

MOCK TRIAL SCRIPT
The Case of Mary's Missing Lunch

Mary Peabody, Plaintiff
vs
Virgil Goodman, Defendant

Participants in Trial:

Judge # 1-Peyton Carter

Judge #2- Reese Sage

Court Security Officer (CSO)-Kayce or Casey McMann

Courtroom Deputy (CRD)-Robin Hood

Victim - Mary Peabody

Prosecutor # 1- Taylor Hall

Prosecutor #2- Jordan McDonald

Defendant - Virgil Goodman

Defendant's Lawyer #1- Jamie Small

Defendant's Lawyer #2- Morgan Landon

Witness 1 - Miss Leigh Laughlin, 10th Grade Teacher

Witness 2 - Molly Murphy

Witness 3 - Harry Hart

Witness 4 - Ralph Jones

Jury - the remaining classmates divided into two groups with one designated as the Jury Foreperson in each.

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The Case of Mary's Missing Lunch

United States of America

v.

Virgil Goodman, Defendant

CSO: All rise. The Honorable _____, United States District Judge or Magistrate Judge in and for the Central District of Oz and associate justices Peyton Carter and Reese Sage presiding. Hearye, hearye, hearye. All persons having business before this Court draw near, give attention and you shall be heard.

God save the United states of America and this Honorable Court.

Please be seated.

HOST JUDGE:

Good morning ladies and gentlemen. This is Case No. 3:10-cr-125-J-20JRK. It is the case of the United States of America v . Virgil Goodman. The United States represented today by Taylor Hall and his or her associate Jordan McDonald. Mr. Goodman is represented today by Jamie Small and his or her associate Morgan Landon.

I see that the jury has been selected and seated. Will the Courtroom Deputy please swear in the jury?

Courtroom Deputy:

Please rise and raise your right hand. Do each of you solemnly swear that you will well and truly try the issues in this cause and render a true verdict according to the evidence and the charge of this Court so help you God?

JURY: I do

HOST JUDGE:

Ladies and gentlemen of the jury, this case involves the disappearance of Mary's lunch from her lunch box. In this case, the United States has charged Virgil Goodman, a tenth (10th) grader at Jacksonville High School with the crime of stealing a lunch. Specifically, he is charged with stealing the lunch of Mary Peabody, who is also a tenth (10th) grader at Jacksonville High School.

At the end of the trial, I will explain the rules that you have to follow to make your decision.

You should carefully listen to the testimony and evidence shown to you during the trial, but you should keep an open mind and should not form or state any opinion about the case one way or the other until you have listened to all of the evidence.

We will begin by letting the lawyers for each side make an "opening statement." They will explain what they think the case is about and tell you the facts they expect the evidence will show. At the end of the trial, the lawyers will be given another chance to explain the case with a "closing argument." These statements are supposed to help you understand the issues in the case. Please give the lawyers your attention as they make their opening statements now. Prosecutor, do you wish to make an opening statement?

PR #1: May it please the Court. Ladies and gentlemen of the jury, the evidence in this case will prove that on Friday, March 25, Virgil Goodman took my client's purple lunch box from the classroom basket while taking the basket from the tenth grade classroom to the cafeteria. When Mary Peabody opened her lunch box in the cafeteria, her peanut butter sandwich, her bag of potato chips and her Capri-Sun Punch drink were missing. The only thing left in the lunch box were a few crumbs and a banana peel.

DEFT #1: May it please the Court. Ladies and gentlemen of the jury, my client, Virgil Goodman, has been wrongly accused of stealing Mary Peabody's lunch. He was asked by Miss Laughlin to carry all of the lunch boxes to the cafeteria on March 25. He did carry them down to the cafeteria but did not eat Mary Peabody's lunch.

TESTIMONY OF MARY PEABODY

JUDGE #1: Madame Prosecutor, please call your first witness.

PR #1: I call Mary Peabody to the witness stand.

CRD: Please raise your right hand. Do you solemnly swear that the testimony you are about to give before this Court will be the truth, the whole truth and nothing but the truth, so help you God?

