

Virtual Middle School Mock Trial Competition 2013-2014

State v. Max Paulson

Co-sponsored by the Young Lawyers Committee of the Florida Association for Women
Lawyers and the Florida Law Related Education Association, Inc.



F L R E A
FLORIDA
LAW RELATED EDUCATION ASSOCIATION, INC.

**MIDDLE SCHOOL MOCK TRIAL COMPETITION
2013-2014**

Dear Educator,

Thank you for your interest in the Middle School Mock Trial Competition co-sponsored by the Young Lawyers Committee of the Florida Association for Women Lawyers (FAWL) and the Florida Law Related Education Association, Inc. This mock trial program is tailored to meet the needs of middle school aged students and to take place within two class periods. Educators have the option of requesting an attorney volunteer to aid in conducting the mock trial and FAWL will do its best to fulfill those requests. Trials will be recorded in the classroom and submitted for judging through a thumb drive. The trials will be judged in accordance with the attached score sheet.

The winning team will be recognized in the FAWL newsletter with a photo. Awards will be given to the teacher and the individual students participating and some funds will be provided for a pizza party final celebration to be held in the classroom with the sponsoring local FAWL chapter. Grant funding has been provided for this project from the Young Lawyers Division of The Florida Bar. Further details are included below, but be aware that all registration packets and recordings should be mailed to the address below no later than **May 2, 2014**.

The program objectives are as follows:

- Aid in the public's understanding of the legal system
- Increase middle school age children's understanding of and interest in the legal system
- Enable younger generations to see that female attorneys are prevalent and have a great impact on the legal profession.
- Generate interest in becoming a lawyer in young women
- Create a positive image of the legal system
- Create a positive image of female attorneys

Thank you for considering participating in the middle school mock trial program. The main goal of this project is education.

Sincerely,

FAWL Young Lawyers Committee and FLREA, Inc.

Instructions

1. Register your intent to participate in the middle school mock trial program by **March 7, 2014**. Submit registration online through e-mail to fawlmocktrial@gmail.com.
2. Contact attorney volunteer and schedule trial well in advance if one is requested. Consider some holding an orientation session prior to the trial. Assign students to roles. This project includes roles for attorneys, the judge, witnesses, jury members, the bailiff, and the press.
3. **Submit the entry packet and electronic recording** of the trial via mail by **May 2, 2014**.
4. A winner will be announced on May 9, 2014.

Checklist to Turn in Packet

- Registration Form
- DVD, CD or Thumb Drive with recording of trial saved in a universal format
- Photo of Participants (Students, Teacher, and attorney/law student volunteers)
- Evaluation Form

Mail packets to: Jennifer Shoaf Richardson
Creed & Gowdy, P.A.
865 May St.
Jacksonville, FL 32304

**MIDDLE SCHOOL MOCK TRIAL COMPETITION
REGISTRATION FORM
2013-2014**

Please complete all of the following information. Please type or print legibly. Please complete this sheet for each entry. Participation is restricted to students enrolled in grades 6–8 in the 2013-2014 academic year. Home school groups, Girl Scout troops, and any other groups interest in learning about the trial process may participate.

Sponsoring Teacher/Group Leader Information

Name: _____

Phone Number: _____ Fax Number: _____

Preferred E-mail Address: _____

School Information

Name: _____

Mailing Address: _____

City: _____ State: Florida Zip: _____ County: _____

Phone Number: _____ Fax Number: _____

Principal Name: _____

Class/Student Information

Name of Class or Club Participating: _____

Grade Level: _____

Names of Each of the Students Participating: _____

- Check here if attaching additional sheet with student names.

Date of Trial: _____

- Check here if you would like to request an attorney volunteer from the Florida Association for Women Lawyers.

If this project is put on in conjunction with the support of a FAWL chapter, please include the following information:

(Optional) FAWL Chapter Information

Name of Chapter: _____

Chair of Mock Trial Program: _____

Preferred E-mail Address: _____

Names of Participating attorneys, judges, law students: _____

- Check here if attaching additional sheet with names.

Florida Middle School Mock Trial Competition

SCORE SHEET/BALLOT

P = Plaintiff: _____ (Team Code) D = Defendant: _____ (Team Code)

Date: _____

Using a scale of **1 to 10**, rate the **P** and **D** in the categories below.

Do **NOT** use fractional points. Please use a ballpoint pen.

