

# From Classroom to Courtroom

## Mock Trial Four Day Program

### JUDGE INSTRUCTIONS

#### The Trial (Day Four)

1. After the bailiff has called the court to order, judge enters courtroom and sits at bench. The judge tells everyone, but the jury, to be seated. The bailiff swears in the jury.
2. Follow Mock Trial Procedure Script. Ask the prosecution to begin with their opening statement. Ask them to stand at their table. Then ask defense to do the same.
3. Ask prosecution to call its first witness. Ask bailiff to swear in the witness, then ask witness to state his or her name. Instruct attorney to begin direct examination.
4. The attorneys may object (see Objection handout). They are limited to four rules of evidence. Please allow the attorney to give their reasons for objecting and then sustain or overrule as appropriate.
5. Ask defense to cross-examine the witness.
6. Repeat steps 3 and 4 for each witness. When defendant calls their first witnesses, they will conduct direct examination of those witnesses and the prosecution will conduct the cross examination.
7. If necessary, take a two-minute recess to give the attorneys time to complete their closing arguments. Ask both sides to present their closing arguments with the prosecution going first.
8. Instruct the jury with the instructions provided at the end of each trial. Ask the bailiff to show the jury to the deliberation room to decide the case.
9. When the jury returns with its decision, ask for the verdict.
10. After they have announced the verdict, ask them to explain how they decided on it.
11. Time permitting, debrief the trial. Encourage all students to participate in the discussion of the trial. Questions that facilitate discussion include:
  - What were the strong and weak points of each side?
  - What additional information would have been helpful?
  - Who was the most believable witness? Why?
  - Did any of the students change their minds during the trial? When and why?
  - Are there other ways that the problem could have been settled? What would have been the advantages or disadvantages?
12. Complete the process with a short discussion of the need for citizens to participate in the process. Ask them what they will remember to do if they witness an action or are asked to serve on a jury.

# From Classroom to Courtroom

Mock Trial Four Day Program

MOCK TRIAL PROCEDURE

Student Handout

**NOTE TO ALL PARTICIPANTS:** Always address the judge by saying “Your Honor.”

## Opening of Trial:

*Bailiff:* Please rise. The Court of the Second Judicial Circuit, Criminal Division, is now in session, the Honorable \_\_\_\_\_ presiding.

*Judge:* Everyone but the jury may be seated. Ms./Mr. \_\_\_\_\_ (Bailiff’s name), please swear in the jury.

*Bailiff:* Please raise your right hand. Do you solemnly swear or affirm that you will truly listen to this case and render a true verdict and a fair sentence as to this defendant? (Jury should answer “I do”). You may be seated.

*Judge:* Mr./Ms. \_\_\_\_\_ (Bailiff’s name), what is today’s case?

*Bailiff:* Your Honor, today’s case is \_\_\_\_\_.

*Judge:* Is the prosecution ready?

*Prosecuting Attorneys:* (stand up) Yes, your Honor. (Be seated)

*Judge:* Is the defense ready?

*Defense Attorneys:* (stand up) Yes, your Honor. (Be seated).

## Opening Statement

***The prosecuting attorney introduces himself or herself and states what their side hopes to prove. Begin with “Your Honor, members of the jury...” then state what the facts on your side will show and ask for a verdict in favor of your side.***

***The defense attorney then says, “Your Honor, members of the jury,” and introduces himself or herself and explains the evidence on his or her side that will deny what the other side is attempting to prove. Ask for a verdict of not guilty.***

*Attorney:* Your Honor, members of the jury, my name is \_\_\_\_\_ and I and my classmates are representing \_\_\_\_\_ in this case. We intend to prove \_\_\_\_\_

\_\_\_\_\_. Please find \_\_\_\_\_. Thank you.

**Direct Examination (Prosecution)**

*The Prosecution calls its first witness to the stand and asks clear and simple questions that allow the witness to tell his or her side of the story in his or her own words. Witness may make up answers to questions that are not included in the witness statements or the witnesses may say "I don't know."*

**Judge:** Prosecution, you may call your first witness.

*Prosecuting Attorney:* Thank you, your Honor. I call to the stand \_\_\_\_\_.

