customers, I heard loud talking. I turned and saw that Billie, Shawn and Terry were exchanging words. I could not hear what the words were exactly. However, they were in close proximity to each other. Another customer was sitting near

them and attempted to break them up. Shawn and Terry walked away toward the restrooms.

12. After Shawn and Terry went into the restroom, Billie yelled across the restaurant to Tracy. He/she yelled, "What did you say." Tracy yelled back and stated, "You are not sitting here."
13. When you walk in the front entrance, there is a drink stand immediately in front of you. There are four booths behind the drink stand. The stand houses glasses, silverware, a sink, and a hidden trash can for the staff to use in setting up tables. There are two booths on the right side of the stand and two on the left side. Regan, Andy, and Billie were sitting in the booth immediately behind the drink stand on the right.
14. After the exchange with Tracy, Billie jumped onto the booth seat then onto the stand behind the booth. He began to yell then jumped off. Regan and Andy were laughing. I walked over to the drink stand and asked them to leave. Laughing, they stood up and walked out of the restaurant.
15. When Billie jumped onto the staff's stand, Billie knocked over several glasses. I started to clean up the mess when Shawn Kelly and Terry Rinehart walked by me and out of the restaurant.
16. A customer was waiting at the cash register and I went to help him. As I was walking towards the cash register, I heard a commotion outside. Tracy got out of the booth and went outside. I got to the register and cashed out the customer. I noticed several other customers were leaving the restaurant as well, including Devon McCarthy.
17. Another customer, who was sitting in the first booth to the right of the front entrance and in front of the window, was attempting to get my attention. As I was walking to the customer, I looked out of the front window. Regan and Billie were hitting Shawn. Then, I saw Tracy take Regan off of Shawn. Tracy hit Regan. I did not see what happened next because I began to take the customer's order.
18. As I finished taking the customer's order, I looked out the window. Shawn was fighting with Billie and Terry was fighting with Andy. I saw Tracy standing but was unable to see Regan. I saw Tracy making a kicking motion at something on the ground.
19. I walked over to the kitchen window to place the customer's order. After placing the order, I called the police.
20. When the police came, I went outside and saw Regan on the ground in the area that I saw Tracy kicking.

21. As the police officer checked on Regan who appeared not to be breathing, Tracy, Shawn, and Terry got into their blue Monte Carlo SS and drove away. Another police car came to the restaurant and pulled out after the Monte Carlo.

*Alex O'Conner*  
Alex O'Conner

## STATEMENT OF DEVON MCCARTHY

### Prosecution Witness

1. My name is Devon McCarthy. I am 17 years old and a senior in high school. I attend Flint High School with Shawn Kelly, Terry Rinehart, and Tracy Knotting. I grew up with Andy Townsend, Billie Stevens, and Regan Hollingsworth.
2. I am a member of the Junior Army ROTC along with Shawn, Terry, and Tracy. We have been trained in self-defense tactics which includes how to break a choke hold. Our basic training includes weight lifting, running, and other exercises.
3. Regan is a thin, non-athletic build, high school dropout. There have been times when I would talk with Regan and I could smell alcohol on his/her breath. In comparison with Tracy, Regan is about half a foot shorter than Tracy and about 50 pounds lighter.
4. After training on March 2, 2015, I went with several Junior Army ROTC cadets to O'Conner's Restaurant. It is not far from the high school. Tracy met up with his/her friend, Chris, and sat in a booth separate from everyone else. I sat in a booth with some of the other cadets along the right wall between Tracy's booth and Shawn's booth.
5. A few minutes after we made our orders, Regan, Billie, and Andy walked into the restaurant. Billie sat in the booth with Tracy and Chris. Tracy yelled, "You can't sit here." Billie said something to Chris then walked to where Regan and Andy were located. Billie sat in the booth with Regan and Andy.
6. Billie would not shut up. He/she kept saying how the members of Junior ROTC were a bunch of fairies. Shawn and Terry got up and confronted Billie. They started arguing but another customer tried to break it up. Shawn and Terry walked towards the bathroom.
7. Next thing I know Billie is being very loud and jumped onto a wait stand behind his/her booth. He/she knocked several glasses onto the ground and Regan and Andy laughed. On their way out, Regan walked by our booth and I swear I smelled alcohol.
8. Shortly after they walked out, Shawn and Terry left the restaurant. A little while later, other people started to leave the restaurant, too. I looked over to Tracy's booth and Chris was sitting there alone. I got up and walked out of the restaurant. I was a few seconds behind Tracy. The restaurant emptied out into the parking lot. I saw Tracy take Regan off of Shawn. I was trying to get through the crowd. As I was walking through the crowd, I saw Tracy hit Regan and Regan fell to the concrete. Tracy walked away for a second then came back. Tracy picked up Regan's head from the concrete and hit him again. Regan was not fighting back.
9. The police came to the scene. Tracy ran over to a blue Monte Carlo with Shawn and Kelly. They left the parking lot in the Monte Carlo.