Not Effective	Fair	Good	Excellent	Outstanding
1 2	3 4	5 6	7 8	9 10

Score Sheet/ Ballot	P		D
Opening Statement	()		()
Plaintiff's First Witness	()		
	()	Cross Examination	()
Plaintiff's Second Witness	()		
	()	Cross Examination	()
Plaintiff's Third Witness	()		
	()	Cross Examination	()
Defendant's First Witness		Direct Examination	()
	()	Witness Presentation	()
Defendant's Second Witness		Direct Examination	()
	()	Witness Presentation	()
Defendant's Third Witness		Direct Examination	()
	()	Witness Presentation	()
Closing Argument	()		()
Ethical Conduct	()		()
Team Performance	()		()
Column Totals: DO NOT TIE TEAMS	()		()

Note: Any errors in *ADDITION* will be corrected by score room staff. Please review your individual scores and return to trial coordinator.

Judge's Signature

Florida Middle School Mock Trial Competition

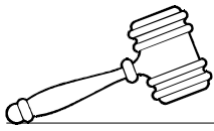
EXPLANATION OF RATINGS USED ON THE SCORE SHEET/BALLOT

Participants will be rated in the categories on the ballot on a scale of 1-10 points (10 being the highest), according to their roles in the trial. The Scoring Judges are scoring **STUDENT PRESENTATION** in each category. The Scoring Judges are **NOT** scoring the legal merits of the case. Each category is to be evaluated separately and fractional points **ARE NOT** to be awarded. One team **MUST** be awarded more total points than the other. The team winning the majority of the ballots shall win the round.

Judging panels also may recognize outstanding individual presentations by selecting one **MOST EFFECTIVE ATTORNEY** and/or one **MOST EFFECTIVE WITNESS** per round. The decision must be representative of the majority of the panel members.

Judges may **NOT** disclose the score sheet/ballot results or the identities of the Most Effective Attorney and/or Witness to anyone other than the mock trial coordinator. Sign your score sheet/ballot before turning it over to the presiding judge on your panel. **DO NOT ANNOUNCE SCORES OR RESULTS TO THE TEAMS DURING THE CRITIQUE!**

POINT(S)	PERFORMANCE	CRITERIA FOR EVALUATING STUDENT PERFORMANCE
1-2	Not Effective	<ol style="list-style-type: none"> 1. Exhibits lack of preparation/understanding of the case materials. 2. Communication unclear, disorganized, and ineffective. 3. Unsure of self, does not think well on feet, depends heavily on notes.
3-4	Fair	<ol style="list-style-type: none"> 1. Exhibits minimal preparation/understanding of the case materials. 2. Communication minimally clear and organized, but lacking in fluency and persuasiveness. 3. Minimally self-assured, but lacks confidence under pressure.
5-6	Good	<ol style="list-style-type: none"> 1. Exhibits adequate preparation/understanding of the case materials. 2. Communications are clear and understandable, but could be stronger in fluency and persuasiveness. 3. Generally self-assured, reads from notes very little.
7-8	Excellent	<ol style="list-style-type: none"> 1. Exhibits mastery of the case materials. 2. Communication is clear, organized, fluent and persuasive. 3. Thinks well on feet, poised under pressure, does not read from notes.
9-10	Outstanding	<ol style="list-style-type: none"> 1. Superior in qualities listed for 7-8 points' performance.



Mini-Mock Trial Manual

Teacher Instructions

Mock trials conducted within one or two class periods help students learn about courts and trials in an interesting and enjoyable way. Although students obviously will not be as polished as they are in more lengthy mock trial programs, their abilities to quickly become familiar with trial process, to learn their roles, and to discuss rules of evidence and constitutional protections will surprise even the most seasoned observer.

In addition to the value of the learning experience for students, mini-mock trials are an excellent activity for lawyers who want a "guaranteed" success. With only little advance preparation, a lawyer can guide the students through the mock trial experience, helping them develop appropriate questions and then serving as the judge for the trial. Most lawyers are so comfortable with this activity, and find the positive student response so rewarding, that they are usually willing to schedule return engagements.

Students will:

1. Become familiar with the role of a trial court in solving disputes and interpreting the law.
2. Analyze the various people and their roles in the courtroom.
3. Practice communication and critical thinking skills as they prepare and present their case.
4. Recognize the importance of the American jury system.