MS PEABODY: Yes.

PR #1: Please state your name.

MS PEABODY: Mary Peabody.

PR #1: Where do you go to school?

MS PEABODY: I'm a tenth grader at Jacksonville High School.

PR #1: Could you describe the lunch that you brought to school on March 25.

MS PEABODY: I brought a banana, a Capri-Sun Punch drink, potato chips and a peanut butter sandwich in my purple lunch box.

PR #1: What was in the lunch box when you opened it in the cafeteria?

MS PEABODY: Some crumbs and a banana peel.

PR #1: Ms. Peabody, I hand you what is marked as Exhibit # 1 and ask if this is your lunch box that you found empty on March 25 in the cafeteria.

MS PEABODY: Yes, it is.

PR #1: I move that Exhibit # 1 be admitted into evidence.

JUDGE #1: Defense counsel - any objection?

DEFT #1: No objection, your honor.

JUDGE #1: Exhibit # 1 is admitted into evidence.

PR #1: That's all, your honor.

JUDGE #1 : Defense Counsel, do you want to cross-examine Miss Peabody?

DEFT #1: Mary, you didn't actually see Virgil Goodman eat your lunch, did you?

MS PEABODY: No, I guess not.

DEFT #1: No further questions, your honor.

JUDGE #1: Miss Peabody, you may step down. Prosecutor, please call your next witness.

TESTIMONY OF LEIGH LAUGHLIN

PR #1: I call Miss Leigh Laughlin to the stand.

CRD: Please raise your right hand. Do you solemnly swear that the testimony you are about to give before this Court will be the truth, the whole truth and nothing but the truth, so help you God?

MS LAUGHLIN: I do.

PR #1: State your name.

MS LAUGHLIN: Leigh Laughlin.

PR #1: What is your occupation?

MS LAUGHLIN: I am a teacher at Jacksonville High School, Grade Ten.

PR #1: On March 25, did you have two students in your class named Mary Peabody and Virgil Goodman?

MS LAUGHLIN: Yes.

PR #1: Do you think they are good students?

DEFT #1: Objection! The question is not relevant to the case.

JUDGE #1: Objection sustained.

PR #1: Did you ask Virgil Goodman to take Mary's lunch box to the cafeteria on March 25?

MISS LAUGHLIN: Yes, along with the rest of the class' lunch boxes. They were all in a basket.

PR #1: About how long was Virgil gone from the classroom?

MISS LAUGHLIN: About five minutes.

PR #1: How far is it to the cafeteria from your classroom?

MISS LAUGHLIN: Not very far, just a minute or two away.

PR #1: When Virgil returned to the class did anything unusual happen?

MISS LAUGHLIN: Yes. He and Joseph Cool started giggling and I had to write their names on the board.

PR #1: I have no further questions, your honor.

JUDGE #1: Do you wish to cross-examine, defense counsel?

DEFT #1: Yes. Miss Laughlin, you don't know why my client and Joseph Cool were giggling, do you?

MISS LAUGHLIN: No.

DEFT #1: How many other people could have touched Mary's lunch box while it was in the cafeteria?

MISS LAUGHLIN: Oh, I don't know, probably anyone in the Ninth Grade class who eats before we do.

DEFT #1: Thank you. That's all, your honor

JUDGE #1: You may be excused, Miss Laughlin. Next witness.

TESTIMONY OF MOLLY MURPHY

PR #1: I call Molly Murphy to the stand.

CRD: Please raise your right hand. Do you solemnly swear that the testimony you are about to give before this Court will be the truth, the whole truth and nothing but the truth, so help you God?

MOLLY MURPHY: I do.

PR #1: State your name.

MOLLY MURPHY: Molly Murphy.

PR #1: Do you know Virgil Goodman?

MOLLY MURPHY: Yes, he is in my class.

PR #1: Did you notice anything unusual about him on March 25?

MOLLY MURPHY: I noticed he had peanut butter on his mouth!

PR #1: No further questions.

JUDGE #1: Cross examination, defense counsel?

