

## **ATTACHMENT 2**

**The Lawyer Packet**

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

**“Judge/Lawyer Instructions/notes**

**Script**

**Verdict Form**



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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:**

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**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,

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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 prescriptions 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