



Superior Court of New Jersey
Essex Vicinage



Law Day 2016

MIRANDA

more than words

**ELEMENTARY SCHOOL
MOCK TRIAL
FACT PATTERN**

Mary Peabody v. Virgil Goodman

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Law Day Fact Pattern

Mary Peabody and Virgil Goodman are in third grade at Essexville Elementary School. Both Mary and Virgil are students in Miss Laughlin's class. On Friday, April 17, 2015, Mary brought with her to school a yellow lunch box filled with a peanut butter sandwich, potato chips, banana and a Capri-Sun Punch drink. Mary claims that during the day, Virgil took and ate her lunch. She was left with an almost empty lunch box with just a few crumbs and a banana peel inside. Mary claims Virgil should have to do something to make up for taking and eating her lunch. Virgil denies that he ate Mary's lunch and says that he did nothing wrong.

The issue in this case is whether Virgil took and ate Mary's lunch and should be forced to do something to make it up to Mary. We will be conducting a trial with a Judge and two attorneys. You will hear opening statements by the attorney for Mary and the attorney for Virgil. The jury will then hear testimony from several witnesses. At the end of the case, the jury will decide whether Virgil improperly took and ate Mary's lunch. If the jury finds that what Virgil did was wrong, they will also consider what Virgil should have to do to make up for it.

Instructions for Teachers

This fact pattern involves a civil case where Mary Peabody alleges Virgil Goodman took and ate her lunch. On the day of the mock trial, a Judge and two attorneys will visit your school. One of the attorneys will act as the attorney for the plaintiff, Mary Peabody. The other attorney will act as the attorney for the defendant, Virgil Goodman.

Teachers should select four students to play the parts of the witnesses. The students should be familiar with their witness statements and the sequence of events. Two of the witnesses will be testifying for the plaintiff and two of the witnesses will be testifying for the defense. At the mock trial, witnesses will answer direct questions for the attorney calling them as a witness and cross-examination questions by the opposing attorneys. Both attorneys will make final arguments. At the end, the judge will give an explanation of the law and then allow the students or the jury to decide the outcome of the case.

Teachers, if they wish, can also choose two students to act as co-counsel. They will assist the visiting attorneys. These students can suggest things that should be said for the opening and closing statements. The co-counsel can also suggest a list of questions for each witness. Teachers should inform the visiting attorneys and the Judge of the names of the co-counsel prior to the start of the mock trial. If the Judge, attorneys and teachers agree beforehand, the students can change the above and present the case as the attorneys, with coaching from the attorneys.

