



Superior Court of New Jersey  
Essex Vicinage



Law Day 2016

**MIRANDA**

**more than words**

**MIDDLE SCHOOL AND  
HIGH SCHOOL  
MOCK TRIAL  
FACT PATTERN**

***Chris Archer v. New Columbia***

# Mock Trial

## Chris Archer v. New Columbia

A college student is charged with manslaughter and criminal hazing  
after a prospective member of the fraternity falls to her death  
with a blood alcohol level of .10.

Developed by:  
D.C. Street Law Clinic  
Georgetown University Law Center

Modified by the Essex Vicinage Law Day Committee  
2016

## Table of Contents

<u>Section</u>	<u>Page Number</u>
Law Day Fact Pattern	4
Instructions for Teachers	5
Instructions for Judges/Attorneys	6
Judge's Opening Instructions to Students	8
Witness Statements	
Prosecution Witness – Pat Smith	12
Prosecution Witness – Tyler Johnson	14
Defense Witness – Chris Archer	16
Defense Witness – Dean Jesse Thomas	18
Judge's Ending Instructions to Students and Final Charge	19
Verdict Sheet	23
Vocabulary List	24
ABA material concerning <u>Miranda v. Arizona</u>	

## Law Day Fact Pattern

On November 20, 2015, 18-year-old Milan Jackson died as a result of a 30-foot fall off the clock tower located on top of the Student Center of Columbus University. Her death occurred while she was trying to join a (co-ed) fraternity, Phi Gamma. Before her death, Milan Jackson was a freshman at Columbus University.

Fraternities play an important role at Columbus University. Phi Gamma is known for their good students. They are also known as the most popular fraternity on campus. Pledging is a process wherein fraternities choose which freshman to accept as new members. Pledges are given various tasks which they must complete if they want to join the fraternity.

The defendant in this criminal case, Chris Archer, is the president of the Phi Gamma fraternity. On the last night of pledge week, pledges were blindfolded and required to perform whatever tasks were whispered in their ears. That night, Chris Archer whispered something to Milan Jackson. Milan then took off her blindfold, grabbed the fraternity flag, ran to the Student Center and the stairs to the top of the clock tower. A short time later, Milan Jackson fell off the clocktower to her death. It was later determined that Milan had been drinking alcohol that night and was legally drunk.

The issue in this case is whether Chris Archer is guilty of a crime. He is charged with:

- 1) Involuntary Manslaughter; and
- 2) Criminal Anti-hazing.

## **Instructions for Teachers**

This fact pattern involves a case in which the State of New Columbia has charged Chris Archer with manslaughter and violating anti-hazing criminal laws. The students should be familiar with the entire fact pattern and understand the sequence of events prior to the date of the mock trial.

On the day of the mock trial, a judge and two attorneys will visit your school. One of the attorneys will act as the prosecutor and will represent the State of New Columbia. The other attorney will act as the criminal defense attorney and will represent the defendant, Chris Archer.