10. Regan was not moving. The paramedic came and put something down his throat.  
They loaded him/her in the ambulance and left.

**Devon McCarthy**  
Devon McCarthy

## **REPORT OF DR. LAVERN OTT**

### Prosecution Witness

1. I am Doctor Lavern Ott. Since May 2003, I have been employed at Hurley Medical Center as a full time staff pathologist. Pathology is a laboratory science. I am a licensed physician.
2. I graduated from University of Michigan Medical School in 1999. I completed my clinical and anatomic pathology residency at Hurley Medical Center in 2003. Clinical pathology deals with the interpretation of blood tests; includes materials that might come through either the hospital laboratory or private hospitals. Anatomic pathology is involved with determining state of disease in tissues. Specimens are sent to help the laboratory determine if there is disease.
3. I am Board Certified in both anatomic and clinical pathology. I received training as a forensic pathologist.
4. Forensic pathology is a subspecialty of anatomic pathology specifically dealing with causes of death when there may be foul play or some question of cause of death.
5. On or about March 12, 2015, I performed a post mortem examination on the body of Regan Hollingsworth at Hurley Medical Center. Sgt. Schmieder identified the body.
6. During the external examination of the body, I observed an incision beneath the right eye that measured one inch in length and angled downward. Near this incision, there was another incision that was closed by sutures and surrounded by Bentadine which is a disinfectant. I found another small vertical bruise over the right eyebrow which was about a half an inch in length and an eighth of an inch wide. Next to the bruise was a bump on the skull. On the left lower chest in the upper abdomen area, there were linear abrasions. On the right shoulder, there were older scars, scabs, and/or cuts.
7. During the internal examination of the body I found that there was a right pneumothorax, or pocket of air, in the right chest cavity. The right lung was collapsed.
8. The skull was intact and showed no signs of a skull fracture. The skull cap appeared normal and there appeared to be no previous trauma to the brain. I removed the skull cap and noted that the brain had some subarachnoid hemorrhage. This is bleeding in the middle one of three membranes that cover the brain and spinal cord. I removed the brain and noted that the hemorrhage was most intense at the base of brain or that area of the brain before it enters the spinal column. I washed the brain and dissected arteries to determine any sort of malformations or aneurysm; something that might have caused this hemorrhage. I found nothing. When slicing the brain, I did not find any other areas of hemorrhage except that in the subarachnoid space.
9. The brain was slightly softer than normal but sometimes that can occur when a person is

on life support and the brain and body are essentially dead. From a review of the hospital records, Regan Hollingsworth was on life support.

10. I did not have access to the blood toxicology results prior to doing the autopsy.
11. It is my opinion that the cause of death is subarachnoid hemorrhage secondary to hyperextension injury. Hyperextension injury is throwing of the head back suddenly beyond the normal range of motion for the neck.
12. There are many causes of subarachnoid hemorrhage.
13. The most common subarachnoid hemorrhage in the hospital practice is due to malformation of blood vessels at the base of brain. There was no evidence of malformation of the blood vessels in the victim. Sometimes in traffic cases there is trauma to the head, be it blunt trauma, or trauma otherwise, that will cause the injury.
14. The brain is a fairly moveable organ in a very rigid structure which protects it. But, if the head is moved quickly, there are forces set up within the brain that cause it to rotate, which may disrupt some of the vessels or even cause an expansion of their walls; enough to cause bleeding. This bleeding could cause sudden death. This type of hemorrhage is consistent with someone being hit in the face. Subarachnoid hemorrhage would result immediately upon trauma.
15. Spontaneous subarachnoid hemorrhage can occur. Doctors do not know what can cause it. There is no ability to eliminate spontaneous subarachnoid hemorrhage as a possible cause of death in this case.
16. Hyperextension can occur if there was a blow to the head and the victim immediately went limp. Hyperextension is more difficult if the victim is on the ground receiving blows. The laceration to right cheek and bump to head indicate possible hyperextension of neck.
17. Death may or may not have been immediate. In some cases, people survive.
18. Hyperextension could occur without the head going back. A person can receive damage from hyperextension without dying.
19. Hyperextension could be caused from the head hitting the cement.
20. The injuries to the left side of rib cage can be from blows or from kicks. If victim was kicked three times in the face, then you would see damage.
21. I cannot tell what caused the right pneumothorax. It could have been caused by the life support. In assisting a person to breathe, if there is a small defect which can burst or collapse, then air will continue to pump into the chest cavity. The treatment received at the hospital or from the paramedic could cause pneumothorax.

