

**TAB 3**  
**ADDITIONAL INFORMATION**

## Main Steps In A Trial

### *THROUGH THESE STEPS, THE JURORS WILL DECIDE THE VERDICT!*

1. **OPENING OF A CRIMINAL/CIVIL TRIAL**  
Judge comes in courtroom, names the case and asks if the prosecution/  
plaintiff and defense attorneys are ready
2. **OPENING STATEMENTS BY ATTORNEYS**  
Prosecuting attorneys go first, introduce themselves and state what they  
intend to prove. Defense attorneys then introduce themselves and  
explain the evidence on their side that will deny what the other side is  
attempting to prove
3. **WITNESSES OF THE STATE OR PLAINTIFF** They are sworn in –  
prosecutor/plaintiff witnesses go first and then defense witnesses
4. **DIRECT EXAMINATION OF WITNESSES** Questioning by  
prosecuting/plaintiff attorney
5. **CROSS EXAMINATION OF WITNESSES** Questioning by opposing  
lawyers
6. **DEFENSE WITNESSES** Direct examination by defense attorney and  
then cross-examined by prosecuting attorney/plaintiff attorney
7. **CLOSING ARGUMENTS** Summary of testimony first by  
prosecuting/plaintiff attorney, then by defense attorney
8. **INSTRUCTIONS OF LAW BY THE COURT** The directions given by  
the Judge to the Jury concerning the law relating to the case
9. **JURY DELIBERATIONS** Jury discusses trial to decide guilt or innocence  
based on the testimony and evidence provided during trial
10. **VERDICT** Guilty (on the charge/charges) or not guilty  
(in a “real” trial – no set time and verdict must be a unanimous  
decision. If the jury cannot agree, it’s called a mistrial!) In a civil case,  
damages must be decided

## TRIAL VOCABULARY (1 of 3)

**Attorney** – A person who practices law.

**Bailiff** – An officer who is in charge of maintaining order in a court of law.

**Beyond a Reasonable Doubt** – The Burden of proof in a criminal case required to establish the guilt of a person charged with a crime.

**Civil Case** – A case in which both the plaintiff and the defendant are private individuals and which is a legal proceeding to resolve a private dispute among people.

**Civil Justice System** – The network of courts and tribunals which deal with disputes involving one person complaining about something another person did or failed to do.

**Closing Arguments** – The final statements by an attorney to jury, summarizing the evidence, and arguing what the evidence has or has not established.

**Contracts** An agreement between two or more parties to do or not to do a certain thing, whether written or oral.

**Convict** - To prove that someone is guilty as a matter of law.

**Court** – A place where justice is administered.

**Crime** – An act or an action that is against the criminal law, or a failure to do what the criminal law requires.

**Criminal Case** – A case in which the State is the plaintiff and in which the defendant is a person charged with having committed a crime.

**Criminal Justice System** – The network of courts and tribunals which deal with criminal law and its enforcement.

**Cross-examine** – To question a witness called by the opposing side, or a hostile or other adversarial witness called by a party.

**Damages** – A loss, detriment, or injury to one's person, property or rights, through the unlawful act or omission or negligence of another.

**Defendant** – A person against whom a criminal charge or civil claim is brought in a court of law.

## TRIAL VOCABULARY (2 of 3)

**Deliberations** – The act of jurors talking to each other and coming to a decision on the charges or crimes of a trial.

**Evidence** – Something that gives proof of a contested fact.

**Foreman/Foreperson** – The presiding member of a jury who speaks or answers for the jury.

**Guilty**– Having been convicted by a jury of having done something wrong.

**Indictment** – A serious charge of criminal wrongdoing which must later be proved at trial beyond a reasonable doubt before a defendant may be convicted.

**Injunction** – A court order prohibiting a party from a specific course of action.

**Innocent** – Not guilty of a crime or fault.

**Instructions On The Law** – A direction given by the judge to the jury concerning the law of the case, usually at the end of the case and just before jury deliberations.

**Irrelevant** – Not important, pertinent to the matter at hand or to any issue before the court.

**Judge** – An official who can conduct hearings and decide on cases in a court of law.

**Jury** - A certain number of persons selected according to law and sworn in to inquire into matters of fact and declare the truth about matters of fact before them.

**Law** – A rule made by a country, state, or town for the people there.

**Negligence** – Acting in a way that fails to conform with a specific standard of conduct, thereby putting others at risk for injury.

**Negligent Homicide** – A criminal offense that is committed by a person whose negligence is the direct cause of another person's death.

**Objection** – A lawyer's protest about the legal propriety of a question which has been asked of a witness by the opposing attorney, with the purpose of making the trial judge decide if the question can be asked.

## **TRIAL VOCABULARY (3 of 3)**

**Opening Statement** – Summary of nature of case and of anticipated proof presented by counsel to jury at the start of a trial.

**Overruled** – In trial practice, for a Judge to disagree that an attorney's objection, as to a question, is valid.

**Plaintiff** – The person who brings a civil law suit, or in the case of a criminal case, the State or Federal government.

**Preponderance of the evidence** – The greater weight of the evidence: superior evidentiary weight that, though not sufficient to free the mind wholly from all reasonable doubt, is still sufficient to incline a fair and impartial mind to one side of the issue rather than the other. (Burden of Proof in a civil trial)

**Prosecuting Attorney** – The name of the public officer who is appointed or elected in each judicial district, circuit, or county, to conduct criminal prosecutions on behalf of the State or people.

**Reporter** – Someone in charge of making a record of all court proceedings.

**Rests** – The attorneys representing either side of the case are finished with their witnesses.

**Rebuttal** – Evidence introduced to counter, disprove or contradict the opposition's evidence or a presumption, or responsive legal argument.