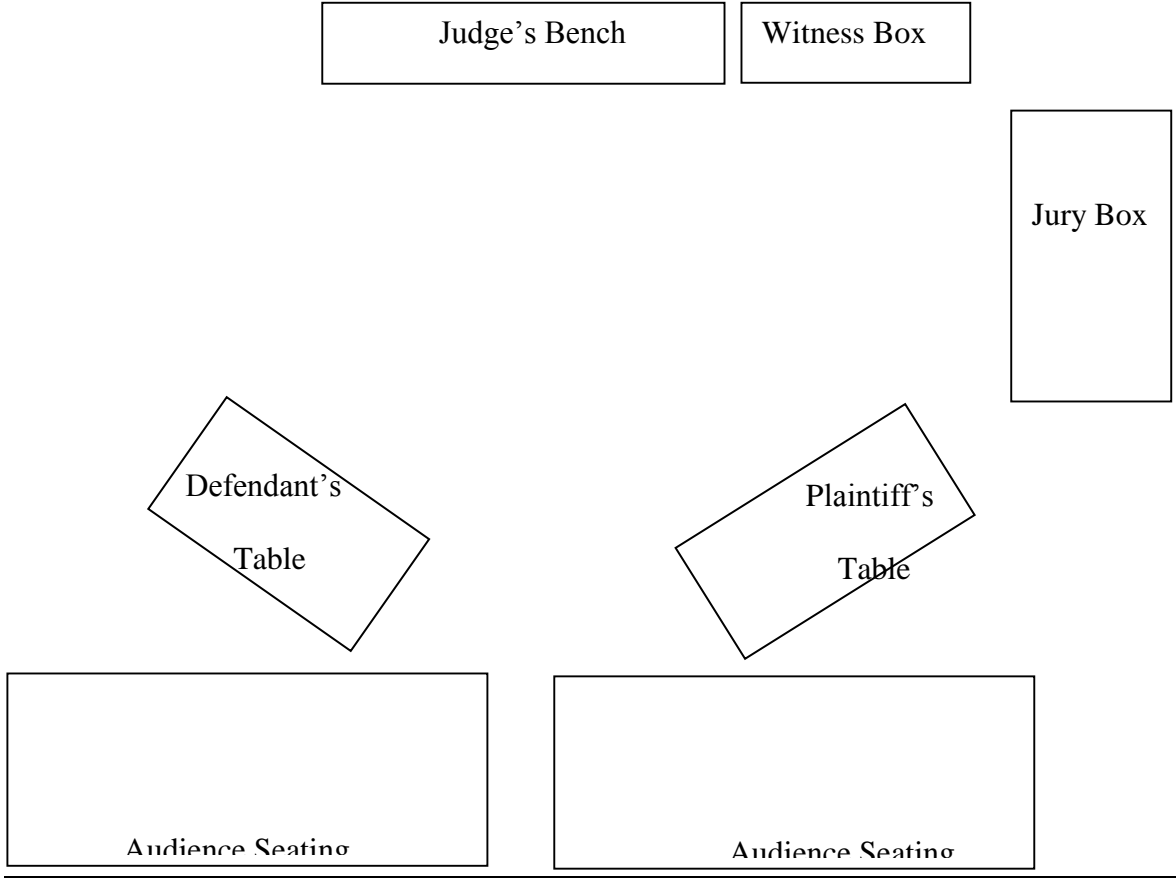
The Judge will decide whether to have a jury of six students or have the entire student body decide the case as a whole. Students should be familiar with the entire fact pattern and understand the sequence of events prior to the date of the mock trial. There will be a question-and-answer period following the mock trial presentation. At the end of this packet, there are Vocabulary words.

Also, the Law Day theme this year is the Miranda v. Arizona (1966) decision of the United States Supreme Court. While not part of the fact pattern, there is information about this decision

and the continuing impact it has on our county at the end of this packet. Judges, attorneys and teachers are encouraged to lead a discussion with the student body using the materials attached.

Creating a Courtroom

The room that will be used for the mock trial should be set up as shown below.



Instructions to the Attorneys Judges

The students have received the fact pattern in advance of the mock trial date. The teachers have selected students to portray the witnesses and possibly to act as co-counsel. The Judge will preside over the mock trial. The attorneys will role-play. One attorney will act as the attorney for the plaintiff and one attorney will act as the attorney for the defendant. The Judge will give beginning instructions to the students. Each attorney will make a short opening statement. The direct and cross-examination of each witness should take no longer than five minutes. Then the attorneys will each make a short closing argument.

The Judge will then give the ending instructions and final charge. This will include a brief explanation of the applicable law. The Judge will provide an overview of the facts of the case and an overview of the issues and arguments. The Judge will then lead the students and jury through an analysis of the issues so that they can make a decision.

The students acting as jurors should be encouraged to express their various viewpoints. Feedback and participation are encouraged. Vocabulary words are included at the end of this packet. Also, the Law Day theme this year is the Miranda v. Arizona (1966) decision of the United States Supreme Court. While not part of the fact pattern, there is information about this decision and the continuing impact it has on our country at the end of this packet. Judges, attorneys and teachers are encouraged to lead a discussion with the student body using the materials attached.

Judge's Beginning Instructions to Students

My name is _____ and I am a Judge in the case of Mary Peabody v. Virgil Goodman.

This is a civil trial in which Mary Peabody claims that Virgil Goodman improperly took her personal property and should be compensated. Virgil Goodman denies that he took Mary Peabody's lunch or did anything wrong.

I would like to introduce to you the attorneys. Mary Peabody will be represented throughout these proceedings by _____ (insert name of attorney(s) playing role of plaintiff's attorney). I would like him / her to rise and introduce himself/herself to you. The defendant will be represented by _____ (insert name of attorney(s) playing role of defendant's attorney). I would like him/her to rise and introduce himself/herself to you, and his / her client.

