

ELEMENTARY SCHOOL #2 (CRYSTAL METH)

IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

SNOW WHITE, :
 :
 Plaintiff, :
 :
 vs. : Case No.: 04-322
 :
 THE EVIL QUEEN, :
 :
 Defendant. :

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 are both the **PLAINTIFF** and the **DEFENDANT** and which is a legal proceeding to resolve a private dispute among people. Criminal cases always involve allegations of crime. Civil cases involve private disputes such as **CONTRACTS** or **TORTS** which are claims for injury to someone's person or property. This is a **CIVIL CASE** where the plaintiff is suing the defendant for damages because, she alleges, the defendant put an illegal drug in an apple and gave it to plaintiff to eat. It is further alleged that upon eating the apple, the plaintiff got so sick that she went into a coma and almost died. It is further alleged that the plaintiff was unconscious for three days; that she had a hospital bill of ten thousand dollars; and that when she awoke, she realized she had damage to her short term memory from the drugs. She couldn't even remember how it was she woke up. She now brings this lawsuit for battery against the defendant.

Legal Definition: A **BATTERY** is any unlawful touching or other wrongful physical violence inflicted on a human being without his or her consent. Any person found to have committed a battery upon another shall be subject to a tort claim for personal injury to the person injured, in addition to any criminal action which may be brought against the guilty party.

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

JUDGE:

Please be seated. Ladies and gentlemen of the jury, this is a civil case that the plaintiff has brought against the defendant, alleging that the defendant did, on March 1, 2005, commit a battery upon her person by causing an illegal drug to be placed, without her knowledge, in an apple that she was about to eat, which apple, eaten by her, caused serious physical violence and injury to her. The defendant denies she did this, claims to be a friend of the plaintiff, and says her actions do not constitute a battery because she never even touched the plaintiff, never caused her any harm, and that it was just a rotten apple that made her sick. Just because a lawsuit has been filed does not necessarily mean that the plaintiff should win. On the other hand, the Court has already certified this case for trial. That means that if the Court found the case to be frivolous, or one that did not raise a genuine issue for resolution by the jury, the Court would have thrown the case out of Court before we even got to a jury trial. By certifying the case for trial the Court is not telling you who should win. The Court is merely saying that it is now up to each party to convince the jury by a preponderance of the evidence that the facts are as they have alleged, and based on that evidence, the jury will decide which side should prevail in this matter.

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 the Judge has to determine whether or not each and every juror is free of prejudice and can make a fair and impartial **VERDICT** solely upon the evidence that they hear in the case, not what they have heard or read in the media. He may, therefore, ask potential jurors if they have read anything or know anything about this case.

Is each and every juror here sure they are willing to take an oath that they will give 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 Snow White is pursuing this case, it is up to her to proceed first, so you will first hear the **OPENING STATEMENT** of Snow White's **ATTORNEY**. You will then hear the **OPENING STATEMENT** of counsel for Meth Queen. Then you will hear Snow White's **WITNESSES** and after that, Meth Queen may call any witnesses she chooses. After you hear all of the

evidence from the witnesses, you will then hear the **CLOSING ARGUMENTS** from the attorneys of both Snow White and Meth Queen, and because the plaintiff has the burden of proving their case by a **PREPONDERANCE OF THE EVIDENCE**, the plaintiff is permitted a short rebuttal after the Defendant's **CLOSING ARGUMENT** and that would be the last argument heard. After the **CLOSING ARGUMENTS** are made, I will give you **INSTRUCTIONS** on the **LAW** to help guide you in your **DELIBERATIONS**. Ms. White, are you ready to proceed?

PLAINTIFF'S
ATTORNEY:

Yes, Your Honor.

JUDGE:

Is the Defendant ready to proceed?

DEFENSE
ATTORNEY:

(Approach the bench) Your Honor, we wish to bring up a preliminary matter outside the presence of the jury, in a **MOTION IN LIMINE**.

JUDGE:

You may proceed.

DEFENSE
ATTORNEY:

My client's real name is Meth Queen. Since the incident with Snow White, people have started to refer to her as The Evil Queen, and the pleading in this case have sued her as The Evil Queen, but we do not want to prejudice the jury by calling her The Evil Queen in this proceeding Your Honor, so we would like to have you instruct plaintiff's counsel not to be referring to Meth as The Evil Queen.

JUDGE:

The point is well taken counsel. This is a court of law, not a place for bias, or prejudices against one party or the other. It is up to the jury to decide whether or not Meth is The Evil Queen based solely on the evidence. Therefore, I am instructing all the parties to refer to The Evil Queen by her real name, Meth, and not to refer to her in this proceeding as The Evil Queen. Now, we will bring the jury back in – (in a real case jurors leave room). Snow White's attorney may proceed with their Opening Statement.

