

## **Mock Trial**

### **The Case of Cameron's Missing Lunch**

***Cameron Garcia, Plaintiff***  
**v.**  
***Casey Smith, Defendant***

#### **Trial Participants:**

Host Judge - Volunteer Attorney (or teacher)

Judge# 1 - (student)

Judge #2 - (student)

Court Security Officer (CSO) - (student)

Courtroom Deputy (CRD) - (student)

Victim - Cameron Garcia (student)

Prosecutor# 1 (student)

Prosecutor #2 (student)

Defendant - Casey Smith (student)

Defendant's Lawyer #1 - (student)

Defendant's Lawyer #2 - (student)

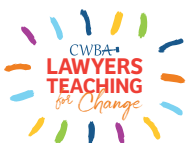
Witness 1 - Mr./Ms. Jordan Lee, 5th Grade Teacher (student)

Witness 2 - Parker Rodriguez (student)

Witness 3 - Riley Khan (student)

Witness 4 - Brooklyn Jones (student)

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



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**COURT SECURITY OFFER:**

All rise. The Honorable \_\_\_\_\_, United States District Judge in and for the District of Colorado and associate justices \_\_\_\_\_ and \_\_\_\_\_ presiding. Hearye, hearye, hearye. All persons having business before this Court draw near, give attention and you shall be heard.

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. Casey Smith. The United States represented today by \_\_\_\_\_ and his/her associate \_\_\_\_\_. Mr./Ms. Smith is represented today by \_\_\_\_\_ and his/her associate \_\_\_\_\_.

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:**

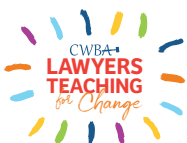
I do.

**HOST JUDGE:**

Ladies and gentlemen of the jury, this case involves the disappearance of Cameron’s lunch from his/her lunch box. In this case, the United States has charged Casey Smith, a fifth (5th) grader with the crime of stealing a lunch. Specifically, he/she is charged with stealing the lunch of Cameron Garcia, who is also a fifth (5th) grader at \_\_\_\_\_ 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?

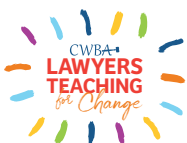
## **OPENING STATEMENTS**

### **PROSECUTOR #1:**

May it please the Court. Ladies and gentlemen of the jury, the evidence in this case will prove that on Friday, March 25, Casey Smith took my client’s lunch box from the classroom basket while taking the basket from the fifth grade classroom to the cafeteria. When Cameron Garcia opened his/her lunch box in the cafeteria, his/her peanut butter sandwich, bag of potato chips and Capri-Sun drink were missing. The only thing left in the lunch box were a few crumbs and a banana peel.

### **DEFENDANT’S LAWYER #1:**

May it please the Court. Ladies and gentlemen of the jury, my client, Casey Smith, has been wrongly accused of stealing Cameron Garcia’s lunch. He/she was asked by Ms./Mr. Lee to carry all of the lunch boxes to the cafeteria on March 25. He/She did carry them down to the cafeteria but did not eat Cameron Garcia’s lunch.



## TESTIMONY OF CAMERON GARCIA

**JUDGE #1:**

Prosecutor, please call your first witness.

**PROSECUTOR # 1:**

I call Cameron Garcia to the witness stand.

**COURTROOM DEPUTY:**

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./Mr. GARCIA:**

Yes.

**PROSECUTOR #1:**

Please state your name.

**Ms./Mr. GARCIA:**

Cameron Garcia.

**PROSECUTOR #1:**

Where do you go to school?

**Ms./Mr. GARCIA:**

I'm a fifth grader at \_\_\_\_\_ School.

**PROSECUTOR #1:**

Could you describe the lunch that you brought to school on March 25.

**Ms./Mr. GARCIA:**

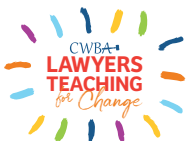
I brought a banana, a Capri-Sun drink, potato chips and a peanut butter sandwich in my lunch box.

**PROSECUTOR #1:**

What was in the lunch box when you opened it in the cafeteria?