Ladies and Gentlemen of the Jury, you are the sole judges of the facts in this matter. Your determination of the facts is to be based solely upon the evidence submitted during the course of the trial. When I use the term "evidence" I mean the testimony of witnesses who will testify and any exhibits which may be marked into evidence.

The plaintiff, Mary Peabody, and the defendant, Virgil Goodman, are entitled to jurors who are impartial and agree to keep their minds open until a decision is reached. Jurors must be as free, from bias, prejudice or sympathy, as best they can be.

You will first hear the opening statements from the attorneys. The attorney for the plaintiff, Mary Peabody, will go first. The attorney for the defendant, Virgil Goodman, if they so choose, will go next. What is said by the attorneys in an opening statement is not evidence. The evidence will come from the testimony of the witnesses and the other evidence presented to you.

At the end of the testimony, the attorneys will speak to you again in closing statements. At that time, they will present to you their final arguments on why their clients should win.

After closing statements, you will receive your final instructions on the law from me and you will then consider your verdict. You must weigh the evidence calmly and without bias, passion, prejudice or sympathy. You must decide the issues of this case upon the merits.

Mock Trial Outline

OPENING STATEMENTS

ARE WE READY FOR WITNESSES? THE PLAINTIFF'S ATTORNEY MAY CALL ITS FIRST WITNESS:

WITNESSES FOR THE PLAINTIFF:

Witness: Mary Peabody, Student

Witness: Miss Leigh Laughlin, Third Grade Teacher

Plaintiff rests

WITNESSES FOR THE DEFENSE:

Witness: Virgil Goodman, Student

Witness: Joseph Cool, Student

Defendant rests

CLOSING STATEMENTS

JUDGE'S INSTRUCTIONS AND FINAL CHARGE

Statement of Mary Peabody

I am a student at Essexville Elementary School. On April 17, 2015, I brought with me to school my yellow lunch box. Inside was a banana, a Capri-sun Punch drink, a peanut butter sandwich and potato chips. Peanut butter sandwiches are my favorite and I eat them almost every day. When I went to lunch with my class that day, I opened my lunch box, but the only thing inside were some crumbs and a banana peel. Somebody took my lunch!

I did not see who took my lunch, but I know that our teacher, Miss Laughlin, told Virgil Goodman to take all of the student lunch boxes from the classroom to the cafeteria. Virgil seemed to take an awful long time that day. When he came back, he and his friend, Joseph Cool, started joking around and giggling about something. They got into trouble that day, just like always. Miss Laughlin made them write sentences on the black board 20 times that they would not giggle in class.

This all happened on a Friday. On Monday, I spoke with Molly Murphy. She is also a student in my class. She said that on Friday she saw Virgil Goodman with peanut butter on his nose and mouth. She remembers because there was so much of it that it looked kind of silly. Molly could not remember whether she saw him with the peanut butter on his face before or after we went to lunch.

Statement of Leigh Laughlin

I am a teacher at Essexville Elementary School. I have been teaching at this school for about 8 years. In 2015, I was the teacher of a third grade class.

Three of my students were Mary Peabody, Virgil Goodman and Joseph Cool. Mary is a very good student. Virgil and Joseph are also good students, but they always seem to be getting into trouble.

On April 17, 2015, I asked Virgil to take the basket which contained all the student lunch boxes to the cafeteria. This is something one of the students does every day. To get from the classroom to the lunchroom, you have to take the elevator down two flights of stairs. The basket with all the lunch boxes stays in the cafeteria until the class is ready to eat. The cafeteria is also used by the first and second graders who eat before we do.

It usually takes the student about 5 minutes to bring the basket with the lunches to the cafeteria and to return to class. I do remember that it took Virgil a little longer than normal that day. Also, when Virgil came back, I noticed that he and another classmate, Joseph Cool, started giggling about something and acting up. I asked Virgil what they were giggling about but he wouldn't say. They were so distracted that I punished them by having them write sentences on the blackboard 20 times.

I don't know why Virgil and Joseph were giggling and acting up, but I think it had something to do with Virgil's trip to the lunchroom. Later, the maintenance man, Harry Hart, brought me an empty Capri-Sun Punch carton which he found that day in the trashcan in the boy's bathroom near the cafeteria.