22. It has been reported that there seems to be a correlation between blunt trauma and high blood alcohol level results in subarachnoid hemorrhage. People who have higher blood alcohol levels are seen in this situation at times.

Dr. Lavern Ott

Dr. Lavern Ott



## STATEMENT OF BILLIE STEVENS

Prosecution Witness

1. My name is Billie Stevens. I am friends with Regan Hollingsworth and Andy Townsend. I know Shawn Kelly, Terry Rinehart and Tracy Knotting since elementary school.
2. I dropped out of school when I was in 11<sup>th</sup> grade. The teachers had it out for me. They kept calling me dumb or stupid. I hated school. Right now, I live at my parent's home and hang out with Regan and Andy.
3. On March 2, 2015, Regan, Andy and I were hanging out. We were getting hungry. We went to O'Connor's Restaurant to get something. When we walked into the restaurant, Tracy and Chris were sitting in a booth together. Regan likes Chris and wanted to date him/her before Tracy started to.
4. I went to their booth and sat down. When I sat down, I began talking to Chris. That is when Tracy yelled "You can't sit here." I started laughing and called Tracy a loser for being on ROTC and that he/she was such a fairie.
5. I did leave the booth. Shawn Kelly and Tracy Rinehart came up to me and started talking smack. We began arguing back and forth when another customer stood up and told us to break it up.
6. I was drinking some Bud Light before I came to the restaurant and feeling energetic. I sat in a booth behind the wait stand with Regan and Andy. I jumped onto the wait stand, knocking over several glasses. It was funny. Regan and Andy were laughing.
7. Old Man O'Connor kicked us out of the restaurant. We went outside to leave then Shawn and Terry came out. They started calling us "potheads," "losers," "stupid" and "crazy". Regan and I went after Shawn and Andy went after Terry. Regan held Shawn from behind and I hit Shawn a couple of times in the stomach and once in the jaw. Next thing, I know Tracy came, grabbed Regan and turned Regan around. Shawn got me in a headlock. When I got out, Regan was on the ground.
8. I saw Tracy kick Regan in the stomach then walk away. Shawn then hit me in the face when I was looking away and I fell to the ground next to Regan. Then I heard police sirens.
9. I kept trying to get Regan to sit up but he/she would not. The paramedics came and put Regan on a stretcher then left.

10. A few days later, I found out that Regan was removed from life support and died. Regan was my best friend and now he/she is gone.

Billie Stevens

Billie Stevens

**STATEMENT OF TRACY KNOTTING**  
Defense Witness

1. My name is Tracy Knotting. I am 18 years old. I attend Flint High School where I am a senior.
2. I am in Junior ROTC, and I lift weights and do other physical training as a part of the Junior ROTC program.
3. After school and after Junior ROTC, I sometimes go to O'Connor's Restaurant on Madison Road with friends, usually Shawn Kelly and Terry Rinehart, who are in Junior ROTC with me.
4. On or about March 2, 2015, at about 5:30 p.m., I was at O'Connor's, sitting in the front corner booth with my friend, Chris. Shawn and Terry came in and said hello and went to sit in another booth.
5. Maybe about 15 minutes later, three other individuals that are drop-outs from Flint High School, came in together. I knew them as Regan, Billie, and Andy. I don't know them well. We didn't have anything in common. I didn't pay much attention to them.
6. This day, Billie came in and sat next to my friend Chris. He/she made a comment about Chris being a homo or something. I told him/her that he/she wasn't sitting there and to move. He/she did.
7. A couple minutes later Billie was exchanging words with my friends, Shawn and Terry. Billie was being loud and obnoxious. He/she was sitting with Regan and Andy next to a waitress stand.
8. Shawn and Terry got up and headed to the restroom after another customer came to tone down the argument.
9. Billie hollered at me, "What did you say?" I shouted back that he/she was not sitting here.
10. All of a sudden Billie jumped up on his/her seat and onto the waitress stand where there were glasses and cups and other items used by the staff. He/she knocked a bunch of stuff over.
11. Billie started yelling insults about Chris, Shawn, Terry, and I. Andy and Regan were laughing. Then they all walked out of the restaurant.
12. I saw Shawn and Terry follow them outside.
13. I saw Billie, Andy and Regan start a fight with Shawn and Terry. Billie and

Regan ganged up on Shawn and Andy was hitting Terry. Regan was holding Shawn while Billie hit Shawn.