**Ms./Mr. GARCIA:**

Some crumbs and a banana peel.



**PROSECUTOR #1:**

Ms./Mr. Garcia, I hand you what is marked as Exhibit # 1 and ask if this is a photo of your lunch box that you found empty on March 25 in the cafeteria.

**Ms./Mr. GARCIA:**

Yes, it is.

**PROSECUTOR# 1:**

I move that Exhibit# 1 be admitted into evidence.

**JUDGE #1:**

Defense counsel - any objection?

**DEFENDANT'S LAWYER #1:**

No objection, your honor.

**JUDGE #1:**

Exhibit# 1 is admitted into evidence.

**PROSECUTOR# 1:**

That's all, your honor.

**JUDGE #1:**

Defense Counsel, do you want to cross-examine Ms./Mr. Garcia?

**DEFENDANT'S LAWYER #1:**

Cameron, you didn't actually see Casey Smith eat your lunch, did you?

**Ms./Mr. GARCIA:**

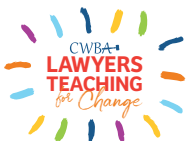
No, I guess not.

**DEFENDANT'S LAWYER #1:**

No further questions, your honor.

**JUDGE#1:**

Ms./Mr. Garcia, you may step down. Prosecutor, please call your next witness.



## TESTIMONY OF JORDAN LEE

**PROSECUTOR #1:**

I call Jordan Lee to the stand.

**COURTROOM DEPUTY:**

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./Mr. LEE:**

I do.

**PROSECUTOR #1:**

State your name.

**Ms./Mr. LEE:**

JordanLee.

**PROSECUTOR #1:**

What is your occupation?

**Ms./Mr. LEE:**

I am a teacher at \_\_\_\_\_ school, fifth grade.

**PROSECUTOR #1:**

On March 25, did you have two students in your class named Cameron Garcia and Casey Smith?

**Ms./Mr. LEE:**

Yes.

**PROSECUTOR #1:**

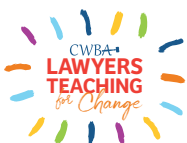
Do you think they are good students?

**DEFENDANT'S LAWYER #1:**

Objection! The question is not relevant to the case.

**JUDGE #1:**

Objection sustained.



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**PROSECUTOR# 1:**

Did you ask Casey Smith to take Cameron’s lunch box to the cafeteria on March 25?

**Ms./Mr. LEE:**

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

**PROSECUTOR #1:**

About how long was Casey gone from the classroom?

**Ms./Mr. LEE:**

About five minutes.

**PROSECUTOR #1:**

How far is it to the cafeteria from your classroom?

**Ms./Mr. LEE:**

Not very far, just a minute or two away.

**PROSECUTOR #1:**

When Casey returned to the class did anything unusual happen?

**Ms./Mr. LEE:**

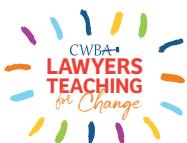
Yes. He/she and another student started giggling and I had to write their names on the board.

**PROSECUTOR# 1:**

I have no further questions, your honor.

**JUDGE #1:**

Do you wish to cross-examine the witness, defense counsel?



**DEFENDANT’S LAWYER #1:**

Yes. Ms./Mr. Lee, you don’t know why my client and another student were giggling, do you?

**Ms./Mr. LEE:**

No.

**DEFENDANT’S LAWYER #1:**

How many other people could have touched. Cameron’s lunch box while it was in the cafeteria?

**Ms./Mr. LEE:**

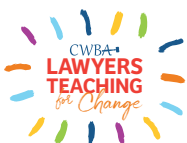
Oh, I don’t know, probably anyone in the fourth grade class who eats before we do.

**DEFENDANT’S LAWYER #1:**

Thank you. That’s all, your honor

**JUDGE #1:**

You may be excused, Ms./Mr. Lee. Next witness.





## TESTIMONY OF PARKER RODRIGUEZ

**PROSECUTOR #1:**

I call Parker Rodriguez to the stand.