Statement of Virgil Goodman

I am a student at Essexville Elementary School. On April 19, 2015, I was a student in Miss Laughlin's class. That day, I was asked to take the student lunches from the classroom to the cafeteria. I did what Miss Laughlin told me to do and then returned to the classroom.

I did get in trouble later that day when Joseph and I were giggling in class. I don't remember what we were giggling about. Joseph sometimes likes to make funny faces and I can't stop laughing at them.

I never took anything out of Mary Peabody's lunch box. I never ate any of her food. I don't know who did take her lunch. Mary is always trying to get me in trouble.

Statement of Joseph Cool

I am a student at Essexville Elementary School. On April 19, 2015, I had lunch with Virgil Goodman. I remember that day that he had a peanut butter sandwich and some other stuff. He was really hungry and ate his whole lunch. I know he didn't take and eat Mary's lunch because he was so hungry later at lunch time. In fact, Virgil was so hungry that day, that I shared some of my sandwich with him after he finished eating his lunch.

Earlier in the day, Virgil and I got into some trouble because we were giggling in Miss Laughlin's class. I don't remember what we were giggling over. Sometimes I like to make Virgil laugh by making funny faces. That probably is what got us into trouble that day.

Judge's Ending Instructions and Final Charge

GENERAL INFORMATION

Ladies and Gentlemen of the Jury, the evidence in this case has been presented and the attorneys have completed their summations. It is now time for you, as jurors, to perform your job.

First, let me thank for your attention and for listening so well during this trial. I would also like to compliment the attorneys on how well they presented their cases.

NATURE OF THE CASE

This is a civil case. Mary Peabody claims that on April 17, 2015, Virgil Goodman, without permission, took and ate Mary's lunch. Mary claims Virgil should have to do something to make up for taking and eating her lunch. Virgil denies that he ate Mary's lunch and says that he did nothing wrong. The issue in this case is whether Virgil took and ate Mary's lunch and should be forced to do something to make it up to Mary.

BURDEN OF PROOF

For the plaintiff, Mary Peabody, to be successful, she has to prove her case by a preponderance of the evidence. That means that she must show that it is more likely than not that Virgil Goodman, without permission, took Mary's Peabody's lunch. The plaintiff, Mary Peabody, has the burden to prove her case.

FUNCTION OF THE JURY

When we started the case, I explained that you are the jury and will decide the case on the facts presented. You must decide which witnesses are likely telling the truth. If you find that the plaintiff, Mary Peabody, has not proven her case by a preponderance of the evidence, you must find for the defendant, Virgil Goodman. But if you decide that Mary Peabody has proven her case and that Virgil Goodman took her lunch without permission, then you must find for Mary Peabody. If you find in favor of Mary Peabody, you should also decide what Virgil Goodman must do to make it up to Mary Peabody.

DELIBERATIONS

As jurors, you are expected to use your own good common sense. It is your duty, as jurors, to talk with one another. Each of you must decide the case for yourself, but only after you discuss the case with your fellow jurors. As jurors, it is your duty to weigh the evidence calmly and without passion, prejudice or sympathy. Five of the six of you have to agree before a decision, one way or the other, is reached.

APPOINTING FOREPERSON:

(Insert juror's name) you are the foreperson of the jury because of your position in the jury box. You will tell us when a decision is reached.

THE JURY DELIBERATES, WITH JUDGE'S GUIDANCE

Verdict Sheet

Mary Peabody

: Date:

Plaintiff

: No.

v.

: Judge:

Virgil Goodman

Defendant

-----X

1. Has the Mary Peabody proven that Virgil Goodman, more likely than not, took and ate her lunch without permission? Yes _____ No _____

2. If yes, what should Virgil Goodman be required to do to make it up to Mary Peabody?

Vocabulary List

Attorney: a person who has been qualified by a State or Federal Court to provide legal services, including appearing in court.

Cross Examination: the examination of a witness by the party opposed to the one who produced her/him.

Evidence: Information that may be helpful for the jury which the Court allows to be admitted at trial.

Judge: an official in charge of the court who makes legal rulings.

Jury: a group of persons who promise to judge the case fairly.

Testify: to tell the Court and jury what you saw or heard as a witness.

Witness: an individual who actually sees or hears something. A person who testifies in court.