



**WALS**  
F O U N D A T I O N

***Educational Outreach***

---

The WALS (Wheeling Academy of Law and Science) Foundation

**MOCK TRIAL PROGRAM** ©

*created by*

**Barbara K. Knutsen, Executive Director, The WALS Foundation**

*funded by*



*The mission of The WALS Foundation  
is to offer educational programming  
on issues of public concern,  
not otherwise covered in depth.*

# The WALs Foundation Mock Trial Program Manual

## TABLE OF CONTENTS

### **TAB 1 - TEACHER INFORMATION:**

- \* HOW TO USE THE MANUAL AND ATTACHMENTS
- \* TEACHER'S 10 EASY STEPS
- \* TEACHER INSTRUCTIONS
- \* STUDENT ROLE LIST
- \* ROLE DESCRIPTIONS
- \* PROP SUGGESTIONS
- \* SAMPLE COURTROOM SETTING (classroom to courtroom)
- \* HOW TO CONTACT AREA LAWYERS

### **TAB 2 - OTHER ROLE INSTRUCTIONS/NOTES FOR:**

- \* BAILIFF
- \* CLERK
- \* JURORS
- \* JURY FOREPERSON
- \* LAWYER/JUDGE

### **TAB 3 - ADDITIONAL INFORMATION:**

- \* MAIN STEPS IN A TRIAL
- \* MOCK TRIAL VOCABULARY
- \* SAMPLE PRESS RELEASE
- \* DRUG LAWS IN WV
- \* THANK YOU

### **ATTACHMENT 1 – STUDENT ACTIVITIES/HANDOUTS**

- \* THE WALs FOUNDATION ACTIVITY SHEET FOR STUDENTS (print enough for your students)
- \* WV SUPREME COURT HANDBOOK FOR STUDENTS
- \* THE WALs FOUNDATION PAPER GAVEL BRACELETS FOR STUDENTS  
(simply – PRINT OUT, CUT OUT, and HAND OUT enough for your students!)

### **ATTACHMENT 2 – LAWYER/JUDGE PACKET**

- \* CONFIRMATION MEMO TO LAWYER
- \* LAWYER/JUDGE INSTRUCTIONS/NOTES
- \* MOCK TRIAL SCRIPT
- \* MOCK TRIAL VERDICT FORM

### **ATTACHMENT 3 – SCRIPT AND VERDICT FORM**

- \* MOCK TRIAL SCRIPT
- \* MOCK TRIAL VERDICT FORM

**TAB 1**  
**TEACHER INFORMATION**

## How To Use The Manual and Attachments

The WALs Foundation Mock Trial Program is complete and web based for your convenience. The teacher's manual and attachments should be read first and printed out. The "how to" DVD will show you how easy it can be. We have also included other resources and links that will give you the necessary information you need to conduct your mock trials in an organized and easy manner.

**The first part of the manual is materials for you when in the planning stages. You can access and click on the table of contents to view and print your materials.**

**Other role instructions/notes are in the next section, and the last section of the manual includes reference/additional information.**

The TIMELINE in Teacher Instructions and the 10 EASY STEPS condense it all. Once you read the manual you will see it can be done step by step without a lot of extra work on your part. There are website links and short/long overview video versions that will also help you prepare, along with a "how to" DVD that reviews the manual.

We have included the role list, instructions, descriptions and suggested props. There are vocabulary words that relate to the justice system and this trial, along with instructions on how to contact your volunteer lawyer(s). The lawyer packet is in the attachments. You can also use the sample press release either before or after your mock trial.

### **Attachment 1:**

*Student Activities/Handouts*

1. The WALs Foundation activity handout for each student.
2. "A Kids Guide to the Courts of West Virginia" made by the Supreme Court of Appeals in WV
3. The paper gavel bracelets for student distribution after the official mock trial.

### **Attachment 2:**

*The lawyer packet* to be sent to the volunteer lawyer(s) that contains a confirmation memo once the lawyer(s) commits. Complete the memo with your contact info, your school, dates and times. Send this with the enclosed lawyer instructions, script and verdict form. **You can copy this lawyer packet if your school is using more than one lawyer.**

### **Attachment 3:**

*The Script* which you can copy (double-sided), highlight and pass out to your students and *the verdict form* that goes to the jury foreperson.

**IF YOU HAVE ANY ADDITIONAL QUESTIONS, FEEL FREE TO CALL: Barbara Knutsen, Executive Director, WALs Foundation - 304-232-2576 (w) or (c) 304-215-0522. You can also e-mail Barb at [bknutsen@walswheeling.com](mailto:bknutsen@walswheeling.com)**

## TEACHER'S TEN EASY STEPS

### Summary for The WALS Foundation MOCK TRIAL

*The Mock Trial program is a two-day project (two days in a row) for the students.*

### TIME LINE and DETAILED INSTRUCTIONS INCLUDED IN TEACHER INSTRUCTIONS

1. **READ, print out your manual, script, attachments and watch the “how to” DVD, videos and check out the links provided on our website: [www.walswheeling.com](http://www.walswheeling.com) (click on mock trial program)**
2. **Coordinate your times, dates with the other 5<sup>th</sup> grade teachers in your school**
3. **Call lawyer(s) and upon confirmation send out lawyer packet(s)**
4. **Make/buy props (coordinate with other teachers) THIS IS OPTIONAL, BUT IN OUR EXPERIENCE, USE OF ‘PROPS’ HEIGHTENS THE STUDENTS’ EXCITEMENT AND INTEREST IN THE PROGRAM.**
5. **Prior to your two-day event – print and copy scripts for students with speaking parts, highlight them, assign the roles and hand out parts along with role instructions and “print out/cut out” the gavel paper bracelets**
6. **Review vocabulary words and steps in a trial before rehearsing a few times prior to Day 1**
7. **Day 1 – (see teacher instructions)**
8. **Day 2 – (see teacher instructions)**
9. **Send lawyer(s) thank you note**
10. **If you didn’t have press there for the actual mock trial, send out a few pictures from your event along with press release (see additional information)**

*QUESTIONS? Call or e-mail Barb*

*(Contact information on Role Descriptions page - Executive Director)*

## TEACHER INSTRUCTIONS (1 of 3)

The WALs Foundation mock trial program is a **two-day (back to back) event** in each classroom (some schools use their media center). It was designed to educate students about the judicial system and the rising problem of prescription drug abuse.

The manual/attachments/"how to" DVD and the 10 Easy Mock Trial Steps, should provide you with all the information you need for a successful mock trial. **I would suggest you first READ and PRINT OUT the manual and attachments, and then watch the "how to DVD."** We have also provided videos (long and short overview versions), that you can access at: [www.walswheeling.com](http://www.walswheeling.com) . Go to the website under THE WALs FOUNDATION, and click on Mock Trial Program. You will find the video and other helpful information under WEBSITE RESOURCES. WV Drug Abuse problems, solutions, tips can be viewed here by choosing the following websites: [www.wvrxabuse.org](http://www.wvrxabuse.org) or [www.drugfree.org](http://www.drugfree.org).

WV Department of Health and Human Resources has also provided research based statistics you can access by clicking on their link.

**All 5<sup>th</sup> grade teachers in WV have received an invite to participate with their 20,000+ students in THE WALs Foundation web based mock trial program.**

**All 5<sup>th</sup> grade students can be assigned a role** - (role list, role description and prop suggestions included in TEACHER INFORMATION). Additional optional roles can also be added. **The JUDGE will be played by a volunteer lawyer** (lawyer packet can be downloaded and printed – Attachment 2).

Props make the event more fun and if all 5<sup>th</sup> grade teachers coordinate together, **the props can be shared**. If that is the case, maybe one room can be designated for the mock trial so you can have one right after the other and no gaps for lawyer purposes. **All students are encouraged to dress up on the day of the official mock trial (2<sup>nd</sup> day).**

**For purposes of acquiring a lawyer or lawyers, we suggest all 5<sup>th</sup> grade teachers from each school meet and coordinate their trials on the same two days.** Teachers can suggest local lawyers and you can also check listings in the phone book. Someone from that group can make the calls from those lists and suggestions (how to contact area lawyers included in TEACHER INFORMATION). Once there is confirmation from the lawyer(s), that lead person can send out a lawyer packet(s) (Attachment 2– copy as needed). Keep a list of upcoming mock trial dates, times and who is coming.

## TEACHER INSTRUCTIONS (2 of 3)

**Day 1 is prep day** - Once students are in their courtroom setting you can go over the roles of each person (role descriptions included in TEACHER INFORMATION).

You can discuss how jurors are selected – how the verdict needs to be unanimous and the fact that in a real trial there is no time limit for deliberations. Spend a good amount of time talking about substance abuse – specifically prescription drug abuse. **SUGGESTION: We recommend you contact an agency in your area and have someone recovering from substance abuse talk to your students – it is HIGHLY EFFECTIVE!** Links for additional information about prescription drug abuse in West Virginia is listed on Page 1 of Teacher Instructions along with how to access video of Day 1. You can also contact Barbara Knutsen, Executive Director of The WALIS Foundation (contact information is under ROLE DESCRIPTIONS, Executive Director).

**Day 2 is mock trial day** – Once the lawyer arrives, you can introduce him/her, hand out scripts, props and have a seat to enjoy the experience. You might take pictures or a video.

When the lawyer is finished, encourage a Question and Answer session, hand out the paper gavel bracelets and collect props and scripts. The trial usually takes about 30-40 minutes, so you should have ample time for the Q & A session which is fun!

\*\*\*\*\*

### SUGGESTED TIME LINE:

#### **2 -3 weeks prior**

- \* Read AND PRINT OUT your manual/attachments, paper gavel bracelets (Attachment 1) and the SCRIPT (Attachment 3)
- \* Coordinate your dates, times, with other 5<sup>th</sup> grade teachers in your school
- \* Call and acquire lawyer(s)
- \* Send lawyer packet(s) (Attachment 2)
- \* Make/buy props (suggestions included in TEACHER INFORMATION)
- \* Watch the “how to” DVD, videos, check out website links when preparing for Day 1 and/or find someone recovering from substance abuse to speak to the students (**THEY ONLY NEED ABOUT 15-20 MINUTES**)

#### **WITHIN A WEEK PRIOR TO DAY 1**

- \* Assign roles
- \* Copy scripts for students with the speaking parts (jurors do not need a script)
- \* Highlight speaking parts for students
- \* Hand out instructions for speaking roles (in OTHER ROLE INSTRUCTIONS – *juror sheet can be copied*)
- \* Practice the entire script a few times to get students familiar with the script
- \* Review vocabulary words and steps in a trial (both in ADDITIONAL INFORMATION)
- \* Check out the WV Supreme Court book for student activities (Attachment 1)

## TEACHER INSTRUCTIONS (3 of 3)

\* Call your local paper, radio and TV stations to cover your event (PRESS RELEASE in ADDITIONAL INFORMATION.) After the mock trial, you can send in this press release with pictures if no press attended.

### **DAY 1**

- \* ALWAYS call the lawyer to remind them of DAY 2
- \* Move the classroom (media center) to look like a courtroom (mock included in TEACHER INFORMATION)
- \* Hand out scripts
- \* Review each of their roles in the mock trial (descriptions included in TEACHER INFORMATION)
- \* Discuss facts about real trials you may have attended, how jurors are picked, deliberations having no time limit, and other pertinent information you have collected about the judicial system
- \* Discuss substance abuse, prescription drug abuse, WV problem, etc. for about 20 minutes (refer to video/links on main website page). **INTRODUCE SPEAKER if you have one.**
- \* For about 15 minutes, go through a quick rehearsal (maybe start at the beginning of each person's part) to show lawyers, witnesses where to stand/sit, who to address when speaking (this will be also covered in the long version video AND in Role Instructions in TEACHER INFORMATION)
- \* Collect scripts
- \* Pass out WALs Foundation activity sheet (Attachment 1)

### **DAY 2**

- \* Move classroom (media center) to look like a courtroom (mock included in TEACHER INFORMATION)
- \* Greet and introduce the lawyer
- \* Pass out scripts, props for students and lawyer (robe and gavel)
- \* Take pictures or video
- \* Encourage a Q & A session with lawyer (you should have about 15 minutes for this)
- \* Thank lawyer
- \* Hand out paper gavel bracelets to students/lawyer (let them fill in their role)
- \* Collect props/scripts

### **AFTER MOCK TRIAL**

- \* Send lawyer(s) thank you note(s)
- \* If press didn't attend your actual mock trial, send a few pictures from your event along with a press release (in ADDITIONAL INFORMATION) to your local media



**STUDENT ROLE LIST -5<sup>th</sup> Grade**  
**State vs. Justin Wusso & Alex Wusso**

- |  |                   |
|--|-------------------|
| 1. Judge   | Visiting Attorney |
| 2. Bailiff – Instructions in <i>Other Role Instructions</i>                    | _____             |
| 3. Clerk – Instructions in <i>Other Role Instructions</i>                      | _____             |
| 4. State Attorney  | _____             |
| 5. Witness #1 Doctor 1 (Coroner)   | _____             |
| 6. Witness #2 Doctor 2 (Family Dr.)  | _____             |
| 7. Def. Counsel for Justin Wusso   | _____             |
| 8. Def. Counsel for Alex Wusso   | _____             |
| 9. Witness #3- Ace   | _____             |
| 10. Witness #4 – Officer   | _____             |
| 11. Witness #5 & Defendant<br>Alex Wusso (female)                              | _____             |
| 12. Defendant – Justin Wusso (male) (non-speaking part –sits at defense table) | _____             |
| 13. Court Reporter   | _____             |
| JURORS – Instructions in <i>Other Role Instructions</i>                        |                   |
| 14. Juror #1   | _____             |
| 15. Juror #2   | _____             |
| 16. Juror #3   | _____             |
| 17. Juror #4   | _____             |
| 18. Juror #5   | _____             |
| 19. Juror #6   | _____             |
| 20. Juror #7   | _____             |
| 21. Juror #8   | _____             |
| 22. Juror #9   | _____             |
| 23. Juror #10  | _____             |
| 24. Juror #11  | _____             |
| 25. Juror #12  | _____             |
| Jury Foreperson – Instructions in <i>Other Role Instructions</i>               |                   |
| <u>OPTIONAL</u>  |                   |
| 26. Extra Lawyer   | _____             |
| 27. Sketch Artist  | _____             |
| 28. Journalist/Newspaper   | _____             |
| 29. Camera Person/TV   | _____             |
| 30. Observers: family members/paralegal  | _____             |

## **ROLE DESCRIPTIONS (1 of 2)**

*(Also includes instructions on sitting, standing and who to address)*

### **The Role of the Executive Director/Consultant**

**Barbara K. Knutsen, Executive Director, The WALSH Foundation, 1413 Eoff Street, Wheeling, WV 26003**

**(p) 304-232-2576 or 304-215-0522 (f) 304-232-8200**

**e-mail: [bknutsen@walswheeling.com](mailto:bknutsen@walswheeling.com)**

**website: [www.walswheeling.com](http://www.walswheeling.com)**

\*The Director will create a mock trial program that can be used in 5<sup>th</sup> grade classrooms to complete the Next Generation Standard and Objective (SS.PD.5.C) and educate students about substance abuse, most recently prescription drug abuse.

\* The Director will compile a step by step manual/handouts/resources that can be downloaded and printed for teachers and students and overview videos and a “how to” DVD.

\*The Director will be available for ongoing questions (contact info– above).

**The Role of the Teacher** -Teachers will be responsible for the overall preparation and implementation of the mock trial program. They will read and print the manual and attachments/handouts, and copy/highlight scripts for those students who have speaking roles, assign the roles, move around the classroom, make or buy props, acquire lawyers, review vocabulary words and lead rehearsal. They will decide what Day 1 prep will consist of from the materials given to them under WEBSITE RESOURCES (website listed above), along with other information they believe would be helpful for a successful mock trial. Teachers will call the lawyers, send out their packets and thank them. They will distribute the props on Day 2 and introduce the lawyer. They can take pictures/video and help with deliberations by reviewing the verdict form and making sure no student is pressured into changing their verdict. Teachers will also: Print out/cut out/hand out the gavel pencil bracelets.

**The Role of the Lawyer “JUDGE”** -The lawyer is responsible for reading the role of the Judge in the scripted mock trial. After the mock trial, which takes about 30-40 minutes, he/she will be available for a Q & A session with the students. The “Judge” will sit and face the members of the “courtroom.”

**The Role of the Bailiff** -The bailiff is responsible for calling the court to order. They will escort each witness to the clerk to be sworn in. They escort them to the witness chair, and when they are finished their testimony they escort them back to their seat. (In a real trial the witnesses are OUT of the courtroom BUT for mock trial purposes they sit in the audience so they can be a part of the process.) The bailiff is also responsible for leading the jurors out into the hall of the classroom (or any other designated place) for deliberations. They stand by the classroom door and when the jurors are finished and ring their bell/buzzer, the bailiff leads them back into the courtroom before taking his/her place next to the clerk.

**The Role of the Clerk** -The clerk is responsible for swearing in all witnesses before they “take the stand.” If there is evidence to be marked in a trial, they are responsible for marking these also. The clerk sits to the right of the “Judge.”

## ROLE DESCRIPTIONS (2 of 2)

**The Role of the State Attorney and Defense Attorneys** -It is the responsibility of all lawyers to sit next to and defend their clients to the best of their ability. They should practice their reading parts and put emotion into their roles. For opening statements and closing arguments they take their scripts, stand and face the jurors to speak. When witnesses are called to the witness stand, they should stand either by their desk or go stand (not too close) in front of the witness. They may also use a podium.

**The Role of the Defendants** -The defendants sit next to the lawyer representing them. If they have a speaking role they follow the same procedure as the other witnesses.

**The Role of the Witnesses** -Witnesses should be sworn in and “take the stand” so they can tell their story according to the script. They SHOULD speak LOUD and CLEAR so everyone in the classroom/courtroom can hear them, including all jurors who must hear all witnesses testimony correctly to decide their verdict. Each witness will be sitting in the audience, behind the lawyers until called. They walk up with the bailiff to the clerk to be sworn in and then take a seat in the witness chair as they testify. After they testify, they go back to their seat in the audience.

**The Role of Court Reporter** -The court reporter is responsible for typing (pretending) EVERY word of a trial. They will need a desk so they can put a computer on it (signifies the court reporting machine.)

**The Role of the Jurors** -This is the MOST IMPORTANT role in a trial. The trial is done for the benefit of the jurors who have the responsibility of deciding the verdict (guilty or not guilty) based on witness testimony they hear and evidence they see in a trial. They sit in two rows of 6 on the side of the “courtroom” CLOSEST to the Prosecuting/State Attorney.

### **VERY IMPORTANT NOTE:**

*IN A REAL TRIAL, THERE IS NO TIME LIMIT FOR DELIBERATIONS. We have about 5 -10 minutes. Each juror is entitled to their own opinion, they should not feel pressured to change their mind because of what other jurors want them to do.*

**The Role of the Jury Foreperson**-The Foreperson makes sure all jurors are wearing their JUROR badges during the trial. They sit with the other jurors. They are responsible for reading each charge to other jurors and asking them, if they are voting guilty or not guilty. Jurors vote by a show of hands. The goal is to get a unanimous verdict.\* They will sign the verdict form and also ring a buzzer/bell when they are finished deliberating so the bailiff can lead them back into the classroom/courtroom. The foreperson promotes discussion if everyone does not agree by letting jurors tell why they voted the way they did, and then continually taking votes.

*\*The verdict must be unanimous (everyone must decide the same thing), so in most cases, there will be discussion. Try to get everyone to vote the same way – but if not, it will be a hung jury and you don't mark anything next to that particular charge and tell the Judge you have reached a partial verdict.*

## PROP SUGGESTIONS

(Based on Role List)

**Teachers are the most creative people EVER, but we have some suggestions also.**

1. **JUDGE:** black robe (Goodwill, 2<sup>nd</sup> hand stores sometimes have them), or a graduation gown, a gavel, and a sign for the Judge
2. **BAILIFF:** name tag, toy badge
3. **CLERK:** name tag
4. **STATE ATTORNEY:** name tags & (male) neck tie, (female) long scarf
5. **WITNESS #1 – Doctor 1/Coroner:** used Doctor coat, scrubs, stethoscope, name tag
6. **WITNESS #2 – Doctor 2/Family Doctor:** used Doctor coat, scrubs, stethoscope, name tag
7. **DEFENSE COUNSEL for JUSTIN WUSSO:** name tags -(male) neck tie, (female) long scarf
8. **DEFENSE COUNSEL for ALEX WUSSO:** name tags -(male) neck tie, (female) long scarf
9. **WITNESS #3/Ace:** construction hat, clipboard, camera, name tag
10. **WITNESS #4/Officer:** police hat and badge, name tag
11. **WITNESS #5/Alex (female role):** cape, wizard wand, name tag
12. **WITNESS #6/Justin (male role):** wizard hat, name tag
13. **COURT REPORTER:** old steno machine, lap top, name tag

14 through 25:

**JURORS: JUROR name tags**

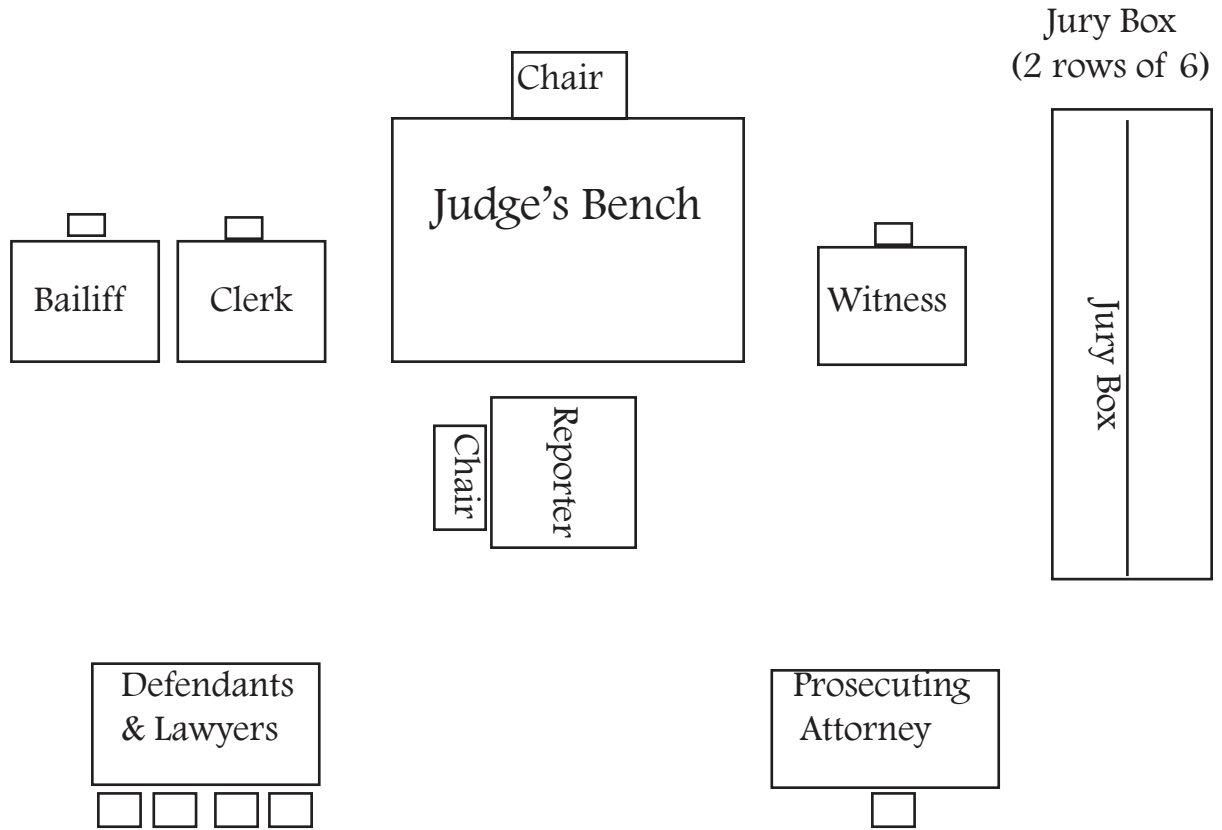
**JURY FOREPERSON:** bell or buzzer, pencil and verdict form (included)

***NOTE -OPTIONAL ROLES: If you have a big class, you can divide up lawyer roles***

26. **EXTRA LAWYER:** name tags & (male) neck tie, (female) long scarf
27. **SKETCH ARTIST:** paper, pencil and name tag
28. **JOURNALIST from NEWSPAPER:** notebook, pencil and name tag
29. **CAMERA PERSON from TV station:** camera, name tag
30. **OBSERVERS:** family members or paralegal to sit with lawyer

**Lawyer/Attorney and Counsel ALL mean the same thing!**

SAMPLE COURTROOM SETTING



All witnesses sit in the audience



(Classroom to Courtroom Mock Arrangement)

NOTE - Tables or desks & chairs needed for JUDGE, reporter and lawyers/defendants, while the rest can be just chairs.