**COURTROOM DEPUTY:**

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?

**PARKER RODRIGUEZ:**

I do.

**PROSECUTOR #1:**

State your name.

**PARKER RODRIGUEZ:**

Parker Rodriguez.

**PROSECUTOR #1:**

Do you know Casey Smith?

**PARKER RODRIGUEZ:**

Yes, he/she is in my class.

**PROSECUTOR #1:**

Did you notice anything unusual about him/her on March 25?

**PARKER RODRIGUEZ:**

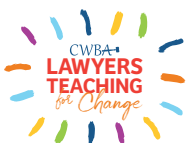
I noticed he/she had peanut butter on his/her mouth!

**PROSECUTOR# 1:**

No further questions.

**JUDGE #1:**

Cross examination, defense counsel?



**DEFENDANT'S LAWYER #1:**

Yes. Mr./Ms. Rodriguez, did you notice this peanut butter on Casey before or after lunch on March 25?

**PARKER RODRIGUEZ:**

I don't remember.

**DEFENDANT'S LAWYER #1:**

I have no further questions.

**JUDGE #1:**

You may be excused. Any more witnesses?



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## TESTIMONY OF RILEY KHAN

**PROSECUTOR #2:**

Just one. I call Riley Khan to the stand.

**COURTROOM DEPUTY:**

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?

**RILEY KHAN:**

I do.

**PROSECUTOR #2:**

State your name.

**RILEY KHAN:**

Riley Khan.

**PROSECUTOR #2:**

Mr./Ms. Khan, do you work at \_\_\_\_\_ School?

**RILEY KHAN:**

Yes, I am the maintenance person.

**PROSECUTOR #2:**

Did you find anything when you cleaned the bathrooms on March 25?

**RILEY KHAN:**

Yes, I found an empty Capri-Sun carton in the trash can.

**PROSECUTOR #2:**

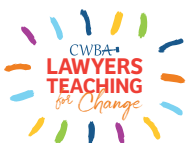
Mr./Ms. Khan, I hand you what is marked as Exhibit #2 and ask if you can identify this.

**RILEY KHAN:**

Yes, this is the empty Capri-Sun drink that I found in the trash on March 25.

**PROSECUTOR #2:**

I move that Exhibit # 2 be admitted into evidence.



**JUDGE #2:**

Exhibit #2 is offered into evidence. Any objection?

**DEFENDANT #2:**

No objection.

**JUDGE#2:**

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

**DEFENDANT #2:**

Yes. Mr./Ms. Khan, what time did you find the empty carton?

**RILEY KHAN:**

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

**DEFENDANT #2:**

You have no idea who put it there, do you?

**RILEY KHAN:**

No.

**DEFENDANT #2:**

Nor do you know when it was put there?

**RILEY KHAN:**

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

**DEFENDANT #2:**

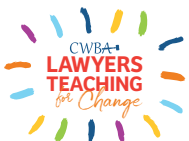
No further questions.

**JUDGE#2:**

Thankyou,youaredismissed. PR #2: The prosecution rests.

**JUDGE #2:**

Defense counsel, you may present your case to the jury.



## TESTIMONY OF CASEY SMITH

**DEFENDANT #2:**

I call Casey Smith to the stand.

**COURTROOM DEPUTY:**

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?

**CASEY SMITH:**

I do.

**DEFENDANT #2:**

State your name.

**CASEY SMITH:**

Casey Smith.

**DEFENDANT #2:**

Casey, did you eat a peanut butter sandwich, a banana and potato chips and drink a Capri-Sun drink from Cameron Garcia's lunch on March 25?

**CASEY SMITH:**

No. I did not.

**DEFENDANT #2:**

Did you get your name on the board that day?

**CASEY SMITH:**

Yes.

**DEFENDANT #2:**

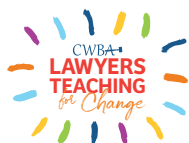
Why?

**CASEY SMITH:**

Jo and I were talking in class.

**DEFENDANT #2:**

What were you talking about?



**CASEY SMITH:**

I don't remember.