14. I went outside and took Regan off of Shawn. I smelled alcohol on him/her. He/she really stank of it.

15. Regan attempted to hit me but I blocked it. Then, I hit him/her once in the face. He/she went down.

16. I picked him/her up by his/her collar, but he/she was out. I didn't think I hit Regan very hard. He/she just went down.

17. Shawn, Terry and I got into Terry's Monte Carlo and drove away.

18. We only got a little way before a police car pulled us over and took us downtown.

19. A few days later, I heard that Regan died.

***Tracy Knotting***

Tracy Knotting

**STATEMENT OF DR. LESLIE HEINZ**  
Defense Witness

1. I am Doctor Leslie Heinz. I am chief medical examiner for Wayne County and a contract forensic pathologist for Macomb County. I have been chief M.E. for Wayne County since 1997.
2. I was trained as a Doctor of Medicine in 1976 and did my residency in pathology followed by two fellowships. The second fellowship was at the office of the Chief Medical Examiner of the State of Maryland in 1982. I worked there for two years. I performed similar work in West Berlin, Germany.
3. I came back to Baltimore as assistant medical examiner and was promoted to Deputy Chief Medical Examiner for the State of Maryland in 1985.
4. I have taught forensic pathology in Berlin, Germany. I was also part of the pathology departments at the University of Maryland and at Johns Hopkins University. Since coming to Michigan, I have taught at Wayne State University Medical School and am on the faculty at University of Windsor, Ontario.
5. I have published 76 scientific papers. I also published a textbook in Forensic Pathology.
6. I am licensed to practice in Michigan, Maryland, Virginia, District of Columbia, and in all the countries of the common market of Europe, as well as in Canada.
7. I am certified by the American Board of Pathology in Anatomic Pathology and Forensic Pathology.
8. A pathologist in a hospital deals with people who are hospital patients either while they are alive for purposes of diagnosing a condition from which they suffer by studying specimens, including bodily fluids that are removed during surgery or biopsies, or by conducting autopsies after they die.
9. A forensic pathologist has taken additional training to learn to interpret injuries and determine the manner of death, whether by suicide, accident, homicide or natural causes.
10. I was certified as a hospital pathologist in 1981 and as a forensic pathologist in 1984.
11. I reviewed the autopsy report on Regan Hollingsworth and discussed the case with Dr. Ott.
12. I believe the cause of death was a hemorrhage into the soft envelope of the brain called the spider web that surrounds the brain, otherwise known as an arachnoid

membrane. It appears the hemorrhage originated from a rupture to a blood vessel near the base of the brain.

13. When a part of the arterial system ruptures, there occurs bleeding into the vicinity, and, in fact, it will spread into the base of the brain because of the limited room in the head for the brain and the envelope that contains the brain.

14. Dr. Ott never found the hemorrhage, and there is no evidence of whether the hemorrhage started in the back or front of the brain. This is of great significance because if it is an injury from over extension from a sudden jolting backwards there is no reason why hemorrhage should originate from a rupture in the front portion of the system. For hyperextension, the rupture would occur in the back portion of the system. Dr. Ott's opinion that the cause of death was hyperextension is not provable from the evidence in the autopsy.

15. The injuries to the head did not result from a kick. The injury near the right eye and the swollen cheek was most likely caused by a fist. It was a superficial injury because the skin was broken but there was no fracturing of the underlying structure (cheek). The left side forehead injury was not from a shoe because there was not a pattern of a shoe left on the skin. There was some hemorrhage under the skin but not severe, and not within the brain cage or skull.

16. The victim's blood alcohol level was 235 milligrams per hundred cubic centimeters of blood. In drunk driving terms, the blood alcohol level would be .235 grams of alcohol per 100 milliliters of blood, which is the equivalent of 10-12 shots of 80 proof liquor or 10 -12, 12 oz. beers within one hour. A level of 0.08 grams of alcohol per 100 milliliters of blood is considered legally drunk in this state.

