

***Criminal Mock Trial – Primary Grades ***

***People of the State,
Plaintiff***

v.

***David,
Defendant***

Facts (for the teacher)

David is charged with stealing a set of special stickers from the teacher, Mrs. Applegate. To prove that David is guilty, the prosecutor must prove that David took the stickers to keep them for himself.

Opening of Trial:

Bailiff: Please rise. The Court of Room K-1 is now in session, the Honorable _____ is presiding.

(Everyone remains standing until the Judge enters and is seated).

Judge: Bailiff, what is today's case?

Bailiff: Your Honor, today's case is the People v. David.

Judge: Jury, you must listen carefully to what is said in this trial by everyone. You will have to decide if David is guilty of stealing the stickers.

Prosecuting Attorney: Your Honor and members of the jury, my name is _____. Stickers were stolen from the teacher's desk. Later they were found in David's desk. We will give evidence to prove David stole these stickers. Please find David "Guilty".

Defense Attorney: Your honor, and members of the jury, my name is _____. I am the attorney for David. We will show that David is not guilty. The stickers were found in his desk, but he did not take them. The other side must prove that David took the stickers. He is "Not Guilty".

Bailiff: Witnesses, please stand and raise your right hand. Do each of you swear to tell the truth, the whole truth, and nothing but the truth?

Witnesses: I do. *(Suzie, David, and Mrs. Applegate raise their right hand)*

Judge: Attorney for the people, call your first witness.

Prosecuting Attorney: Thank you, your honor, I call Suzie to the stand. (Suzie takes the stand, led by the bailiff). Do you know David?

Suzie: Yes. I sit next to him everyday at school.

Prosecuting Attorney: Who is your teacher?

Suzie: Mrs. Applegate. She is my favorite teacher.

Prosecuting Attorney: Did you give her some special stickers?

Suzie: Yes. I loved those stickers so much. I picked them out with my mom at the Hello Kitty store.

Prosecuting Attorney: What happened to the stickers?

Suzie: David stole them.

Prosecuting Attorney: What makes you say David stole the stickers?

Suzie: David always gets in trouble. Yesterday he had to stay after school! I saw David looking at the stickers on Mrs. Applegate's desk.

Prosecuting Attorney: Thank you, Suzie. No more questions.

Judge: Defense Attorney for David, would you like to ask Suzie any questions?

Defense Attorney: Yes, your Honor. Suzie, did you see David take the stickers from Mrs. Applegate's desk?

Suzie: Well, no...but I sit right next to David, and I looked in his desk. The stickers were there!

Defense Attorney: You don't like David, do you?

Suzie: No I don't! He is a troublemaker!

Defense Attorney: Thank you. Nothing further. (Suzie steps down)

Judge: Prosecuting Attorney, do you want to call another witness?

Prosecuting Attorney: Yes, your Honor. I call Mrs. Applegate to the stand. (Mrs. Applegate takes the stand, led by the bailiff).

Mrs. Applegate, I am showing you some stickers, marked Exhibit A ([Attorney gets Exhibit A from the table](#)) Have you seen these before?

Mrs. Applegate: Yes. Suzie gave them to me. Later that day, the stickers were missing. I found them in David's desk.

Prosecuting Attorney: What do you remember about that day?

Mrs. Applegate: Oh, it was a horrible day. David was late to school, and he was clowning around. He had gum and he was playing "drums" with his pencils! And then, the stickers that *sweet little* Suzie gave me were missing. Suzie is a good student and she never breaks the rules. When she told me to look in David's desk, it was a good idea. So I looked. The stickers were in the back of the desk.

Judge: Defense Attorney, would you like to cross-examine the witness?

Defense Attorney: Yes, thank you, your Honor. Mrs. Applegate, you say that the day the stickers were stolen, David had a bad day?

Mrs. Applegate: Oh yes, most days are that way with David.

Defense Attorney: Did you see David take the stickers?

Mrs. Applegate: No.

Defense Attorney: Did you see David place the stickers in his desk?

Mrs. Applegate: No.