## HOW TO CONTACT AREA LAWYERS

(IMPORTANT –REFER to Teacher Instructions for TIMELINE)

**NOTE – The volunteer lawyer who role-plays “Judge” will truly culminate the project. The teachers and students love having them as a guest and they LOVE being a “Judge.”**

Most lawyers are willing to do more than one mock trial, so if two or maybe even three are back to back, you might be able to get one lawyer to cover them. If there is a gap in between, you should not keep lawyers, just get another one. For example: (1<sup>st</sup> class) 9:00 to 10:00 a.m. (2<sup>nd</sup> class) 10:00 to 11:00 a.m. (lunch time) 3<sup>rd</sup> class 1:00 to 2:00 p.m.

CALL 2 lawyers – one for 2 hours, the other for the last hour.

Start by looking up attorneys in your area phone book, ask around the school to see if personnel, principals, teachers or students have a relative or friend that is a lawyer. Prosecuting attorneys will also participate. (LAWYERS LOVE TO SEE FAMILIAR FACES).

**IF YOU NEED HELP CONTACT BARB (refer to ROLE DESCRIPTIONS for contact info)**

Once you have coordinated your trials with the other 5<sup>th</sup> grade teachers, one teacher can make the call(s). (**CALLS are the way to go**) Lawyers will actually change their schedules because they hear the excitement in your voice. They appreciate this educational project that not only teaches the students about the judicial system, but educates them about the dangers of prescription drugs. (THEY ALSO LOVE PLAYING JUDGE)

1. Coordinate trials (Suggestion - skip Jan. and Feb. because of possible weather issues)
2. Make a short list of lawyers to call
3. Have one teacher make the call(s)
4. Send out lawyer packet(s) with dates, times and school name (feel free to copy)
5. **ALWAYS CALL OR E-MAIL LAWYER THE DAY BEFORE HIS SCHEDULED TIME to remind them. (1<sup>ST</sup> DAY OF MOCK TRIAL)**
6. 2<sup>nd</sup> Day of Mock Trial -Introduce your lawyer
7. Thank lawyer(s) after mock trial and follow up with thank you note(s)

### **For the call - you might say the following:**

*Hi, Mr./Mrs./Miss \_\_\_\_\_. I am a teacher at \_\_\_\_\_ and our fifth grade students will soon be participating in a two-day educational mock trial. All students play a role except volunteer lawyers who play the role of “Judge.”*

*These scripts are written about the dangers of substance abuse, specifically prescription drug abuse. Since 2004 over 13,000 WV students participated in this program before it expanded in 2013 and is now being offered to ALL 20,000+ 5<sup>th</sup> grade students in the State of WV.*

*Through the mock trial process students actually bring the American Justice system to life as they learn about the dangers of prescription drugs which is currently an epidemic among our youth both in West Virginia and nationally.*

*Would you be available on \_\_\_\_\_ to play the role of “Judge?” Your part is ALSO scripted. We can mail you the script with a confirmation today. Each trial is done in the classroom (moved around to look like a courtroom) during their class time. The first day is a prep day by us. We need you the 2<sup>nd</sup> day of the project on \_\_\_\_\_ from \_\_\_\_\_ for \_\_\_\_ class(es) when we have the official mock trial(s).*

*We will have a “Judge” robe and a gavel for you. After the official mock trial, there will be enough time for a short Q & A with the students.*

**TAB 2**  
**ROLE INSTRUCTIONS**

## BAILIFF INSTRUCTIONS/NOTES

1. Announce the Judge's entrance. When everyone is in the classroom/ courtroom, you will say: "All rise," meaning that everyone should stand up and be quiet.  
(IN SCRIPT)
2. Say, "This Court is now in session."
3. The Judge comes in and sits down and tells everyone to be seated.
4. Stand/or sit next to the Clerk during the trial. In a real trial when everyone is ready, the Judge will ask you to bring in the jury. *For mock trials, the jury will already be seated.*
5. WHENEVER a witness is called, you escort them so they are standing in front of the clerk who will swear them in. (just stand next to them and wait).
6. You escort each of the witnesses to the witness stand where they will sit and testify (go back by the clerk).
7. AFTER THE TRIAL, the Judge will tell jurors they have 5 minutes to deliberate. You lead them to their place of deliberation, stand nearby, and after the Jury Foreperson rings the bell/buzzer, you, as bailiff, will lead jurors back into the courtroom to their same seats in the "jury box."
9. Most Judges just ask the jury foreperson to read the verdict – *sometimes* before the verdict is read the Judge wants to see the verdict form. In that case you would then get it from the Jury Foreperson and hand it to the Judge to see. After he looks at it, he will give it back to you and you will return it to the Jury Foreperson.
10. IF GUILTY, you CAN take the defendant into custody, (pretend to take him/her away to jail).



## CLERK INSTRUCTIONS/NOTES

1. Whenever a witness is called, the bailiff will escort them up to you. They will face you. You should raise your right hand and ask them to raise theirs. (You may also use a book/bible for swearing in)
2. Read your script by saying: “Do you swear to tell the truth, the whole truth, and nothing but the truth?”
3. If there is evidence to be presented in trial, the lawyers will bring it to you and you will mark it as: Exhibit A – B, etc.

## JUROR INSTRUCTIONS/NOTES

(Select 12 students if you have that many)

**Your job, as a juror, is the most important job in the trial!**

*EVERYTHING DONE DURING THE TRIAL IS FOR YOU – THE JUROR,  
... TO HELP **YOU** DECIDE THE CASE!!!!!!*

1. When the trial ends and the Judge reads to you the instructions on the law, it will be time for you to DELIBERATE and come to a VERDICT, hopefully a UNANIMOUS verdict, (meaning everyone). First, SELECT A JURY FOREPERSON (person who will read the verdict to the court), if not already done. NOTE – For time purposes, this may already be done.
2. Your job is pretty quiet until the end of the trial. You should listen very carefully during the trial so you can think clearly and decide if you think the defendant(s) is guilty or not guilty.
3. REMEMBER, in a criminal case, the Defendant(s) is INNOCENT unless the prosecution proves he/she is guilty BEYOND A REASONABLE DOUBT. If your case is a CIVIL CASE, it's about money so you will decide, as a group, if you think the plaintiff should receive money and how much.
4. You will be given about 5 minutes at the end of trial to talk to each other and come to a decision about guilt or innocence.
5. If you cannot decide, keep talking with the other jurors because everyone has to TRY to come to the same decision by raising your hand- either GUILTY or NOT GUILTY.

Note – If a unanimous decision cannot be reached – it is called a hung jury, a mistrial is declared and the trial could start over from the beginning with new jurors!!

6. WHEN THE JURY FOREPERSON GIVES THE VERDICT TO THE JUDGE, HE/SHE WILL SAY TO ALL THE JURORS, “So say you all?” ALL JURORS RESPOND, “YES, YOUR HONOR.”

***NOTE: As a juror, you are entitled to YOUR OWN OPINION based on what you heard in trial and any evidence that may have been presented. YOU DO NOT HAVE TO “SURRENDER YOUR OPINION” (change your mind) simply because of peer pressure, time to go home, etc. YOU SHOULD, HOWEVER, keep an open mind and listen to the reasoning on the other side – you might then change your mind.***

## JURY FOREPERSON INSTRUCTIONS/NOTES

*MAKE SURE TO TAKE THE VERDICT FORM, A PENCIL AND A BUZZER/BELL with you when you deliberate.*

1. You need to make sure all jurors are wearing their juror badges (on left side over heart).
2. You should read each charge one by one to the other jurors **once** you get to the designated area for deliberations.
3. By a show of hands you should ask them if they think the defendant is guilty, not guilty of each charge.
4. You should promote discussion among the jurors if everyone does not agree (you need a unanimous verdict – you must strive to get everyone to agree on the same verdict). Therefore, after the jurors say why they are voting the way they are, you should take another vote.
5. Check off your verdict on the verdict form but REMEMBER – if everyone does NOT agree on a particular charge, there is NO verdict. (see **NOTE** below).
6. SIGN AND DATE the verdict form and RING A BELL/BUZZER. The bailiff will lead the jurors back in the courtroom.

**NOTE** - When you are back in your original seats in the classroom/courtroom, the Judge will say: “will the foreperson of the jury please stand?” YOU STAND UP. He will then ask: “Have you reached a verdict?”

If so, you will answer, “Yes, your Honor.” If not, you will answer, “No, your Honor.”

**IMPORTANT:** IF YOU REACHED A UNANIMOUS VERDICT FOR SOME CHARGES BUT NOT FOR ALL YOU CAN SAY: “We have reached a partial verdict, Your Honor.”

The Judge will then say, “Will the defendant(s) please stand?” The defense lawyer(s), along with the defendant(s) will stand and then the Judge says to you, “You may read the verdict.”

**YOU WILL READ FROM THE VERDICT FORM! (In some cases, the Judge will want to see the form before it is read so you will hand it to the bailiff who will take care of giving it to the Judge.)**

# LAWYER/ "JUDGE" INSTRUCTIONS/NOTES

## (These steps are SCRIPTED)

Everyone in the classroom (courtroom) is in their place, except the Judge who can be outside the classroom door.

Bailiff announces the Judge is coming in. They ask everyone to stand up to show respect for the Judge, the court and the law by saying: *"All rise. This court is now in session."*

Judge comes in, sits down and tells everyone else to be seated.

Judge tells everyone what the trial is about. He'll say something like "Ladies and gentlemen of the jury, this is a criminal/civil?? case....."

Judge will then ask lawyers if they are ready to proceed.

Judge will ask each lawyer to make their opening statements to the Jury. (Lawyer stands in front of Jurors) Prosecutor/Plaintiff lawyer makes statements first, then defense lawyers.

Judge will then ask both prosecution/plaintiff and defense lawyers if they have witnesses.

Each witness goes with the bailiff to the clerk. They stand in front of the clerk until they are sworn in, then proceed to witness stand.

Lawyer who called the witness will ask the witness questions. (Lawyer stands halfway between their table and Judge, looking at witness).

Lawyers on the opposing side also have a chance to question (cross examine) THAT witness AND call their own witnesses. (Lawyer stands in the same place as previous lawyer)

Judge will ask if there are any other witnesses. If not, he will ask lawyers for closing arguments. (Lawyer stands in front of Jurors for closing arguments).

Judge will give the Jury appropriate rules of law in weighing the evidence (instructing them) AND will also reinforce that the defendant is INNOCENT UNTIL PROVEN GUILTY.

Judge tells the jury they have 5 minutes to reach a verdict, and then everyone is dismissed until bailiff hears the buzzer and brings the jurors back to the classroom/courtroom.

Judge will say, *"Will the foreperson of the jury please stand? Have you reached a verdict?"* The foreperson will answer, *"Yes, your honor."* Judge then says, *"Will the defendant please stand?"* Defendants/defense lawyers stand. Judge says, *"You may read the verdict."*

Jury foreperson reads the verdict.

Judge makes sure the verdict is unanimous by saying, *"So say you all?"* to which the entire Jury should respond, *"Yes, Your Honor."*

Judge talks about sentencing. In a criminal case bailiff can pretend to take guilty party away. In a civil case the amount to be awarded to the plaintiff is decided if the jury believes their side of the story.

Judge ends trial by saying, *"Court is adjourned."*

*(Don't forget to BANG the gavel and then conduct a general Q & A with the students!)*

**TAB 3**  
**ADDITIONAL INFORMATION**

## Main Steps In A Trial

### *THROUGH THESE STEPS, THE JURORS WILL DECIDE THE VERDICT!*

- 1. OPENING OF A CRIMINAL/CIVIL TRIAL**  
Judge comes in courtroom, names the case and asks if the prosecution/ plaintiff and defense attorneys are ready
- 2. OPENING STATEMENTS BY ATTORNEYS**  
Prosecuting attorneys go first, introduce themselves and state what they intend to prove. Defense attorneys then introduce themselves and explain the evidence on their side that will deny what the other side is attempting to prove
- 3. WITNESSES OF THE STATE OR PLAINTIFF** They are sworn in – prosecutor/plaintiff witnesses go first and then defense witnesses
- 4. DIRECT EXAMINATION OF WITNESSES** Questioning by prosecuting/plaintiff attorney
- 5. CROSS EXAMINATION OF WITNESSES** Questioning by opposing lawyers
- 6. DEFENSE WITNESSES** Direct examination by defense attorney and then cross-examined by prosecuting attorney/plaintiff attorney
- 7. CLOSING ARGUMENTS** Summary of testimony first by prosecuting/plaintiff attorney, then by defense attorney
- 8. INSTRUCTIONS OF LAW BY THE COURT** The directions given by the Judge to the Jury concerning the law relating to the case
- 9. JURY DELIBERATIONS** Jury discusses trial to decide guilt or innocence based on the testimony and evidence provided during trial
- 10. VERDICT** Guilty (on the charge/charges) or not guilty  
(in a “real” trial – no set time and verdict must be a unanimous decision. If the jury cannot agree, it’s called a mistrial!) In a civil case, damages must be decided

## TRIAL VOCABULARY (1 of 3)

**Attorney** – A person who practices law.

**Bailiff** – An officer who is in charge of maintaining order in a court of law.

**Beyond a Reasonable Doubt** – The Burden of proof in a criminal case required to establish the guilt of a person charged with a crime.

**Civil Case** – A case in which both the plaintiff and the defendant are private individuals and which is a legal proceeding to resolve a private dispute among people.

**Civil Justice System** – The network of courts and tribunals which deal with disputes involving one person complaining about something another person did or failed to do.

**Closing Arguments** – The final statements by an attorney to jury, summarizing the evidence, and arguing what the evidence has or has not established.

**Contracts** An agreement between two or more parties to do or not to do a certain thing, whether written or oral.

**Convict** - To prove that someone is guilty as a matter of law.

**Court** – A place where justice is administered.

**Crime** – An act or an action that is against the criminal law, or a failure to do what the criminal law requires.

**Criminal Case** – A case in which the State is the plaintiff and in which the defendant is a person charged with having committed a crime.

**Criminal Justice System** – The network of courts and tribunals which deal with criminal law and its enforcement.

**Cross-examine** – To question a witness called by the opposing side, or a hostile or other adversarial witness called by a party.

**Damages** – A loss, detriment, or injury to one's person, property or rights, through the unlawful act or omission or negligence of another.

**Defendant** – A person against whom a criminal charge or civil claim is brought in a court of law.

## TRIAL VOCABULARY (2 of 3)

**Deliberations** – The act of jurors talking to each other and coming to a decision on the charges or crimes of a trial.

**Evidence** – Something that gives proof of a contested fact.

**Foreman/Foreperson** – The presiding member of a jury who speaks or answers for the jury.

**Guilty**– Having been convicted by a jury of having done something wrong.

**Indictment** – A serious charge of criminal wrongdoing which must later be proved at trial beyond a reasonable doubt before a defendant may be convicted.

**Injunction** – A court order prohibiting a party from a specific course of action.

**Innocent** – Not guilty of a crime or fault.

**Instructions On The Law** – A direction given by the judge to the jury concerning the law of the case, usually at the end of the case and just before jury deliberations.

**Irrelevant** – Not important, pertinent to the matter at hand or to any issue before the court.

**Judge** – An official who can conduct hearings and decide on cases in a court of law.

**Jury** - A certain number of persons selected according to law and sworn in to inquire into matters of fact and declare the truth about matters of fact before them.

**Law** – A rule made by a country, state, or town for the people there.

**Negligence** – Acting in a way that fails to conform with a specific standard of conduct, thereby putting others at risk for injury.

**Negligent Homicide** – A criminal offense that is committed by a person whose negligence is the direct cause of another person's death.

**Objection** – A lawyer's protest about the legal propriety of a question which has been asked of a witness by the opposing attorney, with the purpose of making the trial judge decide if the question can be asked.



## **TRIAL VOCABULARY (3 of 3)**

**Opening Statement** – Summary of nature of case and of anticipated proof presented by counsel to jury at the start of a trial.

**Overruled** – In trial practice, for a Judge to disagree that an attorney's objection, as to a question, is valid.

**Plaintiff** – The person who brings a civil law suit, or in the case of a criminal case, the State or Federal government.

**Preponderance of the evidence** – The greater weight of the evidence: superior evidentiary weight that, though not sufficient to free the mind wholly from all reasonable doubt, is still sufficient to incline a fair and impartial mind to one side of the issue rather than the other. (Burden of Proof in a civil trial)

**Prosecuting Attorney** – The name of the public officer who is appointed or elected in each judicial district, circuit, or county, to conduct criminal prosecutions on behalf of the State or people.

**Reporter** – Someone in charge of making a record of all court proceedings.

**Rests** – The attorneys representing either side of the case are finished with their witnesses.

**Rebuttal** – Evidence introduced to counter, disprove or contradict the opposition's evidence or a presumption, or responsive legal argument.

**Speculation** – Just guessing about a particular situation.

**Sustain** – In trial practice, for a judge to agree that an attorney's objection, as to a question, is valid.

**Testify** – To give evidence under oath.

**Trial** – The examination and deciding of a case brought before a court of law.

**Verdict** - The decision made by a jury at the end of the trial.

**Verdict Form** – A form given to the Jury Foreperson on which to write the decision that is made by the jury at the closing of a trial.

**Voir Dire** – Meaning "To speak the truth," it is the name given to that part of the trial when the court and parties attempt to seat a fair and impartial jury.

**Witness** – Someone who is called to testify before a court of law.

## **SAMPLE PRESS RELEASE:**

### **The WALs Foundation Mock Trials at \_\_\_\_\_**

Recognizing that all children are at-risk for juvenile delinquency behavior, The WALs (Wheeling Academy of Law and Science) Foundation has designed a mock trial project that brings the system of American justice to life as it addresses the subject of substance abuse, most recently prescription drug abuse. The West Virginia Department of Education Next Generation Content Standard and Objective (SS.PD.5.C) for teachers that states “students will assume a role in a mock trial” can also be completed.

The goal of the Foundation is to demonstrate the objective of justice and workings of our civil and criminal justice system by allowing students to act out the roles of lawyers, witnesses, jurors and more, based on factual case scenarios (scripts) prepared by the Foundation. The scripts portray the unfortunate circumstances that can occur when the choice is made to abuse drugs, leading right up to a day in court where the defendant’s future depends on the decision of twelve strangers who have been chosen to decide his/her fate.

“Prescription drug abuse came on the scene several years ago and our scripts reflected this issue as it was emerging. It has become a huge problem in an epidemic stage in West Virginia among our youth today,” says Barbara Knutsen, Executive Director of the WALs Foundation. “The goal of this project is to educate students about the dangers of prescription drug abuse through innovative, creative and active participation in the demonstration process.”

This trial is a criminal case and it involves teens taking another person’s prescription drugs, crashing the car and one person dying in the accident. The other two teens involved find themselves being charged with possession, distribution and involuntary manslaughter. Unfortunately, it’s a real life scenario. All students participate – they are the ones that decide the fate of these defendants.

The mock trial takes place on two consecutive days in the classroom. All West Virginia 5<sup>th</sup> grade teachers receive an invitation to participate and information on how to access the established web based program that includes a teachers manual, resources, dvd’s along with paper gavel bracelets for students that teachers just simply: print out – cut out – hand out! On the first day, teachers or guest speakers present pre-trial discussion, talk about the prescription drug problem in WV and its negative effects, pass out student handouts, and explain the steps in a trial in detail, along with a short rehearsal of the script to make the students comfortable with where they sit/stand for each part.

On the second day, a volunteer lawyer \_\_\_\_\_ plays the role of Judge, and students wear appropriate props for their mock trial roles. After completion of the trial, students participate in a question and answer series with the “Judge” and receive the paper gavel bracelets that read: ‘I participated in a mock trial to KNOCK OUT DRUGS!’

Over 13,000 students, in 12 WV counties, participated in the mock trial project since 2004 before expanding in 2013 to all 20,000+ West Virginia 5<sup>th</sup> grade students. The West Virginia Department of Education distributes information to all West Virginia 5<sup>th</sup> grade teachers inviting them to participate in an established web based program that will help satisfy the Next Generation Standard and Objective in social studies.

**TEACHERS - YOU CAN USE THIS BY CALLING AHEAD AND REQUESTING SOMEONE ATTEND FROM YOUR LOCAL PAPER, RADIO OR TV STATION OR YOU CAN ALSO SUBMIT THIS RELEASE, A PICTURE FROM THE MOCK TRIAL THAT INCLUDES APPROPRIATE NAMES AND YOUR SCHOOL, AFTER THE MOCK TRIAL**

DRUG LAWS IN WEST VIRGINIA  
(pertaining to the script)

The charges are Possession, Distribution and Involuntary Manslaughter

**W.Va. Code 60A-4-401**

**60A-4-401. Prohibited acts A; penalties – POSSESSION/DISTRIBUTION**

- (a) Except as authorized by this chapter, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance

Any person who violates this subsection with respect to:

- (i) ...  
(ii) Any other controlled substance, classified in Schedule I, II or III, is guilty of a felony and upon conviction, may be imprisoned in the penitentiary for not less than one year nor more than five years, or fined not more than fifteen thousand dollars, or both.

**60A-2-206. Schedule II**

- (a) Schedule II consists of the drugs and other substances by whatever official name, common or usual name, chemical name, or brand name designation, listed in this section...  
(d) (1) Amphetamine

**W.Va. Code 61-2-5**

**5. Involuntary manslaughter; penalty – INVOLUNTARY MANSLAUGHTER**

Involuntary manslaughter is a misdemeanor, and any person convicted thereof shall be confined in jail not to exceed one year, or fined not to exceed one thousand dollars, or both, in the discretion of the court.

Involuntary manslaughter is not defined by statute but has since 1946 in State v. Barker 128 WV 744, 38 SE2d 346, been defined as “the unintentional taking of the life of another in the doing of an unlawful act, or the unlawful doing of a lawful act.”

*Thank you for participating in*

*THE WALSH Foundation Mock Trial Program*

*Together, through this educational outreach program, we can bring the American Justice system to life as we discuss the issues and dangers of prescription drug abuse which is currently in an epidemic stage in West Virginia.*

*ALSO, year after year, as a 5<sup>th</sup> grade West Virginia teacher, you can also complete the Next Generation Standard and Objective in Social Studies:  
Performance Descriptor: SS.PD.5.C  
Fifth grade students will "assume a role in a mock trial."*

\*\*\*\*\*

# ATTACHMENT 1

## Student Activities/Handouts

**WALS Foundation activity handout**

(print enough for your students)

**WV Supreme Court Kids Guide**

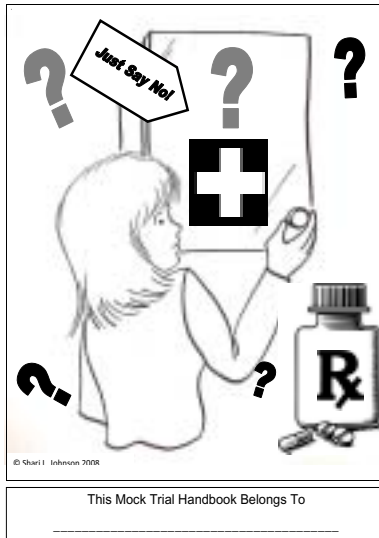
(print pages for students)(GREAT resource for teachers)

**Paper Gavel Bracelets**

“Print out/Cut out/Handout” for students

**THINK  
ABOUT IT!**

Color It



This Mock Trial Handbook belongs to

---



**WALS Foundation Mock Trial Program**

[www.walswheeling.com](http://www.walswheeling.com)

**WV PRESCRIPTION DRUG ABUSE QUITLINE**

**1-866-WV-QUITT (1-866-987-8488)**

# **MIX IT! Draw lines to match**

**GUSDR**

**SUPPORT**

**SPOURPT**

**DRUGS**

**CABOTCO**

**ALCOHOL**

**HOCOALL**

**ILLEGAL**

**AICDDTDE**

**SAY NO**

**IGALLEL**

**ADDICTED**

**SYA ON**

**TOBACCO**

**TBLRUOE**

**BE SMART**

**EB MSRTA**

**TROUBLE**

# SEARCH IT!



Law

Testify

Verdict

Innocent

Justice

Evidence

Trial

Crime

Court

Guilty

Deliberations

Voir Doir



# **READ IT!!!** (Please)

**STUDENTS** - I hope you enjoy participating in the WALS Foundation Mock Trial project. Our script is written about the abuse of prescription drugs. We want this to be a **FUN** educational experience. This “real life” scenario will show you the unfortunate circumstances that can occur when the choice is made to abuse drugs, leading right up to a day in court where your future would depend on twelve strangers (jurors) who have been chosen to decide your fate.