DEFT #1: Yes. Miss Murphy, did you notice this peanut butter on Virgil before or after lunch on March 25?

MOLLY MURPHY: I don't remember.

DEFT #1: I have no further questions.

JUDGE #1: You may be excused. Any more witnesses?

TESTIMONY OF HARRY HART

PR #2: Just one. I call Harry Hart to the stand.

CRD: Please raise your right hand. Do you solemnly swear that the testimony you are about to give before this Court will be the truth, the whole truth and nothing but the truth, so help you God?

HARRY HART: I do.

PR #2: State your name.

HARRY HART: Harry Hart.

PR #2: Mr. Hart, do you work at Jacksonville High School?

HARRY HART: Yes, I am the maintenance man.

PR #2: Did you find anything when you cleaned the boys bathroom on March 25?

HARRY HART: Yes, I found an empty Capri-Sun Punch carton in the trash can.

PR #2: Mr. Hart, I hand you what is marked as Exhibit #2 and ask if you can identify this.

HARRY HART: Yes, this is the empty Capri-Sun Punch carton that I found in the boys' trash on March 25.

PR #2: I move that Exhibit # 2 be admitted into evidence.

JUDGE #2: Exhibit #2 is offered into evidence. Any objection?

DEFT #2: No objection.

JUDGE #2: Exhibit #2 is admitted into evidence. Do you want to cross-examine this witness, defense counsel?

DEFT #2: Yes. Mr. Hart, what time did you find the empty carton?

HARRY HART: When I cleaned up after school -- about 4:00 p.m.

DEFT #2: You have no idea who put it there, do you?

HARRY HART: No.

DEFT #2: Nor do you know when it was put there?

HARRY HART: I know it was not there when I cleaned on March 24.

DEFT' #2: No further questions.

JUDGE #2: Thank you, you are dismissed.

PR #2: The prosecution rests.

JUDGE #2: Defense counsel, you may present your case to the jury.

TESTIMONY OF VIRGIL GOODMAN

DEFT #2: I call Virgil Goodman to the stand.

CRD: Please raise your right hand. Do you solemnly swear that the testimony you are about to give before this Court will be the truth, the whole truth and nothing but the truth, so help you God?

VIRGIL GOODMAN: I do.

DEFT #2: State your name.

VIRGIL GOODMAN: Virgil Goodman.

DEFT #2: Virgil, did you eat a peanut butter sandwich, a banana and potato chips and drink a Capri-Sun Punch from Mary Peabody's lunch on March 25?

VIRGIL GOODMAN: No. I did not.

DEFT #2: Did you get your name on the board that day?

VIRGIL GOODMAN: Yes.

DEFT #2: Why?

VIRGIL GOODMAN: Joseph and I were talking in class.

DEFT #2: What were you talking about?

VIRGIL GOODMAN: I don't remember.

DEFT #2: That's all. I have no further questions.

JUDGE #2: Madame Prosecutor, do you have any cross-examination of this witness?

PR #2: No.

JUDGE #2: Mr. Goodman, you may step down. Next witness, please.

TESTIMONY OF RALPH JONES

DEFT #2: I call Ralph Jones.

CRD: Please raise your right hand. Do you solemnly swear that the testimony you are about to give before this Court will be the truth, the whole truth and nothing but the truth, so help you God?

RALPH JONES: I do.

DEFT #2: State your name.

RALPH JONES: Ralph Jones.

DEFT #2: Do you know Virgil Goodman?

RALPH JONES: Yes.

DEFT #2: Is he a thief?

PR #2: Objection!

JUDGE #2: Sustained.

DEFT #2: Did you eat lunch with Virgil on March 25?

RALPH JONES: Yes.

DEFT #2: What did Virgil eat?

RALPH JONES: He had a peanut butter sandwich and some other stuff.

DEFT #2: Was he hungry?

RALPH JONES: He was real hungry. He ate his whole lunch and part of mine.

DEFT #2: No further questions.

JUDGE #2: Madame Prosecutor, do you wish to cross-examine this witness?