17. There is no record of deformity of blood vessels at birth.

18. The majority of people who sustain a burst blood vessel or a torn blood vessel in a subarachnoid hemorrhage are hypertensive. Blood pressure suddenly surges, be it due to severe stress, or be it an altercation; a vessel will rupture and give rise to a subarachnoid hemorrhage. Indirectly, it is entirely possible that there was hypertension in the victim added with the fact of intoxication.

19. Alcohol makes a person more prone to spontaneous subarachnoid hemorrhage. It is spontaneous insofar as a stressful situation can cause a surge of blood pressure in a person who is already subject to high blood pressure, either with or without the presence of alcohol. Alcohol makes blood rush to the head. It is more probable that a blood vessel will rupture from whatever cause if there is a lot of blood under pressure.

20. I do not believe there was hyperextension because there is nothing to support that opinion. None of the injuries to the face were of a severity that would make hyperextension an obvious result of that type of injury. If it is a hyperextension then you would expect the hemorrhage to be in the back of the brain which means there would be a

shearing of a blood vessel between the spine and the brain. If the hemorrhage occurred in the front, hyperextension is not likely.

21. There is no evidence of brain injury.

22. The bleeding caused an increase of pressure in the skull. The blood is a space occupying condition that pushes on the brain without causing damage to it. In order for a hemorrhage to occur, there must be a tear.

*Dr. Leslie Heinz*

Dr. Leslie Heinz

## **STATEMENT OF SHAWN KELLY**

### Defense Witness

1. My name is Shawn Kelly. I'm 17 years old and a senior at Flint High School.
2. I am a member of Junior ROTC with Tracy Knotting and Terry Rinehart.
3. As part of our ROTC training, we lift weights and do other physical training that makes us bigger and stronger than some other people our age.
4. On or about March 2, 2015, I went to O'Connor's Restaurant on Madison Roads in Flint after a Junior ROTC session. I was with Terry Rinehart.
5. When we got, there it was about 5:30 p.m. Tracy was already there with a friend of his/her named Chris. I don't know the last name. They were sitting in a front booth that usually seats eight. We didn't want to butt in, so we sat in another booth.
6. Shortly after we got there, three other individuals who were dropouts from school walked in and one of them, Billie Stevens, started to sit in the booth with Chris and Tracy. The other two guys were Regan Hollingsworth and Andy Townsend.
7. Apparently Billie said something, and I heard Tracy tell him/her that he/she wasn't sitting with them. He/she said it pretty loud.
8. Billie left and sat with Regan and Andy, next to a waitress stand that had some glasses and other stuff on it that the staff uses to set up tables.
9. Billie started jawing at me and Terry, talking about what a bunch of fairies we were for being in Junior ROTC and making other comments that were meant to tick us off. We tried to ignore him/her, but then Regan and Terry joined in and it got pretty loud.
10. Another customer came over to quiet us down and break up the argument. Shawn and I left and went to the bathroom.
11. I could hear Billie yelling something as we left, but I don't know what he/she said. I heard Tracy answer back, but I didn't hear that either.
12. Terry and I came out of the restaurant and walked out into the parking lot.
13. Billie, Regan and Andy were already outside when we left. They started yelling at us that they could beat the crap out of us fairies and they started in.
14. Regan and Billie jumped me and started hitting and cussing at me. I'm stronger than either one of them, but the two of them together were giving me a tough time, punching and scratching and kicking at me. Regan held me while Billie hit me in the stomach.



15. Before I knew it, Tracy was pulling Regan off me. He/she got hold of Regan and threw a punch that looked like it caught Regan flush on the cheek. Regan fell and hit his/her head on the pavement and looked like he/she was out cold. Tracy reached over and picked him/her up by his/her shirt front and then dropped him/her back on the ground. I didn't see anyone kick Regan, but they might have. I was still fighting with Billie.

16. I hit Billie pretty hard on the check and he/she fell to the ground next to Regan. Andy quit after that. I don't know what they did after that. Tracy, Terry and I got in our car and left.

17. While Regan was on me, I could smell a strong odor of alcohol. I think he/she must have been really drunk for him/her and his/her buddies to pick a fight with Terry and me. Maybe they figured Tracy was too occupied with Chris to notice they had jumped us.

