

McLean County Circuit Court

MOCK TRIAL CASE MATERIALS (Elementary / Middle School – 5th – 8th Grade)

Summary

Role-play using a case study approach:

On September 1, 2006, Susan Q. Anderson, age 17, accompanied her mother to the Target store at The Shoppes at College Hills. Once there, Susan went separately to the music section of the store while her mother looked for a birthday card. Susan selected a Carrie Underwood CD and placed the merchandise in her purse. She **claims** to have intended to have her mother purchase the CD for her before they left the store. Susan **claims** to have forgotten to give the CD to her mother and exited the store with the CD. Susan was apprehended by a store security officer, John Jameson, in the parking lot, interviewed, transported to the Normal Police Department and charged with Retail Theft.

1. Assign students the following courtroom roles:

- Jurors (8-14)
- Prosecuting Attorney
- Defense Attorney
- Susan Anderson
- Mother of Susan Anderson (Optional)
- John Jameson – Security Officer
- Courtroom bailiff (optional)
- Court Reporter (optional)

A class may have more than one prosecuting and defense attorney. Additional witnesses may be created.

2. Have the attorneys and their witnesses develop the following:

- Opening arguments
- Examination of witnesses*
- Cross examination of witnesses
- Closing arguments

*Susan Anderson will testify, although she is aware she is not required to.

The jurors will be asked to make a decision based on the evidence presented, and will be asked to discuss their decision with the remainder of the class.

Background Material for Elementary / Middle School Mock Trial

1. There are two ways that a person may be charged with a **CRIME**.
 - (a) The State's Attorney may sign a verified **INFORMATION** charging a person with committing a crime.
 - (b) A Grand Jury may sign an **INDICTMENT** after it hears sworn witnesses and determines that there is probable cause to believe that a person committed the crime charged.
2. There are two classifications of crime:
 - (a) A **Misdemeanor** is a crime for which the punishment shall not exceed one year in jail and a fine of up to \$2,500.00. Examples of misdemeanors include: battery, theft under \$300, unlawful use of weapons, possession or consumption of alcohol, possession of cannabis under 30 grams and resisting a police officer.
 - (b) A **Felony** is a crime punishable by death or by imprisonment in a state penitentiary for more than one year. The State's Attorney must show probable cause that the defendant committed the crime before the defendant can be required to stand trial. Examples of felonies include: murder, kidnapping, burglary, forgery, robbery, arson, theft over \$300 and sale or delivery of a controlled substance.
3. It is very important to understand that each person is **responsible** for his/her own acts. Anyone thirteen (13) years or older can be treated as an adult under the criminal laws. However, persons between the ages of 7 and 17 are treated under the Juvenile Court Act, except in the most serious cases. On your 17th birthday, you become an adult for criminal law purposes.
4. COURT PROCEEDINGS:
 - (a) PARTICIPANTS
 1. **JUDGE** – is an attorney who has been selected to be a judge.
 2. **STATE'S ATTORNEY** – is an attorney who represents all the people of the State of Illinois in prosecuting those responsible for criminal acts.
 3. **DEFENSE ATTORNEY** – is an attorney representing the person charged with a crime.
 4. **BAILIFF** – is a court official, usually a deputy sheriff, who keeps order in the courtroom and handles various errands for the judge and clerk.

5. **CLERK** – is an official or employee who handles the business of a court of a system of courts, maintains files of each case, and issues routine documents.
 6. **COURT REPORTER** – is a person responsible for making a full reporting, by machine notes, of the evidence and such other proceedings in trials and judicial proceedings to which (s)he is assigned by the Chief Judge of the Circuit.
 7. **JURORS** – are the 12 people who listen to the witnesses and unanimously decide whether or not the defendant is guilty of the offense charged. It is the jury’s duty to resolve disputed questions of fact in the case and to use the law explained to them by the Judge to decide on their verdict.
- (b) **ARRAIGNMENT** – is the first Court appearance. The Judge tells the defendant the name of the charge against him/her, maximum penalty he/she can receive upon a finding or plea of guilty, sets bond if he/she is in custody, determines whether a public defender should be appointed and sets the next hearing date either for a pretrial in jury cases or a bench trial.
 - (c) **PLEA AGREEMENT** – is an agreement entered into by the State’s Attorney and the defendant in exchange for a plea of guilty to some or all of the charges. The Judge may refuse the plea agreement if he/she feels that the terms of the agreement are not appropriate.
 - (d) **BENCH TRIAL** – is a trial held before a Judge who will determine what the facts are and what the law is and decide whether the defendant is guilty or not guilty based on the evidence and the law. Upon a finding of guilty, the Judge will sentence the defendant.
 - (e) **JURY TRIAL** – is a trial held before a Judge and a jury. The jury (which is selected at random) decides what happened (the facts of the incident) based on the evidence heard during the trial, and the law is then explained to them by the Judge. The jury applies the law to the facts and in this way decides the case.
5. If you are charged with a crime, you still have certain important **Rights** that protect you.
 - (a) You are **PRESUMED INNOCENT** until you are **PROVEN GUILTY BEYOND A REASONABLE DOUBT**. This means that the State’s Attorney must prove beyond a reasonable doubt both that the crime was actually committed and that it was committed by you.
 - (b) You do not have to testify against yourself. In other words, you do not have to say whether or not you committed the crime; this is know as your **RIGHT AGAINST SELF-INCRIMINATION**.