You will get an overview of how the American justice system works. Our goal is educate you about the dangers of drugs, specifically prescription drugs. **Only take medical drugs from a responsible adult. Taking the wrong kind or too many can make you very sick and can EVEN kill you.**

Abusing prescription drugs is a **BIG** problem among our youth today, so **PLEASE BE CAREFUL**. Your life is all about making choices - some simple choices - some more difficult. While you are young, **START** making the right choices and your life will be so much easier and rewarding.

Drugs, including alcohol and tobacco, are **BAD** for you. They **WILL** harm you, maybe even kill you. **Know** your values, **stick** to them, **keep** busy with healthy activities, **make** good friends and **take** that minute to **THINK** about the consequences **IF** you choose to do something your inner gut tells you **NOT to DO!**



Come on -  
put your shoulders back, **BE PROUD** and  
**JUST SAY NO!**

# Visiting the Courthouse



A Kids Guide to the Courts of West Virginia

## Welcome From The Justices

Going to court can be scary or intimidating for anyone — especially children. Yet children go to court every day, for all sorts of reasons.

We want to make the experience of going to court easier to understand for all children. This booklet will tell you what happens in court. You will learn who works there, what the rules are, and how you might be involved in a case. Remember that you always can ask questions if you are in court and feel afraid or confused.

We hope you will enjoy and learn from this booklet. You can read it again to help you remember what you want to know about going to court.

---

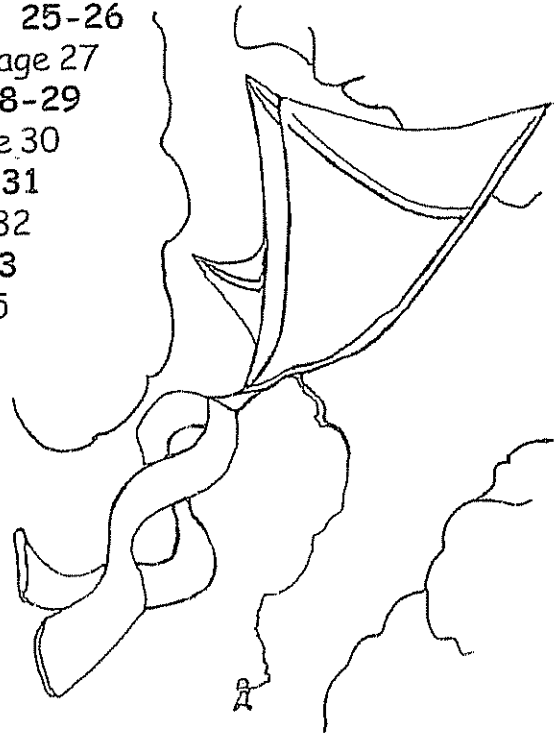
Illustrations and Graphic Design by Jeff Beary.

NOTE: The Supreme Court of Appeals of West Virginia is updating this book. Meanwhile, feel free to use our scanned version to access student activity sheets for your students.

Please contact April Harless at 304-340-2305 if you have any questions about the contents.

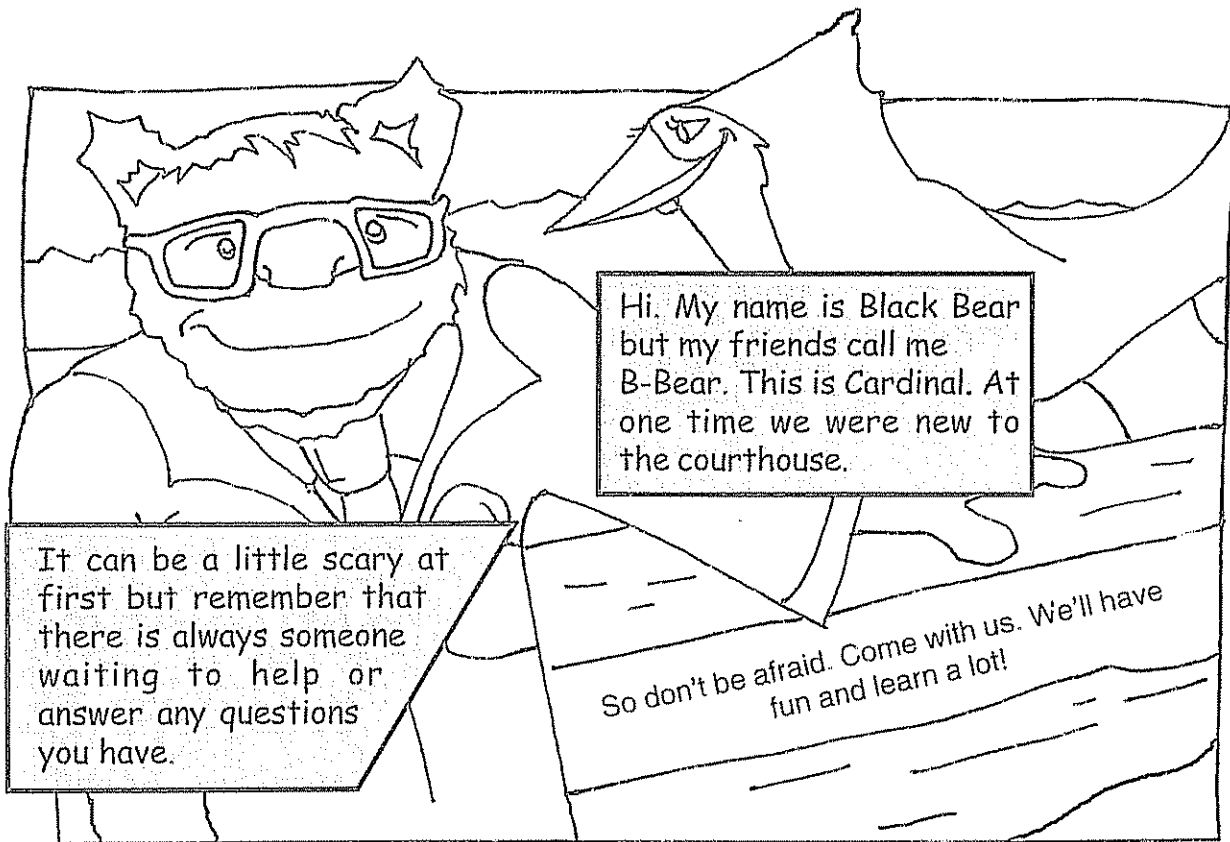
# Contents Page

Welcome from the Justices.....	Inside Front Cover
Welcome from B-Bear and Cardinal .....	page 2
Why Are You Here? .....	page 3-4
Courthouse Maze .....	page 5
How Should I Act in Court? .....	page 6
Who's Inside? .....	page 7-9
Match-Up .....	page 10
I Am A Witness .....	page 11
Crazy Courtroom Game .....	page 12
Connect the Dots .....	page 13
How Do The Courts Help to Protect Kids? .....	page 14
Superteam .....	page 15
Kids' Houses .....	page 16
Mental Health Hearings .....	page 17
Courthouse Rooms .....	page 18-19
Family Court .....	page 20-21
I'm Being Adopted .....	page 23-24
Guardianships .....	page 25-26
Special Laws for Children .....	page 27
Did I Do Something Wrong? ...	page 28-29
Word Find .....	page 30
What is Emancipation? .....	page 31
Family Tree .....	page 32
Crossword Puzzle .....	page 33
Glossary .....	page 34-35
Answer Page .....	page 36
Goodbye .....	Inside Back Cover

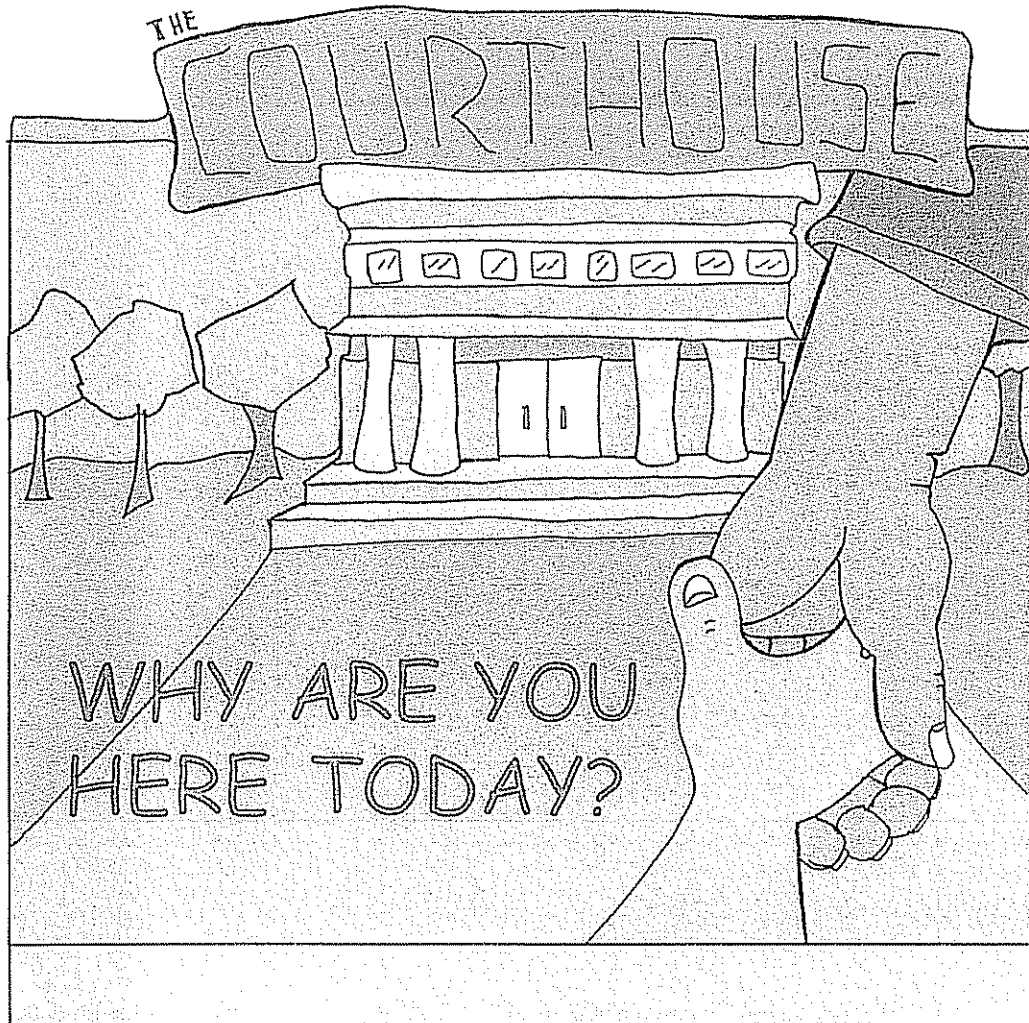


# WELCOME

Hello, It's great to have you with us today. If you are planning on visiting a courthouse soon, please take a tour of ours first. It will help you understand more about what happens inside and what you might see. These are our good friends B-Bear and Cardinal. They have been coming to the courthouse for some time. They can show you around and introduce you to our friends who play important roles in making the courthouse work. Have fun!



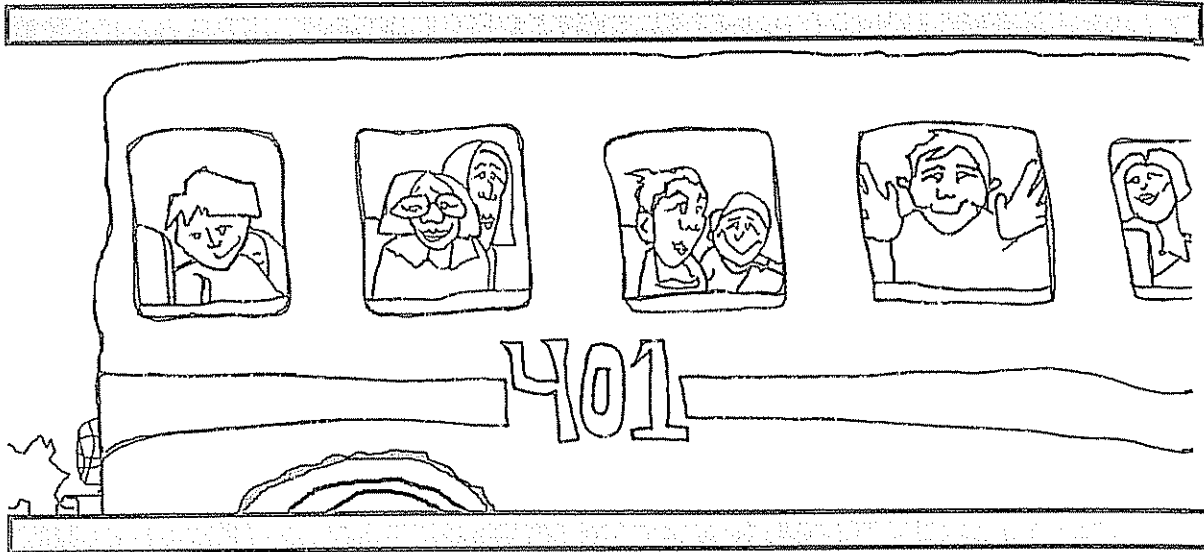
Fact: Our state bear is the Black Bear, and our state bird is the Cardinal.



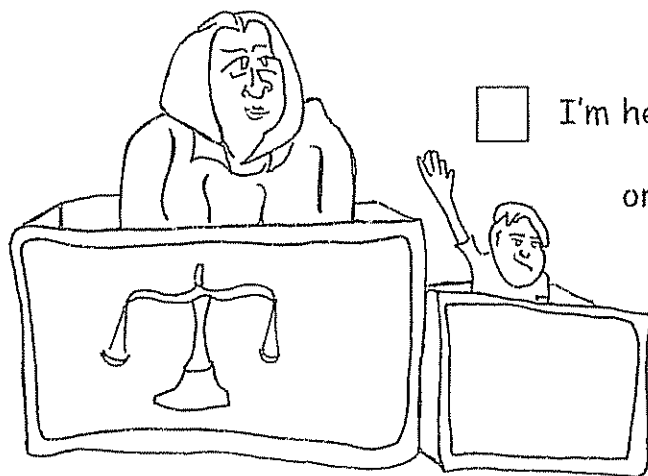
Mark the box that shows why you are at the courthouse today then color the pictures that follow.

I am at court with \_\_\_\_\_

Who has come here to \_\_\_\_\_

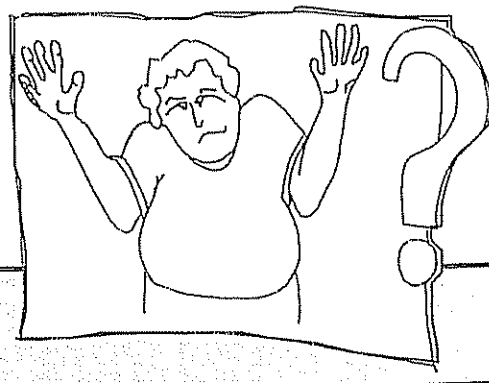


I'm at court today on a field trip with \_\_\_\_\_

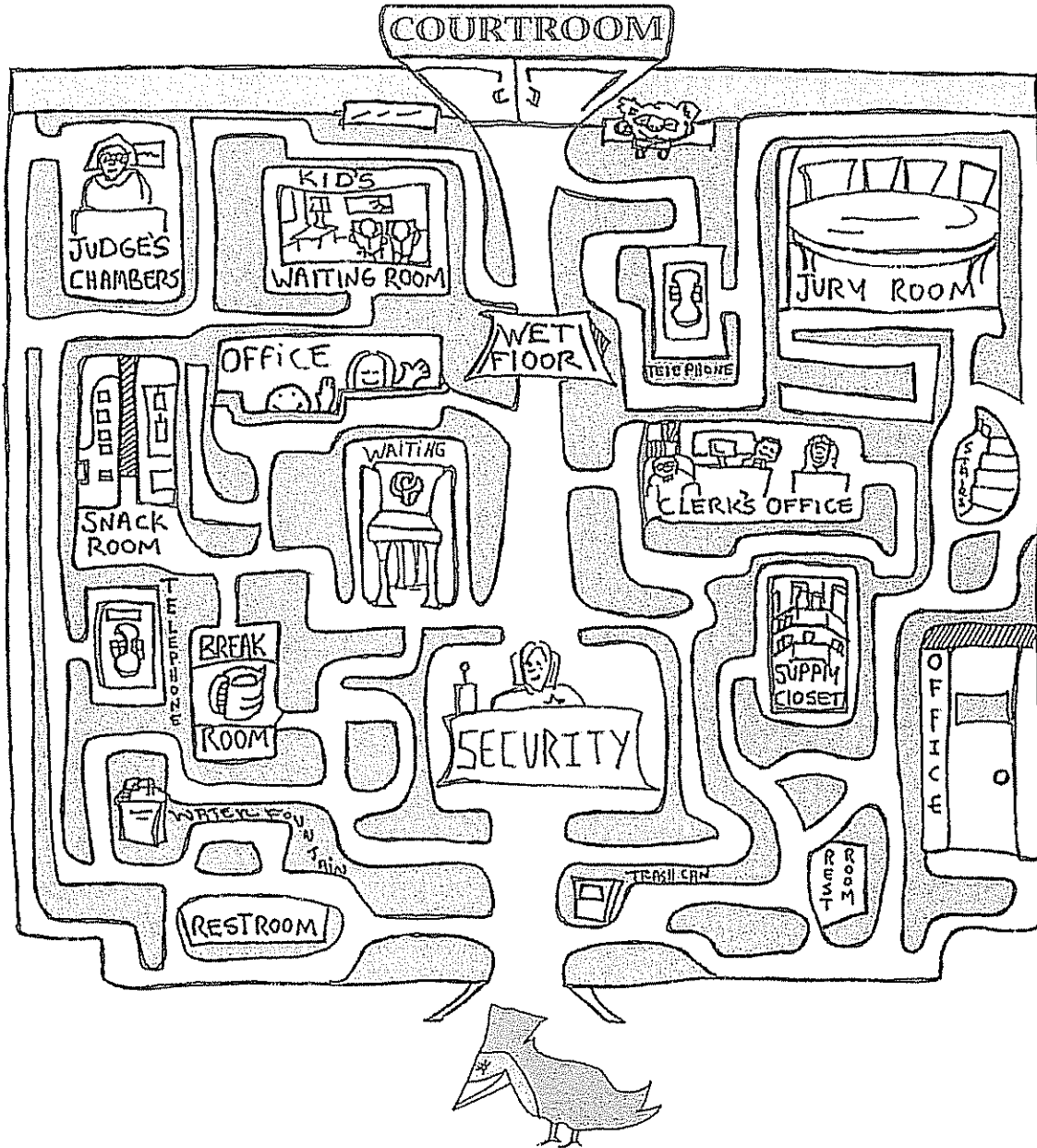


I'm here because I'm involved in a case  
or I am here to tell what I've seen.

I'm not sure why I'm at court today.



# CAN YOU FIND YOUR WAY TO THE COURTROOM?



There are many halls and doors in the courthouse, but don't worry. There is always someone waiting to help you get to where you're going.



# How Should I Act in Court?

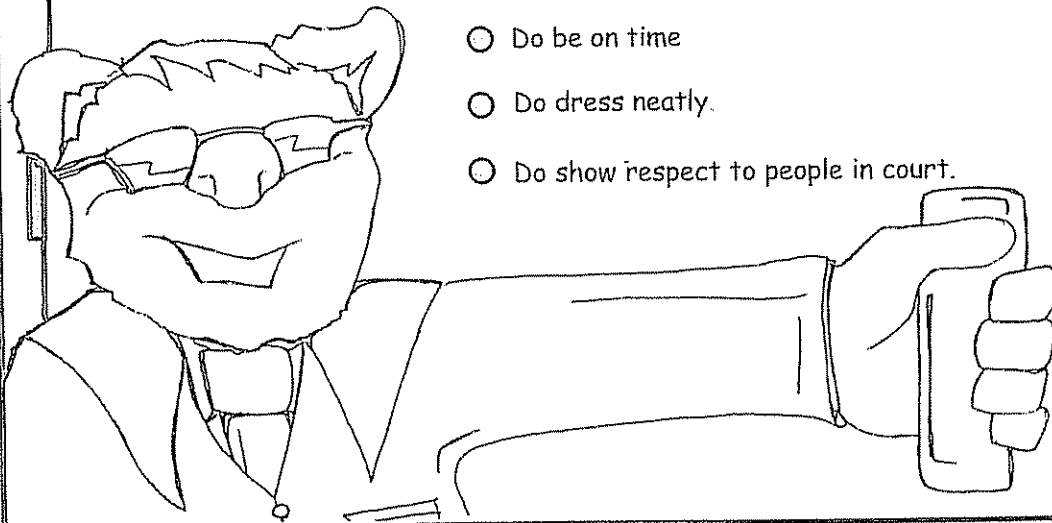
*Thanks to your help we made it to the courtroom door. Here are some very important rules that you should know before going in.*

## DON'TS

- Don't eat or drink in court
- Don't chew gum or use tobacco in court
- Don't play video games, listen to music, wear a pager, or use a cell phone in court
- Don't wear a hat in court
- Don't bring backpacks or bags to court
- Don't bring weapons to court. This includes pocket knives.
- Don't speak unless the judge or a lawyer speaks to you

## DO'S

- Do be quiet and wait. There may be other cases before yours.
- Do call the judge "Your Honor." This is what people call the judge to show respect
- Do ask questions if you don't understand something. Someone will explain it to you.

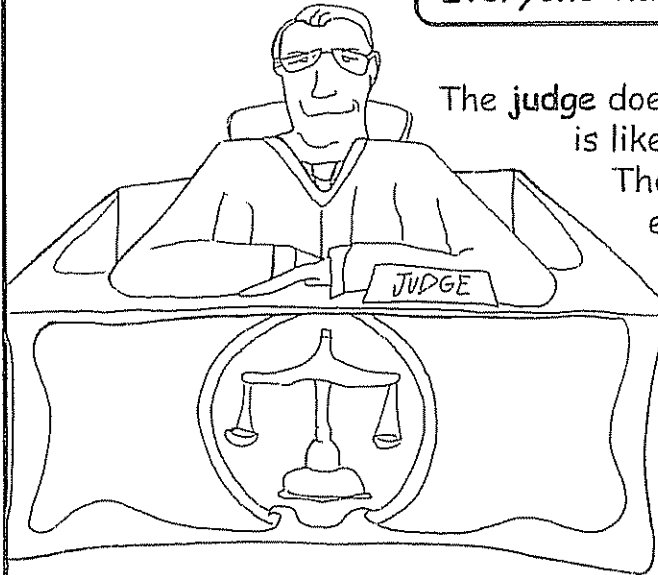


- Do be on time
- Do dress neatly.
- Do show respect to people in court.

W  
H  
O  
I  
S  
I  
N  
S  
H

## WHO ARE THE PEOPLE IN COURT

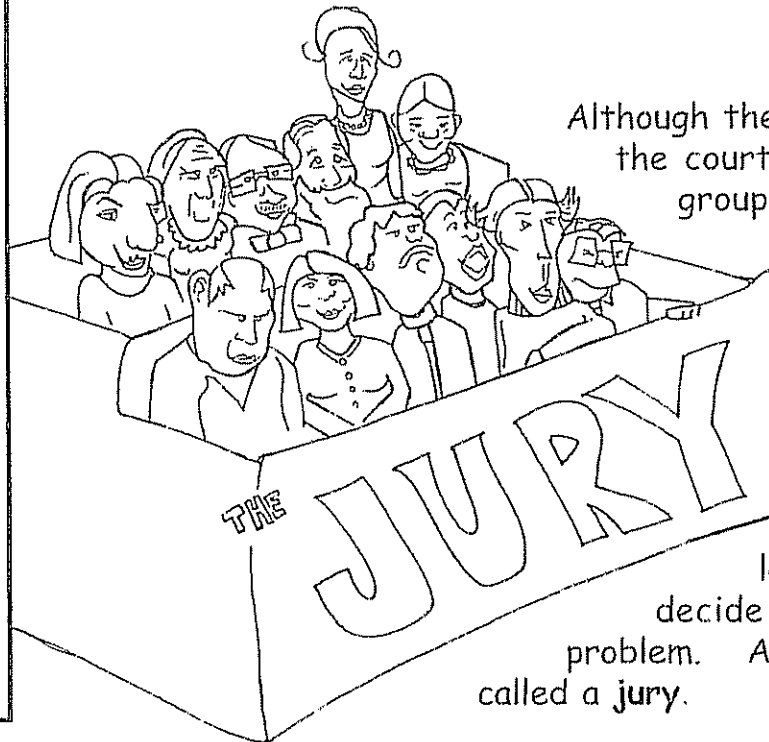
*Many people work in a courtroom.  
Everyone has a special job to do.*



The **judge** does many things. The **judge** is like a referee at a ball game.