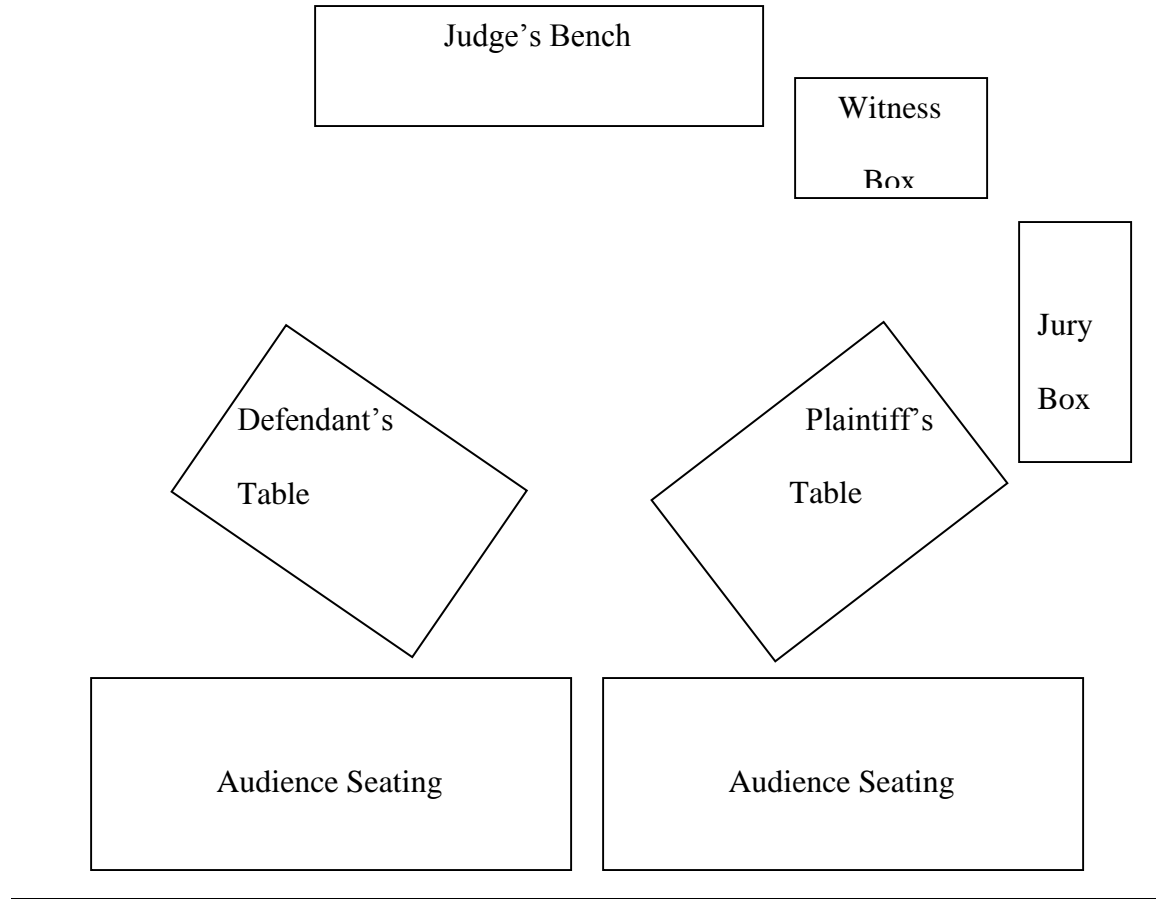
Teachers should select four students to play the parts of the witnesses. The students should be familiar with their witness statements and the sequence of events. Some of the witnesses will be testifying for the prosecution and some of the witnesses will be testifying for the defense. Witnesses will be cross-examined by the opposing attorneys. Both attorneys will make their closing arguments and the judge will then lead a dialogue with the jury or the student body to decide the outcome of the case.

Teachers should also choose two students to act as co-counsel. They will assist the visiting attorneys. The judge, the attorneys and the teachers will decide beforehand whether the student attorneys will assist visiting attorneys or actually present the case being coached by the attorneys. If the students are assisting the attorneys, they may suggest things that the attorney should include in the opening and closing statements. Students can suggest direct and cross-examination questions for the witnesses. Teachers should inform the visiting attorneys and judge of the names of the student co-counsels prior to the start of the mock trial.

The judge will decide whether the student body as a whole will act as the jury or whether 12 students will be selected as a jury. The student body or jury will decide whether Chris Archer is guilty of the crimes for which he is charged.

## Creating a Courtroom

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



### Instructions to the Judges/Attorneys

The students will have received the fact pattern in advance of the mock trial date. The teachers have selected students to portray the witnesses and 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 prosecution and one attorney will act as the attorney for the defendant. The judge will give beginning instructions to the students. Each attorney will make an opening argument of not more than five minutes. The direct and cross-examination of each witness should take no longer than five minutes. Then the attorneys will each make a five-minute closing argument.

The judge will 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 through an analysis of the issues so that they may make a decision.

The students acting as jurors should be encouraged to express their various viewpoints. Feedback and participation are encouraged. Following the presentation, a question-and-answer period is usually held with the students. Further, the theme for Law Day this year is the Miranda v. Arizona (1966) Decision of the United States Supreme Court. While not part of this fact pattern, materials concerning this decision are included at the end of this packet. Judges and attorneys are urged to also discuss with the students this landmark decision.



## **Judge's Opening Instructions to Students**

My name is \_\_\_\_\_ and I am a Judge in the case of the State of New Columbia v Chris Archer. This is a criminal trial. In this case, the State of New Columbia alleges that Chris Archer is guilty of the crime of involuntary manslaughter and criminal anti-hazing laws.

