

Classroom/Youth Organization Juvenile Justice Exercise— Middle School and High School

Hypothetical Trial Scenario: Theft of a Cell Phone Before School

Case

Randy is 14-years-old and was traveling to school on a bus. Randy stepped off the bus near school holding a cell phone in a case that also contained a bus pass and \$24. Kelly, who attends the same school, walked by briskly with another youth, grabbed Randy's phone, and ran away with the other youth, in the opposite direction of school. Randy reported what happened to the School Resource Officer/Safety Officer. Randy described the clothing Kelly was wearing—blue jeans and a purple shirt with a yellow stripe across the front—and told the officer it happened quickly. Randy said to the officer, "I think the kid who took my phone was Kelly from my 3rd period math class, but I didn't get a good look at the other kid."

Kelly arrived late to school that day, wearing black jeans and a purple shirt with a yellow stripe across the front. Later that day, during 2nd period, another youth from Randy's 3rd period math class, who always sits with Kelly, goes to the principal's office and turns in Randy's phone, saying, "I found this on the ground on my way to school today."

Conduct a case discussion.

Discussion Questions

- Is there enough evidence to charge Kelly?
- Did the youth with Kelly do anything wrong?
- What other evidence might exist?
- Does it make a difference that Kelly was wearing black jeans upon arrival to school?
- Would it make a difference if the school colors are purple and yellow and that most kids were wearing purple and yellow that day due to a sporting event?
- What else would you want to know about 3rd period math class?
- What gender is Kelly? What about Randy? (Discuss what assumptions may have been made and why)
- Assume, for purposes of trial exercises, that Randy was 100% sure the kid who took the phone was Kelly from 3rd period math class.

Instructions for Abbreviated Mock Trial Exercises

(Designed to be facilitated by a Prosecutor where feasible)

These exercises are designed to expose students to different aspects of trial work. They are meant to be exercises that can be done in a short time period (two 45-minute sessions) unlike a full mock trial which would take longer. Facilitators/instructors should choose which exercises are feasible given the students' time limits.

Preparation

First Session

Review fact pattern and discussion questions. (This discussion will help identify strengths and weaknesses in the prosecution's case.)

Possible roles to assign for students:

- Judge (teacher or student)
- Prosecution team (2–3 students)
- Defense team (2–3 students)
- Randy (witness)
- School Resource Officer (witness)
- Kelly (defendant/respondent/accused)
- Jury (remaining students)

Decide which exercise(s) to prepare, depending on your time limits. Options include opening statements, direct examination, cross examination, and summations.

Second Session

Trial exercise steps:

1. Prosecution opening: Prosecutor explains what the evidence will show Kelly did. (2 minutes)
2. Defense opening: Defense attorney explains that Kelly is innocent/wrongfully accused, and that there is no proof s/he did this. (2 minutes)
3. Put witnesses on stand: Direct examination and cross examination (15 minutes)
 - Randy describes what happened. (Sample questions for direct examination provided below)
 - School Resource Officer describes what s/he did upon learning of the incident. (Sample questions for direct examination provided below)
 - Cross examination questions. (Suggested topics provided below)
 - Kelly confers with his/her defense attorney and chooses not to testify. (S/he has the absolute right to remain silent.)

4. Summation arguments (7 minutes)
 - Defense explains why the prosecutor did not prove the case beyond a reasonable doubt.
 - Prosecution describes all of the evidence that shows beyond a reasonable doubt that Kelly stole Randy's phone.
5. Jury discusses the case and comes back with a verdict. (7 minutes)
6. Jury verdict is announced either by the Judge or Jury. (30 seconds)
7. Wrap-up discussion if time remains.

Tips for facilitators:

- Review legal terms with students before starting trial exercises: Beyond a reasonable doubt, evidence, testimony, hearsay, witness, etc.
- Hearsay definition for students: A statement made out of court that a party in a trial wants to introduce to prove that the statement is true.
- Allow students to practice questions during preparation session.
- Write out key details on a board or somewhere else that is visible.
- Give students time to prepare.

Sample direct examination questions to ask Randy:

- Please state your full name.
- How old are you?
- Where do you go to school?
- What grade are you in?
- How do you get to school?
- Directing your attention to (date) at (time), where were you? (Getting off bus near my school)
- What was the weather like at that time?
- What street is the bus stop on? Between what streets/avenues?
- Did you have a phone with you at that time?
- Where was your phone?
- What kind of phone was it?
- Could you describe it?
- What happened once you got off the bus?
- What did this person look like?
- What was s/he wearing?
- How close were you to that person?

- Could you see his/her face?
- Did you look directly at this person?
- For how long?
- What was this person wearing?
- Do you recognize him/her?
- As whom?
- Was this person alone or was s/he with another person?
- What did that person look like?
- After the first person that you described took your phone, what did you do?
- Where did you go?
- Who did you talk to at that location? (School Resource Officer)

Sample direct examination questions to ask the School Resource Officer:

- Directing your attention to (date) at (time), where were you at that time? (Name of school)
- What happened at that time? (Was approached by a student (Randy))
- What did you do next? (Looked for video near the bus stop; video camera was not working that day)
- Did you make an arrest later that day?
- Of whom?
- What was that person wearing at that time?

Possible topics for cross examination of Randy:

- Randy was in a rush to get off the bus and get to school on time.
- Randy was focusing on his/her phone, not on the person who took the phone.
- Establish that incident happened very quickly. (Summation argument: Randy did not really have an opportunity to see the person who took phone.)

Possible topics for cross examination of School Resource Officer:

- The officer did not see who took Randy's phone.
- The officer has no knowledge of the incident other than what s/he was told.
- The color of Kelly's pants when Kelly was placed under arrest.

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