PLAINTIFF'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 Snow White was out with other

friends at the movies on the night of March 1, 2005, and that after the movie, one of her friends, Don “Dopey” Dorfman, introduced her to a woman he had met sometime before, Meth Queen, who he thought was just a fun and nice person, but who turned out to be no friend at all. Meth gave Dopey and Snow White an apple. Dopey, who only ate candy, didn’t try the apple. But Snow White, who never thought a friend would give her something harmful, tried it. Almost immediately upon biting into the apple, she became extremely talkative, not like herself, and was acting like she could do anything. She stayed that way for about an hour, and then she just collapsed, and lost consciousness, and had to be taken to the hospital where she was admitted and stayed, still unconscious, for three days. She had a hospital bill of \$10,000. Worse, she suffered serious, permanent injuries, including damage to her short term memory. We will prove to you by a preponderance of the evidence that Meth Queen knew what was in the apples because she put the drugs in them herself, that she intentionally gave the drug to Snow White and Dopey, that Snow White didn’t know there were drugs in the apple, and so did not consent to the taking of drugs herself, and that this constitutes an unlawful battery upon the person of Snow White. Thank you.

JUDGE: Defense Attorney, you may give your opening statement.

DEFENSE
ATTORNEY: Now, ladies and gentlemen, Meth Queen was a friend of Snow White. She gave an apple to both Snow White and Dopey. You don’t see Dopey here suing anyone. He didn’t get sick. That proves that Meth didn’t put any drug in the apples. Meth was just trying to be friendly. Snow White must have just gotten a rotten apple. It could happen to anyone. This was no battery, and Meth was just out for a little fun. We will prove that she did not commit a battery on Snow White, and that the Evil..., I mean, Meth Queen, should prevail in this case.

JUDGE: The plaintiff’s attorney may call his/her first witness.

PLAINTIFF’S
ATTORNEY: Plaintiff calls Don Dorfman.

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

DON DORFMAN: I do.

PLAINTIFF'S
ATTORNEY: Please state your name.

DON DORFMAN: My name is Don Dorfman. My friends call me Dopey.

PLAINTIFF'S
ATTORNEY: Now where were you on the evening of March 1, 2005?

DON DORFMAN: I was with my friends, we all went to the movies, and were just hanging out, when I saw Meth Queen. I knew Meth from another school I attended, and invited her to hang with us. After a while, she offered Snow White and me an apple, and Snow White took it, and ate it.

PLAINTIFF'S
ATTORNEY: Didn't you try one of her apples?

DON DORFMAN: Naw, never touch the stuff. I eat candy. I had some licorice left from the movies. I ate licorice all night. I just said no thanks, easy as that.

PLAINTIFF'S
ATTORNEY: Can you tell us what happened after that?

DON DORFMAN: Well, first Snow White got real talkative, like really silly, talking a mile a minute, acting like I never saw her before. And then she just collapsed, like she was exhausted, and we couldn't wake her up. I called 911 and an ambulance came and took her to the hospital.

PLAINTIFF'S
ATTORNEY: What was Meth doing all the while Snow White was acting unusual and before she collapsed?

DON DORFMAN: She kept saying, isn't it cool? Don't you just love how you feel? Dopey, give it a try. You can be cool too. I didn't know then, but I learned later that she had put a drug in the apple.

DEFENSE
ATTORNEY: Objection, this witness is not competent to testify as to the ingredients of the apple. He is testifying upon hearsay! Move that his last comment be stricken!

JUDGE: Yes, sir, you are not an expert witness, and you are not permitted to testify as to what someone else told you. That is hearsay. The objection is sustained, and the jury is directed to disregard the comment about her putting a drug in the apple. You may proceed, counsel.

PLAINTIFF'S
ATTORNEY: Thank you. No further questions. I'm finished with this witness.

JUDGE: Do you have any questions counselor?

DEFENSE
ATTORNEY: Yes, your honor. Is Snow White in the habit of taking things from strangers?

DON DORFMAN : We didn't consider Meth a stranger. We all knew her; we thought she was a friend.

DEFENSE
ATTORNEY: So you really don't think that Meth would do something like put drugs in an apple for another friend, do you?

DON DORFMAN: All I know is that she kept asking Snow White how it was. Wasn't it cool? Things like that. I never heard anyone talk about an apple like that before.

DEFENSE
ATTORNEY: How about you, did you give Snow White some licorice that night?

DON DORFMAN: I believe I did.

DEFENSE
ATTORNEY: Did she eat it.

