

Background & Setup Information in United States of America v. John Smith Mock Trial for 6-12TH Grade Students



BACKGROUND

Last month, 18-year-old John Smith was taken into custody by the Gaston County Police and was charged with felony possession of drugs. The degree of violation depends on how the drugs were used, i.e. for personal use or for distribution, and the amount confiscated. In this case, the federal government took this case, and Mr. Smith is being charged with possessing a pound or more of drugs, which is considered a felony and a jailable offense.

The case is being heard in the Western District of North Carolina where the charge was brought. At the pre-trial hearing, the defense attorney for Mr. Smith notified the judge that his client stated he was not guilty and has requested a jury trial. This is the trial that is to occur today.

PLAYERS

Judge (insert name)

The Judge in the case, during the trial, pays attention to the litigants and witnesses at all times. Once attorney 'A' has completed questioning a witness, ask attorney 'B' if he/she would like to cross-examine the witness. Once attorney 'B' is done, ask attorney 'A' if he/she would like to re-direct the witness. Once attorney 'A' is finished re-direct examination, ask attorney 'B' if he/she would like to re-cross-examine. Once attorney 'B' finishes, the witness is free to step down. Always make eye contact with whom you are speaking too. Be calm and forthright with your decisions.

Attorneys (insert names)

Always stand when talking to the judge, even for brief periods. When questioning a witness, the Western District of North Carolina allows attorneys to remain seated during the examination. With each witness, you will have the opportunity to cross-examine or re-direct after opposing counsel is done questioning the witness.

When introducing evidence, first identify the exhibit (i.e. Government Exhibit 1, or Defense Exhibit 1A), so the court reporter and courtroom deputy can make an accurate reflection in the record. If you need to approach the witness stand to introduce an exhibit, you should first ask the judge if you can approach the witness, then hand the evidence to the witness. When addressing the jury during your opening statement and closing arguments approach the jury and make eye contact. Be confident in your case at all times. Always show respect for the court and the judge.

Defendant John Smith

You may have the hardest part. Although you are the sole individual charged in this case, you are purely a spectator and are not allowed to speak out in the courtroom. When conferring with your attorney, do so quietly and seriously. By looking and acting proper, your silence can go a long way in helping to persuade the jury in your favor.

Witnesses:

Sergeant Jay Collins

Mary Gelman

Agent Jessica Horton

Patrolman Kevin Larue

Tyler Lincoln

Brian Tidwink

Unless the Judge sequesters the witnesses, have a seat in the audience (or spectator's section). Pay attention for your name to be called by either the prosecutor or defense attorney. Once your name has been called, proceed to the witness stand, where you will be sworn in by the Courtroom Deputy Clerk. Stay standing, raise your right hand, and agree to the swearing in by saying "I do." Be seated in the witness box and answer questions from the attorneys. Once the judge tells you to step down, return to the audience.

Courtroom Deputy Clerk

You have many jobs inside the courtroom. When a witness is called, administer the oath by swearing in to the witness in front of the jury by saying, "Place your left hand on the bible and raise your right hand. You do solemnly swear (or affirm) that the testimony and evidence you are about to give in this trial shall be the truth, the whole truth and nothing but the truth, so help you God?" Once the witness says, "I do" or "I will," instruct the witness to be seated.

Once the witness takes the stand, the courtroom deputy should write down the witness name on the witness list. In addition, after one of the attorneys introduces evidence, you must make a notation on the exhibit list of what the exhibit was identified as and it's exhibit number. The witness & exhibit list become a part of the court record.

The courtroom deputy will also be asked to read the jury verdict. You should stand and in a strong voice, read the jury verdict to the court, so everyone from the defendant to the spectators can hear you.

Court Security Officer or CSO

CSO's stand quietly to the right of the witness box and are usually positioned in the back of the courtroom as well. Your main duty is to keep a stern eye on the happenings in the courtroom and act as a messenger from the jury to the court.

Depending on which judge is in session you (or the law clerk) may be asked to open court by saying, "All rise. Oh yes, Oh yes, Oh yes. All persons having business shall draw near and be heard. The Honorable (insert name) is present and presiding. Please be seated and come to order. This court is now in session." When closing court, you will stand and say in a strong voice, "All rise! This honorable court is hereby adjourned. God save these United States and this honorable court!"

Jury Foreperson

You are the head juror, and consequently, responsible for reading the verdict to the judge. In addition, during deliberations, you should try to keep the lines of communication open and continuing, make sure that no one is dominating the conversation, and decide on the best way to conduct a final vote. If the jury is heading towards a hung jury verdict, you should press both sides to make more convincing arguments. Once a decision has been made, contact the court security officer and inform him that the jury has reached a verdict. Write down the verdict on the verdict sheet and hold until the judge asks for it.