**The Oath**

*All witnesses are sworn in before they begin answering questions. This is to remind them that they must tell the truth.*

**Judge:** Will the witness please stand to be sworn in by the bailiff. (Witness stands)

*Bailiff:* (to the witness) Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

*Witness:* I do.

(Witness goes to the stand and sits down)

(Prosecution begins Direct Examination)

**Suggestions for questions:  
How do you know the defendant?  
What do you know about the case?  
What happened?  
What do you remember?  
What happened next?**

**Remember to ask questions that will let the witness tell the complete story.**

**YOUR QUESTIONS for WITNESS #1**

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**Cross Examination (Defense)**

*The Defense questions the prosecution's witnesses to try to prove that the witness is lying or can't remember. For example, the lawyer may ask "Isn't it true that you really couldn't see because it was almost dark outside?"*

**Suggestions for questions:  
Isn't it true that....  
If possible, ask questions that call for a yes or no answer.**

**YOUR QUESTIONS for WITNESS #1**

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**Second Prosecution Witness**

**Judge:** Prosecution, you may call your second witness.

*Prosecuting Attorney:* Thank you, your Honor. I call to the stand \_\_\_\_\_.

**Judge:** Will the witness please stand to be sworn in by the bailiff. (Witness stands)

*Bailiff:* (to the witness) Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

*Witness:* I do.

(Witness goes to the stand and sits down)

(Prosecution begins Direct Examination)

***Suggestions for questions:***

***How do you know the defendant?***

***What do you know about the case?***

***What happened?***

***What do you remember?***

***What happened next?***

***Remember to ask questions that will let the witness tell the complete story.***

**YOUR QUESTIONS for WITNESS #2**

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**Cross-examination of Second Prosecution Witness by Defense**

***Suggestions for questions:***

***Isn't it true that....***

***If possible, ask questions that call for a yes or no answer.***

**YOUR QUESTIONS for WITNESS #2**

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### Third Prosecution Witness

**Judge:** Prosecution, you may call your next witness.

*Prosecuting Attorney:* Thank you, your Honor. I call to the stand \_\_\_\_\_.

**Judge:** Will the witness please stand to be sworn in by the bailiff. (Witness stands)

*Bailiff:* (to the witness) Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

*Witness:* I do.

(Witness goes to the stand and sits down)

(Prosecution begins Direct Examination)

***Suggestions for questions:***

***How do you know the defendant?***

***What do you know about the case?***

***What happened?***

***What do you remember?***

***What happened next?***

***Remember to ask questions that will let the witness tell the complete story.***

***YOUR QUESTIONS for WITNESS #3***

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### Cross-Examination of Third Prosecution Witness by Defense

***Suggestions for questions:***

***Isn't it true that....***

***If possible, ask questions that call for a yes or no answer.***

***YOUR QUESTIONS for WITNESS #3***

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***After all the prosecution witnesses have been questioned and cross-examined, the defense calls its witnesses and questions them under direct examination. Then the prosecution cross-examines.***

**Direct Examination (Defense)**

*The Defense calls its first witness to the stand and asks clear and simple questions that allow the witness to tell his or her side of the story in his or her own words. Witness may make up answers to questions that are not included in the witness statements or the witnesses may say "I don't know."*

**Judge:** Defense, you may call your first witness.

*Defense Attorney:* Thank you, your Honor. I call to the stand \_\_\_\_\_.

**Judge:** Will the witness please stand to be sworn in by the bailiff. (Witness stands)

*Bailiff:* (to the witness) Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

*Witness:* I do.

(Witness goes to the stand and sits down)

(Defense begins Direct Examination)

**Suggestions for questions:**  
*How do you know the defendant?  
What do you know about the case?  
What happened?  
What do you remember?  
What happened next?*

**Remember to ask questions that will let the witness tell the complete story.**

**YOUR QUESTIONS for WITNESS #1**

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- ?
- ?
- ?

**Cross Examination (Prosecution)**

*The Prosecution questions the Defense's witnesses to try to prove that the witness is lying or can't remember. For example, the lawyer may ask "Isn't it true that you really couldn't see because it was almost dark outside?"*

**Suggestions for questions:**  
*Isn't it true that....  
If possible, ask questions that call for a yes or no answer.*

**YOUR QUESTIONS for WITNESS #1**

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- ?