This matter involves an incident which occurred on the night of November 20, 2015. That evening, 18-year-old Milan Jackson died as a result of a 30-foot fall from the clocktower located atop the Student Center of Columbus University. Her death occurred while she was pledging and attempting to join the co-ed fraternity, Phi Gamma.

The defendant in this criminal case, Chris Archer, is the president of the Phi Gamma fraternity. November 20, 2015 was the last night of pledge week. During a pledge event, Chris Archer whispered in Milan's ear a task to be completed. Afterwards, she ran to the top of the clocktower and fell off a ledge causing her death. The State believes Chris Archer is guilty of manslaughter and criminal anti-hazing laws. The defendant, Chris Archer, denies that he is guilty of any charges.

I would like to introduce you to the attorneys. The State of New Columbia will be represented throughout these proceedings by \_\_\_\_\_(insert name of attorney(s) playing role of prosecutor). 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 defense 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 State and the defendant are entitled to jurors who are impartial and agree to keep their minds open until a verdict is reached. Jurors must be as free from bias, prejudice or sympathy as humanly possible, and must not be influenced by pre-conceived ideas.

The first order of business will be the prosecutor’s opening statement. In the opening statement, the prosecutor will present the State’s case and will outline what he/she expects to prove. Following that, the defense counsel, if he/she chooses, will make an opening statement. You will then hear testimony from various witnesses and other evidence introduced by the prosecutor and the defendant.

At the conclusion of the testimony, the attorneys will speak to you again in closing statements. What is said by the attorneys in opening and closing statements is not evidence. The evidence will come from the witnesses who will testify and from the documents and tangible items that are received in evidence.

Following closing statements, I will provide you with final instructions on the law and you will then retire to consider your verdict. It is your duty to weigh the evidence calmly and without bias, passion, prejudice or sympathy. You must decide this case upon the merits.

The defendant, Chris Archer, is presumed to be innocent unless each and every essential element of the offense that is charged is proven beyond a reasonable doubt. The State has the burden of proving the defendant guilty beyond a reasonable doubt. It is not the obligation or the duty of the defendant in a criminal case to prove his/her innocence or offer any proof relating to his/her innocence.

## **OPENING STATEMENTS**

*Are we ready for opening statements? We will begin with the prosecutor.*

## **ARE WE READY FOR WITNESSES? THE PROSECUTION MAY CALL ITS FIRST WITNESS.**

### **WITNESSES FOR THE PROSECUTION:**

Witness: Pat Smith

Witness: Tyler Johnson

### **WITNESSES FOR THE DEFENSE:**

Witness: Chris Archer

Witness: Dean Jesse Thomas

## **CLOSING STATEMENTS**

## **JUDGE'S INSTRUCTIONS AND FINAL CHARGE**

## **Statement of Pat Smith**

I am a student at Columbus University in New Columbia. Milan Jackson and I were best friends since the third grade. She and I went through elementary school, middle school and high school together. During our senior year at high school we decided to attend the same college. We were so happy when we were both accepted at Columbus University in New Columbia.

Columbus University is well-known for its quality education. It also has a reputation as a party school with a large number of co-ed fraternities. The most popular fraternity on campus is Phi Gamma. Milan and I decided that we would both pledge with them.

During pledge week, we met most of the members of Phi Gamma. At first, they seemed so nice. The president of Phi Gamma, Chris Archer, told all of us that Gamma sisters and brothers were just like a family. Milan and I decided we would do whatever it took to join.

At the end of pledge week, things began to change. We were required to do all sorts of horrible things. We were made to eat dirt and clean toilets with a tooth brush. One night, they made us stand outside for over an hour while Phi Gamma members made fun of us.

On the last night of pledge week, the Phi Gammas had a pledge party. Everyone, including Milan, was drinking alcohol, even though many of us were under age. At about 1:00 a.m., members of Phi Gamma blindfolded us and took us outdoors one at a time. Just before it was my turn to go outside, I heard lots of shouting, took my blindfold off and ran outside.

I could not believe what I saw. Milan was standing on the ledge on top of the clock tower over the Student Center. She must have been 30 feet in the air. I saw Chris Archer, the president of the Phi Gammas, standing next to her. Chris Archer put his hand near Milan's shoulder just as she fell off the ledge. Milan fell to her death in front of me. It was horrible.