- (c) You have the **RIGHT TO HAVE AN ATTORNEY** help defend you anytime you are charged with committing a crime. If you do not have enough money to hire an attorney, the Court will provide a public defender for you.
 - (d) You have a **RIGHT TO A JURY TRIAL**, unless you are being tried in a Juvenile Court, in which case, the Juvenile Court Judge will decide the case.
 - (e) You have the **RIGHT TO BE FREE FROM DOUBLE JEOPARDY**, which means that you cannot be charged with the same crime twice.
 - (f) You have the **RIGHT TO CONFRONT WITNESSES**. During your trial you may ask questions of witnesses who are testifying against you, which they must answer under oath.
 - (g) You have the **RIGHT TO SUBPOENA WITNESSES**. If you know of someone who could help prove that you did not commit the crime, you can require him/her to appear in Court and testify.
 - (h) You have the **RIGHT TO A SPEEDY TRIAL**. If you demand a speedy trial, you must be tried within 120 days if you are in jail and 160 days if you are released on bond.
6. After all of the evidence has been presented and examined, the Judge or the jury will find a person **GUILTY** or **NOT GUILTY**.
- (a) To find a person **GUILTY** the Judge or jury must be convinced **BEYOND A REASONABLE DOUBT** that the person has committed the crime.
 - (b) If there is still a **REASONABLE DOUBT** in the mind of the Judge or jury, the person charged must be found **NOT GUILTY**. (Note that the Judge or jury does not say that the person is “innocent,” rather, there is just not enough evidence to prove beyond a reasonable doubt that he or she committed the crime as charged.)
7. Possible Sentences:
- (a) Fines

Petty Offenses	Up to \$1,000
Misdemeanor	Up to \$2,500
Felony	Up to \$25,000 or greater amount stated in statute.
 - (b) Restitution

The defendant may be ordered to pay for damages suffered by the victim, including those reimbursed by insurance.
 - (c) Court Supervision

The defendant receives no conviction on his record so long as he doesn't violate the law during term of supervision. If he violates the law during the term of Court Supervision, he can be re-sentenced up to the maximum penalty.

(d) Conditional Discharge

Conditional Discharge is a form of probation – but the defendant is not required to report to a probation officer. If he violates the law during the term of Conditional Discharge, he can be re-sentenced up to the maximum penalty. The defendant receives a conviction of record.

(e) Probation

The defendant is required to report to a probation officer. If he violates the law during the term of probation he can be re-sentenced up to the maximum penalty. The defendant receives a conviction on his record.

(f) Jail

The Defendant can be sentenced to serve periodic, work release or straight time in jail.

(g) Alcohol or Drug Programs

Several programs are available as a part of a sentence.

8. Appeal

A defendant has 30 days after sentencing in which to file a Notice of Appeal. If defendant pled guilty, he must within 30 days file a Motion to Withdraw Plea of Guilty and vacate the judgment. If his motion is denied, he has 30 days following denial to file a Notice of Appeal with the Appellate Court. A defendant will be provided an attorney and a free transcript of the trial if he is unable to afford these services.

COMMON OFFENSES COMMITTED BY JUVENILES

Criminal Offenses: The following are the more common criminal offenses committed by young people. Explanations provide a general idea of what constitutes the illegal act.

1. Assault - involves threatening someone so that the person reasonably fears he/she will be hurt.
2. Battery - is intentionally hitting someone. When a knife or other dangerous weapon is used, the offense will be aggravated assault or aggravated battery.

3. Theft - includes retail theft (shoplifting) buying or receiving something with the knowledge that it may be stolen; keeping lost property without making a reasonable effort to find the real owner; and using someone's credit card without permission.
4. Robbery - taking property from a person while using or threatening force. When a dangerous weapon is used, the offense becomes **armed** robbery.
5. Burglary - entering a house, garage, car, business or remaining inside without authority and intending to steal property.
6. Criminal Trespass to Vehicle –
Is entering or taking someone's car for a drive without permission even though you intend to return it.
7. Criminal Damage to Property –
Is the willful and malicious destruction or defacement of public or private property.
8. Disorderly Conduct –
Includes making obscene phone calls, pulling a fire alarm knowing that there is no fire, making a false bomb threat and making a false police report.
9. Alcohol -- In order to buy, drink or possess an alcoholic beverage, you must be 21 years of age in Illinois. No one, regardless of age, may drink or possess any open bottles or can of alcohol in a car.
10. Cannabis -- Possession of cannabis (commonly know as marijuana), in any amount is illegal in the State of Illinois. Penalties range all the way from \$500 fine and 30 days in jail to \$10,000 fine and over 60 years in jail.
11. Possession or Delivery of Controlled Substances –
Possession or delivery of cocaine, heroin, amphetamines, depressants, speed, LSD, narcotics, Ecstasy, liquid G, inhalants and any other stimulant is illegal and subject to a fine from \$500 to in excess of \$25,000 and imprisonment from 30 days to more than 20 years in prison.