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## Second Defense Witness

**Judge:** Defense, you may call your second witness.

*Defense Attorney:* Thank you, your Honor. I call to the stand \_\_\_\_\_.

**Judge:** Will the witness please stand to be sworn in by the bailiff. (Witness stands)

*Bailiff:* (to the witness) Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

*Witness:* I do.

(Witness goes to the stand and sits down)

(Defense begins Direct Examination)

***Suggestions for questions:  
How do you know the defendant?  
What do you know about the case?  
What happened?  
What do you remember?  
What happened next?***

***Remember to ask questions that will let the witness tell the complete story.***

***YOUR QUESTIONS for WITNESS #2***

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## Cross-Examination of Second Defense Witness by Prosecution

***Suggestions for questions:  
Isn't it true that....  
If possible, ask questions that call for a yes or no answer.***

***YOUR QUESTIONS for WITNESS #2***

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## Third Defense Witness

**Judge:** Defense, you may call your next witness.

*Defense Attorney:* Thank you, your Honor. I call to the stand \_\_\_\_\_.

**Judge:** Will the witness please stand to be sworn in by the bailiff. (Witness stands)

*Bailiff:* (to the witness) Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

*Witness:* I do.

(Witness goes to the stand and sits down)

(Defense begins Direct Examination)

***Suggestions for questions:***

***How do you know the defendant?***

***What do you know about the case?***

***What happened?***

***What do you remember?***

***What happened next?***

***Remember to ask questions that will let the witness tell the complete story.***

***YOUR QUESTIONS for WITNESS #3***

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*Cross-Examination of Third Defense Witness by Prosecution*

*Suggestions for questions:*

*Isn't it true that....*

*If possible, ask questions that call for a yes or no answer.*

***YOUR QUESTIONS for WITNESS #3***

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**Closing Argument**

***Each side summarizes the testimony presented during the questioning in a way that will convince the jury to believe his or her side of the case. In a criminal case, the prosecution asks the jury to find the defendant guilty. The defense asks the jury to find the defendant not guilty.***

*Judge:* Both the prosecution and the defense have now rested their cases. The attorneys will now present their final arguments. Please remember, what the attorneys say is **NOT** evidence. However, do listen closely. They are intended to aid you in understanding the case. Prosecution, you may begin.

*Prosecuting Attorney:* Thank you, your Honor. Members of the jury, today you have heard testimony about \_\_\_\_\_

I would like to remind you of some important information that you should consider in your decision. These facts include \_\_\_\_\_

Please find the defendant guilty of the charge of \_\_\_\_\_.  
Thank you.

*Defense Attorney:* Your Honor, members of the jury, today you have heard testimony about \_\_\_\_\_

I would like to remind you of some important information that you should consider in your decision. These facts include \_\_\_\_\_

\_\_\_\_\_. Please  
find (name of the defendant) not guilty. Thank you.

### **Jury Deliberation**

***After hearing the judge's instructions, the jurors must decide guilty or not guilty and then give their decision to the judge.***

*Judge:* Members of the jury, you have heard all of the testimony concerning this case. It is now up to you to determine the facts. You and you alone, are the judges of the facts. Once you decide what facts the evidence proves, you must then apply the law as I give it to you to the facts as you find them.

The defendant is presumed to be innocent of the charges. This presumption remains with the defendant throughout every stage of the trial and is not overcome unless you are convinced beyond a reasonable doubt that the defendant is guilty. The defendant is not required to prove his innocence.

The prosecution has the burden of proving the guilt of the defendant beyond a reasonable doubt. This burden remains on the prosecution through the trial. The prosecution must prove that a crime was committed and that the defendant is the person who committed the crime. However, the prosecution is not required to prove guilty beyond all possible doubt or to a certain percentage. Nor is the prosecution required to disprove every imaginable circumstance of innocence.

A reasonable doubt is a doubt founded upon reason. Proof beyond a reasonable doubt requires such proof that would convince you to rely upon a fact enough to make an important decision in your own business or personal affairs. However, if you are not satisfied of the

defendant's guilt to that extent, then reasonable doubt exists and the defendant must be found not guilty.