I know Chris is lying when he says he didn't tell Milan to go to the clocktower. Milan was afraid of heights and would not have climbed up there on her own. Chris Archer must have

sent her up on to the ledge of the clocktower to hang the fraternity flag over the Student Center.

This task was incredibly dangerous and stupid and it killed Milan Jackson.

## **Statement of Tyler Johnson**

My name is Tyler Johnson. I am now a senior at Columbus University. I am also the Vice-President of the Phi Gamma fraternity on campus. I was expecting to be the president of the fraternity, but Chis Archer was picked instead.

I got to know Milan Jackson pretty well when she was pledging. She was a smart and attractive girl. She was always so enthusiastic about joining the Phi Gammas. She and Chris, however, didn't seem to get along. I remember once Chris told her that, "If you really want to impress me and get into the fraternity, you'll hang the Gamma flag on top of the clocktower over the Campus Student Center. I thought he was kidding, as not even Chris would have anyone do something so dangerous.

Some of the fraternity members thought that Milan was shy and reserved and didn't want her in the fraternity. Chris was particularly offended when Milan refused to go out with a friend of his after he set them up for a date. I remember Chris saying that for the last night of pledge week, he had picked out something really special for Milan. Chris wouldn't tell me what he had in mind.

On the night of Milan Jackson's death, we blindfolded the pledges and had them line up in the fraternity house. We then brought them outside, one-by-one, and had them perform certain tasks. The tasks are usually simple, but scary. For example, we told one pledge to chew on a piece of glass. Since he was blindfolded, he thought he was chewing on glass, but it was eggshells instead.

When we brought Milan outside, Chris whispered something into her ear. I couldn't hear what he said, but I did hear the words "tower" and "flag". After hearing what he said, Milan

snatched off her blindfold, grabbed the Gama flag from Chris and ran towards the Campus Student Center. Chris was running after her.

I remembered what Chris said weeks earlier about having Milan plant the fraternity flag on top of the clocktower. I couldn't believe that Chris was actually going to instruct Milan to do something so dangerous and stupid. As soon as I realized what was happening, I joined together with Phil Gammas and we ran after Chris and Milan to try to stop them. We chased them up the clocktower, but by the time we caught up to them, it was too late. Milan Jackson had fallen off the clocktower to her death.

## **Statement of Chris Archer**

My name is Chris Archer. I am president of Phi Gamma, the oldest and largest co-ed fraternity in the country. We are known for our excellent academics and for our great parties. Many freshman wish to pledge to Phi Gamma. Once someone is invited to pledge, we test them in a variety of ways to see if they have what it takes to become a Phi Gamma.

I met Milan Jackson and her friend, Pat Smith, when they first sought to pledge. Milan was pretty and bright. She was, however, a little overconfident. Before we even invited her to please, I remember her telling me once that someday she was going to be the president of the fraternity. I laughed and told her that she would have to be invited first. Jokingly, I said she would also have to do something really wild to impress us, such as hanging the Gamma flag from the top of the clocktower where everyone on campus would see it. We both laughed.

Milan was invited to pledge, but it wasn't clear whether she would be invited to join the fraternity. Sometimes she would be really nice to the Gamma officers, but snotty with other Gamma members. When Milan broke up with her boyfriend, I offered to set her up with a friend of mine, but she told him no and gave him the cold shoulder.

During the last week of pledge week, the Gamma members play pranks on the pledges. We like to give our pledges a hard time, but would never do anything which would put them in danger or violate the law. Pledges must scrub the bathroom with toothbrushes, eat things sprinkled with hot pepper and similar harmless tasks. We do not encourage pledges who are underage to drink alcohol, but know that sometimes they do.



On the evening of her death, Milan seemed to have been drinking. Later, when we blindfolded the pledges, I told Milan that I had something special in mind for her. I told her that she was going to 'raise the flag'. I meant for her to raise the flag on the flagpole in front of the fraternity house. Milan, however, went nuts. She snatched off the blindfold, grabbed the fraternity flag and ran toward the Campus Student Center. A few of us chased her, but she ran up the stairs of the clocktower and walked out onto the ledge. I was terrified. I begged her to come in, but she said she wanted to prove she could be a real Phi Gamma and hang the flag where everyone on campus could see it. Then, she stumbled and fell. I reached for her, but it was no use. It was horrible.