DON DORFMAN: I believe she did.

DEFENSE
ATTORNEY: No further questions.

JUDGE: You may step down Mr. Dorfman. Now the Plaintiff may call their next witness.

PLAINTIFF'S
ATTORNEY: Dr. Marcus Willobee.

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

DR. WILLOBEE: I do.

PLAINTIFF'S
ATTORNEY: Please state your name.

DR. WILLOBEE: My name is Marcus Willobee

PLAINTIFF'S
ATTORNEY: And can you tell the jury your occupation?

DR. WILLOBEE: Yes, I am a physician and toxicologist, licensed to practice medicine in the State of West Virginia, and I work at City Hospital. I did the toxicology screen on an apple and some licorice provided to me by the Plaintiff's attorney.

DEFENSE
ATTORNEY: Your Honor, I object to Dr. Willobee testifying unless a foundation is laid that he is an expert witness.

JUDGE: Sustained. Ladies and Gentlemen of the jury, a witness usually may not give testimony in the nature of "opinions." As the old saying goes, we are interested in "just the facts." However, if scientific, technical, or other specialized knowledge will assist the jury to understand the evidence or to determinate a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion under certain conditions: if the testimony is based upon sufficient facts or data, if the testimony is the product of reliable principles and methods, and the witness has applied the principle and methods reliably to the facts of the case. Such a person is called an **EXPERT WITNESS**, and the jury should know that the Court has made a preliminary finding that this person meets the threshold

requirements of the expert witness rule for purposes of testifying, but the jury should not take from that that the Court expresses either its agreement or disagreement of the testimony to be offered. The weight and credence of any **EXPERT WITNESS** duly qualified to testify as such by a Judge is to be determined solely by the jury. All right counsel, you may lay a proper foundation for this witness.

PLAINTIFF'S
ATTORNEY:

Can you give us a brief description of your education, training, and experience as a toxicologist? First, what is a toxicologist?

DR. WILLOBEE:

A toxicologist is a physician or other specially trained individual who specializes in the study and treatment of toxins, poisons that affect bodily organs or functions. My training to become a toxicologist included an undergraduate degree in biology from Harvard College in 1980, a masters degree in toxicology from Yale, a medical degree from Georgetown Medical School in 1984, and post graduate training and residency in toxicology at St. Elizabeth's Hospital in Washington, D.C. I was Board Certified in toxicology in 1990. Since then, I have been engaged in the private practice of toxicology, and have been doing so for hospitals, governmental units, and others in West Virginia for the last ten years.

PLAINTIFF'S
ATTORNEY:

Can you tell the jury what Board Certification means?

DR. WILLOBEE:

Yes, It is a written comprehensive test in the area of your expertise that measures your competence and knowledge in a particular field of medicine. You don't have to be board certified to practice medicine, but I did take the boards, and passed them on the first try.

PLAINTIFF'S
ATTORNEY:

Your Honor, I would ask that this witness be qualified as an expert toxicologist and to give opinions touching on his expertise.

JUDGE:

Motion granted.

PLAINTIFF'S
ATTORNEY:

What is a toxicology screen?

DR. WILLOBEE: We take a sample of someone's blood, and we can also test other substances for the presence of toxic chemicals. In this case we tested Snow White's blood, and we also tested the apple given Snow White by Meth Queen, and a sample of the licorice given to Snow White by Dopey, and we ran it through certain specialized equipment to determine if there was any alcohol or other controlled substances in the blood or the samples.

PLAINTIFF'S
ATTORNEY:

And what did you find with respect to the samples?

DR. WILLOBEE: The licorice contained no drugs. The apple was positive for methamphetamine, sometimes called Meth, or crystal meth, as was Snow White's blood sample.

PLAINTIFF'S
ATTORNEY:

Doctor, can you tell us a little bit about meth?

DR. WILLOBEE: It is a powerful, highly addictive central nervous system stimulant that is toxic to humans.

PLAINTIFF'S
ATTORNEY:

Is it addictive?

DR. WILLOBEE: Yes, about half of first time users report an intense desire to use it again after trying it once, and studies show that the vast majority of second time users begin a pattern of increasing use. Brain damage that occurs is referred to as "holes" in the brain and biochemical changes result in personality changes and other problems associated with meth use. These changes take place with the FIRST use of meth.

PLAINTIFF'S
ATTORNEY:

How does it affect the body or mind?

DR. WILLOBEE: It affects both the body and the mind. First time users say they feel great, but may not even realize they are high. It makes you feel good for a period of time, but then you just have to crash, and just sleep it off. It can also cause mental confusion, and memory loss. Prolonged use may cause serious consequences, including death.