Jurors

You are responsible for deciding if Mr. Smith is innocent or guilty of the charge being brought before him in court today. During the trial, quietly listen to the attorneys and to the witnesses, factor in any evidence introduced, and jot down notes to help remember important aspects of the case.

THE SETUP

Decide how many students you wish to participate in the trial. The main players are the judge, United States Attorney, defense attorney, defendant, court security officer, courtroom deputy clerk, and the six witnesses (the judge can either be a student, teacher, or if available, one of our own judges.) The size of the jury can vary. For a federal criminal trial, it usually consists of one 12-person jury, but there are enough seats for 14, which would include to alternate jurors. Other students not playing a part can act as observers in the spectator's section.

You may elect to use all of the provided documents in your mock trial, or just keep it very simple, and use the script. Before the trial, print out all the materials you will need from our website. Provide all students with the trial background, legal definitions, and player descriptions. If using all the trial documents, hand out the exhibits (lab report and logbook) to the attorneys, and the juror information to the jury or juries. The courtroom deputy clerk should have the witness & exhibit list and be ready to fill it out as needed. Each player should spend some time getting familiar with his/her role and script. The entire trial is scripted, with the exception of the closing arguments by the prosecutor and the defense attorney, who have to write their own closing arguments. This can be a brief statement, or you can summarize your whole entire case to the jury.

THE DAY OF THE TRIAL

Assemble the classroom (or courtroom) according to the courtroom setup display. Have the defendant, defense attorney and the government's attorney seated at their respective tables. Witnesses are seated in the audience (unless the judge has sequestered the witnesses.) One court security officer stands to the right of the bench, next to the witness stand, and another should be placed in the back of the courtroom. The courtroom deputy clerk sits in the bench in front of the judge, and have the jurors seated in the jury box(es). The jury foreperson can be selected once the jury goes back in the jury room for deliberations. Although there is no active role in the script for the law clerk or United States Marshals, you can elect to have them seated in their perspective positions. The judge then enters the courtroom.

JURY DELIBERATION

During deliberation, jurors are to openly discuss the facts, the witnesses' testimony, the arguments on both sides, the evidence, etc. This is a chance to confer and debate with one another. During a real case, jurors are given an indefinite amount of time to deliberate. Given time constraints in this mock trial, however, the jury should be given a time limit by the teacher. Before the time limit has passed, the jury must decide how they as a whole will decide the case. Once a decision has been made, contact the court security officer by knocking on the door, and inform him that the jury has reached a verdict. The foreperson is to write down the verdict, sign it, and hold on to the verdict until the judge asks for it.

ANNOUNCEMENT OF THE VERDICT

At this time, all parties except the judge return to the courtroom in their respective places. The court security officer asks everyone to rise as the judge enters the courtroom. Once seated, the judge asks who speaks as the jury foreperson, and if they've reached a verdict. The jury foreperson answers "yes" if a verdict has been reached, or explains to the judge that the jury is hung. If a verdict has been reached, the foreperson hands the verdict sheet to the CSO, who hands the verdict sheet to the judge. The judge will review the jury verdict, and then asks the courtroom deputy clerk to stand and publish the verdict. The clerk will begin by saying, "In the case of the United States of America vs. John Smith, the jury has returned the verdict as follows: (Clerk reads the verdict.)"

CONCLUSION

Although not in the mock trial script, if the defendant was found guilty, the United States Attorney may motion the court to have the defendant be taken into custody by the United States Marshals. If the defendant is found not guilty, the defendant is free to go. (In the case of a hung jury, a judge will often ask the jury to continue deliberations.)

DISCUSSION POINTS

- q How did the jury or juries come to their conclusion?
- q How did jurors try to sway or persuade opposing jurors?
- q What part of the court process was surprising to you?
- q How did this trial compare to court cases you see on TV?
- q What is the importance of the following phrase: Beyond a reasonable doubt.
- q What witness/evidence/testimony were you most impressed with? Why?
- q The choice of whether to ask for a jury trial is the defendant's. Why would someone want their case heard by a jury? Advantages? Disadvantages?
- q Under the United States Constitution, a defendant is not required to testify. John Smith did not testify in his own defense. Did that affect your decision about guilt or innocence?
- q Do you believe that a defendant is likely to be guilty if the United States Attorney goes to the trouble to take the case to trial?
- q On a couple of occasions, the jury was instructed by the judge to ignore statements or questions. Did you still take those statements into consideration?
- q If you were the prosecutor or defense, what questions, witnesses, or evidence would you have used to strengthen your case?