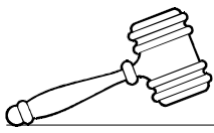
Materials needed: Student Handout: MOCK TRIAL PROCEDURE
Student Handout: JUROR BIOGRAPHY
Selected Mini-Mock Trial Cases

Time needed: 2 class periods
Grade level: Grades 5-8

Procedure:

1. Begin the class session by discussing trials. Because most students have seen television programs about trials and courts, they already have some basic information. Ask them what programs they have seen and what they know about the judicial branch. Differentiate between state and federal courts and between civil and criminal cases. For younger students or students who have limited knowledge of courts and trials, ask the students to list the people who are present in the courtroom. For a criminal case, this list will include:

- lawyers
- judge
- jurors
- witnesses
- defendant/defense
- prosecutor/prosecution
- bailiff
- police officers
- clerk
- court reporter
- public
- sketch artists



Mini-Mock Trial Manual

Teacher Instructions: Procedure continued

2. Discuss what these people do in the courtroom. For students with more knowledge of courts and trials, begin the discussion by asking who is the most important person(s) in the courtroom. Answers may vary. As they answer, ask students why they think the person is important. This will have the students think about the role of the different people in the courtroom.

Depending upon the sophistication of the audience and the time available, short discussions of the following topics can be conducted: trial by judge or jury; role of the judge vs. role of the jury; civil v. criminal trials; the need for a court reporter and court record; the constitutional rights of the accused; the controversy surrounding cameras in the courtroom; and behavior and professionalism.

3. Review rules and facts of the case.

4. Ask the students to volunteer for the parts in the mock trial. Four students should be selected to be the lawyers for each side of the case. One student may present the opening statement, one the direct examination, one the cross examination, and the other the closing argument, or students may share the tasks. (To keep the trial moving, it is extremely helpful to use a lawyer or judge as judge during the trial.)

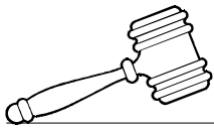
5. Also assign students to role play the witnesses, bailiff, media representatives and sketch artists (these students can write articles and prepare drawings for the articles), as well as select members of the jury.

6. Before the start of the actual trial preparation, briefly describe the steps of a trial. Remind students that they will be helped through the process by the judge.

7. If students have sufficient background and understanding of the trial process, explain the reasons and grounds for objections. (It is recommended that only a limited number of objections be allowed.) Refer to the list of objections provided.

Explain to the students that objections are used when lawyers feel that the other side is not obeying the rules. All court procedures are governed by many rules. Lawyers are required to conduct the trial according to the rules. It is the judge's responsibility to decide if a lawyer has broken a rule. If a judge agrees that a rule has been violated, the judge sustains the objection. If the judge feels that the lawyer has not violated the rules, he or she overrules the objection. If an objection is sustained, the witness's answer is not allowed. If an objection is overruled, the witness is allowed to answer the questions.

8. Tell students they will have time to prepare. Allow approximately ten to fifteen minutes of preparation time total.



Mini-Mock Trial Manual

9. Provide the following instructions:

Lawyers – Students serving as the lawyers should read the facts and all of the witness statements including the statements for the other side. They are to prepare an opening statement, questions for all witnesses, and a closing argument. Have them use the Student Handout: Mock Trial Procedure in their preparation.

Witnesses – Students serving as witnesses will need to his or her statement at least three times so that he or she will be prepared to answer questions. Each witness should then work with the lawyers from their side to help prepare for trial.

Judge - The judge should read Student Handout: Mock Trial Procedure and be prepared to serve as the judge.

Bailiff - The bailiff should review the procedure for the oath that he or she will administer to each witness. The Bailiff and Judge should fill in the blanks on the first page of the Student Handout.

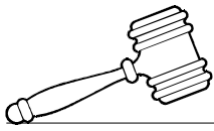
Jurors - Ask them to imagine who they will be in twenty years and complete Juror Biography form.

10. Begin with jury selection. This step allows the jury to play an active role. Have the judge (either student or adults) and lawyers ask questions of the prospective jurors. Questions are limited to matters relevant to the particular case and those that help attorneys decide whether or not to challenge a person's participation on the jury. Sample questions include:

- Q. Is there anyone who feels he or she cannot be fair in this case?
- Q. Is anyone related to or does anyone know persons involved in this case?
- Q. Does anyone stand to benefit from a decision in this case?
- Q. Has anyone already formed an opinion about the case?

Explain to the students that people may not be selected for the jury for various reason. Attorneys can challenge for cause any juror who exhibits a bias for or against any one of the parties. Each attorney also has a certain number of challenges called peremptory challenges which can be used to strike a juror without giving a reason. For example, a defense attorney may get the impression that a prospective juror simply doesn't like the defendant and will then use a peremptory challenge to prevent that person from being on the jury. For mock trials, each side is limited to one peremptory challenge.

Select six persons and one alternate for each jury. There may be multiple juries selected so that all students can participate in the simulation. You should now have all persons needed for the courtroom simulation. In addition to those mentioned above, you may also want to include media representatives. Ask students to pretend that they are going to write a news story about the trial and



Mini-Mock Trial Manual

that they should take notes on points they think are important.