**DEFENDANT #2:**

That's all. I have no further questions.

**JUDGE #2:**

Prosecutor, do you have any cross-examination of this witness?

**PROSECUTOR #2:**

No.

**JUDGE #2:**

Mr./Ms. Smith, you may step down. Next witness, please.



## TESTIMONY OF BROOKLYN JONES

**DEFENDANT #2:**

I call Brooklyn Jones.

**COURTROOM DEPUTY:**

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?

**BROOKLYN JONES:**

I do.

**DEFT' #2:**

State your name.

**BROOKLYN JONES:**

Brooklyn Jones.

**DEFENDANT #2:**

Do you know Casey Smith?

**BROOKLYN JONES:**

Yes.

**DEFENDANT #2:**

Is he a thief?

**PR #2:**

Objection!

**JUDGE #2:**

Sustained.

**DEFENDANT #2:**

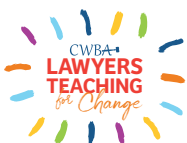
Did you eat lunch with Casey on March 25?

**BROOKLYN JONES:**

Yes.

**DEFENDANT #2::**

What did Casey eat?



**BROOKLYN JONES:**

A peanut butter sandwich and some other stuff.

**DEFENDANT #2:**

Was he/she hungry?

**BROOKLYN JONES:**

He/she was real hungry. He/she ate his/her whole lunch and part of mine.

**DEFENDANT #2:**

No further questions.

**JUDGE#2:**

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?

**DEFENDANT #2:**

No, your honor.

**PROSECUTOR #2:**

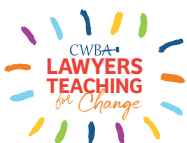
No.

**JUDGE #2:**

Prosecutor; would you care to make a closing argument to the jury?

**PROSECUTOR #2:**

May it please the Court. Your honor, ladies and gentlemen of the jury, the evidence you have heard proves that Casey Smith had possession of Cameron Garcia's lunch box after he left the classroom on March 25. The evidence also shows that when Cameron opened her lunch box in the cafeteria all that was left were a few crumbs and a banana peel. You heard that Parker Rodriguez saw peanut butter on Casey's mouth and that Casey 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 Cameron? You also know that Riley Khan found an empty Capri-Sun drink in the bathroom later that day. I ask you to do the right thing and bring back a verdict of guilty against Casey Smith.





**JUDGE#2:**

Defense counsel, do you wish to address the jury?

**DEFENDANT #2:**

May it please the Court. Yes, your honor. Ladies and gentlemen of the jury, Casey is innocent. Do you think he/she could take a basket full of lunch boxes down the long walk to the lunchroom, eat all of Cameron's lunch, go to the bathroom and still get back in just five minutes? Do you think he/she could eat Cameron's lunch, then eat his/her own and part of Brooklyn Jones' lunch too? He/she might be hungry, but nobody is that hungry. Parker Rodriguez said he/she had peanut butter on his/her mouth but he/she didn't know if that was before or after he/she ate his/her own peanut butter sandwich. Plenty of kids could have eaten Cameron's lunch. Remember, Mr./Ms. Lee said the 4<sup>th</sup> grade kids eat their lunch in the cafeteria before the fifth grade does. I ask you to do the right thing and bring back a verdict of not guilty.



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## 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 Casey Smith is guilty of stealing Cameron'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/her guilty. If you do have doubts or questions about whether he/she stole the lunch, then you should find him/her 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/her, the judge decides how to punish him/her.

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./Ms. Smith, you have been found guilty of stealing Cameron Garcia's lunch. Sentencing is set for June 16. Bail is continued.

**OR**

Mr./Ms. Smith, you have been found not guilty of stealing Cameron Garcia's lunch. All charges are dismissed. You are free to go.

**THE END**



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**UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF COLORADO**

**UNITED STATES OF AMERICA**

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

**CASEY SMITH**

**VERDICT**

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

NOT GUILTY \_\_\_\_\_ GUILTY \_\_\_\_\_

SO SAY WE ALL.

---

Foreperson

---

Date



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