The **judge** makes sure that everyone plays by the rules. Sometimes the **judge** makes decisions. For example, if two people come to court because they disagree about money, the **judge** might decide who gets the money. Sometimes, the **judge** will be wearing a

black robe. The **judge** usually sits at the front of the courtroom behind the **bench**, which is a big desk. The **judge's** name is often on a sign near the bench.



Although the **judge** is always in the courtroom, sometimes a group of people decides what happens. These people are called **jurors**.

**Jurors** are people who come to court to listen to each side of a problem. Then the **jurors** decide how to settle the problem. A group of **jurors** is called a **jury**.

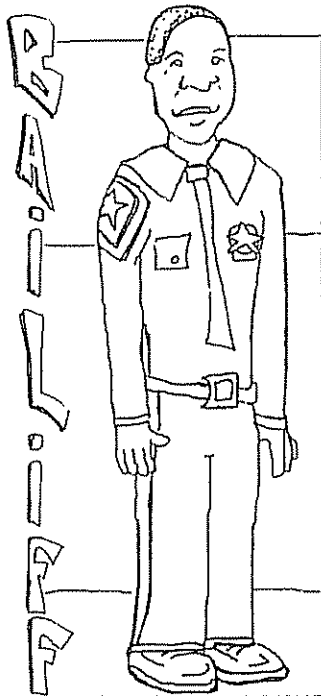
W  
H  
O  
I  
S  
I  
N  
S  
H  
E  
D  
E  
R  
?

When people go to court, they often have **lawyers**. **Lawyers** are also called **attorneys**. **Lawyers** help people settle their problems in court. It is the **lawyer's** job to talk to the **judge** and **jurors** for the people who come to court. When a **lawyer** talks for someone who has come to court, it means that the **lawyer** represents the person. Most of the time, a **lawyer** represents only one person in court. So, if many people are involved, there might be more than one **lawyer** in court. All kinds of people have **lawyers**, even children! **Lawyers** usually sit next to the person they represent in the

# LAWYERS

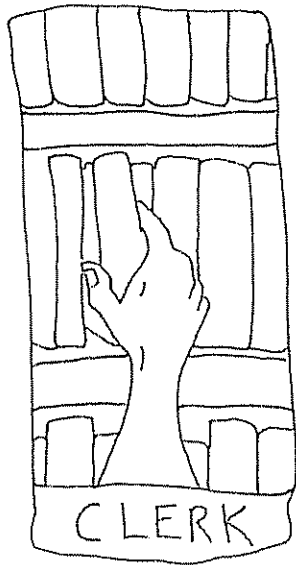


court. However, you don't have to have a **lawyer** to go to court. You can represent yourself.



The **bailiff** is a special police officer just for the court. The courtroom you are in may have a **bailiff**. The **bailiff** makes sure the people who go to court are safe. The **bailiff** wears a uniform like a police officer's uniform.

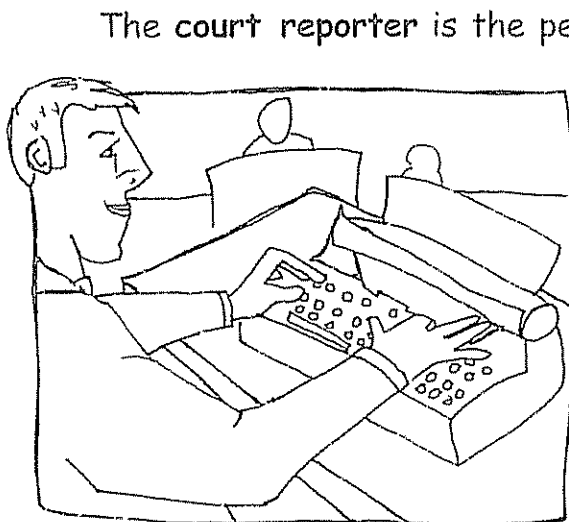
Courts also have **interpreters** for people who can't hear, can't speak, or don't understand English. The **interpreter's** job is to translate what is said in court.



Some courts have **clerks**. A court clerk keeps all the papers about the cases in the court and organizes them. The clerk keeps track of the decisions or **orders** that the **judge** makes and also keeps the court's schedule.

**Witnesses** are people who come to court to tell what they have seen or heard. For example, if some-

one is accused of stealing something, a **witness** might come to court to say what they saw happen. A **witness** raises his or her right hand and makes a special promise to tell the truth in court. This special promise is called an **oath**. **Witnesses** take a special seat in the courtroom, and the **lawyers** ask them questions. Cases that last a long time may have lots of **witnesses**.



COURT REPORTER

The court reporter is the person who writes down everything that everybody says in court. Wow! Can you imagine writing down all the words people say? The **court reporter** usually sits near the **judge** and types or speaks into a small machine. **Court reporters** type very fast. Everyone in court has to speak slowly and clearly so the **court reporter** can hear what they say. Some **court reporters** even use computers.

W  
H  
O  
  
I  
S  
  
I  
N  
S  
I  
D  
E  
?

# MATCH — UP

Now that you know some of the people in court, can you solve this puzzle? Draw a line to connect the name of the person with the job they do.

- |                  |   |
|------------------|---|
| Judge ☺          | ☺ This person types or speaks everything that is said in court into a machine.              |
| Lawyers ☺        | ☺ This person organizes all the papers and keeps track of the judge's decisions.            |
| Jurors ☺         | ☺ This person translates what is said in court.   |
| Clerk ☺          | ☺ This person makes decisions and makes sure that everyone follows the rules in court.      |
| Witnesses ☺      | ☺ These people give advice and represent some of the people who go to court.                |
| Court Reporter ☺ | ☺ This person keeps order in the courtroom and usually wears a uniform.                     |
| Interpreter ☺    | ☺ These people listen to both sides of a problem in court and then decide what will happen. |
| Bailiff ☺        | ☺ These people take an oath and tell the court what they have seen or heard.                |

Answers are on page 36

# I AM A WITNESS

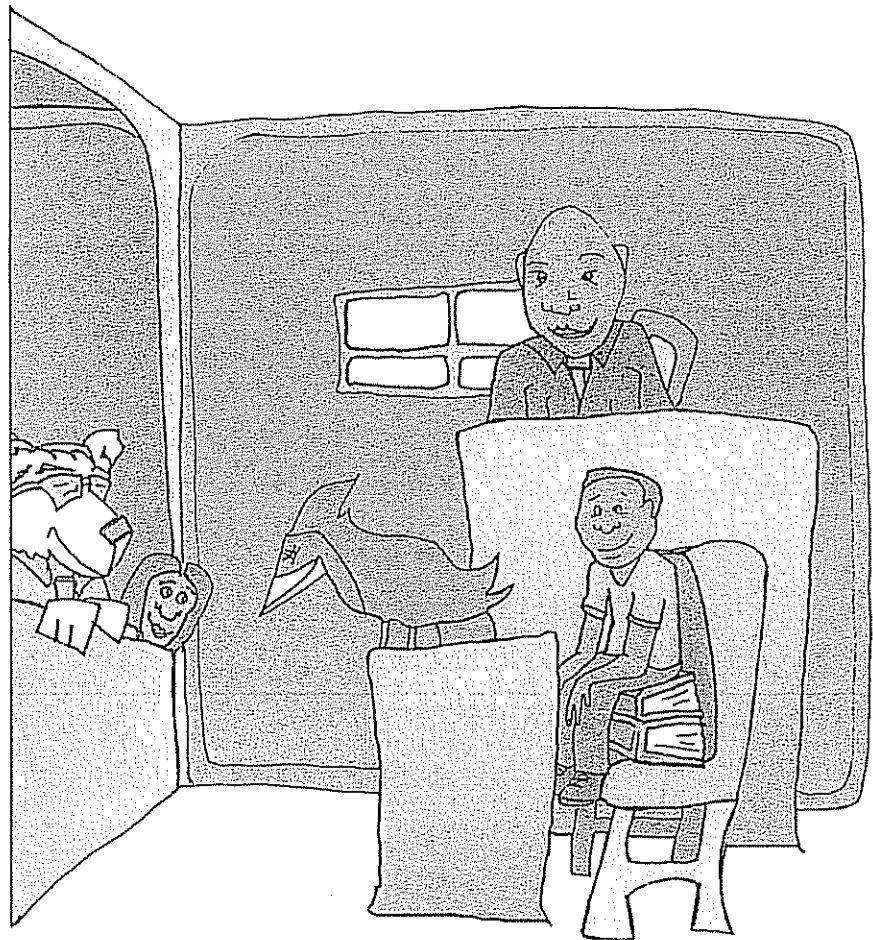
Earlier, you read about witnesses.

Children can go to court, and sometimes can be **witnesses**. The most important thing for every **witness** to do is to tell the truth. Sometimes it hurts to say what really happened, but if you are a **witness** you still have to tell the truth.

A **lawyer** can ask you a question and you may not remember the answer. If this happens, say "I don't remember." If you do not know the answer to a question, say "I don't know." It is important not to guess, and not to say something that you think the **lawyer** or the **judge** wants to hear.

Sometimes **lawyers** use words you may not understand. Just let the **judge** or the **lawyer** know that you do not understand the question, and the **judge** will help you understand.

Sometimes children are scared to go to court. If you have to go to court, it's OK to feel scared. Adults get scared about court too. Just remember, the **judge** is there to make sure everything is fair.





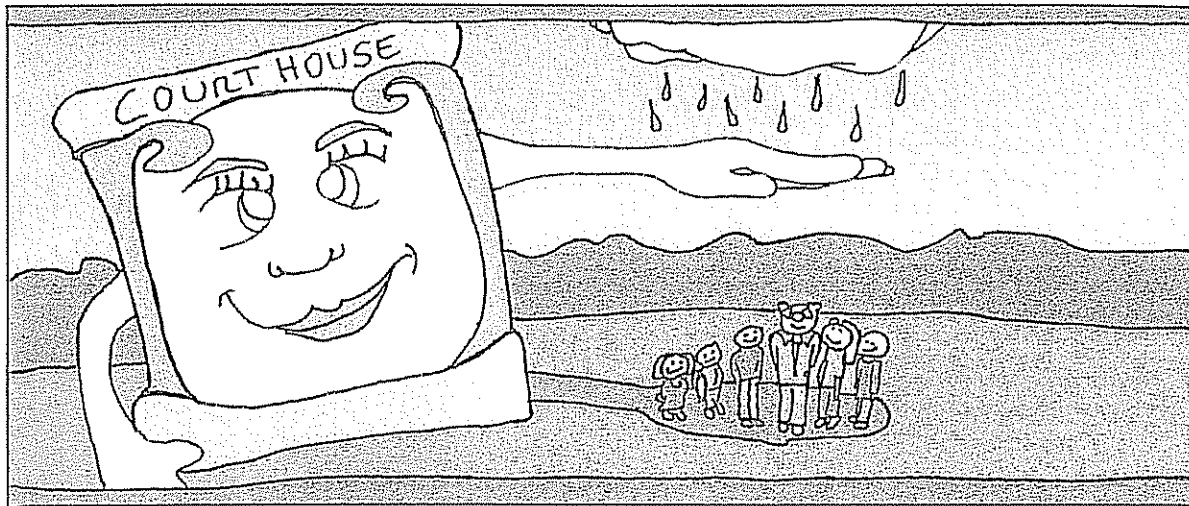
# CONNECT THE DOTS





# HOW DO THE COURTS HELP TO PROTECT KIDS?

(Abuse and Neglect)



Until children grow up, they need adults to take care of them. Some children come to court because a parent has hurt them, or not taken care of them. When a child is hit or touched in bad ways, it is called **abuse**. When a child doesn't have proper food, clothes, or other things he or she needs, it is called **neglect**. If parents don't take care of their child properly, the court may step in. When this happens, the child may have to live with relatives or another family for awhile. This temporary family is called a **foster care family**.

Usually, parents want to have their child live with them. The **judge** and the case manager will work with parents to make their home healthy and safe. If they succeed, then the child can move back home with the parents. This is called **reunification**.

Sometimes parents can't make their home safe for their child. If that happens, the child may not live with their parents anymore. The child may move into a home where they can live safely. The **judge** helps find another home where the child can live safely for a long time. The **judge** will make a **permanent plan** for where the child will live.



### What Does a Case Manager Do to Protect Kids?

A case manager is a person who tries to protect children and keep them safe. If there is abuse or neglect, the case manager may have to go to court so a judge can decide how to help the child and the family.

### What Does the Judge Do to Protect Kids?

The judge makes the final decision about what happens in a case. It is the judge's job to listen to what everyone says in court. The judge knows the law and decides what needs to happen to keep kids safe. If the judge asks you a question, it is very important for you to tell the truth. The judge needs to know the truth to make the best decision for you.

### What Do Lawyers Do to Protect Kids?

Earlier in this book you learned about the job of lawyers, who are also called attorneys. People involved in a case usually have a lawyer speak for them in court. Mothers, fathers, children, and other people involved in a case can all have lawyers. Lawyers help protect kid's rights.

### What Does a CASA Do to Protect Kids?

Sometimes the judge will assign a Court Appointed Special Advocate (CASA) to help a child. A CASA is a volunteer that spends a lot of time with the child. A CASA suggests what the judge can do to make the child safe and healthy.

# KIDS LIVE IN ALL KINDS OF HOUSES



Draw a picture of where you live below.



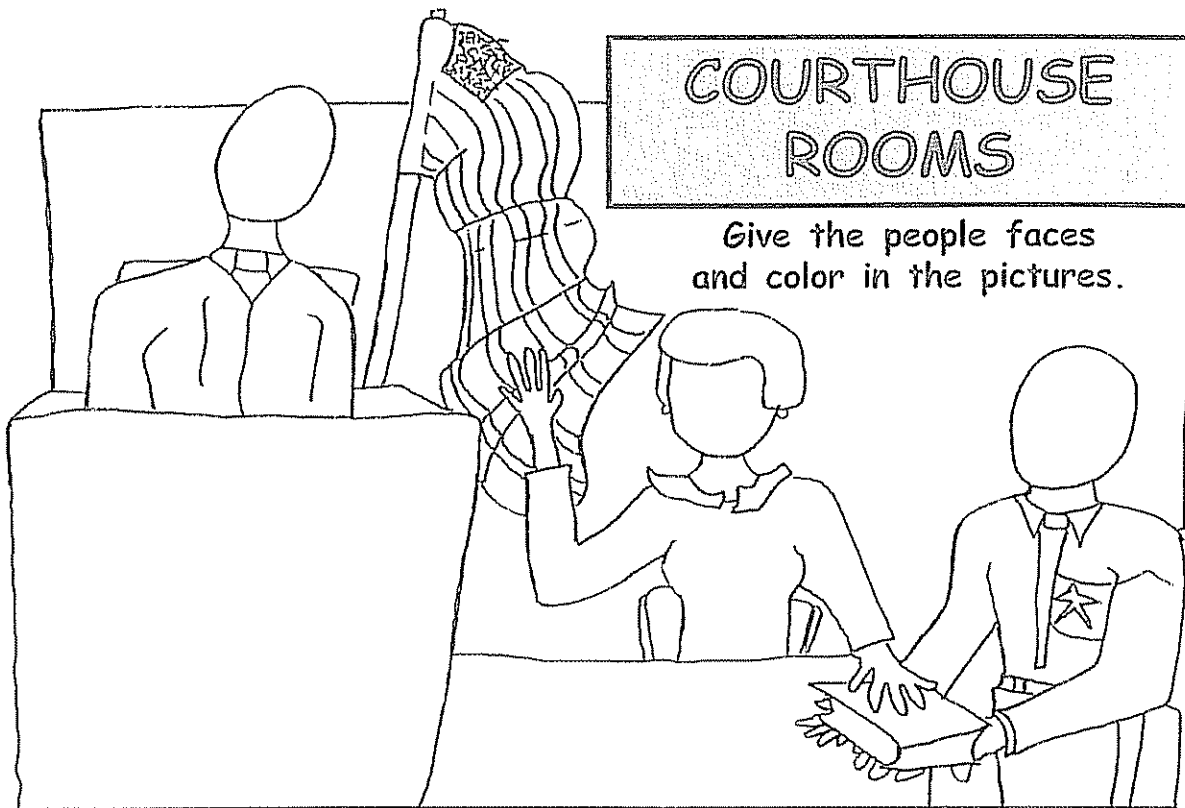
# MENTAL HEALTH HEARINGS



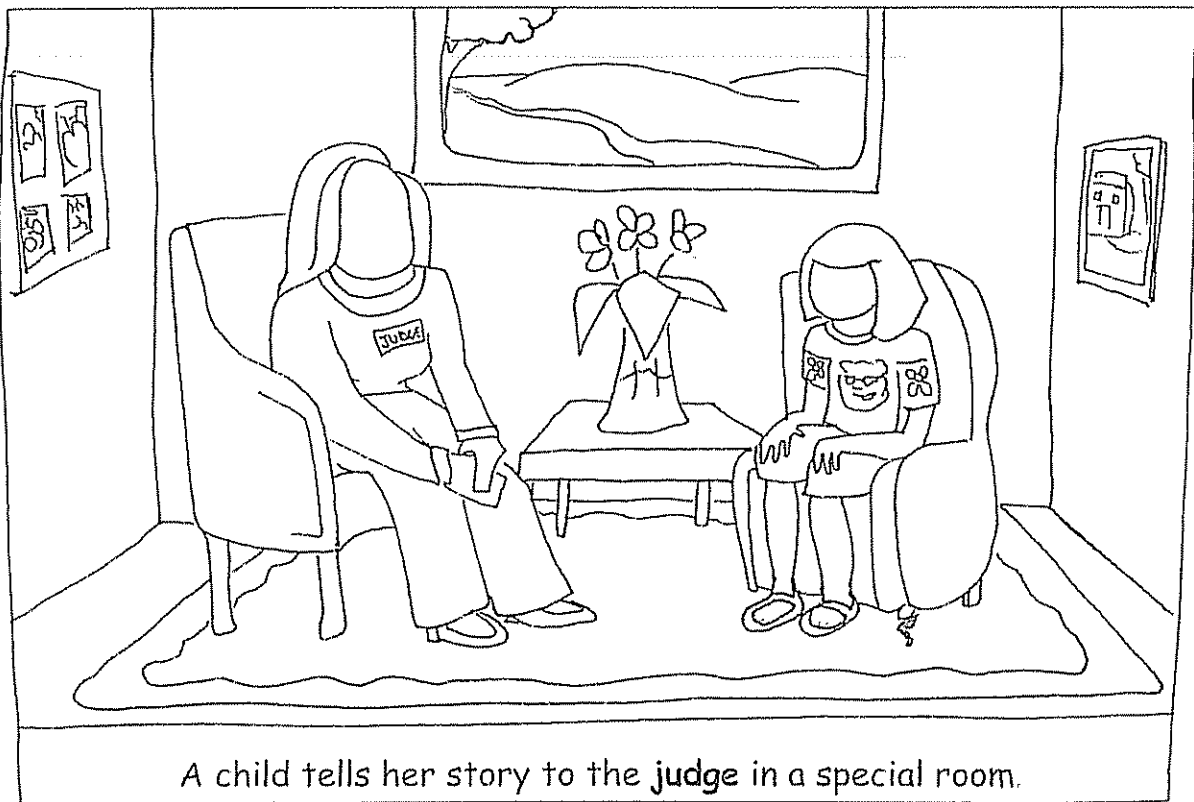
Mental health is what happens in people's minds and with their emotions. Mental health is just as important as physical health. Sometimes people have such big emotional or mental problems they need to go to a hospital to get better. This can happen to both adults and children. Adults can give a hospital permission to treat them. Usually, a parent can give a hospital permission to treat his or her children. These are called **voluntary admissions to a hospital**.

Sometimes people don't give a hospital permission to treat themselves or their child. In that case, a court may make a person go to the hospital for treatment. This is called **commitment**. To decide if a person needs treatment, the person goes in front of a **mental hygiene commissioner** at a **mental health hearing**.

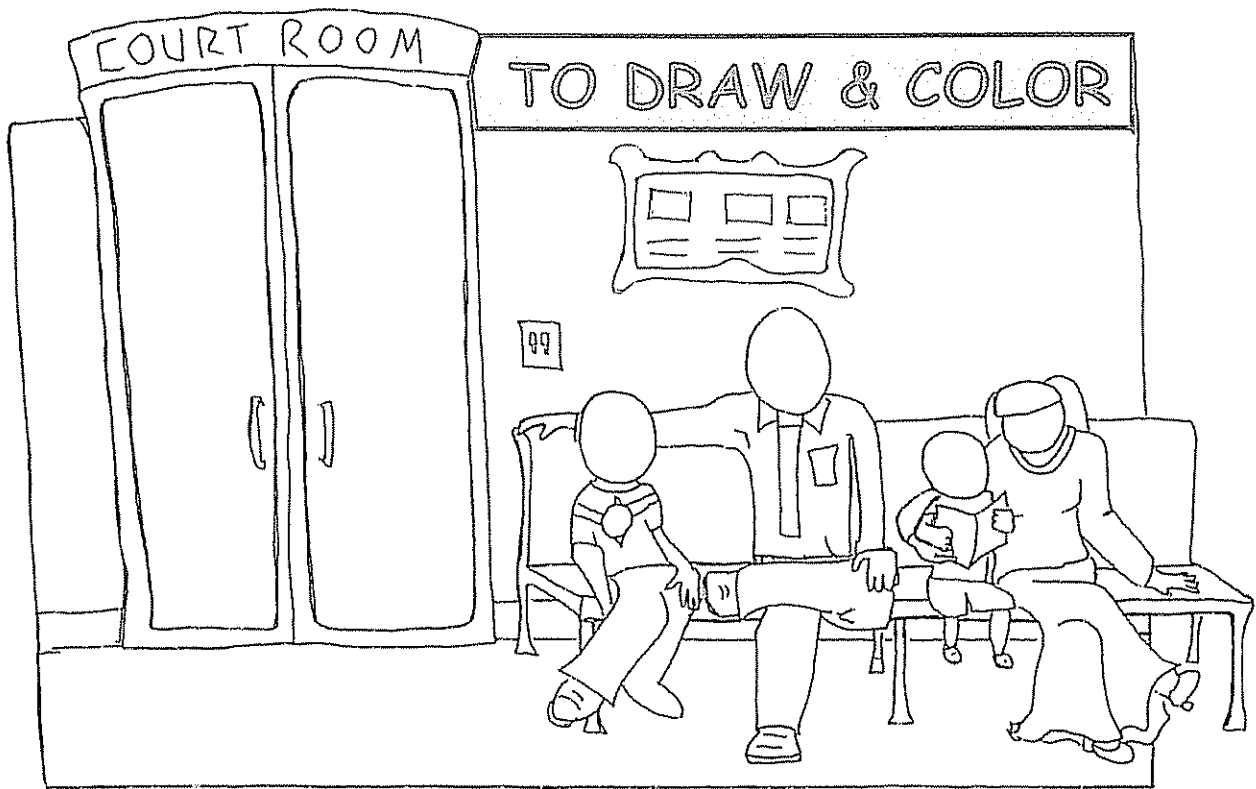
At the hearing, the **mental hygiene commissioner** hears stories and facts about a person's mental or emotional problems. The **mental hygiene commissioner** decides if the problems are so big that the person must stay in the hospital even if the person doesn't want to stay.



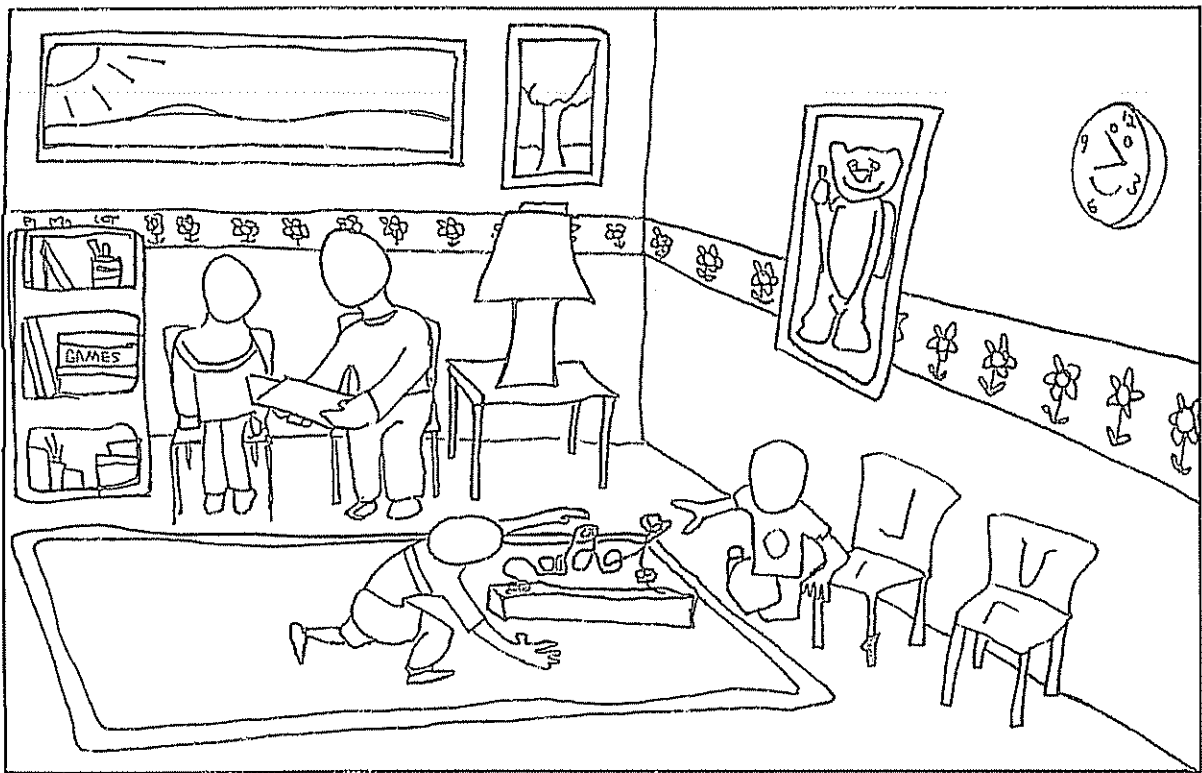
In the courtroom, the judge listens to a witness taking her oath.