**Speculation** – Just guessing about a particular situation.

**Sustain** – In trial practice, for a judge to agree that an attorney's objection, as to a question, is valid.

**Testify** – To give evidence under oath.

**Trial** – The examination and deciding of a case brought before a court of law.

**Verdict** - The decision made by a jury at the end of the trial.

**Verdict Form** – A form given to the Jury Foreperson on which to write the decision that is made by the jury at the closing of a trial.

**Voir Dire** – Meaning "To speak the truth," it is the name given to that part of the trial when the court and parties attempt to seat a fair and impartial jury.

**Witness** – Someone who is called to testify before a court of law.

## **SAMPLE PRESS RELEASE:**

### **The WALs Foundation Mock Trials at \_\_\_\_\_**

Recognizing that all children are at-risk for juvenile delinquency behavior, The WALs (Wheeling Academy of Law and Science) Foundation has designed a mock trial project that brings the system of American justice to life as it addresses the subject of substance abuse, most recently prescription drug abuse. The West Virginia Department of Education Next Generation Content Standard and Objective (SS.PD.5.C) for teachers that states “students will assume a role in a mock trial” can also be completed.

The goal of the Foundation is to demonstrate the objective of justice and workings of our civil and criminal justice system by allowing students to act out the roles of lawyers, witnesses, jurors and more, based on factual case scenarios (scripts) prepared by the Foundation. The scripts portray the unfortunate circumstances that can occur when the choice is made to abuse drugs, leading right up to a day in court where the defendant’s future depends on the decision of twelve strangers who have been chosen to decide his/her fate.

“Prescription drug abuse came on the scene several years ago and our scripts reflected this issue as it was emerging. It has become a huge problem in an epidemic stage in West Virginia among our youth today,” says Barbara Knutsen, Executive Director of the WALs Foundation. “The goal of this project is to educate students about the dangers of prescription drug abuse through innovative, creative and active participation in the demonstration process.”

This trial is a criminal case and it involves teens taking another person’s prescription drugs, crashing the car and one person dying in the accident. The other two teens involved find themselves being charged with possession, distribution and involuntary manslaughter. Unfortunately, it’s a real life scenario. All students participate – they are the ones that decide the fate of these defendants.

The mock trial takes place on two consecutive days in the classroom. All West Virginia 5<sup>th</sup> grade teachers receive an invitation to participate and information on how to access the established web based program that includes a teachers manual, resources, dvd’s along with paper gavel bracelets for students that teachers just simply: print out – cut out – hand out! On the first day, teachers or guest speakers present pre-trial discussion, talk about the prescription drug problem in WV and its negative effects, pass out student handouts, and explain the steps in a trial in detail, along with a short rehearsal of the script to make the students comfortable with where they sit/stand for each part.

On the second day, a volunteer lawyer \_\_\_\_\_ plays the role of Judge, and students wear appropriate props for their mock trial roles. After completion of the trial, students participate in a question and answer series with the “Judge” and receive the paper gavel bracelets that read: ‘I participated in a mock trial to KNOCK OUT DRUGS!’

Over 13,000 students, in 12 WV counties, participated in the mock trial project since 2004 before expanding in 2013 to all 20,000+ West Virginia 5<sup>th</sup> grade students. The West Virginia Department of Education distributes information to all West Virginia 5<sup>th</sup> grade teachers inviting them to participate in an established web based program that will help satisfy the Next Generation Standard and Objective in social studies.

**TEACHERS - YOU CAN USE THIS BY CALLING AHEAD AND REQUESTING SOMEONE ATTEND FROM YOUR LOCAL PAPER, RADIO OR TV STATION OR YOU CAN ALSO SUBMIT THIS RELEASE, A PICTURE FROM THE MOCK TRIAL THAT INCLUDES APPROPRIATE NAMES AND YOUR SCHOOL, AFTER THE MOCK TRIAL**

DRUG LAWS IN WEST VIRGINIA  
(pertaining to the script)

The charges are Possession, Distribution and Involuntary Manslaughter

**W.Va. Code 60A-4-401**

**60A-4-401. Prohibited acts A; penalties – POSSESSION/DISTRIBUTION**

- (a) Except as authorized by this chapter, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance

Any person who violates this subsection with respect to:

- (i) ...  
(ii) Any other controlled substance, classified in Schedule I, II or III, is guilty of a felony and upon conviction, may be imprisoned in the penitentiary for not less than one year nor more than five years, or fined not more than fifteen thousand dollars, or both.

**60A-2-206. Schedule II**

- (a) Schedule II consists of the drugs and other substances by whatever official name, common or usual name, chemical name, or brand name designation, listed in this section...  
(d) (1) Amphetamine

**W.Va. Code 61-2-5**

**5. Involuntary manslaughter; penalty – INVOLUNTARY MANSLAUGHTER**

Involuntary manslaughter is a misdemeanor, and any person convicted thereof shall be confined in jail not to exceed one year, or fined not to exceed one thousand dollars, or both, in the discretion of the court.

Involuntary manslaughter is not defined by statute but has since 1946 in State v. Barker 128 WV 744, 38 SE2d 346, been defined as “the unintentional taking of the life of another in the doing of an unlawful act, or the unlawful doing of a lawful act.”

*Thank you for participating in*

*THE WALIS Foundation Mock Trial Program*

*Together, through this educational outreach program, we can bring the American Justice system to life as we discuss the issues and dangers of prescription drug abuse which is currently in an epidemic stage in West Virginia.*

*ALSO, year after year, as a 5<sup>th</sup> grade West Virginia teacher, you can also complete the Next Generation Standard and Objective in Social Studies:  
Performance Descriptor: SS.PD.5.C  
Fifth grade students will "assume a role in a mock trial."*

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