Defense Attorney: When did you discover that the stickers were missing?

Mrs. Applegate: I'm not sure. I don't remember.

Defense Attorney: Was it before or after Suzie told you to look in David's desk?

Mrs. Applegate: I don't know.

Defense Attorney: Thank you. No further questions. ([Mrs. Applegate steps down](#))

Judge: Defense Attorney, do you want to call any other witnesses?

Defense Attorney: Yes, your Honor. I would like to call Stevie to the stand. ([Stevie takes the stand, led by the bailiff](#)) Stevie, do you know David?

Stevie: Yes, we live on the same block and we have been in soccer together. He is *not* my friend. He started a food fight in the cafeteria and I got in trouble.

Defense Attorney: What do you know about the case?

Stevie: I heard Suzie asking Mrs. Applegate if she could see the stickers. That is when Mrs. Applegate found out they were missing.

Defense Attorney: Have you seen the stickers before?

Stevie: Yes, Suzie showed them to everyone before she gave them to Mrs. Applegate. They are stupid stickers if you ask me. They have pictures with hearts and words that say, "You Go Girl" on them. David would not even want them!

Defense Attorney: Do you recognize the stickers marked as Exhibit A?

Stevie: Yes. These are the same stickers Suzie showed us.

Defense Attorney: What else do you remember about the stickers?

Stevie: I saw Suzie in front of David's desk and she had the stickers in her hand.

Defense Attorney: When was this?

Stevie: After we came back to the class from lunch.

Defense Attorney: Thank you.

Judge: Prosecuting Attorney, would you like to cross-examine the witness?

Prosecuting Attorney: No further questions, Your Honor. (Stevie steps down)

Defense Attorney: Your honor, I would like to call David to the stand. (David takes the stand, led by the bailiff). David, Did you take the stickers from Mrs. Applegate's desk?

David: No! It's not my fault! I don't like "girl" stickers! No! It wasn't me!

Prosecuting Attorney: David! Why do you think that the stickers were in your desk?

David: I don't know! It's not my fault!

Judge: David, you may step down. We will now hear closing arguments.

Prosecution Attorney: Jury, the facts in this case are very clear. David was having another bad day. He stole the stickers and was hiding them in the back of his desk. I ask you to find David guilty.

Defense Attorney: The prosecuting attorney did not prove *beyond a reasonable doubt* that David took the stickers off the teacher's desk. Just because David had a bad day does not prove he took the stickers. David does not like girl stickers. Stevie saw Suzie with the stickers. She was standing in front of David's desk. Please find David not guilty.

Judge: Ladies and gentlemen of the jury, I must remind you of the *Rule of Law* that must be followed in deciding this case.

David is *innocent until it is proven that he is guilty*. If you are almost completely sure that David took the stickers after listening to reasons from both sides, then you should find David guilty. If you have more than a little doubt that David took the stickers, then you must decide that he is not guilty.

The Court will now adjourn while the jury talks this over carefully and makes their decision.

(focus is now on the jury and those in the trial "freeze")

Jury Foreperson: I would be happy to lead the jury in our discussion and be the foreperson.

Jurors: (nod their heads that this is okay, some can say, "sure", "that is fine with me", etc.)

Jury Foreperson: We will each have a chance to give our opinion. Please give your *reasons* why this is your opinion. Let's begin with _____
(Foreperson asks each juror to give their opinion, including reasons for this opinion. Go around to all jury members and give them a chance to give their opinion.)

Jury Foreperson: It is time to vote. Please say "guilty or not guilty" as we go around the circle.

(Foreperson completes the Verdict Form for the judge that is provided with unit materials Lesson 6, and gets up and gives it to the bailiff)

Foreperson: We have a decision, will you please give this verdict to the judge?

Bailff: Yes, thank you. (Bailff takes the form to the judge, and court becomes "alive" again, unfreezing! Your honor, the jury has made a decision.

Judge:. (judge reads the decision aloud)

"We the jury in this case, find David is _____.

Jurors, I thank you for your service

Court is adjourned.