The LAW (Choose appropriate box for case you are doing):

**For Jesse Sunderson Case**

Section 609.595 DAMAGE TO PROPERTY: Aggravated criminal damage to property. Whoever intentionally causes damage to physical property of another without the latter's consent may be sentenced to imprisonment for not more than five years or to payment of a fine not more than \$10,000, or both if the damage to property caused a reasonably foreseeable risk of bodily harm.

Section 624.61 SALE AND USE OF FIREWORKS PROHIBITED. Except as otherwise provided in sections 624.20 to 624.25, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail or wholesale, possess, advertise, use, or explode any fireworks.

OR

**For Alli McGraw Case**

Section 1213.12 POSSESSION OF MARIJUANA. It is a petty misdemeanor to possess or give away a small amount of marijuana. A small amount of marijuana is defined as 5 grams or less. For the first offense, the court may fine the person up to \$200 and require him or her to participate in a drug rehabilitation program.

In just a moment, the bailiff will take you to the jury room to consider your verdict. One of the first things you will want to do is to select a foreperson that will preside over your deliberations the way that a chairperson does at a meeting. It will be the foreperson's duty to sign the verdict form when you have agreed on a verdict. Whatever verdict you render must be unanimous. That is each and every person must agree on the same verdict. The Bailiff will now escort you to the deliberation room.

(When the Jury Returns)

**Judge:** Have you reached a verdict?

*Jury Foreperson:* We have, your Honor.

**Judge:** What say you?

*Jury Foreperson:* (Read the verdict form)

**Judge:** Thank you, jury, for your work (continue with discussion from Judge's Instructions).

# From Classroom to Courtroom

Mock Trial Four Day Program

## OBJECTIONS

Student Handout

Any attorney may object to a question asked of a witness on the stand or the admission of an exhibit if s/he feels that it does not follow a rule of evidence. The judge is the deciding factor and will determine whether the witness' testimony or the evidence is admissible.

**Reasons for objections (also known as grounds for objection or the Rules of Evidence being relied upon):**

**Leading question:** Prosecutors must allow their witnesses to tell their own stories; they must not lead their witnesses through the story. Defense attorneys must follow the same rule when questioning their witnesses.

**Immaterial and irrelevant:** The information is not closely related to the case, and is therefore not important.

**Calls for an opinion or calls for a conclusion:** Unless the witness is an expert (such as a doctor testifying about medical issues), he or she should not give professional opinions or conclusions.

**Non-responsive answer:** The witness is not answering the question asked.

These are only a few objections. They are probably the most common ones used. They will adequately serve your needs.

When you feel that an attorney has asked a question that breaks a rule of evidence, stand up and say "Objection, your Honor" and give the rule of evidence that you feel was broken.

The opposing attorney may state why he/she feels he is not breaking the rule.

The judge will then **SUSTAIN** the objection (the judge agrees that the rule has been broken, the jury should disregard the question, and the witness should not answer the question) or **OVERRULE** the objection (the judge does not think a rule has been broken and the witness can answer the question that was asked).

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,  
IN AND FOR LEON COUNTY, FLORIDA.

STATE OF FLORIDA

CASE NO. 07-0001  
Criminal Division

Prosecution,

v.

Jesse Sunderson,

Defendant.

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**STIPULATED FACTS**

On January 7, at 1 p.m. many firecrackers exploded in an empty locker at Jefferson School, causing great damage to the lockers and the walls. Luckily, no one was injured. Mr. Stuart, the assistant principal, searched the other lockers and found more firecrackers in a locker assigned to Jesse Sunderson. Jesse has been charged with possession of firecrackers and damage to property.

**ISSUES:** Did the firecrackers belong to Jesse? Did he put them into the empty locker?

**DEFENSE:** Jesse will try to prove that he is a victim of retaliation. Because he informed Coach Price about the use of alcohol by two students, Jesse believes the two students planted the firecrackers in his locker.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,  
IN AND FOR LEON COUNTY, FLORIDA.

STATE OF FLORIDA

CASE NO. 07-0001  
Criminal Division

Prosecution,

v.