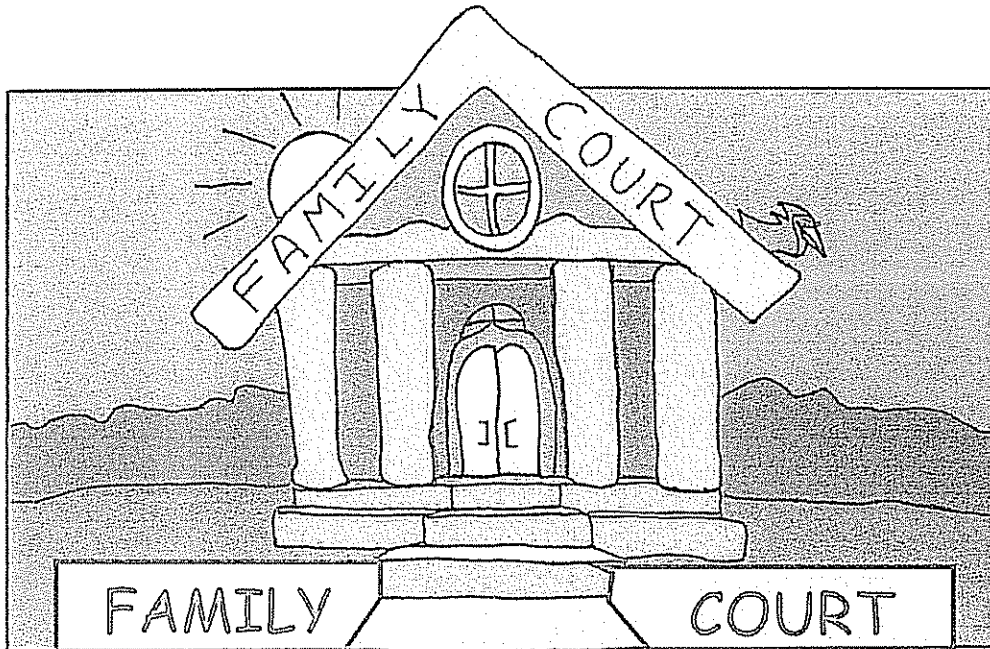
A child tells her story to the judge in a special room.



These people are patiently waiting their turn.



Some courthouses have a special waiting room for kids.



Most of the time children don't have to go to court, but sometimes they do. If you have to go to court, remember that it isn't because you did something wrong. Courts are different from other places you may have been, but you don't need to be afraid. Most court workers are nice to children.

Lots of children have parents who go to family court. If you are wondering about this, or are a little scared, it helps to talk to someone about your feelings.

If I'm afraid or scared I can talk to \_\_\_\_\_ about going to court.

I would tell them: \_\_\_\_\_

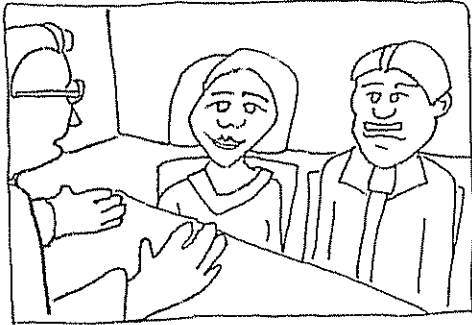


If a mother and father decide they can't live together anymore, they may choose to separate and live in different homes. If they are married and decide not to live together or be married anymore, they can get either a **legal separation** or a **divorce**.

If your parents aren't living together, they need to figure out how you can spend time with both of them. This plan about when you live with each parent is called a **parenting plan**.

A **mediator** is a person who may help parents plan for how they will take care of their children. The **mediator** listens to your mother's and your father's ideas about how to best take care of you. The **mediator** helps them work out a plan that will be best for you.

## MEDIATOR



Sometimes **mediators** want to meet the children. If your parent's **mediator** wants to talk to you, he or she will probably ask you a question about how things are going for you at home, at school, and with your friends. The **mediator** won't ask you if you want to live with your mom or dad. The **mediator** won't ask you to say if you like one of your parents more than the other.

Parents also have to figure out how much money they need to give each other to take care of their children after they separate. This money is called **support**.

If parents can't agree on their own, the **judge** will tell them what to do. When the **judge** tells someone what to do, it is called an **order**. The **judge** has an office in the courthouse near the courtroom. The **judge** sits at a big desk in the courtroom. This big desk is called a **bench**. The **judge** wears a black **robe**. The **judge** gets help from the **clerk**, who keeps the **judge** organized. In the courtroom, there is a special police officer called a **bailiff** who keeps everyone safe. Sometimes a **judge** can't finish a case in one day. If this happens, the **judge** will **continue** that case on another day.

If your parents and their **mediator** can't work out a **parenting plan**, the **judge** may tell your parents to get a **custody evaluation**. A **custody evaluator** will spend some time getting to know both you and your parents. The evaluator will think about what would be the best way for you to spend time with each of your parents. Then the evaluator will tell the **judge** what he or she thinks.

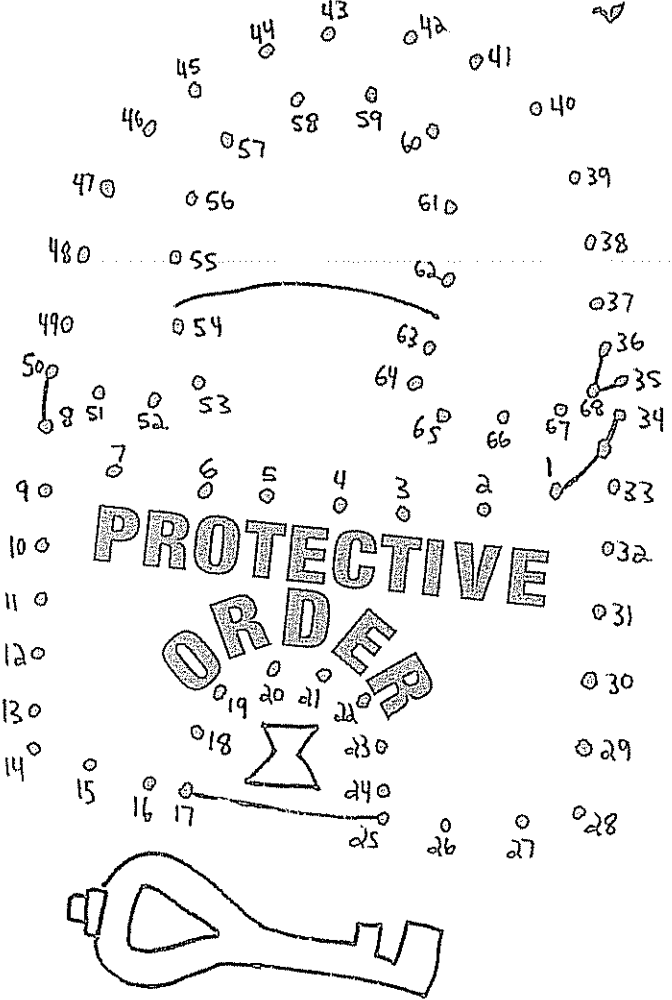




# WHAT HAPPENS WHEN PARENTS SCARE OR HURT EACH OTHER?

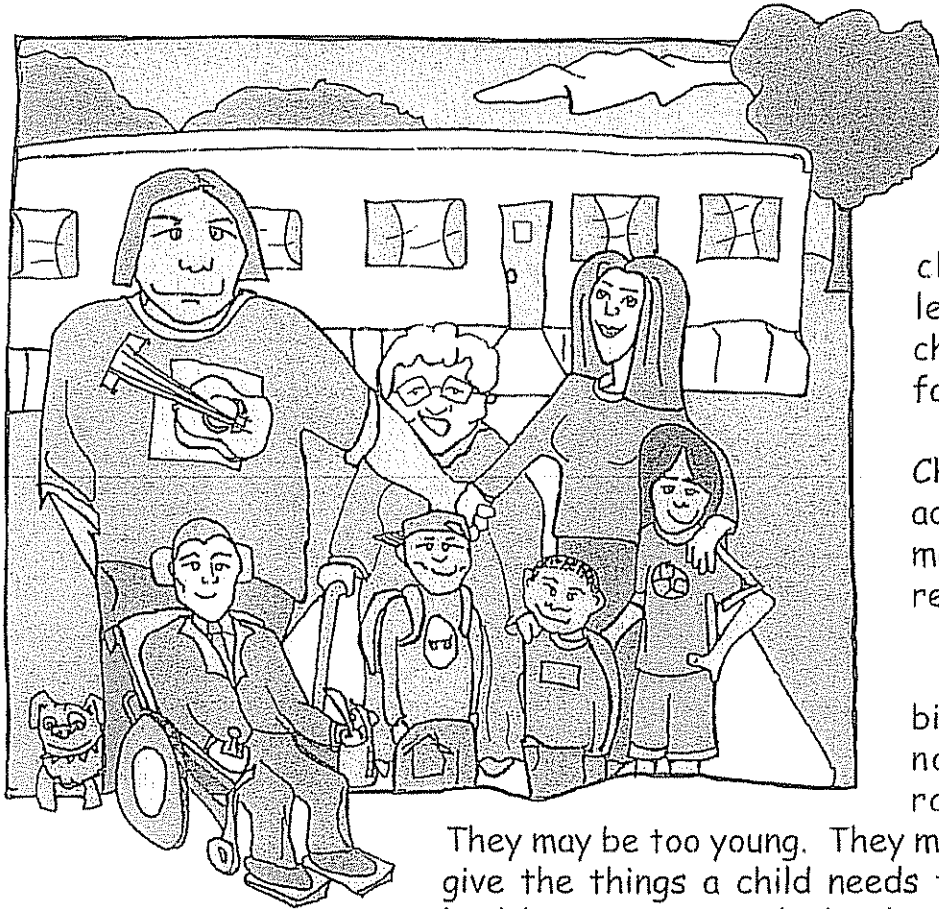
(Domestic Violence)

Sometimes parents, or people who live together, get scared of each other. Some parents hurt each other or their children. This is called **domestic violence**. If one parent hurts or really scares the other parent, the parent who got scared or hurt can ask the **judge** for help. The **judge** can make a court **order** that tells the violent parent to stay away from the family, and to not hurt them anymore. This kind of court **order** is called a **protective order**.



# I'M BEING ADOPTED

**Adoption** is the way a child legally becomes part of a new family. The judge decides if it is best for the child to be adopted. Before the judge makes this decision, a case manager will talk to the child. The case manager also meets the new parents and visits the new home. After adoption the child is a member of a new family. A new family can include brothers and sisters,



grandparents, and aunts and uncles.

As a member of the new family, the child has all the legal rights of a child born into that family.

Children become adoptable for many different reasons.

Sometimes the birth-parents are not available to raise the child.

They may be too young. They may not be able to give the things a child needs to be happy and healthy. Sometimes the birth-parents have died.

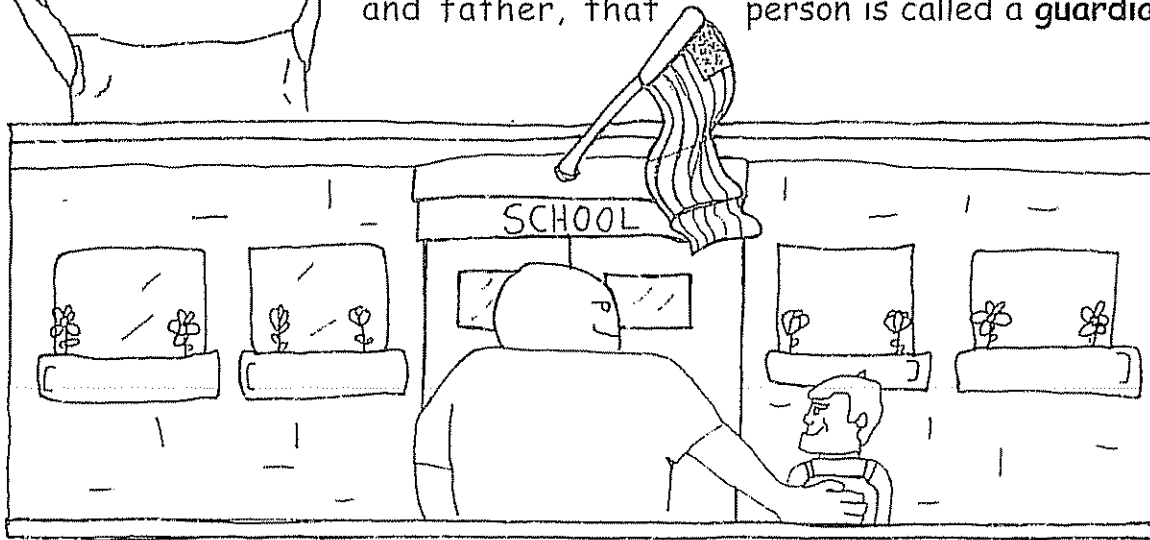
People adopt children because they love children and want to bring a child into their family. Adoptions can involve all types of children and families. Children can be adopted at any age. Some are babies. Others are teenagers. Even adults can be adopted. Children can be adopted into a family of a different race or religion. Children with special abilities can be adopted. Children can even be adopted from other states or countries.



# GUARDIANSHIPS



Sometimes kids don't have a mother or father to take care of them. This can happen if the parents have died, are very sick, in jail, or if they have drug or alcohol problems. There can be other reasons too. Another family member or a friend will need to take care of the children. This works best if a **judge** gives the friend or relative the legal right to act as the parent. When a **judge** picks someone else to care for the children instead of their mother and father, that person is called a **guardian**.



Like a parent, the **guardian** cares for the children until the mother and father can do it again or until the children grow up and don't need anyone to care for them. Like a parent, the **guardian** finds a home and a school for the children. The **guardian** provides the children with food and clothes and also takes the children to the doctor when they are sick. The children are part of the **guardian's** family. The **guardian** listens to them when they want to talk. The **guardian** also makes them do their homework and helps them when they need it.



Parents who can't care for their children still love their children. If they are able, the mother and father may visit or phone the children. If the parents are able to take care of their children again, the judge may return the children to their parents.

The judge watches over the guardian to make sure the guardian does a good job. The parents, the children, and the guardian may see the judge about any help the children need.



## WORD SCRAMBLE

Can you unscramble the letters to spell some of the terms you learned?

rotmidea

grnduiaa

gejdu

klersc

gectlen

SACA

seca genamra

iicjudla ifoferc

rdeor

weyalr

yurj

newsist

fifliab

rctuo orerertp

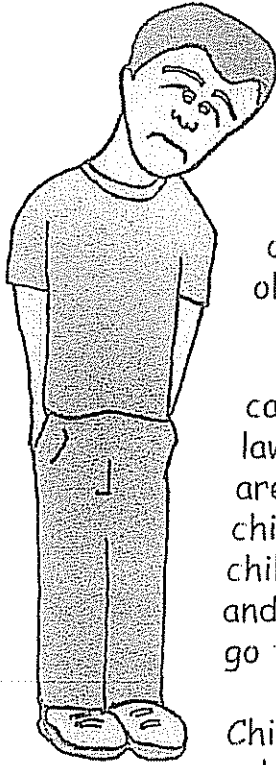
niretrepert

lenmat hlehta

antiufrenicio

Answers are on page 36

## SPECIAL LAWS FOR CHILDREN

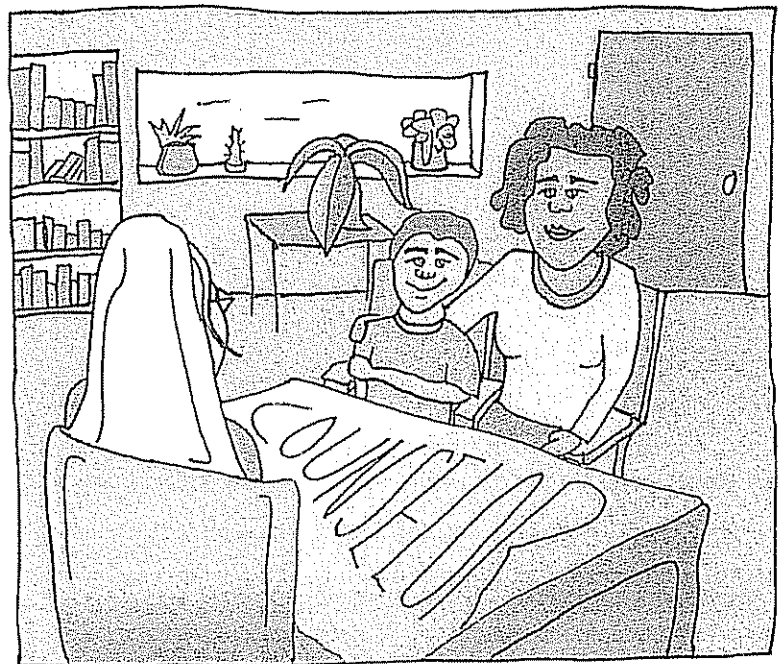


Sometimes children do things that would be OK for an adult to do, but aren't OK for a child to do. Although adults can drive cars, stay out all night, or drink alcohol, children may not do these things. A child may not drive a car until he or she is 16 years old. Kids can't stay out past curfew until they are 18 years old. People may not drink alcohol until they are 21 years old.

If you are a child and you do these things, they are called **status offenses**. That means you are breaking the law just because you are too young. Children do things that are **status offenses** for many reasons. For example, some children have problems that never seem to go away. These children feel sad, alone, and angry. They may feel so angry and alone that they disobey their parents. Some kids never go to school, or even run away from home.

Children can get help with these feelings. They can see a school counselor, a person at their church, synagogue or mosque, or any adult they trust to talk to about their feelings.

Usually status offenders are allowed to go home, but if the police detain them they can call a lawyer, their parents, or someone else to help.



## DID I DO SOMETHING WRONG?



### PROBATION OFFICER

Children can get into big trouble if they disobey the law. If a police officer believes that you have broken the law you can be arrested. The officer will ask you questions and decide if you can go home or if you have to go to **juvenile hall**. Even if you get to go home, later you may have to talk to a **probation officer** about what happened. The probation officer may decide that you have to **defend** your case in court.

At a detention facility the doors are locked. Usually children have to stay there until a **judge** says they can leave.

If you get arrested, the first thing to remember is to get some help! You may need to talk to a **lawyer** about what happened. Your **lawyer** will help you talk to the police. You have the right to call a **lawyer** right away if you are locked up. Call the **public defender** if you don't already have a **lawyer**. You don't have to answer any questions until you have talked with your **lawyer**.

There are different kinds of crimes. Some are much more serious than others. **Felony** crimes are more serious than **misdemeanor** crimes. The maximum time you could be locked-up for a **misdemeanor** crime is one year. If you are guilty of a **felony** crime you can be locked-up for a much longer time, possibly even until you are an adult.

---

Some crimes can be either **misdemeanor** or **felony**, depending on how bad the behavior. A fistfight is one example. If you get into a fistfight, you could be charged with **misdemeanor** battery. If you really hurt someone badly in a fistfight, you could be charged with **felony** battery.

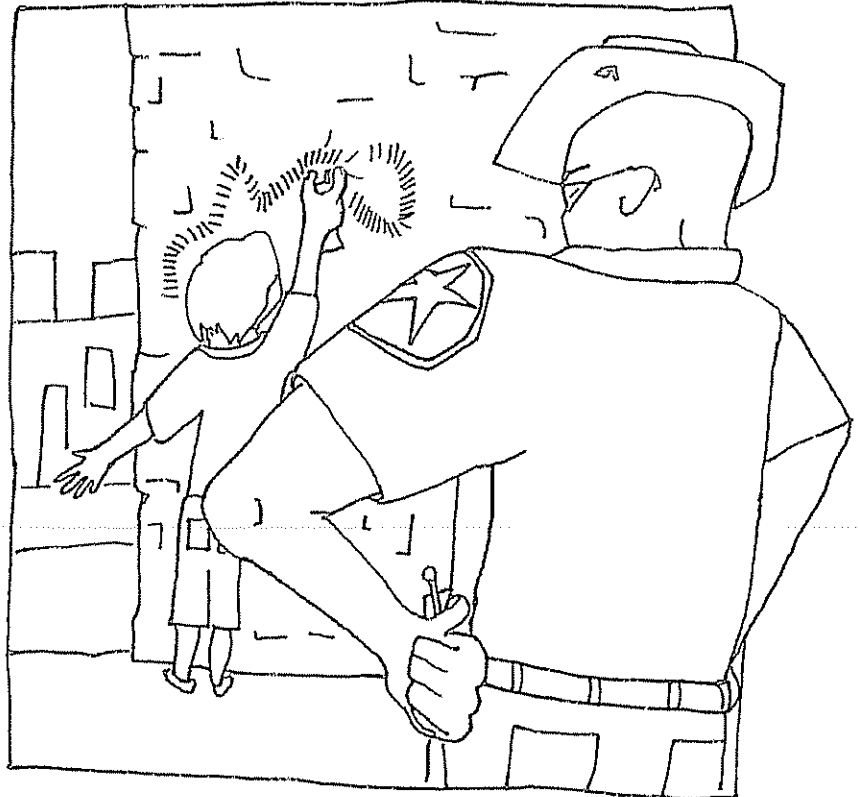
If you have to go to court to defend your case, don't be afraid to talk to your **lawyer**. There may be a trial where the **judge** hears both sides of the story and then decides if you are guilty.

If the **judge** decides that you are guilty, and the crime is not very serious, you might be put on probation. When you are on probation, you have to do whatever the **judge** and **probation officer** say. If the crime is serious or you have

been in trouble before, you could be forced to live away from home or even be locked-up. Your family usually can visit you if you cannot live at home. You and your family may even go to counseling together to understand how to improve your behavior.

No matter what, even if you get into trouble remember that it is never too late to change yourself for the better. Don't ever give up on yourself!

---





# FIND-A-WORD

K K O J M A S Z K E R R Z N F F E  
 U C R W G W M H B O E L F A T E G  
 X O X E I C A B H D A G C I T L D  
 R J R P L T R Q R W G G O D E O U  
 B V R X T C N O Y I Z Z U R S N J  
 J U V E N I L E H A L L N A N Y H  
 M V N M D M R R S C V O S U E J S  
 T I K O T N O O O S I K E G F F C  
 K L S K I T E U U T N P L U F H G  
 B Y R D A T R F A W G O O T O N B  
 X G J I E T P P E I W O R E S E W  
 E U D F R M I O F D X I E S U B A  
 N E T O E C E G D B C P J T T K G  
 M U O R N L Y A M A H I R C A S A  
 G M R A N P V M N H N I L B T G S  
 P Y M N O I T A B O R P S B S Y H  
 X E B A I L I F F W R Q X B U P H  
 R E C I F F O L A I C I D U J P W

Circle the words above that are listed below.  
Check your answers on page 36.

ABUSE  
 CASA  
 COURTROOM  
 GUARDIAN  
 JUVENILE HALL  
 MISDEMEANOR  
 PUBLIC DEFENDER

ADOPTION  
 CLERK  
 EMANCIPATION  
 JUDGE  
 LAWYER  
 ORDER  
 STATUS OFFENSE

BAILIFF  
 COUNSELOR  
 FELONY  
 JUDICIAL OFFICER  
 MEDIATOR  
 PROBATION  
 WITNESS

## WHAT IS EMANCIPATION?

**Emancipation** ends the legal authority that a parent has over a child who is under 18 years old. After **emancipation**, your parent doesn't have to take care of you or pay for things that you need. **Emancipation** changes your life. You will have some new rights and also new responsibilities.

### When Can you Get a Judge to Emancipate you?

You have to be over 16 years old and living away from home. Your parents have to agree with your decision. They also could decide ~~not~~ to fight you in court. You must have a legal income that pays for food, clothes, and rent.