I am sorry that Milan died, but I am not a murderer. She got drunk and chose on her own to go out on the ledge. Milan was disturbed and decided to take a risk that she should not have taken in order to impress people. This is what led to her death.

Tyler Johnson is testifying against me because he is jealous. He thinks that he should have been the president of the Phi Gammas, not me.

## **Statement of Dean Jesse Thomas**

My name is Dean Jesse Thomas, III. I have been Dean of Columbus University for 10 years. As Dean, it is my responsibility to maintain this college's good reputation. I oversee the faculty, staff and students. I am very familiar with the Phi Gamma fraternity. This fraternity has been in existence since 1908. It is very popular and has many fine members.

Our college is very strict about enforcing the 'no hazing' rules. At the beginning of each year, we distribute a letter reminding the fraternities about the rules. We have disciplined a few organizations in the past, but there are rarely incidents. Our school was named: "Best place to Pledge a Fraternity" by two national magazines based upon the low number of hazing incidents. I actually go to other schools and conduct lectures about how to increase pledge safety. There have been no problems with hazing with the Phi Gammas in the last five years.

Personally, I know Chris Archer. He is a credit to this University. He and other Phi Gammas volunteer at the local shelter and tutor elementary school students in the area. Two years ago, he publicly denounced hazing of any kind and helped me organize an anti-hazing rally. With help from Chris, the school has cracked down on under-age campus drinking. We put posters all over the campus. We make sure every freshman attends an alcohol awareness program.

I was greatly saddened by the news of Milan's death. Obviously, she was disturbed and was trying too hard to impress people. This must have driven her to take the risk that she should not have taken. The Phi Gammas and Chris Archer were not responsible for her death.

## **Judge's Ending Instructions to Students 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. We now arrive at the time when you, as jurors, are to perform your final function in this case.

At the outset, let me express my thanks and appreciation to you for your attention to this case. I would like to commend counsel for the professional manner in which they have conducted themselves and for their courtesy to the Court and jury during this trial.

As jurors, it is your duty to weigh the evidence calmly and without passion, prejudice or sympathy. Also, speculation, conjecture and other forms of guessing play no role in the performance of your duty.

### **NATURE OF CHARGES**

The defendant, Chris Archer, stands before you charged with involuntary manslaughter and violation of the anti-hazing laws. Involuntary Manslaughter is defined as:

2-747: (a) : Involuntary Manslaughter

A person is guilty of involuntary manslaughter when they cause the death of another as a result of an unreasonable failure to perceive the risk of harm to others, while engaging in conduct likely to result in extreme danger to life or of serious bodily injury.

Chris Archer is also charged with violating the criminal anti-hazing statute. It states:

4-1213: Anti-Hazing Statute

1. A person is guilty of criminal hazing if:

- a) Serious physical injury or death results, or is likely to result, from an act or direct influence of a fraternity member during the initiation process.
- b) This charge may be brought in addition to other charges for any violent crime.

**PRESUMPTION OF INNOCENCE,**  
**BURDEN OF PROOF, REASONABLE DOUBT**

The defendant on trial is presumed to be innocent. Unless each and every essential element of an offense charged is proved beyond a reasonable doubt, the defendant must be found not guilty of that charge.

The burden of proving each element of a charge beyond a reasonable doubt rests upon the State. That burden never shifts to the defendant. In a criminal case, the defendant has no obligation or duty to prove his innocence or offer any proof relating to his innocence.

The State has the burden of proving the defendant guilty beyond a reasonable doubt. A reasonable doubt is an honest and reasonable uncertainty in your minds about the guilt of the defendant after you have given full and impartial consideration to all of the evidence. Proof beyond a reasonable doubt is proof, for example, that leaves you firmly convinced of the defendant's guilt.

**FUNCTION OF THE JURY**

At the start of this case, I explained that you are the judges of the facts. You and you alone are the sole and exclusive judges of the evidence, the credibility of the witnesses and the weight to be given to the testimony of each witness. It is your sworn duty to arrive at a just conclusion after considering all the evidence which was presented during the course of the trial.

### **FUNCTION OF THE COURT**

The function of the Court is to determine all questions of law arising during trial and to instruct the jury as to the law which applies in this case. You must accept the law as given to you by me and apply it to the facts as you find them to be.

### **CREDIBILITY OF WITNESSES**

As the judges of the facts, you are to determine the credibility of the witnesses. In determining whether a witness is worthy of belief, you may take into consideration the witness's demeanor, inconsistent statements and any and all other matters in the evidence which serve to support or discredit the testimony.