Jesse Sunderson,

Defendant.

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**Prosecution Witness Statements**

*Leslie Stuart, Assistant Principal*

I have been assistant principal at Jefferson School since 1989. Before that I was a social studies teacher at Olsen High School.

On January 7, I was called to the west wing after an explosion which damaged the lockers and the walls. I looked over the damage and quickly decided that I had to make certain that there were no more firecrackers in the lockers so I used my master key to open the lockers. In locker 633 I found a large grocery bag full of unexploded firecrackers. I took the firecrackers to my office and looked up the student assigned to locker 633. The student was Jesse Sunderson. I then called the police.

*Mickey Price, Coach*

I have been a coach at Jefferson for the last three years. Jesse Sunderson is on my soccer team. I had a meeting with Jesse's parents and Jesse a week ago. I explained that Jesse was being suspended from the team because of poor grades. The school has a policy that all athletes must maintain a B-average to play in school sports. Jesse's average has slipped to C-. Jesse became very angry and complained that it wasn't fair to suspend one player for poor grades, while other players could keep playing even though they were using alcohol. Upon questioning, Jesse gave me the names of two other players who have since, after much investigation, also been suspended from the team.

*Shawn Dettmer, Student*

I'm a student at Jefferson and I was on the soccer team until the coach kicked me off. Apparently, Jesse Sunderson ratted me out that I drank beer. He's such a jerk. He has messed up my chances at getting a scholarship. He should be expelled. He must've gotten the fireworks from that little fireworks stand at the state border. I think I saw him with some bottle rockets from that place.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,  
IN AND FOR LEON COUNTY, FLORIDA.

STATE OF FLORIDA

CASE NO. 07-0001  
Criminal Division

Prosecution,

v.

Jesse Sunderson,

Defendant.

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**Defense Witness Statements**

*Jesse Sunderson, Defendant*

I did not plant the firecrackers in the empty locker, and I have no idea how the firecrackers got into my locker. The lockers have combinations and I have not given my combination to anyone. I am a good student, I participate in sports and music activities, and I have a part-time job delivering newspapers.

I usually get along with the students at Jefferson. Except at the moment, a couple of kids are very angry with me for telling the coach that they drink beer. I told on them because I didn't think it was fair to punish me for breaking a rule and not punish others. I heard them tell some other kids that they would "get back at me!" I think they might have planted the firecrackers in my locker which is located in the west wing.

*Kyle Hadley, School Janitor*

I have been the janitor at Jefferson School for five years. On the morning of the explosion, I noticed my locker master key was missing. I usually leave it on the hook by the door to my supply closet. I had seen two of the boys from the soccer team hanging around the door to my supply closet earlier that morning.

*Erin Thompson, Student*

I am a seventh grader at Jefferson. I am a member of the Marching Band. I like school a lot and spend most of my time working on my computer or talking with my best friend.

I have a locker in the west wing next to one of the kids who was suspended from the soccer team. I hear the student blaming Jesse for all his problems. I also saw this student with some friends walking down the hall in the west wing a few seconds before the explosion. I was on my way to the office to meet my older brother who was taking me to the orthodontist.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,  
IN AND FOR LEON COUNTY, FLORIDA.

STATE OF FLORIDA

CASE NO. 07-0001

Criminal Division

Prosecution,

v.

Jesse Sunderson,

Defendant.

---

**Instructions to the Jury**

*After Evidence is presented*

Members of the jury, you have heard all of the testimony concerning this case. It is now up to you to determine the facts. You and you alone, are the judges of the fact. Once you decide what facts the evidence proves, you must then apply the law as I give it to you to the facts as you find them.

The defendant is presumed to be innocent of the charges. This presumption remains with the defendant throughout every stage of the trial and is not overcome unless you are convinced beyond a reasonable doubt that the defendant is guilty. The defendant is not required to prove his innocence.

The prosecution has the burden of proving the guilt of the defendant beyond a reasonable doubt. This burden remains on the prosecution through the trial. The prosecution must prove that a crime was committed and that the defendant is the person who committed the crime. However, the prosecution is not required to prove guilty beyond all possible doubt or to a certain percentage. Nor is the prosecution required to disprove every conceivable circumstance of innocence.