PLAINTIFF'S

ATTORNEY: Now, sir, do you have an opinion, to a reasonable degree of certainty that the injuries to Snow White in this case were caused as a result of her ingesting illegal meth that was put into the apple?

DR. WILLOBEE: Most definitely. Apples are good for you. They don't contain meth. Someone had to put meth into the apple. Most people would be smart enough to refuse to try meth if they knew it was being offered to them. So yes, my opinion is that this apple, poisoned by the illegal drug meth, caused her injuries.

PLAINTIFF'S
ATTORNEY: Thank you doctor, your witness.

CROSS EXAMINATION

DEFENSE
ATTORNEY: Did you do a toxicology screen on Dopey?

DR. WILLOBEE: Yes, as a matter of fact, we did.

DEFENSE
ATTORNEY: You did not mention that in your testimony.

DR. WILLOBEE: You are correct, I did not.

DEFENSE
ATTORNEY: Why not, doctor?

DR. WILLOBEE: Well, it too was abnormal, but I didn't want to confuse the issues.

DEFENSE
ATTORNEY: So, are you are telling this jury that Dopey was tested positive for drugs also?

DR. WILLOBEE: No, Dopey didn't test positive for drugs. He just tested very high for blood sugar! He really should quit eating all that candy!

[JURORS LAUGH]

JUDGE: (BANG GAVEL) Order!

DEFENSE

ATTORNEY: Now Doctor, are you able to say that it was my client, Meth Queen, who put this drug into the apple that you tested?

DR. WILLOBEE: I was not there. I did not see her do it. I cannot testify one way or the other.

DEFENSE
ATTORNEY: No further questions.

JUDGE: You may step down Dr. Willobee. Next witness please.

PLAINTIFF'S
ATTORNEY: I would like to call Snow White to the stand.

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

SNOW WHITE: I do.

PLAINTIFF'S
ATTORNEY: Please state your name.

SNOW WHITE: My name is Snow White.

PLAINTIFF'S
ATTORNEY: Now, I want to take you back to March 1, 2005? Do you remember being out with your friends?

SNOW WHITE: I don't remember it very well, I don't remember anything after I tasted Meth's apple. But I remember I was out with the Dorfman brothers—there are seven of them, you know. Big family. Actually, the Dorfman's are all short. But you know what I mean. There were several other girls too, and we all went to the movies. After the movie, Dopey called over Meth, who he said was really cool. Well, like I said, she offered me an apple. I took a bite, and I don't remember too much after that.

PLAINTIFF'S
ATTORNEY: (WALK up to Snow White and show her the apple) Let me show you what has been marked Exhibit A. Have you ever seen this apple before?

SNOW WHITE: Yes, that is what was left of the apple that I was given by Meth, the same apple we gave to Dr. Willobee to test.

PLAINTIFF'S
ATTORNEY: What do you next remember about this incident?

SNOW WHITE: I remember waking up in the hospital, three days later.

PLAINTIFF'S
ATTORNEY: Can you tell us what your hospital expenses were?

SNOW WHITE: Yes, ten thousand dollars.

PLAINTIFF'S
ATTORNEY: Did you have any other problems as a result of ingesting this drug?

SNOW WHITE: Yes, I have trouble with my memory. I feel humiliated! Everyone thinks I'm really stupid for taking drugs, and they don't know I took it by accident! People call me by names now, like Snow White, the crack Queen! And I never took illegal drugs in my life. I never would. And I missed the prom while I was in the hospital!

PLAINTIFF'S
ATTORNEY: Did you have a prom date?

SNOW WHITE: Yes I did, Dopey Dorfman. He really got me the nicest bouquet even though I couldn't go to the prom. He sent it to my hospital room. It was made out of licorice.

PLAINTIFF'S
ATTORNEY: You may inquire.

DEFENSE
ATTORNEY: Just a few questions, Your Honor. Isn't it possible that you took this drug on your own, Miss White, before you even tasted the apple?

SNOW WHITE: That is not possible. I'm not that stupid to take illegal drugs. Like I said, I never took illegal drugs in my life, and never would. It is bad for my health, and I take care of myself.

DEFENSE

ATTORNEY: Well, how can you be sure the drug you ingested was in the apple given to you by Meth?

SNOW WHITE: All I can tell you is what happened to me after I tasted it. Someone else will have to tell you what was in it.

DEFENSE

ATTORNEY: No further questions, Your Honor.

JUDGE: You may step down Ms. White.

PLAINTIFF'S

ATTORNEY: The State rests, Your Honor.

JUDGE: Does the Defense have any witnesses?