The **judge** has to decide if **emancipation** is best for you.

### After you are emancipated.

After you are emancipated, you will have to make lots of decisions. Some you are required to do, some you are not. You will have rights and responsibilities once you are emancipated. A right is a power guaranteed by law. This power allows you to make decisions about your life. A responsibility is something you are required to do by law.

Write the word *right* or *responsibility* next to each sentence.

1. You can live where you want?
2. You can decide when to go to the doctor?
3. You must have money to take care of yourself?
4. You can sign contracts to buy, sell, rent, or give things away?
5. You can keep the money you make?
6. You can sign up for school and get a work permit?
7. You can get a driver's license if you are old enough and you have insurance?
8. You must pay your doctor bills if you get sick and go to the doctor?

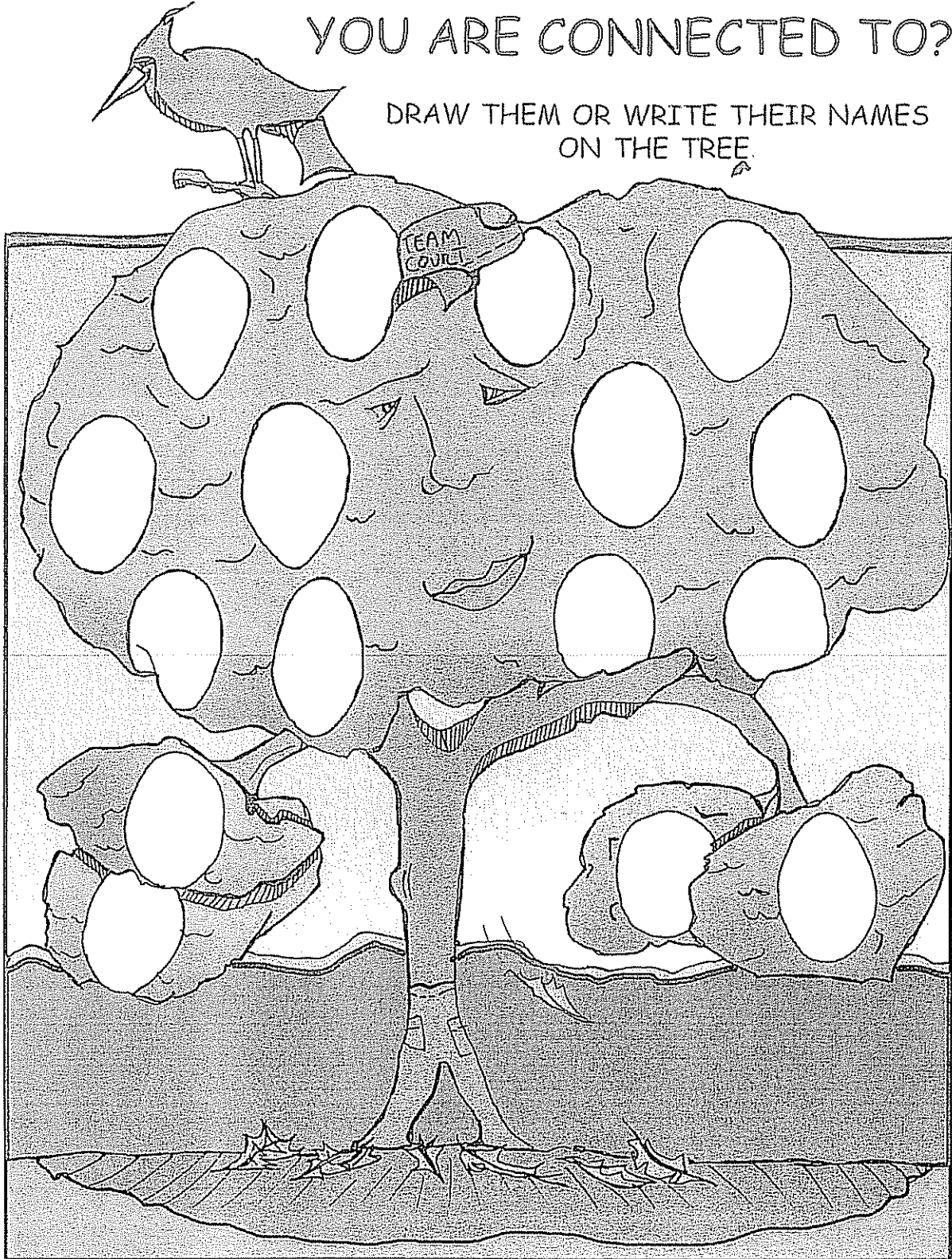
**Emancipation is not the same as being 18.**

If you are emancipated, is the answer to these questions yes or no? Circle the correct answer.

- |       |     |  |
|-------|-----|--|
| 1. No | Yes | You can work as many hours as an 18-year-old.                    |
| 2. No | Yes | You can get married without your parent's consent.               |
| 3. No | Yes | If you break a law, you will have to go to adult criminal court. |
| 4. No | Yes | You can vote.  |
| 5. No | Yes | You can buy and drink alcohol.                                   |

# WHO ARE THE PEOPLE YOU ARE CONNECTED TO?

DRAW THEM OR WRITE THEIR NAMES  
ON THE TREE.





# Glossary

---

**Abuse** - when a child is hit or touched in a bad way.

**Adoption** - the way a child permanently becomes part of a new family.

**Bailiff**- a special police officer for the court. They wear uniforms and make sure everyone is safe.

**Bench** - the name for the big desk in the courtroom, where the judge sits.

**CASA** - a person who helps children by spending time with them. They tell the judge what can be done to make the child safe and healthy.

**Case Manager** - a person whose job it is to protect children. They sometimes go to court to help the child, and the family.

**Clerk** - the person who keeps and organizes all of the papers about the court cases. A clerk also keeps the court's schedule.

**Commitment** - when the court makes a person go to the hospital for treatment.

**Continue** - when a case can't be finished on one day, and it carries over to another day.

**Court Reporter**- the person who writes down everything that everybody says in court.

**Custody Evaluator** - a person who has been trained to make suggestions to the judge about how much time a child can spend with each of the child's parents.

**Custody Evaluation** - a suggestion that a custody evaluator makes for the judge. It lists the maximum amount of time that a child can spend with each parent after the parents are separated or divorced.

**Divorce** - the court grants them for married people who decide they don't want to be married anymore.

**Domestic Violence** - when parents hurt each other or their children.

**Emancipation** - when a child's parents are not legally responsible for them anymore. A child is emancipated automatically when he or she turns 18. A child over 16 may go to court and ask to become emancipated.

**Felony** - crimes that people commit where the punishment is being locked-up for longer than one year.

**Foster Care Family** - a temporary family with whom a child lives when parents can't take care of their child.

**Guardian** - a person who cares for a child, but is not the child's mother or father.

**Interpreters** - translates what is said in court for people who can't hear, speak, or understand English.

Judge - the person who makes decisions about court cases, wears a robe, and sits behind the bench.

Mental Hygiene Commissioner - the person who hears stories and facts about the mental or emotional problems that someone is having. The mental hygiene commissioner decides if the person needs to stay in the hospital.

Jurors - people who decide what happens in certain types of court cases.

Jury - a group of jurors.

Juvenile Hall - a place where children who break the law live. The doors are locked and children who live there cannot come and go as they please.

Lawyer - a person who represents, or talks for, people in court. A lawyer is also called an attorney.

Legal Separation - when two people are still married but not living together anymore.

Mediator - a person who helps parents plan for how they will spend time with, and take care of, their children when the parents are separated or divorced.

Mental Health - what goes on in people's minds and with their emotions.

Misdemeanor - crimes that people commit where the punishment is being locked-up for no more than one year

Neglect - when a child doesn't have the proper food, clothes, or other things they need.

Order - when the judge makes someone do something.

Parenting Plan - a plan that parents make so they can share time with their children.

Paternity - deciding who a child's father is.

Permanent Plan - a plan that decides where a child can live for a long time.

Probation Officer - a person children visit regularly when they get into trouble. A probation officer tells you what you are allowed to do, and where you are allowed to go.

Protective Order - a judge's special order that tells a parent who hurt his or her family to stay away from the family and to stop hurting them.

Public Defender - a free lawyer for people who can't afford to hire one.

Reunification - when a child moves from a foster care family back into his or her parent's home.

Status Offenses - when children do things that are against the law just because of their age.

Voluntary admissions to a hospital - when people give permission for a hospital to treat themselves or their children.

Witnesses - come to court to tell what they have seen or heard.



# GOODBYE!

Thanks for visiting our courthouse today.

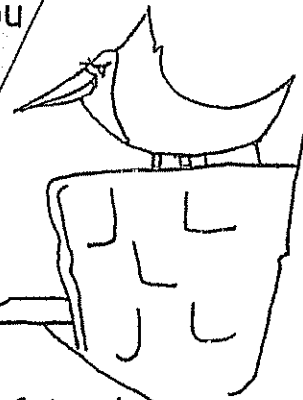
It was great to be able to show you around and introduce you to our friends inside.

You can open this book and visit us again anytime.

We hope that you had fun and learned a lot.

To all our new friends,  
Cardinal and I say...

Goodbye!!!



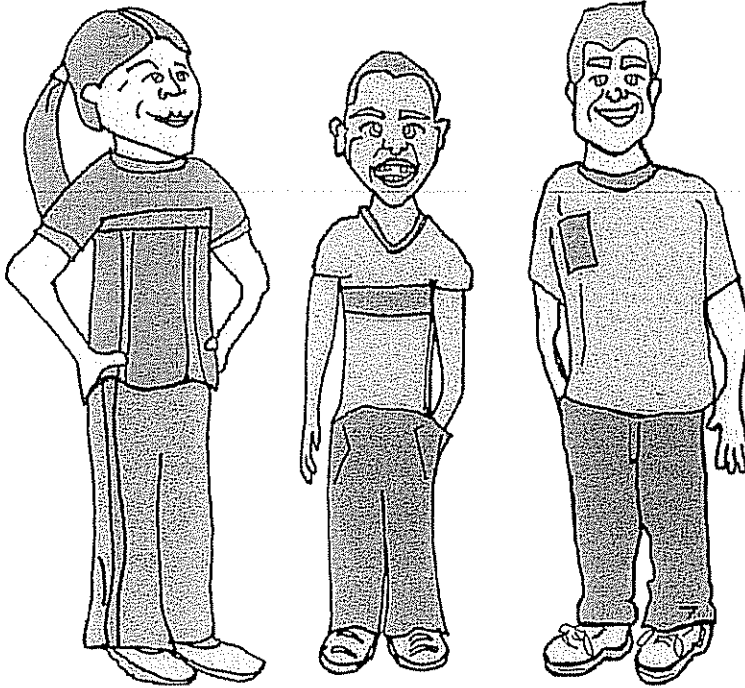


## About This Book

*Visiting the Courthouse* is an activity book intended to give children a positive introduction to the court system.

It discusses the people inside a courthouse and their specific jobs. It also talks about different situations and reasons why children or their parents may attend court. Whether a child is attending court as a visitor, witness, or is involved in a case, this

book may help a child become more comfortable about his or her visit.



Children of all ages may enjoy this book whether they look at and color the pictures, play the activities and games, or read the text.

**We hope West Virginia's children will have fun and benefit by using this book.**

For the best results, print on photo paper or card stock!

Tape other side and attach to end of gavel

I PARTICIPATED IN A MOCK TRIAL AS A  
[REDACTED]  
TO KNOCK OUT DRUGS!



Tape other side and attach to end of gavel

I PARTICIPATED IN A MOCK TRIAL AS A  
[REDACTED]  
TO KNOCK OUT DRUGS!



Tape other side and attach to end of gavel

I PARTICIPATED IN A MOCK TRIAL AS A  
[REDACTED]  
TO KNOCK OUT DRUGS!



Tape other side and attach to end of gavel

I PARTICIPATED IN A MOCK TRIAL AS A  
[REDACTED]  
TO KNOCK OUT DRUGS!



## **ATTACHMENT 2**

**The Lawyer Packet**

**Memo to Lawyer (copy before sending)**

**“Judge/Lawyer Instructions/notes**

**Script**

**Verdict Form**



The First State Capitol • 1413 Eoff Street • Wheeling, WV 26003-3582  
 Barbara K. Knutsen, Executive Director  
**P: 304.232.2576 or 304.215.0522 F: 304.232.8200**  
**www.walswheeling.com**

Educational Outreach

**MEMORANDUM TO MOCK TRIAL LAWYERS**

From: \_\_\_\_\_ School: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Date: \_\_\_\_\_  
 E-mail: \_\_\_\_\_

Since 2004 over 13,000 students from 12 West Virginia counties participated in The WALS Foundation Mock Trial Program and we are grateful that you will be helping us add to that number through this educational program that is now being offered, since 2013, to ALL 20,000+ 5th grade students in the State of West Virginia.

By role-playing, students experience the beauty of our justice system and learn information “hands-on” that is not in the textbooks. Through our topic content, we show them the dangers and risks of substance abuse, specifically misusing prescription drugs. We strive to help them make good choices, the right choices about using these drugs. Currently prescription drug abuse is an epidemic among our youth both statewide and nationally.

***This is a two-day project and you will be “JUDGE” on the second day during the official mock trial. Your part is scripted, but please feel free to interject here and there throughout the trial with comments you deem appropriate. You might also bring sentencing guidelines and/or tell a true story that relates. Students love that!***

- \* Prior to the mock trial I will assign all students a role and review legal vocabulary words connected to the script.
- \* The day before you arrive, we discuss courtroom roles, have a pre-trial discussion along with covering materials relating to the abuse of prescription drugs and have a short rehearsal.
- \* After the official mock trial, please de-brief the students regarding this particular case AND then conduct a general Q & A session with the participants. We will then distribute the paper gavel bracelets as a token of our appreciation for allowing The WALS Foundation to bring this educational exercise into their classroom.

**I really appreciate you donating your time and talent to act as “Judge For The Day.”  
 Your date, time, and school is:**

-----  
 -----

**I look forward to seeing you at the school. Please plan to arrive 10 minutes prior to the scheduled time - that will be ample time for us to get started. (I have a robe and gavel for you to use)**

I am enclosing the following for your perusal:

1. JUDGE (Visiting Lawyer) instructions/notes
2. The Scripted Mock Trial - (5th Grade) State of West Virginia vs. Justin Wusso & Alex Wusso
3. Verdict Form

***Thanks again for playing such an important role as we bring the American Justice System to Life!***

**LAWYER/ "JUDGE" INSTRUCTIONS/NOTES**  
**(These steps are SCRIPTED)**

Everyone in the classroom (courtroom) is in their place, except the Judge who can be outside the classroom door.

Bailiff announces the Judge is coming in. They ask everyone to stand up to show respect for the Judge, the court and the law by saying: "*All rise. This court is now in session.*"

Judge comes in, sits down and tells everyone else to be seated.

Judge tells everyone what the trial is about. He'll say something like "Ladies and gentlemen of the jury, this is a criminal/civil?? case....."

Judge will then ask lawyers if they are ready to proceed.

Judge will ask each lawyer to make their opening statements to the Jury. (Lawyer stands in front of Jurors) Prosecutor/Plaintiff lawyer makes statements first, then defense lawyers.

Judge will then ask both prosecution/plaintiff and defense lawyers if they have witnesses.

Each witness goes with the bailiff to the clerk. They stand in front of the clerk until they are sworn in, then proceed to witness stand.

Lawyer who called the witness will ask the witness questions. (Lawyer stands halfway between their table and Judge, looking at witness).

Lawyers on the opposing side also have a chance to question (cross examine) THAT witness AND call their own witnesses. (Lawyer stands in the same place as previous lawyer)

Judge will ask if there are any other witnesses. If not, he will ask lawyers for closing arguments. (Lawyer stands in front of Jurors for closing arguments).

Judge will give the Jury appropriate rules of law in weighing the evidence (instructing them) AND will also reinforce that the defendant is INNOCENT UNTIL PROVEN GUILTY.

Judge tells the jury they have 5 minutes to reach a verdict, and then everyone is dismissed until bailiff hears the buzzer and brings the jurors back to the classroom/courtroom.

Judge will say, "*Will the foreperson of the jury please stand? Have you reached a verdict?*" The foreperson will answer, "*Yes, your honor.*" Judge then says, "*Will the defendant please stand?*" Defendants/defense lawyers stand. Judge says, "*You may read the verdict.*"

Jury foreperson reads the verdict.

Judge makes sure the verdict is unanimous by saying, "*So say you all?*" to which the entire Jury should respond, "*Yes, Your Honor.*"

Judge talks about sentencing. In a criminal case bailiff can pretend to take guilty party away. In a civil case the amount to be awarded to the plaintiff is decided if the jury believes their side of the story.

Judge ends trial by saying, "*Court is adjourned.*"

(Don't forget to BANG the gavel and then conduct a general Q & A with the students!)

**ELEMENTARY SCHOOL - #5**

IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Plaintiff,

vs.

CRIMINAL INDICTMENT

No.: 778

JUSTIN WUSSO &  
ALEX WUSSO

Defendants

:  
:

**INTRODUCTION**

There are two types of legal proceedings that make up the justice system in the United States. One involves **CRIMINAL CASES** in which the State is the **PLAINTIFF** and in which the **DEFENDANT** is a person charged with having committed a **CRIME**. The other type of case is what is known as a **CIVIL CASE** in which private persons, corporations, other legal entities or even government agencies can be either the **PLAINTIFF** or the **DEFENDANT** and which is a legal proceeding to resolve private disputes among the parties. Criminal cases always involve allegations of crime. Civil cases involve private disputes such as claims that someone breached a “**CONTRACT**,” or committed a “**TORT**” which is a claim against a person, company, or someone else for injury to the plaintiff’s person or property. The case we are here today on is a **CRIMINAL CASE**, in which the State has accused both Justin Wusso & Alex Wusso of two (2) Counts, with Count I being the unlawful possession, sale, or distribution of prescription drugs; and Count II, involuntary manslaughter.

BAILIFF: All rise. This Court is now in session.

JUDGE: Please be seated. Ladies and gentlemen of the jury, this is a criminal case alleging that on May 10<sup>th</sup>, 2010, defendants Justin Wusso and Alex Wusso illegally possessed, sold or distributed a controlled substance, Ritalin, that is a central nervous system stimulant known as an amphetamine; and that they are also guilty of involuntary manslaughter as a result of giving some of the medication to a friend who was then involved in an automobile accident that caused her death. You will be instructed on the law at the end of this case. You need to know from the outset, however, that it is up to the state to prove, beyond a reasonable doubt, that each defendant is guilty as charged in the **INDICTMENT**, based solely on the evidence you will hear in this case, and not based on any preconceived notions of guilt or innocence of the parties, or anything you may have read in the past about Justin Wusso or Alex Wusso.

JUDGE: The first part of the trial is what is called **VOIR DIRE**. Voir Dire means “to speak the truth,” and it is the time of the trial when I must determine whether or not each and every juror is free of prejudice and can render a fair and impartial **VERDICT** based solely upon the evidence that they hear in the case, not what they have heard or read in the media, or saw on television, or may have heard by hearsay or gossip. Therefore, I first want to know if any jurors have heard anything in the past, or read anything about either Justin Wusso or Alex Wusso, or this case?

JURORS: No, Judge. *(If yes, raise your hand and tell the Judge what you know.)*

JUDGE: Is each and every juror here willing to take an oath, the highest form of promise that a citizen can give, that they will render an impartial verdict based solely on the evidence?

JURORS: Yes, Judge.

JUDGE: All right then, let me explain to the jury the different parts of a trial. Because the state must prove guilt beyond a reasonable doubt, it is up to the state to proceed first, so you will first hear the **OPENING STATEMENT** of the State’s **ATTORNEY**; and then you will hear the **OPENING STATEMENT** of the attorneys for Justin Wusso and Alex Wusso.

After Opening Statements, you will then hear the state's **WITNESSES** and after that, either or both defendants may call any witnesses they choose. Any witness called by any party may be cross-examined by any other party. After you hear all of the evidence from the witnesses, you will then hear the **CLOSING ARGUMENTS** ---first from the state's attorney and then from the attorneys for the defendants. After the **CLOSING ARGUMENTS** are completed, I will give you **INSTRUCTIONS ON THE LAW** to help guide you in your **DELIBERATIONS**.

Is the state ready to proceed?

STATE'S  
ATTORNEY: Yes, Your Honor.

JUDGE: Is the Defendant Justin Wusso ready to proceed?

JUSTIN'S ATTORNEY:  
Yes, your Honor.

JUDGE: Is the Defendant Alex Wusso ready to proceed?

ALEX'S  
ATTORNEY: Yes, your Honor.

JUDGE: The State may proceed with its opening statement.

STATE'S  
ATTORNEY: Ladies and gentlemen of the Jury, in the opening statement it is my duty to tell you what the evidence will be. I'll tell you what we will prove. We will prove that Justin Wusso and Alex Wusso (often referred to as Wizards in Training) were considered pretty "cool." They graduated from high school just last year, had a lot of friends, dressed well, and seemed to be the kind of young people who had everything going for them—everything, that is, until May 10<sup>th</sup>, 2010. That's when they found some prescription medication at their own home called Ritalin, that was prescribed for their little brother, Max Wusso, who has Attention Deficit Disorder with Hyperactivity (ADDH), which is a drug you can only get with a prescription, and which is a type of drug, which you will hear referred to during this trial, as an "amphetamine," which acts as a stimulant to the central nervous system.

Justin talked Alex and her friend Jennifer Rock (better known as Harper Winkle) into trying some of the amphetamine pills with him. Both of them liked how the drugs made them feel—wide awake, and alert, and in the



mood to party all night! But as you will learn from the witnesses we will call in this case, the effects of this drug---that feeling of alertness, of being wide awake, can change in a moment to make you feel sleepy, groggy, like your mind has become lost in a fog. It can affect your ability to drive a car, or operate any other equipment or machinery. The unfortunate truth in this case is that Jennifer Rock took this drug, after it was given to her by either Justin or Alex Wusso or both, and when after a night of partying she was driving home, it made her drowsy. She fell asleep at the wheel and drove her car off Wheeling Hill. And, most tragically, ladies and gentlemen of the jury, she died from the injuries she sustained in that accident—all because she made that bad decision to take someone else’s prescription drugs.

Just the taking of someone else’s prescription drugs is illegal possession of a drug. And Jennifer Rock’s bad decision led to the loss of her life. But she is not the only one who made a bad decision that night. Because if you sell or distribute someone else’s prescription drugs to another, that constitutes a separate offense of sale or distribution of a controlled substance. And if that illegal act also causes someone else’s death, you can also be found guilty of causing that person’s death. So the other people who made a bad decision that night are the defendants, who are now on trial. And at the end of this trial, you will be asked to decide if each of them either possessed, sold, or distributed any of this controlled substance, any of which can constitute a serious offense. But the offense is worse, and the punishment increased, if not only possession is found, but the sale or distribution of an illegal drug to another is also found.

But the most serious charge against the defendants in this case is that either one of them or both of them distributed a quantity of this controlled substance to Ms. Jennifer Rock, causing her death. The Court will instruct you at the end of this case what constitutes the charge of involuntary manslaughter. It is enough for you to know now that if a person by negligent or unlawful conduct causes another person to die, even if the person didn’t mean to cause harm to them, that person can be found guilty of involuntary manslaughter. At the end of this trial, you will agree that not only are Justin and Alex guilty of possessing and distributing this controlled substance to Jennifer Rock, they are both guilty of involuntary manslaughter in causing the death of Jennifer Rock. Thank you for your attention.

JUDGE:

Counsel for Mr. Justin Wusso, you may proceed with your opening statement.

JUSTIN'S  
ATTORNEY:

Thank you Judge. Ladies and gentlemen of the jury, the evidence will be that the State cannot prove that Mr. Wusso took these pills in the first place and can't prove that he sold any to anyone. They can't even prove that he gave any to Jennifer Rock or Alex Wusso, or that it was this prescription medication that caused Ms. Rock to have the car accident that night. They also cannot prove that Ms. Rock even fell asleep at the wheel. What the evidence will show is that amphetamines are stimulants, not depressants, so you must find Mr. Wusso not guilty of everything, because the state just can't prove its case beyond a reasonable doubt.

JUDGE:

Defense counsel for Ms. Wusso, you may give your opening statement.

ALEX'S  
ATTORNEY:

Now, ladies and gentlemen, Alex Wusso is not a drug dealer, she was just trying to be one of the crowd by going along with her brother, Justin and trying one of the pills. She did not give Jennifer Rock any of those pills—Justin did. She loved Jennifer who she called Harper, like a sister. She even tried to save her at the hospital with her wizard powers, but as you will also sadly learn in this case, wizard powers are powerless against bad decisions, or illegal drugs. Ladies and Gentlemen of the jury, Alex will take the stand and admit in this case that she took one of the pills of her brother's medication; so she will essentially be admitting that she is guilty of "possession" of an illegal drug. But she denies that she sold or distributed any of this medication to her dear friend Jennifer Rock, and the evidence will be that it was her brother, Justin, who gave Jennifer the medication, and that the State will not be able to prove beyond a reasonable doubt that Alex is guilty of anything except simple "possession."