A reasonable doubt is a doubt founded upon reason. Proof beyond a reasonable doubt requires such proof that would convince you to rely upon a fact enough to make an important decision in your own business or personal affairs. However, if you are not satisfied of the defendant's guilt to that extent, then reasonable doubt exists and the defendant must be found not guilty.

**The LAW**

609.595      DAMAGE TO PROPERTY  
Aggravated criminal damage to property.

Whoever intentionally causes damage to physical property of another without the latter's consent may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both if the damage to the property caused a reasonably foreseeable risk of bodily harm.

624.21      SALE AND USE OF FIREWORKS PROHIBITED.

Except as otherwise provided in sections 624.20 to 624.25, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail or wholesale, possess, advertise, use, or explode any fireworks.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,  
IN AND FOR LEON COUNTY, FLORIDA.

STATE OF FLORIDA

CASE NO. 07-0002  
Criminal Division

Prosecution,

v.

Alli McGraw,

Defendant.

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**STIPULATED FACTS**

There has been an increase in drug abuse at Jackson School. Three students were recently caught possessing large amounts of marijuana and other drugs with intent to sell to other students. They are currently being held in a juvenile detention center.

The school administrators hired an investigator to look into the problem. The investigator, Norman Tilman, decided random searches of lockers and student belongings would reduce the problem.

Mr. Tilman performed the searches for many days and found no signs of drugs. On Tuesday, April 22, Mr. Tilman began another search. The lockers, backpacks, and purses of ten students were searched. Matt Brown and Alli McGraw were two of the students whose belongings were searched. Mr. Tilman searched Alli's backpack which she had purchased at a garage sale on Saturday, April 19. Mr. Tilman found a small amount of marijuana in a zippered compartment on the inside of the backpack. Alli claims to know nothing about the marijuana. She is now being charged with possession of marijuana.

**ISSUE:** Did the marijuana in Alli's backpack belong to her?

**DEFENSE:** Alli purchased the backpack from people who had been known to use marijuana in the past. Alli claims the marijuana must have been placed in the backpack before she purchased it and that she knows nothing about it.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,  
IN AND FOR LEON COUNTY, FLORIDA.

STATE OF FLORIDA

CASE NO. 07-0002  
Criminal Division

Prosecution,

v.

Alli McGraw,

Defendant.

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**Prosecution Witness Statements**

*Norman Tilman, Private Investigator*

I have been a private investigator for ten years. Before that, I was a police officer for seven years. In the last five years, I have worked with many schools in trying to solve the drug problems. I recommended to the administrators at Jackson School to start searching the lockers and student belongings. I believe this helps reduce the drug use in the schools.

On April 22, I was searching ten students' lockers and belongings. When I reached Alli McGraw's backpack, I found a small amount of marijuana in a zippered compartment in the inside of the backpack. It was a good place to hide the marijuana because the inside compartment is hard to see and I almost missed it. I asked Alli if the marijuana was hers. She said she didn't know anything about the stuff. She was very embarrassed.

*Matt Brown, Student*

I was one of the ten students in the search. Mr. Tilman went through my locker and my backpack before he searched Alli's things. I was standing next to Alli. She seemed nervous when Mr. Tilman started the search. I saw Mr. Tilman pull the marijuana out of Alli's backpack. She said "Oh, no!" and then said she didn't know anything about it.

I have been going to school with Alli since I moved to this city four years ago. As far as I know, Alli has never been in trouble. She has a few friends who get into trouble, but she's a good kid.

*Sandy Smith, Student*

I am Alli's science partner. We do all of our experiments together. Recently, Alli hasn't been completing her parts of the assignments. She blames it on all the other school activities she is involved in. I think she has some other problems. She seems confused when she is in class. In fact, last week, she made some mistakes in a chemistry experiment which caused a small explosion. No one was hurt and there was no danger, but I was pretty scared. Alli and I have been friends for a long time.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,  
IN AND FOR LEON COUNTY, FLORIDA.

STATE OF FLORIDA

CASE NO. 07-0002  
Criminal Division

Prosecution,

v.