PR #2: No, your honor.

JUDGE #2: Mr. Jones, you may be dismissed. Any further witnesses?

DEFT #2: No, your honor.

PR #2: No.

JUDGE #2: Madame Prosecutor, would you care to make a closing argument to the jury?

PR #2: May it please the Court. Your honor, ladies and gentlemen of the jury, the evidence you have heard proves that Virgil Goodman had possession of Mary Peabody's lunch box after he left the classroom on March 25. The evidence also shows that when Mary opened her lunch box in the cafeteria all that was left were a few crumbs and a banana peel. You heard that Molly Murphy saw peanut butter on Virgil's mouth and that Virgil and Joseph Cool were "giggling" about something when he returned from the cafeteria. Don't you think it was about a trick he had played on Mary? You also know that Harry Hart found an empty Capri-Sun Punch carton in the boys bathroom later that day. I ask you to do the right thing and bring back a verdict of guilty against Virgil Goodman.

JUDGE #2: Defense counsel, do you wish to address the jury?

DEFT #2: May it please the Court. Yes, your honor. Ladies and gentlemen of the jury, Virgil is an innocent guy. Do you think he could take a basket full of lunch boxes down the long walk to the lunchroom, eat all of Mary's lunch, go to the boys bathroom and still get back in just five minutes? Do you think he could eat Mary's lunch, then eat his own and part of Ralph Jones' lunch too? He might be a

hungry boy, but nobody is that hungry! Molly Murphy said he had peanut butter on his mouth but she didn't know if that was before or after he ate his own peanut butter sandwich. Plenty of kids could have eaten Mary's lunch. Remember, Miss Laughlin said the kindergarten kids eat their lunch in the cafeteria before the seventh grade does. I ask you to do the right thing and bring back a verdict of not guilty.

HOST JUDGE:

Members of the jury, I will now tell you what laws you must follow when you decide this case. When I'm done, you can discuss what the witnesses said during the trial and decide whether the Defendant is guilty or not.

You will have to decide whether the prosecutor has proven beyond a "reasonable doubt" that Virgil Goodman is guilty of stealing Mary's lunch. The Defendant is presumed by the law to be innocent. The laws of the United States do not require a Defendant to prove he is innocent and he does not have to testify about what happened. Instead, the prosecutor must prove to you that the Defendant is guilty beyond a reasonable doubt. Proof beyond a "reasonable doubt" is proof that is so convincing that you don't have any questions about whether it really happened. If you are convinced that the Defendant is guilty beyond a reasonable doubt and you don't have any questions about it, then you will find him guilty. If you do have doubts or questions about whether he stole the lunch, then you should find him not guilty.

It is against the law to steal lunch from someone else. You have to decide if the witnesses were telling the truth or not and whether they could see what they were describing. If after listening to the witnesses, you have reasonable doubt and questions about what the witnesses said, then you have to find the Defendant not guilty. If you find the Defendant guilty, you do not decide how to punish him, the judge decides how to punish him.

Jurors, you will now retire to the jury room to deliberate. One of you in each group has been selected as the foreperson. When you have reached a verdict, please let the Court Security Officer know. Court Security Officer, please take charge of the jury.

HOST JUDGE:

I understand that the juries have reached a verdict. Will the foreperson for Jury #1 please read the verdict? Will the foreperson of Jury #2 please read the verdict?

Mr. Goodman, you have been found guilty of stealing Mary Peabody's lunch. Sentencing is set for June 16. Bail is continued.

OR

Mr. Goodman, you have been found not guilty of stealing Mary Peabody's lunch. All charges are dismissed. You are free to go.

OR

Since the juries have split on their decision, the Court finds that:

THE END

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

vs.

Case No.: 3:10-cr-125-J-20JRK

VIRGIL GOODMAN

VERDICT

With regard to Count One of the Indictment, which charges VIRGIL GOODMAN with theft, we, the Jury, find the Defendant, VIRGIL GOODMAN,

NOT GUILTY _____ GUILTY _____

SO SAY WE ALL.

Foreperson's Signature

Date