*Shawn Kelly*

Shawn Kelly

**STATEMENT OF MORGAN SMITH**  
Defense Witness

1. I am Morgan Smith, age 38. I work at the Flint Truck and Bus plant on Bristol road. I have a high school diploma.
2. I was at O'Connor's Restaurant with my children for dinner on March 2, 2015.
3. After I placed my order with the waitress, I saw two people later identified as Tracy Knotting and Chris sitting in an eight person booth talking. Two other individuals later identified as Shawn Kelly and Terry Rinehart came into the restaurant, said hi to Tracy and Chris then sat in another booth.
4. After about five minutes, three other individuals later identified as Regan Hollingsworth, Billie Stevens and Andy Townsend came into the restaurant causing quite a disturbance. They acted like they wanted all the attention on them but not in a good way. When they walked past my booth, I could smell the remnants of alcohol and marijuana.
5. Billie Stevens sat down in the eight person booth with Tracy and Chris that were already sitting there. I was not that far from the booth. Billie just sat down was calling one of the other people a "fairy," "homo" and "weak."
6. Tracy yelled out "You cannot sit there." Billie who was slimmer and haggard looking got up from the booth and started arguing with Shawn and Terry. They were getting loud and Billie pushed Terry.
7. I stood up and walked in between them and told them to sit down and be quiet or leave.
8. Billie sat in a booth behind the wait stand. He/she jumped up on it and knocked over several glasses. O'Connor told him/her to leave. Billie, Regan and Andy left.
9. Shortly after, Shawn and Terry came out of the bathroom and left the restaurant. I watched from my booth as they left. Regan, Billie and Andy then began pushing Shawn and Terry. I saw Regan Hollingsworth and Billie Stevens attack Shawn while Andy punched Terry. Regan was holding Shawn's arms behind his/her back. Billie hit Shawn in the stomach then hit Shawn in the jaw. That is when Tracy came out of the restaurant and pulled Regan off of Shawn. Regan threw a punch at Tracy but Tracy blocked it. Tracy then hit Regan who fell to the ground.
10. The waitress came to the table with our food. I sat down and ate with my children. While we were eating, I told my children never to act like Regan, Billie or Andy in public because it was rude and would only lead to trouble.

*Morgan Smith*  
Morgan Smith

## **DEBRIEFING THE MOCK TRIAL**

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

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

### I. What are the major parts of a trial?

#### A. Jury Selection

1. How are jurors selected?
2. Why might an attorney prefer that a particular juror not serve in his case?
  - a. How may an attorney challenge such a juror?

#### B. Opening Statement

1. What is its purpose?
  - a. To inform the jury of the nature of the case.
  - b. To acquaint the jury with the essential facts.
2. What should the opening statement include?
  - a. Name of case.
  - b. Name of attorney.
  - c. Name of client.
  - d. Name of opponent.
  - e. Facts and circumstances of the case.
  - f. Simple and concise statement.
  - g. What the attorney will prove in the case.

#### C. Direct Examination

1. What is its purpose?
  - a. To present enough evidence to warrant a favorable verdict.
  - b. To present facts with clarity and understanding.
  - c. To present your witness to the greatest advantage.
  - d. To establish your witness's credibility.
2. How does one conduct a direct examination?
  - a. Clear and simple questions.
  - b. Elicit information through questions and answers.
  - c. Never ask a question to which you don't know the answer.
3. How does one get evidence before the court?
  - a. Through the testimony of witness.
  - b. Through the introduction of real evidence (photographs, murder weapon, etc.).

#### D. Cross Examination

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

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

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

#### F. Closing Argument

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

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

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

#### H. Jury retires to determine verdict

1. What does a jury do?
  - a. Each juror discusses his reaction to the arguments presented.
  - b. Jury discusses the validity of these arguments.
  - c. To reach a verdict bases upon their judgment and the law in the case.
2. How many votes are necessary for a verdict?
  - a. Depends upon jurisdiction in which case is heard.
  - b. Usually a unanimous verdict is required.
  - c. If there is a hung jury (one which neither finds the defendant innocent nor the number of votes necessary to find him guilty) an entire new trial may be held.

I. Clerk reads verdict

J. Judge determines sentence

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

II. Review the major participants in a trial

A. Clerk

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

B. Judge

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

C. Attorneys

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

D. Foreman

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

E. Witnesses

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

III. Questions about the actual case

- A. What was the charge against the defendant?
- B. What issues were raised in the case?
- C. What were the arguments of each attorney?
- D. Why did they make these arguments?
- E. What evidence was presented for each side?
- F. What facts, evidence or arguments were not presented?
- G. What was the decision of the court?
- H. Why was that decision reached?
- I. Can the losing party appeal his case to a higher court?

IV. Questions about our trial system

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