Alli McGraw,

Defendant.

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**Defense Witness Statements**

*Alli McGraw, Defendant*

I know nothing about the marijuana that was found in my backpack on April 22. I purchased the backpack at a garage sale on Saturday, April 19. The sale was at the house of a group of adults who have lived there since they graduated from college in 1992. I went to the sale with my cousin, Rob, who lives next door to the house. The backpack was in good shape, and very cheap, so I bought it. I never dreamed it would get me into this much trouble.

I am a good kid. I have never been in trouble before, except for being asked to leave class because I was talking too much. I am involved in lots of extra activities. I am on the dance line, play clarinet in the band, and am a member of the girls track team. I work part time at the neighborhood grocery store.

*Rob McGraw, Alli's Cousin*

I was with Alli when she bought the backpack. We found it at a garage sale next door to my house. The house is owned by a bunch of adults who used to be "hippies." I remember when they had lots of very loud parties that would end when the police came to break them up. Once my mom helped one of the men fix the lawnmower and they offered her marijuana as a thank you.

My cousin never gets into trouble. She doesn't use drugs.

*Gloria Swanson, Band Director*

I am the band director. I have had Alli in my music class and in the band for several years. She is very talented and hard working. She spends much of her free time practicing with a few other students. I have noticed recently that she seems a bit distracted, but that's normal in the spring. I don't think Alli uses drugs.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,  
IN AND FOR LEON COUNTY, FLORIDA.

STATE OF FLORIDA

CASE NO. 07-0002  
Criminal Division

Prosecution,

v.

Alli McGraw,

Defendant.

---

**Instructions to the Jury**

*After Evidence is presented*

Members of the jury, you have heard all of the testimony concerning this case. It is now up to you to determine the facts. You and you alone, are the judges of the facts. Once you decide what facts the evidence proves, you must then apply the law as I give it to you to the facts as you find them.

The defendant is presumed to be innocent of the charges. This presumption remains with the defendant throughout every stage of the trial and is not overcome unless you are convinced beyond a reasonable doubt that the defendant is guilty. The defendant is not required to prove his innocence.

The prosecution has the burden of proving the guilt of the defendant beyond a reasonable doubt. This burden remains on the prosecution through the trial. The prosecution must prove that a crime was committed and that the defendant is the person who committed the crime. However, the prosecution is not required to prove guilty beyond all possible doubt or to a certain percentage. Nor is the prosecution required to disprove every conceivable circumstance of innocence.

A reasonable doubt is a doubt founded upon reason. Proof beyond a reasonable doubt requires such proof that would convince you to rely upon a fact enough to make an important decision in your own business or personal affairs. However, if you are not satisfied of the defendant's guilt to that extent, then reasonable doubt exists and the defendant must be found not guilty.

**The LAW**

1213.12 POSSESSION OF MARIJUANA

It is a petty misdemeanor to possess or give away a small amount of marijuana. A small amount of marijuana is defined as 5 grams or less. For the first offense, the court may fine the person up to \$200 and require him or her to participate in a drug rehabilitation program.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,  
IN AND FOR LEON COUNTY, FLORIDA.

STATE OF FLORIDA

CASE NO. 07-0001

Criminal Division

Prosecution,

v.

Jesse Sunderson,

Defendant.

\_\_\_\_\_ /

**VERDICT FORM**

We, the jury, in the case of State of Florida versus Jesse Sunderson find the defendant

\_\_\_\_\_ Guilty

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

of the charges of Damage to Property and Possession of Fireworks.

We agree unanimously.

\_\_\_\_\_  
Signature of Foreperson

\_\_\_\_\_  
Date

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,  
IN AND FOR LEON COUNTY, FLORIDA.

STATE OF FLORIDA

CASE NO. 07-0002

Criminal Division

Prosecution,

v.

Alli McGraw,

Defendant.

\_\_\_\_\_ /

**VERDICT FORM**

We, the jury, in the case of State of Florida versus Alli McGraw find the defendant

\_\_\_\_\_ Guilty

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

of the charge of Possession of Marijuana.

We agree unanimously.

\_\_\_\_\_  
Signature of Foreperson

\_\_\_\_\_  
Date