11. The trial begins with opening statements from both sides. Prosecution goes first. Allow only three minutes for this component. Then, the Defense will provide opening statements. Next the Prosecution attorney will call its witnesses for questioning. Following the direct examination of each witness, the Defense attorney will cross examine each witness. Then the Defense will call its witnesses for questioning followed by cross examination of each witness by the Prosecution. The trial should conclude with closing statements. This simulation takes approximately 45 minutes to 1 hour.

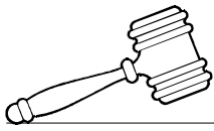
12. The Judge will instruct the jury at the end of the trial using the jury instructions contained in these materials. Mock trial juries usually require only a few minutes to reach a verdict. Allow the jury to have time together in a separate room to discuss their decision. After they have announced the verdict, ask the jury to explain how they decided on it.

13. Ask the media representatives what kind of story they would write about the case. What was most newsworthy part of the trial? What would grab the reader's attention? Did they agree with the jury's decision? What witness gave the strongest testimony?

14. Debrief the trial. Encourage all students to participate in the discussion of the trial. Questions that facilitate discussion include:

- Q. What were the strong and weak points of each side?
- Q. What additional information would have been helpful?
- Q. Who was the best witness?
- Q. Did any of the students change their minds during the trial?
- Q. What do you think of the outcome?

15. Complete the activity with a short discussion of the need for citizens to participate as jurors. Contact the Florida Law Related Education Association, Inc. at staff@flrea.org to receive additional materials on Florida courts, the jury system, and civil and criminal trials.



Mini-Mock Trial Manual

Student Handout: MOCK TRIAL

PROCEDURE Participants:

- | | |
|---|---------------------------------------|
| +Judge | +Bailiff |
| +Prosecution attorneys | +Witnesses for prosecution/petitioner |
| +Defense attorneys | +Witnesses for defense |
| +Jury | |
| +Representatives of the media (sketch artists, reporters) | |

Opening of Trial:

Bailiff: "Please rise. The Court of _____ is now in session, the Honorable _____ presiding."

Everyone remains standing until the Judge is seated.

Judge: "Ms./Mr. _____ (Bailiff 's name), what is today's case?"

Bailiff: "Your Honor, today's case is _____."

Judge: "Is the prosecution ready? Is the defense ready?"

Attorneys: "Yes, your Honor." (*Always say "your Honor" when speaking to the judge.*)

Trial Procedure:

1. **Opening Statement** - prosecution/plaintiff attorney introduces himself or herself and states what their side hopes to prove. Begin with "Your Honor, members of the jury," then state what the facts on your side will show and ask for a verdict in favor of your side.

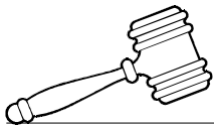
Defense attorney then says, "Your Honor, members of the jury," introduces himself or herself and explains the evidence on his or her side that will deny what the other side is attempting to prove. Ask for a verdict of not guilty (criminal case).

Attorneys: "Your Honor, members of the jury, my name is _____ and I and my classmates are representing _____ in this case. We intend to prove _____ Please find _____."

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

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

3. **Direct Examination** – prosecution calls first witness to the stand and asks clear and simple questions that allow the witness to tell his or her side of the story in his or her own words. Witnesses may make up answers to questions that are not included in the witness statements as long as it is consistent with their statements or the witnesses may say "I don't know."



Mini-Mock Trial Manual

Student Handout: MOCK TRIAL PROCEDURE continued

Suggestions for questions:

How do you know the defendant?

What do you know about the case?

What happened?

What do you remember?

What happened next?

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

??? Your Questions ???

4. **Cross Examination** - defense attorney questions witnesses for the other side. For example, the lawyer may ask "Isn't it true that you really couldn't see because it was almost dark outside?"

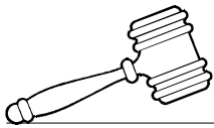
Suggestions for questions:

Isn't it true that...

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

??? Your Questions ???

5. After all the prosecution witnesses have been questioned and cross-examined, the defense calls its witnesses and questions them under direct examination. Then the prosecutor cross-examines.
6. **Closing Arguments** - each side summarizes the testimony presented during the questioning in a way that will convince the jury to believe his or her side of the case. In a criminal case, prosecution asks the jury to find the defendant guilty. Defense asks the jury to find the defendant not guilty.



Mini-Mock Trial Manual

Student Handout: MOCK TRIAL PROCEDURE continued.

Attorneys: "Your Honor, members of the jury, today you have heard testimony about _____ I would like to remind you of some important information that you should consider in your decision. These facts include _____"

Please find _____.

