

MOCK TRIAL SCRIPT

Bailiff: All rise. *[Wait for everyone-except the judge- to stand.]* Department One of the Superior Court is now in session. Judge *(first name)* presiding. Please be seated.

Judge: Good morning, ladies and gentlemen. Calling the case of the People of the State of North Carolina versus *(defendant's first name)*. Are both sides ready?

Prosecuting Attorney: Ready for the People, Your Honor.

Defense Attorney: Ready for the defense, Your Honor.

Judge: Will the clerk please swear in the jury?

Clerk: Will the jury please stand and raise your right hand? *[Wait for everyone to stand.]* Do each of you swear that you will fairly try the case before this court, and that you will return a true verdict according to the evidence and the instructions of the court, so help you, God? Please say "I do". *[Wait for jurors to say "I do."]* You may be seated.

[Guide: The first thing that happens in a trial is called opening statements. This is when each attorney can tell the jury what evidence they will present during the trial. The prosecution goes first and the defense goes next.]

Judge: (say the defendant's name) How do you plead to the charges against you?

Defendant: Not guilty, Your Honor.

Judge: Prosecution, you may proceed with opening statements.

Prosecution: *[Stand up and talk to the jury.]* Thank you, Your Honor and ladies and gentlemen of the jury: the defendant has been charged with the crime of _____. The evidence will show that _____. The evidence I present will prove to you that the defendant is guilty as charged. *[Sit back down]*

Defense: *[Stand up and talk to the jury.]* Your Honor and ladies and gentlemen of the jury: under the law my client is presumed innocent until proven guilty. During this trial, you will hear no real evidence against my client. You will come to know the truth: that (defendant's first name) was just _____-. Therefore my client is not guilty.

5 *[Guide: After the opening statements, witnesses are called to testify about what they know about the case. Sometimes the attorneys want to show physical things—like a weapon or a photograph—to the jury. These things are called exhibits. The jury may only consider an exhibit*

if the judge admits the exhibit into evidence when they meet to decide if the defendant is guilty or not guilty.]

Judge: The prosecution may call its first witness.

Prosecution: The People call _____ *[Bailiff takes the witness to the witness stand.]*

Clerk: Please stand. Raise your right hand. Do you promise that the testimony you shall give in the case before this court shall be the truth, the whole truth, and nothing but the truth, so help you God?

Witness: I do.

Clerk: Please state your first and last name.

Witness: *[Give your first and last name.]*

[The witness is questioned]

Prosecution: Thank you. I have no further questions

Judge: Would the defense like to cross-examine the witness?

[After this witness is questioned, the Defense will cross-examine the witness if they choose]

Defense: Thank you. I have no further questions.

Judge: The witness is excused. *[Wait for the witness to leave the stand.]* Does the prosecution have any other witnesses?

Prosecution: Yes, Your Honor. The People call _____ *[Bailiff takes the witness to the witness stand.]*

[This process will continue for each witness]

Judge: Does the prosecution rest?

Prosecution: *[Stand up.]* Yes, Your Honor.

[We will take a brief recess as the defense prepares to question their witnesses]

Judge: Is the defense ready with its case?

Defense: Yes, Your Honor. I call the defendant/or other witnesses. *[Under the Bill of Rights, a person who is accused of a crime cannot be forced to testify at their own criminal trial.]*

[Bailiff takes the defendant/witness to the witness stand.]

Clerk: Please stand. Raise your right hand. Do you promise that the testimony you shall give in the case before this court shall be the truth, the whole truth, and nothing but the truth, so help you God?

Witness: I do.

Clerk: Please state your first and last name.

Witness: *[Give your first and last name.]*

[The defense witness is questioned]

Defense: Thank you. I have no further questions

[After this witness is questioned, the Prosecution will cross-examine the witness if they choose]

Judge: Would the prosecution like to cross-examine the witness?

[Prosecutor cross-examines the defense's witness]

Prosecution: Thank you. I have no further questions.

Judge: The witness is excused. *[Wait for the witness to leave the stand.]* Does the defense have any other witnesses?