JUDGE:

The state may call its first witness.

STATE'S  
ATTORNEY:

The State calls Dr. \_\_\_\_\_ (*name of student playing role*) the Ohio County Coroner.

CLERK:

Do you swear to tell the truth, the whole truth, and nothing but the truth?

DOCTOR 1:

I do.

STATE'S

ATTORNEY: Please state your name.

DOCTOR 1: My name is Doctor \_\_\_\_\_ (*name of student playing role.*)

STATE'S  
ATTORNEY: You are the coroner for Ohio County?

DOCTOR 1: I am.

STATE'S  
ATTORNEY: And you did the autopsy on the body of Ms. Jennifer Rock after her death?

DOCTOR 1: Yes, I did.

STATE'S  
ATTORNEY: What was the cause of her death?

DOCTOR 1: Massive internal injuries of a traumatic nature as a result of her single car accident when she lost control and plunged over Wheeling Hill.

JUSTIN'S  
ATTORNEY: Objection, it has not been established that she lost control.

JUDGE: Overruled.

STATE'S  
ATTORNEY: What else did your examination disclose?

DOCTOR 1: We also found that at the time of her death, she had prescription medication in her blood—Ritalin, an amphetamine for the treatment of ADDH, the same drug that was in the pill bottle recovered from Ms. Alex Wusso after the accident.

STATE'S  
ATTORNEY: Doctor, how do amphetamines affect the body?

DOCTOR 1: They generally are considered a stimulant, and they can help a person who has been diagnosed with ADDH or certain other conditions focus their attention better, but in some instances, especially when the effects of the drug start to wear off, it can make users very sleepy, or groggy, and—that's why you usually see a warning on the label of the pill bottle that says "*do not drive or operate machinery while using this drug.*" What

they say about amphetamines is that “What goes up must come down,” and that the “up” feeling is not worth what they also call the “downer”—the feeling of lethargy and mental foggy that patients experience afterward. And sadly, no amount of magic or wizardry is going to change what science has taught us about the effects of this drug.

STATE’S  
ATTORNEY: Do you have an opinion to a reasonable degree of certainty as to whether the amount of that drug in Jennifer Rock’s body would have affected her driving?

DOCTOR 1: Most definitely I have an opinion, and my opinion is “Most definitely” it would have.

STATE’S  
ATTORNEY: And do you have an opinion as to whether or not she became groggy or fell asleep when she was driving?

JUSTIN’S  
ATTORNEY: Objection, the Doctor is not an expert in accident reconstruction, that opinion would be highly speculative!

JUDGE: I’m going to sustain that objection.

STATE’S  
ATTORNEY: Judge, we will be calling a reconstruction expert.

JUDGE: Very well, proceed.

STATE’S  
ATTORNEY: No further questions.

JUDGE: Any cross-examination, Mr. or Ms. Wusso?

JUSTIN’S  
ATTORNEY: Doctor, isn’t it true that you can’t say for sure that amphetamines caused her to drive her car over Wheeling Hill?

DOCTOR 1: Nothing is for sure, but it is the most likely thing, unless there would be some evidence that she drove off the hillside on purpose, of which there is no evidence.

JUSTIN’S  
ATTORNEY: Well, you can’t even rule out that she may have gotten tired and fallen asleep even without having taken this drug?

DOCTOR 1: Again, that is a possibility, but unlikely when we found the drug in her system. Most probably it did affect her; and most probably it was the cause of her erratic driving, and death.

JUSTIN'S  
ATTORNEY: No further questions.

ALEX'S  
ATTORNEY: No questions, your honor.

JUDGE: You may step down now, next witness please.

STATE'S  
ATTORNEY: We call the Wusso family doctor. (*DOCTOR #2*).

CLERK: Do you swear to tell the truth, the whole truth, and nothing but the truth?

DOCTOR #2: I do.

STATE'S  
ATTORNEY: Please state your name and occupation.

DOCTOR #2: My name is Doctor \_\_\_\_\_, (*name of student playing role*) and I am the family doctor for the Wusso family.

STATE'S  
ATTORNEY: Let me show you the vial of pills recovered from Ms. Alex Wusso on the evening of May 10<sup>th</sup>, 2010, when she and Justin Wusso went to the hospital after they heard of the accident involving Jennifer Rock. Did you prescribe those pills, Doctor?

DOCTOR # 2: Yes I did.

STATE'S  
ATTORNEY: For whom did you prescribe them?

DOCTOR #2: They were prescribed for the younger brother of Justin and Alex, Max Wusso, who was taking them for ADDH. See it has his name on the bottle.

STATE'S  
ATTORNEY: How many did you prescribe for him?

DOCTOR #2: 30 pills - - one for each day of the month.

STATE'S  
ATTORNEY: When was the prescription filled?

DOCTOR #2: It was filled on May 1<sup>st</sup>, 2010.

STATE'S  
ATTORNEY: That means as of May 10th, when this accident happened, there should have only been ten pills missing from the original 30 if only Max Wusso was taking them as prescribed.

DOCTOR: # 2: That is correct.

STATE'S  
ATTORNEY: Can you tell us how many are in the container?

DOCTOR #2: There are only 5 left.

STATE'S  
ATTORNEY: So there are approximately 15 missing that should be there.

JUSTIN'S  
ATTORNEY: Objection, speculation!

JUDGE: Overruled.

DOCTOR #2: That's correct.

STATE'S  
ATTORNEY: Nothing further.

JUDGE: Attorneys for the Wussos, you may inquire.

JUSTIN'S  
ATTORNEY: No questions, your honor.

JUDGE: Any cross-examination by Alex Wusso?

ALEX'S  
ATTORNEY: No questions, your honor.

JUDGE: You may step down Doctor. Counsel, call your next witness.

STATE'S  
ATTORNEY: State would call Ace \_\_\_\_\_ (*last name of student playing role*).

JUDGE: Bailiff, please get Ace \_\_\_\_\_ (*last name of student playing role*) and bring him/her up to be sworn in.

CLERK: Do you swear to tell the truth, the whole truth, and nothing but the truth?

ACE: I do.

STATE'S  
ATTORNEY: Please state your name.

ACE: My name is Ace \_\_\_\_\_ (*name of student playing role*), but you can call me Ace.

STATE'S  
ATTORNEY: What's your occupation, Ace?

ACE: Accident Reconstruction expert. Been doing it for 20 years. Pretty good at it too! That's why they call me Ace!

STATE'S  
ATTORNEY: Have you looked into the facts of this car accident?

ACE: Well of course I did. That's why they call me Ace.

STATE'S  
ATTORNEY: And do you have an opinion as to how it happened?

ACE: Well of course I do. That's why they call me Ace.

STATE'S  
ATTORNEY: What is your opinion, Ace?

ACE: No braking, no skid marks, car not going terribly fast, but enough to take out the guard rail, no sign of trying to stop the car to avoid hitting the guard rail at all—It would be my opinion that this person was not consciously in control at the time of the accident—most likely fell asleep at the wheel!

JUSTIN'S

ATTORNEY: Objection - speculation!

JUDGE: Overruled.

STATE'S  
ATTORNEY: No further questions.

JUDGE: Do the defense attorneys have any questions?

JUSTIN'S  
ATTORNEY: No your honor.

ALEX'S  
ATTORNEY: No questions your honor.

JUDGE: You may be excused – next witness please.

STATE'S  
ATTORNEY: I'd like to call Officer \_\_\_\_\_ (*name of student playing role*) to the stand.

CLERK: Officer, do you swear to tell the truth, the whole truth, and nothing but the truth?

OFFICER: I do.

STATE'S  
ATTORNEY: Would you please state your name?

OFFICER: Officer \_\_\_\_\_, (*name of student playing role*).

STATE'S  
ATTORNEY: Your occupation?

OFFICER: Member of the Wheeling (*or other city*) Police Department.

STATE'S  
ATTORNEY: How long have you been on the force?

OFFICER: Ten years, and counting.

STATE'S



ATTORNEY: Did you have occasion to investigate the death of Jennifer Rock on May 10<sup>th</sup>, 2010.

OFFICER: I did.

STATE'S  
ATTORNEY: Can you tell us what you did on that night, officer?

OFFICER: Got a 911 call that there was an accident, other patrol had already responded to the accident scene, and I was sent to the hospital, to see the condition of the injured driver. When I met with the Doctor at the hospital, I was advised Ms. Rock had died of her injuries, but that two friends of hers were there who might be witnesses. So I spoke with them, they are the defendants here---- Justin Wusso and Alex Wusso.

STATE'S  
ATTORNEY: What did they tell you?

OFFICER: Well, they were both pretty emotional, didn't tell me much, but Alex Wusso reached in her purse and took out this bottle of pills we have here, and handed it to me. She was crying real hard, and kept saying she didn't give Ms. Rock any of the pills, just kept saying it; said she didn't want her to die, said she tried to save her with some wizard powers, but nothing helped, and she just kept crying. Mr. Wusso didn't say anything to me, only that he wanted to speak with an attorney.

STATE'S  
ATTORNEY: Ms. Wusso gave you the pills, not Mr. Justin Wusso?

OFFICER: No it was Ms. Alex Wusso. I'm sure of that. Kept saying though, "I didn't give her the pills"-- "I did not give her the pills."

STATE'S  
ATTORNEY: Thank you officer. Your honor, we have no further questions for this witness, and we have no further witnesses. So at this time, the state "rests."

JUDGE: First, do the defendants have any questions for this witness?

ALEX'S  
ATTORNEY: No, your honor.

JUSTIN'S  
ATTORNEY: No, your honor.

JUDGE: Alright, Officer, you may step down – Now has defense counsel decided which defendant will be going first?

ALEX'S  
ATTORNEY: We will, your honor, and we will be brief. We call Alex Wusso to the stand.

CLERK: Do you swear to tell the truth, the whole truth, and nothing but the truth?

ALEX: I do.

JUDGE: Ms. Wusso, you know that as a person charged with a crime, you do not have to take the stand and testify?

ALEX: I do.

JUDGE: And have you have discussed this with your attorney and want to voluntarily take the stand?

ALEX: I have discussed it, and I do want to take the stand.

JUDGE: Well, then, proceed counsel.

ALEX'S  
ATTORNEY: Can you tell me about the night of May 10<sup>th</sup>, 2010?

ALEX: Justin and my good friend Jennifer and I were at a party and Justin came up to us both and said he found some pills of our brothers that gave you a nice high, and we were willing to try one. Well, at the time, I thought Justin was being so cool, and I didn't want to look afraid in front of him you know – being my big brother and all, and so I said “sure, I'll try one”, and then Jennifer said “ O.K. me too”, so we both took one. I knew it was wrong. I learned that in a WALS mock trial program back in grade school. I learned that taking prescription drugs from someone else was illegal, and giving them to another was also illegal--- but I wasn't thinking clearly that night. I was thinking like a child—that somehow my wizard powers would save me from anything bad.....and I just wanted to fit in. So I went along. I know better now. I have grown up a lot since then. I know I have to take responsibility for my own actions. That's why I decided to come into court today and testify, and tell the jury exactly what happened that night., even if it means that I'm admitting to being guilty of a crime myself—the illegal possession of a controlled substance.

ALEX'S

ATTORNEY Did you tell the Officer on the night in question that you didn't give her the pills?

ALEX: Well, I said, "I didn't give her any of the pills." I only took one. I think she only took one. At least that's what I thought. I didn't really see what Justin handed her.

JUDGE: Counsel for the State, you may inquire.

STATE'S  
ATTORNEY: Ms. Wusso, why are you the one who had the pill bottle in your purse when the police arrived at the hospital that night?

ALEX: Justin is always so cool, but when we learned what had happened and went to the hospital, we were both so upset, and Justin couldn't even talk to me about it. I hardly ever saw Justin cry, but he cried that night. And I told him to give me the pills, that I was going to give them to the police. He gave them to me, and I put them in my purse, and gave them to the officer when he arrived at the hospital. And I don't think Justin said another word to me—or the Officer—that night.

STATE'S  
ATTORNEY: No further questions your honor.

JUDGE: Counsel for Mr. Wusso?

JUSTIN'S  
ATTORNEY: If you and Jennifer only took one pill, why were there 15 missing?

ALEX: I have no idea.

JUSTIN'S  
ATTORNEY: Do you have any witnesses who saw Mr. Justin Wusso give you the bottle of pills at the hospital?

ALEX: Not that I'm aware of.

JUSTIN'S  
ATTORNEY: So you expect us to believe that you are not the one who gave Jennifer the pills?

ALEX: I did not give her any pills. I did not! Justin did! And I'm sorry to say it because he is my brother, but that is the truth, and I gave an oath to tell the truth. *(Alex starts crying)*.

JUSTIN'S  
ATTORNEY: No further questions, your Honor.

JUDGE: You may step down Ms. Wusso. Now Mr. Wusso, will there be any witnesses on your behalf?

JUSTIN'S  
ATTORNEY: We will not be presenting any further witnesses, your honor.

JUDGE: Very well. Ladies and gentlemen of the jury, you will now hear closing arguments - first on behalf of the state. Are you ready to proceed counsel?

STATE'S  
ATTORNEY: Yes, Judge. Ladies and Gentlemen of the jury, this is an open and shut case. It is unlawful in the state of West Virginia to possess or distribute a controlled substance, and prescription amphetamines are a controlled substance, unless they are possessed or distributed pursuant to a valid prescription by a medical doctor. Illegal drugs are not just cocaine, or crystal meth, or even marijuana, but prescription drugs themselves are illegal if distributed or taken without a doctor's prescription.

There is a good reason for this. Prescription drugs can be as powerful as other drugs we always think of as illegal if they are abused by people who do not have a prescription. In this case, Ms. Wusso has admitted to illegal possession of this controlled substance. Mr. Wusso has argued the state cannot prove any charges against him beyond a reasonable doubt. But the fact of the matter, ladies and gentlemen, is that if you believe Ms. Wusso's testimony in this case, she is still guilty of possession, and Mr. Wusso is also guilty of possessing this controlled substance, but according to her testimony, Justin is also guilty of distributing this drug to Ms. Wusso and Ms. Rock, and of involuntary manslaughter, for causing Ms. Rock's death. On the other hand, if you disbelieve Ms. Wusso, and believe she was the one who distributed the controlled substance to Ms. Rock, then you may find her guilty as well of distribution, and of involuntary manslaughter. You may also find on this evidence that both of them possessed and distributed this controlled substance, and so both are guilty of involuntary manslaughter.

JUDGE: Now we shall hear from Ms. Wusso's counsel.

ALEX'S  
ATTORNEY: Thank you Judge. Ladies and Gentlemen of the jury, the only thing the state has proven, because Ms. Wusso admitted it on the stand, is that she illegally possessed a controlled substance. She did not sell it. She did not distribute it. She didn't give any pills to Jennifer Rock. You saw her testify. She had to testify against her own brother. You saw her cry. It was difficult for her. But did you not consider her a most credible witness? And yes, you may under these circumstances find her guilty in this case of "possession," but based on this evidence, you cannot find her guilty of any of the other counts. She did not cause her friend's death. She loved her friend, and came into court and told you exactly what happened for only two reasons—she had the responsibility to do so, and because what she told you was the truth.

JUDGE: Counsel for Mr. Wusso you may proceed with your closing statement.

JUSTIN'S  
ATTORNEY: Thank you Judge. Ladies and Gentlemen of the jury, the state has not proved beyond a reasonable doubt any of the charges against Mr. Wusso. Alex Wusso is the one who had the bottle of pills in her purse at the time of the police investigation. Other than her testimony, who's to say she didn't get Max's pills at home herself, and was the one who gave one or maybe more than one pill to Jennifer Rock. Remember the testimony that there were about 15 pills missing from that bottle, not just a few? Remember, it doesn't matter if Alex Wusso loved Jennifer Rock and tried or did not try to save Jennifer Rock with her wizard powers – we all know how deadly prescription drugs can be. No magic wand is ever going to change the reality of what happened that night. And remember: we have only heard from Alex Wusso. She is the only one that says it was Justin Wusso who distributed the pills; the only one who said it was Justin who gave any pills to Ms. Rock—and says she thinks it was just one. Is that the truth? She may just be trying to save herself! Because the State has not proven its case against Justin Wusso beyond a reasonable doubt, you must find my client, Justin Wusso, not guilty of all charges.

JUDGE: It is now time for me to INSTRUCT you on the law of this case, after which you will be asked to deliberate and determine if the State has proven its case against either or both defendants BEYOND A REASONABLE DEGREE OF DOUBT.

The jury is further instructed that amphetamines are a controlled substance and that unless distributed and taken pursuant to a valid prescription of a medical doctor, it is unlawful to possess, sell, or distribute such a controlled substance.

In addition, in West Virginia, involuntary manslaughter is causing the death of a person by a negligent or unlawful act whether or not it is the intention of the defendant to cause harm. So if either Mr. Justin Wusso or Ms. Alex Wusso, or both, unlawfully distributed any of this controlled substance to Ms. Rock, which caused her to lose control of her car and die as a result of her injuries, then you may find either Mr. Wusso or Ms. Wusso, or both guilty of involuntary manslaughter, if you find beyond a reasonable doubt that both distributed this drug and caused Ms. Rock's death.

You are further instructed that when you enter the jury room, you shall first pick a **FOREPERSON** and when you have reached a **VERDICT** you may press the buzzer and return to the courtroom at which time the **FOREPERSON** will read the verdict in open Court. Bailiff, please give the jury five minutes to deliberate.

BAILIFF: Yes, Judge.

**JURORS LEAVE ROOM TO DELIBERATE, and upon return:**

JUDGE: Will the foreperson of the jury please stand.  
Have you reached a verdict?

FOREPERSON: We have (have not), Your Honor.

JUDGE: Will the defendants please stand.  
***(Mr. Wusso and Ms. Wusso stand along with their lawyers)***

You may read the verdict.

FOREPERSON: **THEY READ VERDICT BELOW or FROM THEIR VERDICT FORM:**

\*\*\*\*\*

*(As to each charge, check whether guilty or not guilty)*  
*As to the charges against Mr. Wusso, you honor, we find as follows:*

*Possession:*

**Guilty**\_\_\_\_\_ **Not Guilty**\_\_\_\_\_ .

*Distribution:*

**Guilty**\_\_\_\_\_ **Not Guilty**\_\_\_\_\_ .

*Involuntary Manslaughter:*

**Guilty**\_\_\_\_\_ **Not Guilty**\_\_\_\_\_ .

FOREPERSON: *As to the charges against Ms. Wusso, we find as follows:*

*Possession:*

**Guilty**\_\_\_\_\_ **Not Guilty**\_\_\_\_\_ .

*Distribution:*

**Guilty**\_\_\_\_\_ **Not Guilty**\_\_\_\_\_ .

*Involuntary Manslaughter:*

**Guilty**\_\_\_\_\_ **Not Guilty**\_\_\_\_\_ .

\*\*\*\*\*

JUDGE: So say you all?

JURORS: Yes, your Honor.

JUDGE: Thank you jurors for your service. **(BANG THE GAVEL)**  
We hope you all have enjoyed learning about the criminal justice system,  
and you may now ask questions!

*Script written by Patrick S. Cassidy, President  
The WALs Foundation - 2010  
The WALs Foundation Mock Trial Program©*

**VERDICT FORM – 5<sup>th</sup> GRADE**

**FOREPERSON:** As to the charges against Mr. Justin Wusso, your honor, we find as follows:

**As to Count One: Possession, we find the defendant Wusso:**

(Guilty) \_\_\_\_\_  
OR  
(Not Guilty) \_\_\_\_\_

**As to Count One: Distribution of controlled substance, we find the defendant Wusso:**

(Guilty) \_\_\_\_\_  
OR  
(Not Guilty) \_\_\_\_\_

**As to Count Two: Involuntary Manslaughter, we find the defendant Wusso:**

(Guilty) \_\_\_\_\_  
OR  
(Not Guilty) \_\_\_\_\_

**FOREPERSON:** As to the charges against Ms. Alex Wusso, we find as follows:

**As to Count One: Possession, we find the defendant Wusso:**

(Guilty) \_\_\_\_\_  
OR  
(Not Guilty) \_\_\_\_\_

**As to Count One: Distribution of controlled substance, we find the defendant Wusso:**

(Guilty) \_\_\_\_\_  
OR  
(Not Guilty) \_\_\_\_\_

**As to Count Two: Involuntary Manslaughter, we find the defendant Wusso:**

(Guilty) \_\_\_\_\_  
OR  
(Not Guilty) \_\_\_\_\_

\_\_\_\_\_  
Signature of FOREPERSON

\_\_\_\_\_  
Date



# **ATTACHMENT 3**

## **The Mock Trial Script and Verdict Form**

**Script**

**Verdict Form**

**ELEMENTARY SCHOOL - #5**

IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Plaintiff,

vs.

CRIMINAL INDICTMENT  
No.: 778

JUSTIN WUSSO &  
ALEX WUSSO

Defendants

:  
:

**INTRODUCTION**

There are two types of legal proceedings that make up the justice system in the United States. One involves **CRIMINAL CASES** in which the State is the **PLAINTIFF** and in which the **DEFENDANT** is a person charged with having committed a **CRIME**. The other type of case is what is known as a **CIVIL CASE** in which private persons, corporations, other legal entities or even government agencies can be either the **PLAINTIFF** or the **DEFENDANT** and which is a legal proceeding to resolve private disputes among the parties. Criminal cases always involve allegations of crime. Civil cases involve private disputes such as claims that someone breached a “**CONTRACT**,” or committed a “**TORT**” which is a claim against a person, company, or someone else for injury to the plaintiff’s person or property. The case we are here today on is a **CRIMINAL CASE**, in which the State has accused both Justin Wusso & Alex Wusso of two (2) Counts, with Count I being the unlawful possession, sale, or distribution of prescription drugs; and Count II, involuntary manslaughter.

BAILIFF: All rise. This Court is now in session.

JUDGE: Please be seated. Ladies and gentlemen of the jury, this is a criminal case alleging that on May 10<sup>th</sup>, 2010, defendants Justin Wusso and Alex Wusso illegally possessed, sold or distributed a controlled substance, Ritalin, that is a central nervous system stimulant known as an amphetamine; and that they are also guilty of involuntary manslaughter as a result of giving some of the medication to a friend who was then involved in an automobile accident that caused her death. You will be instructed on the law at the end of this case. You need to know from the outset, however, that it is up to the state to prove, beyond a reasonable doubt, that each defendant is guilty as charged in the **INDICTMENT**, based solely on the evidence you will hear in this case, and not based on any preconceived notions of guilt or innocence of the parties, or anything you may have read in the past about Justin Wusso or Alex Wusso.

JUDGE: The first part of the trial is what is called **VOIR DIRE**. Voir Dire means “to speak the truth,” and it is the time of the trial when I must determine whether or not each and every juror is free of prejudice and can render a fair and impartial **VERDICT** based solely upon the evidence that they hear in the case, not what they have heard or read in the media, or saw on television, or may have heard by hearsay or gossip. Therefore, I first want to know if any jurors have heard anything in the past, or read anything about either Justin Wusso or Alex Wusso, or this case?

JURORS: No, Judge. *(If yes, raise your hand and tell the Judge what you know.)*

JUDGE: Is each and every juror here willing to take an oath, the highest form of promise that a citizen can give, that they will render an impartial verdict based solely on the evidence?

JURORS: Yes, Judge.

JUDGE: All right then, let me explain to the jury the different parts of a trial. Because the state must prove guilt beyond a reasonable doubt, it is up to the state to proceed first, so you will first hear the **OPENING STATEMENT** of the State’s **ATTORNEY**; and then you will hear the **OPENING STATEMENT** of the attorneys for Justin Wusso and Alex Wusso.

After Opening Statements, you will then hear the state's **WITNESSES** and after that, either or both defendants may call any witnesses they choose. Any witness called by any party may be cross-examined by any other party. After you hear all of the evidence from the witnesses, you will then hear the **CLOSING ARGUMENTS** ---first from the state's attorney and then from the attorneys for the defendants. After the **CLOSING ARGUMENTS** are completed, I will give you **INSTRUCTIONS ON THE LAW** to help guide you in your **DELIBERATIONS**.

Is the state ready to proceed?

STATE'S  
ATTORNEY: Yes, Your Honor.

JUDGE: Is the Defendant Justin Wusso ready to proceed?

JUSTIN'S ATTORNEY:  
Yes, your Honor.

JUDGE: Is the Defendant Alex Wusso ready to proceed?

ALEX'S  
ATTORNEY: Yes, your Honor.

JUDGE: The State may proceed with its opening statement.