7. **Jury Deliberation** - after hearing the judge's instructions, the jurors meet to decide guilty or not guilty (criminal case) and then gives their decision to the judge.

Objections

Any attorney may object to a question or the admission of an exhibit. The judge will usually ask the person objecting "for what reason/what grounds are you objecting or on what rule of evidence are you relying?" Then the judge either *sustains* the objection preventing the evidence from being introduced or *overrules* the objection allowing the question or exhibit to be admitted as evidence.

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

Leading questions:

Prosecutors must allow their witnesses to tell their own stories on direct examination; they must not lead their witnesses through the story. Defense attorneys must follow the same rule when questioning their own witnesses on direct examinations. Leading questions are allowed on cross examination.

Immaterial and irrelevant:

The information is not closely related to the case, and is therefore not important.

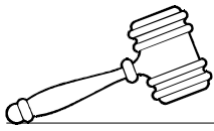
Opinions and conclusions:

Unless the witness is an expert, (such as a doctor testifying about medical issues), he or she should not give professional opinions or conclusions.

Nonresponsive answer:

The witness is not answering the question asked.

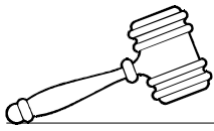
These are only a few objections. They are probably the most common ones used. They will adequately serve your needs. Teachers and judges may add additional objections.



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Student Handout: Juror Biography

Name/Address	Salary
County	Organizations of which you are a member.
Phone	Military service
Spouse's name	Public service
Name/Ages of children	Hobbies/Interests
Parent's name	Most memorable childhood event.
Education Completed	Have you had any contact with the legal system? If so, what.
Height/Weight/Eye Color	
Physical condition	
Religious affiliation	
Occupation	
Employer	
Other information about yourself	



Mini-Mock Trial Manual

Student Handout: JURY OBSERVATION SHEET AND CHECKLIST

The jury will determine whether the defendant is guilty or not guilty based upon the facts of the case, the credibility of the witnesses' testimony, and the law which applies to the case. Use this sheet to follow the proceedings of the trial. As the prosecution presents its case, record the legal arguments made by the attorneys, facts presented by the witnesses and your impressions of the credibility (believability) of the witnesses.

Prosecution

Prosecution's Opening Statement: What did the prosecution say it would try to prove in this case?

FACTS learned from witness testimony

Witness #1 _____

Witness #2 _____

Witness #3 _____

To Believe or Not to Believe

Circle the response which most closely corresponds with what you think of each witness:

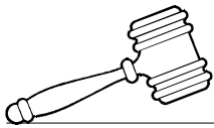
SA - Strongly Agree A=Agree D=Disagree SD=Strongly Disagree

Witness # 1 _____ was a believable witness SA A D SD

Witness #2 _____ was a believable witness SA A D SD

Witness #3 _____ was a believable witness SA A D SD

Prosecution's Closing Arguments: How did the prosecution use the facts from the witnesses to prove its case?



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Student Handout: JURY OBSERVATION AND CHECKLIST cont.

Defendant

Defendant's Opening Statement: What did the defense say it would try to prove in this case?

FACTS learned from witness testimony

Witness #1 _____

Witness #2 _____

Witness #3 _____

To Believe or Not to Believe

Circle the response which most closely corresponds with what you think of each witness:

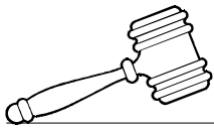
SA - Strongly Agree A=Agree D=Disagree SD=Strongly Disagree

Witness # 1 _____ was a believable witness SA A D SD

Witness #2 _____ was a believable witness SA A D SD

Witness #3 _____ was a believable witness SA A D SD

Defendant's Closing Arguments: How did the defense use the facts from the witnesses to prove its case?



Mini-Mock Trial Manual

INSTRUCTIONS FOR JUDGES

1. After the bailiff has called the court to order, judge enters courtroom and sits at bench. The judge tells everyone to be seated.
2. After introductory comments (from trial procedure handout), the judge and attorneys conduct jury selection by asking questions to identify potential jurors. Suggested questions:

Is there anyone who feels he or she cannot be fair in this case?

Is anyone related to or does anyone know persons involved in the case?

Has anyone already formed an opinion about the case?

Any other questions related to the subject matter of the case.

Select one or more Jury panels for the simulation to allow for participation by the full class. Each jury panel should have six jurors and one alternate juror.

3. Thank the jury for serving. Instruct them to ignore anything they have heard about the case from sources outside of the courtroom. Also ask them to listen carefully to the testimony and to raise a hand if they cannot hear.

4. Ask prosecution to begin with their opening statement. Ask them to stand. Then ask defense to do the same.

5. Ask prosecution to call its first witness. Ask bailiff to swear in witness, then ask witness to state name. Instruct attorney to begin direct examination.