[This process will continue for each witness]

Judge: Does the defense rest?

Defense: *[Stand up.]* Yes, Your Honor.

Judge: Prosecutors, in a moment you may proceed with your closing arguments. First, I will address the jury with instructions to consider as they hear the final arguments.

Guide: [To the jury] The final arguments are the attorneys' last chance to talk to the jury about the evidence and to try to convince you to see the case the way they do.

[The prosecution will give their closing arguments first, then the defense will give theirs. If time allows, the prosecution is allowed a rebuttal (the final word)]

Guide: [To the jury] All of the evidence has now been presented. At this time, the judge will tell you the law you must apply in what are called jury instructions. Listen very carefully to the _____ things the judge will tell you that the prosecution must prove.]

Judge: Ladies and gentlemen of the jury, I am now going to read to you the law that you must follow in deciding this case. To prove the crime charged against the defendant, the prosecution must prove _____ things to you: First, that the defendant _____; Second, that the defendant _____; and Third, that the defendant intended to _____. (ETC.) If each of you believes that the prosecution proved all of these things beyond a reasonable doubt, then you should find the defendant guilty. But if you believe the prosecution did not prove any one of these things beyond a reasonable doubt, then you must find the defendant not guilty. Proof beyond a reasonable doubt does not mean beyond all possible doubt. It means that you must consider all of the evidence, and that you are very sure that the charge is true.

Judge: Prosecutors, are you ready with final arguments?

Prosecution: Yes, Your Honor.

Judge: Defense, are you ready?

Defense: Yes, Your Honor.

Prosecution: *[Stand up and face the jury.]* Your Honor, and ladies and gentlemen of the jury: The judge has told you that we must prove three things. There is absolutely no question about _____ . According to what the judge just told you, that is all we have to prove. Based on the evidence, you must find the defendant guilty.

Defense: *[Stand up and face the jury.]* Your Honor, ladies and gentlemen of the jury: (name of defendant) was _____. Remember that under the law my client is presumed to be innocent. The prosecution must prove _____ beyond a reasonable doubt – that means that you must be very sure. One of the things they must prove is that my client _____. The prosecution has presented no real evidence to you to show that this is not true. That means that there is a reasonable doubt and, therefore, you must find [him/her] not guilty.

Judge: We will take another brief recess to allow the jury to reach the decision.

Guide: [To the jury] The next step in the trial is when the jury decides whether the defendant is guilty or not guilty. Remember, “not guilty” is not the same thing as “innocent.” If all jurors are unanimous in their decision, this is the jury’s verdict. You have heard several witnesses testify,

including the defendant. It is up to each of you to decide if you believe a witness was telling the truth or not. You should consider how the witness behaved on the stand and use your own common sense in deciding whether or not a witness was telling the truth. Remember that it is up to the prosecution to prove the defendant is guilty. The defense does not have to prove the defendant is innocent; if the prosecution has not proven its case, then the defendant is not guilty. Also, remember that you can only say the defendant is guilty if the prosecution has proven all of the things the judge told you beyond a reasonable doubt. As the judge told you, beyond a reasonable doubt means that you must be very sure. That means that you will still be sure tomorrow or next week or next year. It does not mean any doubt you can think up in your imagination. We won't have you leave the room right now but we will quickly pick a jury foreperson and give the jury a few minutes to see if they can reach a verdict.

Judge: Will the jury foreperson please stand? Has the jury reached a unanimous verdict?

Foreperson: *(Answer yes or no)*

Guide: [If the answer is yes] If the jury has reached a verdict, the clerk will get the verdict form from the foreperson and hand it to the judge. The judge will read it silently before handing it back to the clerk for the reading of the verdict. If the answer is no see below about a hung jury.

Judge: Please hand your decision to the clerk, who will read the judgement.

Clerk: The jury finds the defendant [guilty/not guilty.]

Judge: The sentence for a guilty verdict in this case is _____. (The judge can say anything, last word) The jury is thanked and excused. Court is adjourned.