STATE'S  
ATTORNEY: Ladies and gentlemen of the Jury, in the opening statement it is my duty to tell you what the evidence will be. I'll tell you what we will prove. We will prove that Justin Wusso and Alex Wusso (often referred to as Wizards in Training) were considered pretty "cool." They graduated from high school just last year, had a lot of friends, dressed well, and seemed to be the kind of young people who had everything going for them—everything, that is, until May 10<sup>th</sup>, 2010. That's when they found some prescription medication at their own home called Ritalin, that was prescribed for their little brother, Max Wusso, who has Attention Deficit Disorder with Hyperactivity (ADDH), which is a drug you can only get with a prescription, and which is a type of drug, which you will hear referred to during this trial, as an "amphetamine," which acts as a stimulant to the central nervous system.

Justin talked Alex and her friend Jennifer Rock (better known as Harper Winkle) into trying some of the amphetamine pills with him. Both of them liked how the drugs made them feel—wide awake, and alert, and in the

mood to party all night! But as you will learn from the witnesses we will call in this case, the effects of this drug---that feeling of alertness, of being wide awake, can change in a moment to make you feel sleepy, groggy, like your mind has become lost in a fog. It can affect your ability to drive a car, or operate any other equipment or machinery. The unfortunate truth in this case is that Jennifer Rock took this drug, after it was given to her by either Justin or Alex Wusso or both, and when after a night of partying she was driving home, it made her drowsy. She fell asleep at the wheel and drove her car off Wheeling Hill. And, most tragically, ladies and gentlemen of the jury, she died from the injuries she sustained in that accident—all because she made that bad decision to take someone else’s prescription drugs.

Just the taking of someone else’s prescription drugs is illegal possession of a drug. And Jennifer Rock’s bad decision led to the loss of her life. But she is not the only one who made a bad decision that night. Because if you sell or distribute someone else’s prescription drugs to another, that constitutes a separate offense of sale or distribution of a controlled substance. And if that illegal act also causes someone else’s death, you can also be found guilty of causing that person’s death. So the other people who made a bad decision that night are the defendants, who are now on trial. And at the end of this trial, you will be asked to decide if each of them either possessed, sold, or distributed any of this controlled substance, any of which can constitute a serious offense. But the offense is worse, and the punishment increased, if not only possession is found, but the sale or distribution of an illegal drug to another is also found.

But the most serious charge against the defendants in this case is that either one of them or both of them distributed a quantity of this controlled substance to Ms. Jennifer Rock, causing her death. The Court will instruct you at the end of this case what constitutes the charge of involuntary manslaughter. It is enough for you to know now that if a person by negligent or unlawful conduct causes another person to die, even if the person didn’t mean to cause harm to them, that person can be found guilty of involuntary manslaughter. At the end of this trial, you will agree that not only are Justin and Alex guilty of possessing and distributing this controlled substance to Jennifer Rock, they are both guilty of involuntary manslaughter in causing the death of Jennifer Rock. Thank you for your attention.

JUDGE:

Counsel for Mr. Justin Wusso, you may proceed with your opening statement.

JUSTIN'S  
ATTORNEY:

Thank you Judge. Ladies and gentlemen of the jury, the evidence will be that the State cannot prove that Mr. Wusso took these pills in the first place and can't prove that he sold any to anyone. They can't even prove that he gave any to Jennifer Rock or Alex Wusso, or that it was this prescription medication that caused Ms. Rock to have the car accident that night. They also cannot prove that Ms. Rock even fell asleep at the wheel. What the evidence will show is that amphetamines are stimulants, not depressants, so you must find Mr. Wusso not guilty of everything, because the state just can't prove its case beyond a reasonable doubt.

JUDGE:

Defense counsel for Ms. Wusso, you may give your opening statement.

ALEX'S  
ATTORNEY:

Now, ladies and gentlemen, Alex Wusso is not a drug dealer, she was just trying to be one of the crowd by going along with her brother, Justin and trying one of the pills. She did not give Jennifer Rock any of those pills—Justin did. She loved Jennifer who she called Harper, like a sister. She even tried to save her at the hospital with her wizard powers, but as you will also sadly learn in this case, wizard powers are powerless against bad decisions, or illegal drugs. Ladies and Gentlemen of the jury, Alex will take the stand and admit in this case that she took one of the pills of her brother's medication; so she will essentially be admitting that she is guilty of "possession" of an illegal drug. But she denies that she sold or distributed any of this medication to her dear friend Jennifer Rock, and the evidence will be that it was her brother, Justin, who gave Jennifer the medication, and that the State will not be able to prove beyond a reasonable doubt that Alex is guilty of anything except simple "possession."

JUDGE:

The state may call its first witness.

STATE'S  
ATTORNEY:

The State calls Dr. \_\_\_\_\_ (*name of student playing role*) the Ohio County Coroner.

CLERK:

Do you swear to tell the truth, the whole truth, and nothing but the truth?

DOCTOR 1:

I do.

STATE'S

ATTORNEY: Please state your name.

DOCTOR 1: My name is Doctor \_\_\_\_\_ (*name of student playing role.*)

STATE'S  
ATTORNEY: You are the coroner for Ohio County?

DOCTOR 1: I am.

STATE'S  
ATTORNEY: And you did the autopsy on the body of Ms. Jennifer Rock after her death?

DOCTOR 1: Yes, I did.

STATE'S  
ATTORNEY: What was the cause of her death?

DOCTOR 1: Massive internal injuries of a traumatic nature as a result of her single car accident when she lost control and plunged over Wheeling Hill.

JUSTIN'S  
ATTORNEY: Objection, it has not been established that she lost control.

JUDGE: Overruled.

STATE'S  
ATTORNEY: What else did your examination disclose?

DOCTOR 1: We also found that at the time of her death, she had prescription medication in her blood—Ritalin, an amphetamine for the treatment of ADDH, the same drug that was in the pill bottle recovered from Ms. Alex Wusso after the accident.

STATE'S  
ATTORNEY: Doctor, how do amphetamines affect the body?

DOCTOR 1: They generally are considered a stimulant, and they can help a person who has been diagnosed with ADDH or certain other conditions focus their attention better, but in some instances, especially when the effects of the drug start to wear off, it can make users very sleepy, or groggy, and—that's why you usually see a warning on the label of the pill bottle that says "*do not drive or operate machinery while using this drug.*" What

they say about amphetamines is that “What goes up must come down,” and that the “up” feeling is not worth what they also call the “downer”—the feeling of lethargy and mental foggy that patients experience afterward. And sadly, no amount of magic or wizardry is going to change what science has taught us about the effects of this drug.

STATE’S  
ATTORNEY: Do you have an opinion to a reasonable degree of certainty as to whether the amount of that drug in Jennifer Rock’s body would have affected her driving?

DOCTOR 1: Most definitely I have an opinion, and my opinion is “Most definitely” it would have.

STATE’S  
ATTORNEY: And do you have an opinion as to whether or not she became groggy or fell asleep when she was driving?

JUSTIN’S  
ATTORNEY: Objection, the Doctor is not an expert in accident reconstruction, that opinion would be highly speculative!

JUDGE: I’m going to sustain that objection.

STATE’S  
ATTORNEY: Judge, we will be calling a reconstruction expert.

JUDGE: Very well, proceed.

STATE’S  
ATTORNEY: No further questions.

JUDGE: Any cross-examination, Mr. or Ms. Wusso?

JUSTIN’S  
ATTORNEY: Doctor, isn’t it true that you can’t say for sure that amphetamines caused her to drive her car over Wheeling Hill?

DOCTOR 1: Nothing is for sure, but it is the most likely thing, unless there would be some evidence that she drove off the hillside on purpose, of which there is no evidence.

JUSTIN’S  
ATTORNEY: Well, you can’t even rule out that she may have gotten tired and fallen asleep even without having taken this drug?



DOCTOR 1: Again, that is a possibility, but unlikely when we found the drug in her system. Most probably it did affect her; and most probably it was the cause of her erratic driving, and death.

JUSTIN'S  
ATTORNEY: No further questions.

ALEX'S  
ATTORNEY: No questions, your honor.

JUDGE: You may step down now, next witness please.

STATE'S  
ATTORNEY: We call the Wusso family doctor. (*DOCTOR #2*).

CLERK: Do you swear to tell the truth, the whole truth, and nothing but the truth?

DOCTOR #2: I do.

STATE'S  
ATTORNEY: Please state your name and occupation.

DOCTOR #2: My name is Doctor \_\_\_\_\_, (*name of student playing role*) and I am the family doctor for the Wusso family.

STATE'S  
ATTORNEY: Let me show you the vial of pills recovered from Ms. Alex Wusso on the evening of May 10<sup>th</sup>, 2010, when she and Justin Wusso went to the hospital after they heard of the accident involving Jennifer Rock. Did you prescribe those pills, Doctor?

DOCTOR # 2: Yes I did.

STATE'S  
ATTORNEY: For whom did you prescribe them?

DOCTOR #2: They were prescribed for the younger brother of Justin and Alex, Max Wusso, who was taking them for ADDH. See it has his name on the bottle.

STATE'S  
ATTORNEY: How many did you prescribe for him?

DOCTOR #2: 30 pills - - one for each day of the month.

STATE'S  
ATTORNEY: When was the prescription filled?

DOCTOR #2: It was filled on May 1<sup>st</sup>, 2010.

STATE'S  
ATTORNEY: That means as of May 10th, when this accident happened, there should have only been ten pills missing from the original 30 if only Max Wusso was taking them as prescribed.

DOCTOR: # 2: That is correct.

STATE'S  
ATTORNEY: Can you tell us how many are in the container?

DOCTOR #2: There are only 5 left.

STATE'S  
ATTORNEY: So there are approximately 15 missing that should be there.

JUSTIN'S  
ATTORNEY: Objection, speculation!

JUDGE: Overruled.

DOCTOR #2: That's correct.

STATE'S  
ATTORNEY: Nothing further.

JUDGE: Attorneys for the Wussos, you may inquire.

JUSTIN'S  
ATTORNEY: No questions, your honor.

JUDGE: Any cross-examination by Alex Wusso?

ALEX'S  
ATTORNEY: No questions, your honor.

JUDGE: You may step down Doctor. Counsel, call your next witness.

STATE'S  
ATTORNEY: State would call Ace \_\_\_\_\_ (*last name of student playing role*).

JUDGE: Bailiff, please get Ace \_\_\_\_\_ (*last name of student playing role*) and bring him/her up to be sworn in.

CLERK: Do you swear to tell the truth, the whole truth, and nothing but the truth?

ACE: I do.

STATE'S  
ATTORNEY: Please state your name.

ACE: My name is Ace \_\_\_\_\_ (*name of student playing role*), but you can call me Ace.

STATE'S  
ATTORNEY: What's your occupation, Ace?

ACE: Accident Reconstruction expert. Been doing it for 20 years. Pretty good at it too! That's why they call me Ace!

STATE'S  
ATTORNEY: Have you looked into the facts of this car accident?

ACE: Well of course I did. That's why they call me Ace.

STATE'S  
ATTORNEY: And do you have an opinion as to how it happened?

ACE: Well of course I do. That's why they call me Ace.

STATE'S  
ATTORNEY: What is your opinion, Ace?

ACE: No braking, no skid marks, car not going terribly fast, but enough to take out the guard rail, no sign of trying to stop the car to avoid hitting the guard rail at all—It would be my opinion that this person was not consciously in control at the time of the accident—most likely fell asleep at the wheel!

JUSTIN'S

ATTORNEY: Objection - speculation!

JUDGE: Overruled.

STATE'S  
ATTORNEY: No further questions.

JUDGE: Do the defense attorneys have any questions?

JUSTIN'S  
ATTORNEY: No your honor.

ALEX'S  
ATTORNEY: No questions your honor.

JUDGE: You may be excused – next witness please.

STATE'S  
ATTORNEY: I'd like to call Officer \_\_\_\_\_ (*name of student playing role*) to the stand.

CLERK: Officer, do you swear to tell the truth, the whole truth, and nothing but the truth?

OFFICER: I do.

STATE'S  
ATTORNEY: Would you please state your name?

OFFICER: Officer \_\_\_\_\_, (*name of student playing role*).

STATE'S  
ATTORNEY: Your occupation?

OFFICER: Member of the Wheeling (*or other city*) Police Department.

STATE'S  
ATTORNEY: How long have you been on the force?

OFFICER: Ten years, and counting.

STATE'S

ATTORNEY: Did you have occasion to investigate the death of Jennifer Rock on May 10<sup>th</sup>, 2010.

OFFICER: I did.

STATE'S  
ATTORNEY: Can you tell us what you did on that night, officer?

OFFICER: Got a 911 call that there was an accident, other patrol had already responded to the accident scene, and I was sent to the hospital, to see the condition of the injured driver. When I met with the Doctor at the hospital, I was advised Ms. Rock had died of her injuries, but that two friends of hers were there who might be witnesses. So I spoke with them, they are the defendants here---- Justin Wusso and Alex Wusso.

STATE'S  
ATTORNEY: What did they tell you?

OFFICER: Well, they were both pretty emotional, didn't tell me much, but Alex Wusso reached in her purse and took out this bottle of pills we have here, and handed it to me. She was crying real hard, and kept saying she didn't give Ms. Rock any of the pills, just kept saying it; said she didn't want her to die, said she tried to save her with some wizard powers, but nothing helped, and she just kept crying. Mr. Wusso didn't say anything to me, only that he wanted to speak with an attorney.

STATE'S  
ATTORNEY: Ms. Wusso gave you the pills, not Mr. Justin Wusso?

OFFICER: No it was Ms. Alex Wusso. I'm sure of that. Kept saying though, "I didn't give her the pills"-- "I did not give her the pills."

STATE'S  
ATTORNEY: Thank you officer. Your honor, we have no further questions for this witness, and we have no further witnesses. So at this time, the state "rests."

JUDGE: First, do the defendants have any questions for this witness?

ALEX'S  
ATTORNEY: No, your honor.

JUSTIN'S  
ATTORNEY: No, your honor.

JUDGE: Alright, Officer, you may step down – Now has defense counsel decided which defendant will be going first?

ALEX'S  
ATTORNEY: We will, your honor, and we will be brief. We call Alex Wusso to the stand.

CLERK: Do you swear to tell the truth, the whole truth, and nothing but the truth?

ALEX: I do.

JUDGE: Ms. Wusso, you know that as a person charged with a crime, you do not have to take the stand and testify?

ALEX: I do.

JUDGE: And have you have discussed this with your attorney and want to voluntarily take the stand?

ALEX: I have discussed it, and I do want to take the stand.

JUDGE: Well, then, proceed counsel.

ALEX'S  
ATTORNEY: Can you tell me about the night of May 10<sup>th</sup>, 2010?

ALEX: Justin and my good friend Jennifer and I were at a party and Justin came up to us both and said he found some pills of our brothers that gave you a nice high, and we were willing to try one. Well, at the time, I thought Justin was being so cool, and I didn't want to look afraid in front of him you know – being my big brother and all, and so I said "sure, I'll try one", and then Jennifer said " O.K. me too", so we both took one. I knew it was wrong. I learned that in a WALS mock trial program back in grade school. I learned that taking prescription drugs from someone else was illegal, and giving them to another was also illegal--- but I wasn't thinking clearly that night. I was thinking like a child—that somehow my wizard powers would save me from anything bad.....and I just wanted to fit in. So I went along. I know better now. I have grown up a lot since then. I know I have to take responsibility for my own actions. That's why I decided to come into court today and testify, and tell the jury exactly what happened that night., even if it means that I'm admitting to being guilty of a crime myself—the illegal possession of a controlled substance.

ALEX'S

ATTORNEY Did you tell the Officer on the night in question that you didn't give her the pills?

ALEX: Well, I said, "I didn't give her any of the pills." I only took one. I think she only took one. At least that's what I thought. I didn't really see what Justin handed her.

JUDGE: Counsel for the State, you may inquire.

STATE'S  
ATTORNEY: Ms. Wusso, why are you the one who had the pill bottle in your purse when the police arrived at the hospital that night?

ALEX: Justin is always so cool, but when we learned what had happened and went to the hospital, we were both so upset, and Justin couldn't even talk to me about it. I hardly ever saw Justin cry, but he cried that night. And I told him to give me the pills, that I was going to give them to the police. He gave them to me, and I put them in my purse, and gave them to the officer when he arrived at the hospital. And I don't think Justin said another word to me—or the Officer—that night.

STATE'S  
ATTORNEY: No further questions your honor.

JUDGE: Counsel for Mr. Wusso?

JUSTIN'S  
ATTORNEY: If you and Jennifer only took one pill, why were there 15 missing?

ALEX: I have no idea.

JUSTIN'S  
ATTORNEY: Do you have any witnesses who saw Mr. Justin Wusso give you the bottle of pills at the hospital?

ALEX: Not that I'm aware of.

JUSTIN'S  
ATTORNEY: So you expect us to believe that you are not the one who gave Jennifer the pills?

ALEX: I did not give her any pills. I did not! Justin did! And I'm sorry to say it because he is my brother, but that is the truth, and I gave an oath to tell the truth. *(Alex starts crying)*.

JUSTIN'S  
ATTORNEY: No further questions, your Honor.

JUDGE: You may step down Ms. Wusso. Now Mr. Wusso, will there be any witnesses on your behalf?

JUSTIN'S  
ATTORNEY: We will not be presenting any further witnesses, your honor.

JUDGE: Very well. Ladies and gentlemen of the jury, you will now hear closing arguments - first on behalf of the state. Are you ready to proceed counsel?

STATE'S  
ATTORNEY: Yes, Judge. Ladies and Gentlemen of the jury, this is an open and shut case. It is unlawful in the state of West Virginia to possess or distribute a controlled substance, and prescription amphetamines are a controlled substance, unless they are possessed or distributed pursuant to a valid prescription by a medical doctor. Illegal drugs are not just cocaine, or crystal meth, or even marijuana, but prescription drugs themselves are illegal if distributed or taken without a doctor's prescription.

There is a good reason for this. Prescription drugs can be as powerful as other drugs we always think of as illegal if they are abused by people who do not have a prescription. In this case, Ms. Wusso has admitted to illegal possession of this controlled substance. Mr. Wusso has argued the state cannot prove any charges against him beyond a reasonable doubt. But the fact of the matter, ladies and gentlemen, is that if you believe Ms. Wusso's testimony in this case, she is still guilty of possession, and Mr. Wusso is also guilty of possessing this controlled substance, but according to her testimony, Justin is also guilty of distributing this drug to Ms. Wusso and Ms. Rock, and of involuntary manslaughter, for causing Ms. Rock's death. On the other hand, if you disbelieve Ms. Wusso, and believe she was the one who distributed the controlled substance to Ms. Rock, then you may find her guilty as well of distribution, and of involuntary manslaughter. You may also find on this evidence that both of them possessed and distributed this controlled substance, and so both are guilty of involuntary manslaughter.



JUDGE: Now we shall hear from Ms. Wusso’s counsel.

ALEX’S  
ATTORNEY: Thank you Judge. Ladies and Gentlemen of the jury, the only thing the state has proven, because Ms. Wusso admitted it on the stand, is that she illegally possessed a controlled substance. She did not sell it. She did not distribute it. She didn’t give any pills to Jennifer Rock. You saw her testify. She had to testify against her own brother. You saw her cry. It was difficult for her. But did you not consider her a most credible witness? And yes, you may under these circumstances find her guilty in this case of “possession,” but based on this evidence, you cannot find her guilty of any of the other counts. She did not cause her friend’s death. She loved her friend, and came into court and told you exactly what happened for only two reasons—she had the responsibility to do so, and because what she told you was the truth.

JUDGE: Counsel for Mr. Wusso you may proceed with your closing statement.

JUSTIN’S  
ATTORNEY: Thank you Judge. Ladies and Gentlemen of the jury, the state has not proved beyond a reasonable doubt any of the charges against Mr. Wusso. Alex Wusso is the one who had the bottle of pills in her purse at the time of the police investigation. Other than her testimony, who’s to say she didn’t get Max’s pills at home herself, and was the one who gave one or maybe more than one pill to Jennifer Rock. Remember the testimony that there were about 15 pills missing from that bottle, not just a few? Remember, it doesn’t matter if Alex Wusso loved Jennifer Rock and tried or did not try to save Jennifer Rock with her wizard powers – we all know how deadly prescription drugs can be. No magic wand is ever going to change the reality of what happened that night. And remember: we have only heard from Alex Wusso. She is the only one that says it was Justin Wusso who distributed the pills; the only one who said it was Justin who gave any pills to Ms. Rock—and says she thinks it was just one. Is that the truth? She may just be trying to save herself! Because the State has not proven its case against Justin Wusso beyond a reasonable doubt, you must find my client, Justin Wusso, not guilty of all charges.

JUDGE: It is now time for me to INSTRUCT you on the law of this case, after which you will be asked to deliberate and determine if the State has proven its case against either or both defendants BEYOND A REASONABLE DEGREE OF DOUBT.

The jury is further instructed that amphetamines are a controlled substance and that unless distributed and taken pursuant to a valid prescription of a medical doctor, it is unlawful to possess, sell, or distribute such a controlled substance.

In addition, in West Virginia, involuntary manslaughter is causing the death of a person by a negligent or unlawful act whether or not it is the intention of the defendant to cause harm. So if either Mr. Justin Wusso or Ms. Alex Wusso, or both, unlawfully distributed any of this controlled substance to Ms. Rock, which caused her to lose control of her car and die as a result of her injuries, then you may find either Mr. Wusso or Ms. Wusso, or both guilty of involuntary manslaughter, if you find beyond a reasonable doubt that both distributed this drug and caused Ms. Rock's death.

You are further instructed that when you enter the jury room, you shall first pick a **FOREPERSON** and when you have reached a **VERDICT** you may press the buzzer and return to the courtroom at which time the **FOREPERSON** will read the verdict in open Court. Bailiff, please give the jury five minutes to deliberate.

BAILIFF: Yes, Judge.

**JURORS LEAVE ROOM TO DELIBERATE, and upon return:**

JUDGE: Will the foreperson of the jury please stand.  
Have you reached a verdict?

FOREPERSON: We have (have not), Your Honor.

JUDGE: Will the defendants please stand.  
***(Mr. Wusso and Ms. Wusso stand along with their lawyers)***

You may read the verdict.

FOREPERSON: **THEY READ VERDICT BELOW or FROM THEIR VERDICT FORM:**

\*\*\*\*\*

*(As to each charge, check whether guilty or not guilty)  
As to the charges against Mr. Wusso, you honor, we find as follows:*

*Possession:*  
**Guilty**\_\_\_\_\_ **Not Guilty**\_\_\_\_\_ .  
*Distribution:*  
**Guilty**\_\_\_\_\_ **Not Guilty**\_\_\_\_\_ .  
*Involuntary Manslaughter:*  
**Guilty**\_\_\_\_\_ **Not Guilty**\_\_\_\_\_ .

FOREPERSON: *As to the charges against Ms. Wusso, we find as follows:*

*Possession:*  
**Guilty**\_\_\_\_\_ **Not Guilty**\_\_\_\_\_ .  
*Distribution:*  
**Guilty**\_\_\_\_\_ **Not Guilty**\_\_\_\_\_ .  
*Involuntary Manslaughter:*  
**Guilty**\_\_\_\_\_ **Not Guilty**\_\_\_\_\_ .

\*\*\*\*\*

JUDGE: So say you all?

JURORS: Yes, your Honor.

JUDGE: Thank you jurors for your service. **(BANG THE GAVEL)**  
We hope you all have enjoyed learning about the criminal justice system,  
and you may now ask questions!

**VERDICT FORM – 5<sup>th</sup> GRADE**

**FOREPERSON:** As to the charges against Mr. Justin Wusso, your honor, we find as follows:

**As to Count One: Possession, we find the defendant Wusso:**

(Guilty) \_\_\_\_\_  
OR  
(Not Guilty) \_\_\_\_\_

**As to Count One: Distribution of controlled substance, we find the defendant Wusso:**

(Guilty) \_\_\_\_\_  
OR  
(Not Guilty) \_\_\_\_\_

**As to Count Two: Involuntary Manslaughter, we find the defendant Wusso:**

(Guilty) \_\_\_\_\_  
OR  
(Not Guilty) \_\_\_\_\_

**FOREPERSON:** As to the charges against Ms. Alex Wusso, we find as follows:

**As to Count One: Possession, we find the defendant Wusso:**

(Guilty) \_\_\_\_\_  
OR  
(Not Guilty) \_\_\_\_\_

**As to Count One: Distribution of controlled substance, we find the defendant Wusso:**

(Guilty) \_\_\_\_\_  
OR  
(Not Guilty) \_\_\_\_\_

**As to Count Two: Involuntary Manslaughter, we find the defendant Wusso:**

(Guilty) \_\_\_\_\_  
OR  
(Not Guilty) \_\_\_\_\_

\_\_\_\_\_  
Signature of FOREPERSON

\_\_\_\_\_  
Date