6. Ask defense to question the witness. This is called cross examination.

7. Repeat steps five and six for each witness.

8. When defendant calls their witnesses, they will conduct the direct examination of those witnesses and the prosecution will conduct the cross examination.

9. Take a two-minute recess to give the attorneys time to complete their closing arguments. Ask both sides to present their closing arguments, prosecution goes first.

10. Review the jury instructions. Ask the jury to meet and come to a unanimous decision.

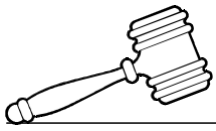
OBJECTIONS!!!

Sustain:

agree that a motion/rule has been broken

Overrule:

do not agree with a motion/do not agree
or think that a rule has been broken



Mini-Mock Trial Manual

Mini-Mock Trial Manual

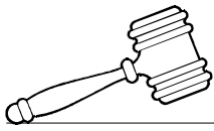
Student Handout: *State of Florida v. Max Paulson*

Reckless/Careless Driving Case District Court

State of Florida)
)
Prosecution)
v.)
Max Paulson)
)
Defendant)

Facts

On April 23 at approximately 6 p.m., an automobile driven by Max Paulson made a left turn from the northbound lane of Elm Street to Third Avenue, colliding in the crosswalk with a bicycle ridden by Sam Smith, throwing Sam Smith across the street, breaking his leg. Max Paulson is charged with violating Florida Statute 169.13 Reckless Driving.



Mini-Mock Trial Manual

Student Handout: **WITNESSES FOR THE PROSECUTION**

Officer Mike Rudy

Sam Smith, victim of accident

Eric Featherstone

Officer Mike Rudy

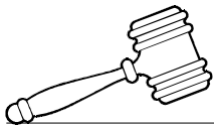
The intersection of Elm Street and Third Avenue is probably the busiest intersection in our town. There are a lot of cars and a lot of people on the sidewalk and shopping in the nearby stores. Because of this, the city council decided last year that bicycling on the sidewalk is not safe in the downtown area. Signs saying “No bicycles on the sidewalk” were placed on every other block. There is not one on the intersection of Elm and Third, but there is one at Elm and Second. There is also a manufacturing plant nearby that causes major traffic and safety problems. The folks who work there race to get home and sometimes are not careful about watching for pedestrians in the crosswalk. We have had several near accidents recently. On April 23, Max Paulson was driving home after work. Like all of the rest, he was in a hurry to make the turn onto Third Avenue. He made a turn between two cars that required him to accelerate very quickly to get out of the way of the oncoming traffic. The accident investigation found black tire marks on Elm Street where he started his turn. There was no evidence that he tried to slow down before he hit the bicyclist. The force threw the bicyclist across the street. I was in my squad car waiting to enter Third Street from a parking lot.

Sam Smith

I am 17 years old. On April 23, I was riding my bike south on the sidewalk on Elm Street. I was in a hurry because it was starting to get dark and I don’t have a light on my bike. I rode past the speedy mart, the hardware store and the drug store. I was riding on the sidewalk because the traffic was heavy. There were a few people walking on the sidewalk so I had to weave in and out so I wouldn’t hit them. When I looked at the traffic light it was green so I rode into the intersection in the crosswalk. Before I knew it, I was hit by a car that was turning from Elm Street onto 3rd Avenue. I only remember thinking “I’m gonna die.” I woke up in the ambulance with a badly broken leg. I had surgery to put pins in my leg to help it heal. It still hurts sometimes.

Eric Featherstone

I was riding bikes with my friend Sam Smith. It was starting to get dark so we decided to head home. We rode together from the park down Second Avenue toward Elm Street. At Elm Street we separated. Sam turned right, and I turned left. I didn’t know anything had happened to Sam until I got home and his dad called me to see if Sam was at my house. I guess the hospital called his dad a couple of minutes later.



Mini-Mock Trial Manual

Student Handout: **WITNESSES FOR THE DEFENSE**

Max Paulson, defendant
Sara Firestone
Cynthia Murray

Max Paulson

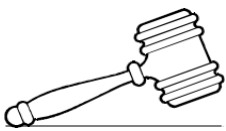
I am 19 years old. I am a good driver. I have never had a ticket or been involved in a car accident. On April 23 I was driving home from work on Elm Street, going north. I got to 3rd Avenue and signaled my left turn as I do every day. There were a lot of cars driving south on Elm. I waited a long time for an opening. Finally, a gap in the traffic occurred letting me turn left. It was only a brief break in the traffic so I made a quick turn. I was surprised, and frankly somewhat embarrassed, when my tires squealed because of my quick turn. The next thing I remember is hitting this bike that came out of nowhere. I mean, one minute I looked and the intersection was clear and the next minute I hit a bike. I am very sorry, but I think the bicyclist is partly to blame.