### **DELIBERATIONS**

As jurors, you are expected to use your own good common sense. The verdict must be unanimous as to each charge, meaning all of you must agree if Chris Archer is guilty or not guilty on each charge.

### **INSTRUCTIONS AS TO VERDICT FORM**

To assist you in reporting a verdict, I have prepared a verdict sheet .

**APPOINTING FOREPERSON:**

*(Insert juror's name)* you are the foreperson of the jury because of your position in the jury box. You will preside over the deliberations and tell us the verdict when reached. Your vote carries no greater weight than that of any other deliberating juror.

**THE JURY DELIBERATES, WITH JUDGE'S GUIDANCE**

**THE VERDICT IS RECEIVED AND READ AS TO EACH COUNT**

**Verdict Sheet**

State of Columbia : Date:

: No.

v. : Judge:

Defendant Chris Archer

-----X

1. Has the State proven, beyond a reasonable doubt, that the defendant is guilty of the offense of involuntary manslaughter? Yes \_\_\_\_\_ No \_\_\_\_\_

2. Has the State proven, beyond a reasonable doubt, that the defendant violated the law against criminal anti-hazing? Yes \_\_\_\_\_ No \_\_\_\_\_

Ms./Mr. Foreperson, please rise.

Ms./Mr. Foreperson, has this jury agreed upon a verdict?

Ms./Mr. Foreperson, is that verdict unanimous?

## Vocabulary List

**Admissible Evidence:** evidence the court allows to be admitted at trial. Evidence which the trial judge finds is useful in helping the trier-of-fact, which cannot be objected to on the basis that it is irrelevant, immaterial, or violates the rules against hearsay and other objections.

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

**Beyond a Reasonable Doubt:** the standard that must be met by the prosecution's evidence in a criminal case; that no other logical explanation can be derived from the facts except that the defendant committed the crime, thereby overcoming the presumption that a person is innocent until proven guilty.

**Burden of Proof:** a duty placed upon a civil or criminal defendant to prove or disprove a disputed fact. In a criminal trial, the burden of proof requires the prosecutor to prove the guilt of the accused "beyond a reasonable doubt."

**Charge:** the specific crime a defendant is accused of committing. Formal accusation of a crime, including by indictment.

**Circumstantial Evidence:** evidence in a trial which is not obtained directly from an eyewitness or participant and requires some reasoning to prove a fact.

**Credibility:** whether testimony is worthy of belief, based on competence of the witness and likelihood that it is true.

**Crime:** an act committed or omitted in violation of a law forbidding or commanding it and for which punishment is imposed upon finding of guilt.

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

**Damages:** the amount of money which a plaintiff, the person suing, may be awarded in a civil case.

**Defendant:** the accused in a criminal case.

**Defense Attorney:** the attorney representing the accused in a criminal case.

**Deliberate:** to weigh, discuss and consider.

**Direct Examination:** the examination of a witness by the party on whose behalf he she is called.

**Evidence:** every type of proof legally presented at trial (allowed by the Judge) which is intended to convince the trier-of-fact of alleged facts material to the case.



**Exhibits:** a paper, chart, or other item presented to the Court.

**Guilty:** having committed a crime: justly charged with a specified crime.

**Indictment:** a formal accusation in writing, found and presented by a grand jury, charging that the person named in it has committed or omitted an act, in violation of the law.

**Innocent:** free from guilt.

**Intent:** mental desire and will to act in a particular way, including wishing not to participate. Intent is a crucial element in determining if certain acts were criminal.

**Judge:** an official with the authority and responsibility to preside in a court, try lawsuits and make legal rulings.

**Jury:** a group of persons sworn to render a verdict or true answer on a question or questions submitted to them.

**Jury Charge:** direction that the Judge gives the jury concerning the applicable law of an issue or case.

**Preponderance of the Evidence:** the greater weight of the evidence required in a civil (noncriminal) lawsuit for the trier-of-fact (jury or Judge without a jury) to decide in favor of one side or the other.

**Prosecutor:** one who prosecutes another for a crime in the name of the government.

**Testify:** to give evidence as a witness.

**Verdict:** a jury's decision or judgment.

**Witness:** an individual who actually sees, hears or perceives something; an individual who provides testimony in court.