DEFENSE

ATTORNEY: The Defense calls Meth Queen, Your Honor.

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

METH QUEEN: I do.

DEFENSE

ATTORNEY: Can you state your name, please?

METH QUEEN: My name is Meth, you know, sounds like Beth, Meth Queen.

DEFENSE

ATTORNEY: Did you give Snow White an apple on March 1, 2005 after the movies?

METH QUEEN: I did.

DEFENSE

ATTORNEY: Did you put any illegal drugs in the apple before giving it to Snow White?

METH QUEEN: I did not!

DEFENSE

ATTORNEY: No further questions!

CROSS-EXAMINATION

PLAINTIFF'S

ATTORNEY: You say you didn't put any illegal drugs in the apple before giving it to Snow White?

METH QUEEN: I did not.

PLAINTIFF'S

ATTORNEY: Then why did you keep asking her how she felt, if she felt it was cool, if she liked it?

METH QUEEN: I thought the apple might be rotten. I was just asking her if it tasted alright.

PLAINTIFF'S

ATTORNEY: You mean you gave her an apple you thought might be rotten?

METH QUEEN: I did not put anything in that apple.

PLAINTIFF'S

ATTORNEY Well, Ms. Queen, if you didn't put anything in that apple who did?

METH QUEEN: My boyfriend may have. I got the apples from him.

PLAINTIFF'S

ATTORNEY: What's your boyfriend's name?

METH QUEEN: He doesn't live here anymore, and I don't remember his name. I just met him that night.

PLAINTIFF'S

ATTORNEY: You had a new boyfriend, he gave you apples, you don't even know his name, and you gave the apples to others. Did you try one yourself?

METH QUEEN: Oh yes, it was good. It made me feel good. That's why I wanted to make sure Snow White's was not rotten.

PLAINTIFF'S
ATTORNEY:

No further questions.

JUDGE:

You may step down, Ms. Queen.

DEFENSE
ATTORNEY:

The defense rests.

JUDGE:

O.K., ladies and gentlemen of the jury, you will now hear the closing arguments - first of Ms. White's Attorney and then from the Defense Counsel.

PLAINTIFF'S
ATTORNEY:

Ladies and Gentlemen of the jury, this is an open and shut case. Meth Queen admits she gave Snow White the apple. Whether or not she put a drug in it is not the issue. If she knew it was drugged, and she still gave it to Snow White, then it is a battery, whether or not she is the one who put the drugs in the apple. She had tasted one of the apples by her own admission. It felt good. When did an apple ever feel good? And why else would she be asking Snow White if she liked the way it felt, if she felt cool, if she felt good. She knew alright. She knew she had given Snow White an illegal drug. Snow White took the apple innocently, unknowing it was poisoned, and suffered serious injuries, which you have heard her explain. We believe we have proved our case by a preponderance of the evidence, and that you should return a verdict for plaintiff in an amount that will fully compensate her for her injuries sustained.

JUDGE:

Now we may hear the Defense Attorney.

DEFENSE
ATTORNEY:

Ladies and Gentlemen of the jury, there had been evidence that this apple contained meth. But there has been no direct evidence tying this drug to my client! She testified herself she did not put it in the apple. And she tried one of the apples. Do you think she would have tasted one of the apples if she thought it was harmful? She only gave Snow White what she was willing to eat herself. My client doesn't know why Snow White got sick. Maybe she just ate a rotten apple. But it was not my client's fault. You should find in favor of Meth Queen.

JUDGE:

It is now time for you, the jury, to deliberate on this matter and determine which party has proven their case by a

PREPONDERANCE OF THE EVIDENCE. If you find that the plaintiff's case and Ms. Snow White is more convincing than the defendant's (Meth Queen) case, then you should find for the plaintiff. If you find that the evidence is equal, or that the defendant's case is more convincing than the plaintiff's then you should find for the defendant. If you find for the plaintiff, you will award such damages as will fully and fairly compensate her for all her losses sustained as a result of this injury. 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.

AFTER THE JURY DELIBERATES AND COMES BACK TO THEIR SEATS:

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

FOREPERSON: We have, Your Honor.

JUDGE: Will the defendant please stand. You may read the verdict.

FOREPERSON: _____ *We find in favor of the plaintiff, Snow White, and find that The Evil Queen did put meth in the apple. We award damages in the amount of _____ to her for compensation.*

OR

_____ *We the jury, find in favor of Meth Queen, and against the Plaintiff, Snow White.*

JUDGE: So say you all?

JURY: Yes.

JUDGE: We hope you have enjoyed learning about the civil justice system, and you may now ask questions!

*Script written by Patrick S. Cassidy, President
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