Sara Firestone

I was shopping on April 23 just after dinner. I picked up a few items at the speedy market and a prescription at the drug store. When I came out of the drug store I was nearly hit by a bike driven by Sam Smith. Sam was riding on the sidewalk in a fast, rather reckless manner. I didn't think it was legal to ride bikes on the sidewalk downtown. I think I have seen some signs about it. Sam raced by me and entered the intersection, riding in the crosswalk. The light was green. There was a lot of traffic, especially on Elm Street. I heard the tires of a car squeal as it turned from Elm onto 3rd Avenue and hit him. He was thrown across the street, almost hitting a light pole. I ran inside to call 911. Sam was not wearing reflective clothing, I remember thinking that because I had just purchased some reflector tape to put on the jacket that my daughter wears when she rides her bike.

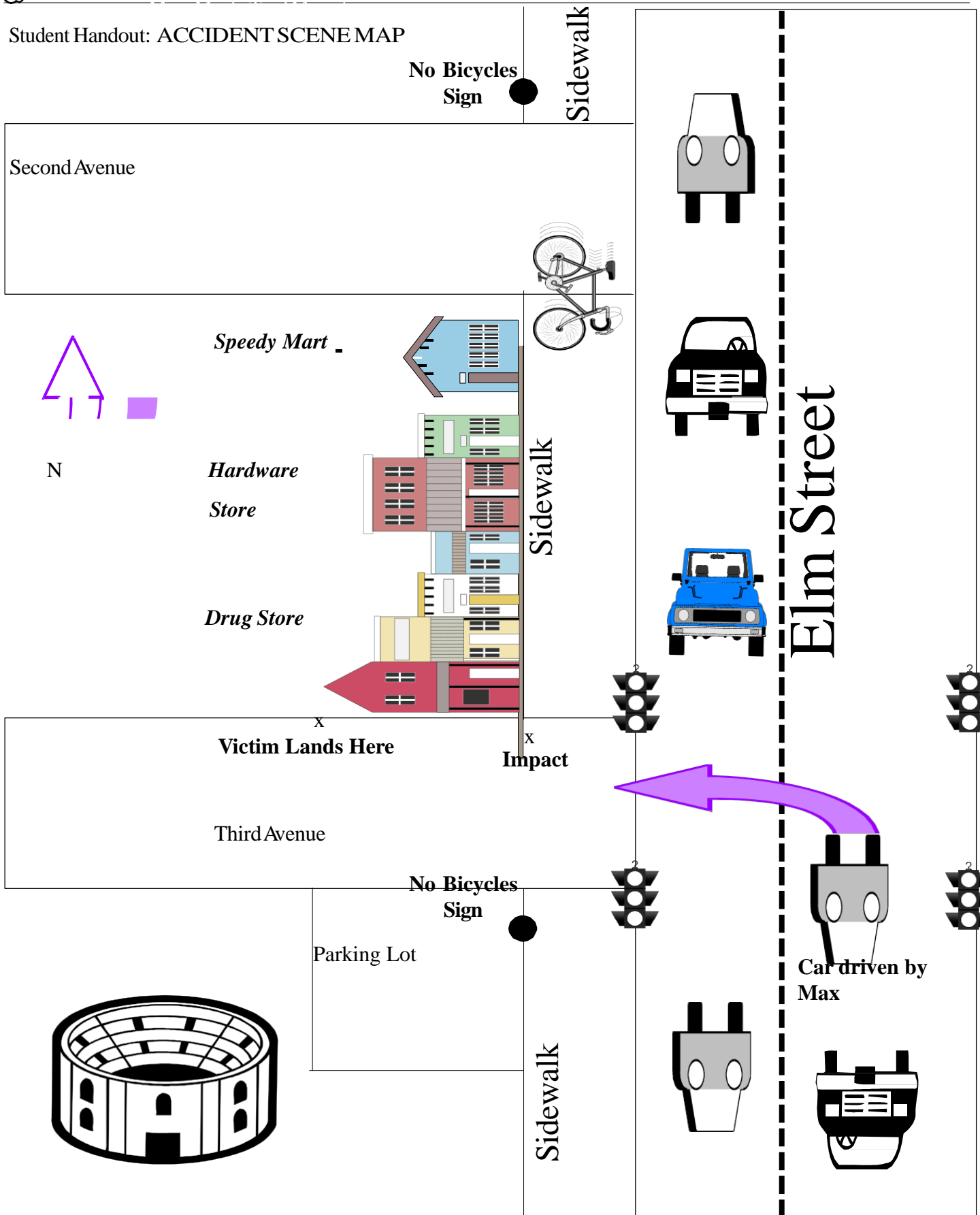
Cynthia Murray

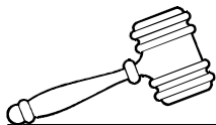
I am the director of the Florida Bike Safety Project. As part of my job, I run a bike camp where young people learn how to ride their bikes safely. I have been doing this for seven years. During the camp, we focus on the rules of the road, which include getting off of your bike and walking when you are going to cross the street in a pedestrian crosswalk. Also, under Florida law, a person may not ride a bike upon a sidewalk within a business district unless permitted by local authorities. If a person doesn't obey the bike laws, he or she can be given a ticket, much like a driver of a car gets a ticket.



Mini-Mock Trial Manual

Student Handout: ACCIDENT SCENE MAP





Mini-Mock Trial Manual

Jury Instructions: *State of Florida v. Max Paulson*

BEFORE EVIDENCE IS PRESENTED

Members of the jury, you are to decide this case solely on the evidence presented here in the courtroom. This evidence includes the testimony of witnesses and any documents that are entered into the court record. You will not use any objections made by the lawyers and arguments concerning the objections, testimony that the court tells you to disregard, or anything you may have seen or heard outside the courtroom.

During this trial you are going to hear testimony of witnesses, and you will have to make judgments about the believability of the witnesses. I ask you to be patient, and listen carefully to the testimony of all the witnesses, and keep it all in mind until you hear the entire case. In making your decision, rely on your own experience, your own judgment, and your own common sense.

If at any time during the trial you are unable to hear, please raise your hand. The parties will be asked to speak up.

AFTER EVIDENCE IS PRESENTED

Members of the jury, you have heard all of the testimony concerning this case. It is now up to you to determine the facts. You, and you alone, are the judges of the facts. You will then have to apply the facts to the law as I give it to you.

The law in this case involves:

Florida Statute 316.192 Reckless Driving. *[Excerpted from Statute]*

(1)(a) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving. [...]

(3) Any person:

(a) Who is in violation of subsection (1);

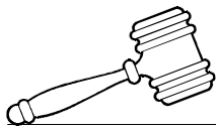
(b) Who operates a vehicle; and

(c) Who, by reason of such operation, causes:

1. Damage to the property or person of another commits a misdemeanor of the first degree...

2. Serious bodily injury to another commits a felony of the third degree... The term "serious bodily injury" means an injury to another person, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

If you find Mr. Paulson guilty of Reckless Driving you will be finding in favor of the State of Florida. If you find Mr. Paulson not guilty of Reckless Driving, you will be finding in favor of Mr. Paulson. You must all agree on the verdict.



Mini-Mock Trial Manual

Jury Instructions: Elements

The State of Florida has specific laws defining reckless driving and associated penalties.

F.S. 316.192 Reckless Driving

(1)(a) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

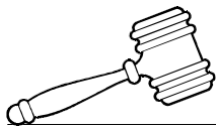
This statute states that, three things must be proven before a defendant can be found guilty of reckless driving:

First – the defendant was the driver of the vehicle

Second – the defendant was driving with willful or wanton disregard for the safety of persons or property

Third – the event took place in the State of Florida

Note: Willful or wanton disregard means conscious and intentional driving which the defendant knows, or should know, creates an unreasonable risk of harm to others. The prosecution does NOT need to prove that the defendant INTENDED to cause harm to prove the defendant is guilty.



Mini-Mock Trial Manual

2012 Florida Statutes

Title XXIII

Chapter 316

[View Entire Chapter](#)

MOTOR VEHICLES

STATE UNIFORM TRAFFIC CONTROL

316.192 Reckless driving.—

(1)(a) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(b) Fleeing a law enforcement officer in a motor vehicle is reckless driving per se.

(2) Except as provided in subsection (3), any person convicted of reckless driving shall be punished:

(a) Upon a first conviction, by imprisonment for a period of not more than 90 days or by fine of not less than \$25 nor more than \$500, or by both such fine and imprisonment.

(b) On a second or subsequent conviction, by imprisonment for not more than 6 months or by a fine of not less than \$50 nor more than \$1,000, or by both such fine and imprisonment.

(3) Any person:

(a) Who is in violation of subsection (1);

(b) Who operates a vehicle; and

(c) Who, by reason of such operation, causes:

1. Damage to the property or person of another commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. Serious bodily injury to another commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The term “serious bodily injury” means an injury to another person, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.