

Mock Criminal Trial

New Judge School 2016-2017

Characters: Judge, Prosecutor, Defendant Jerry Petersen, State Trooper Mark Richards

****Bailiff Calls Court to Order****

Judge: Please be seated. We are here on case number 123456 the state of Texas v Jerry Petersen. Is the prosecution ready to proceed? (Looks to the bailiff)

Judge: Is the prosecutor not here yet?

Bailiff: No, your honor.

Trooper Richards: Judge, I'm here and can tell you what happened.

Judge: Thank you, officer, but I cannot proceed to hear testimony without the state. What I can do is proceed, but that will mean finding the defendant not guilty because the state will have presented no evidence.

****Prosecutor walks in the door quickly.****

DA: I'm so sorry your honor. There was a lot of traffic and I was held up on a phone call with a witness in one of my other cases. My apologies. I am here now and ready to being, your honor.

Judge: Ok, you are usually so prompt. Please don't change your habits now, ma'am.

DA: Yes, your honor. Again, I'm sorry.

Judge: Mr. Petersen, are you ready:

Defendant: Yes

Judge: Very good. Mr. Petersen, I see that you waived your right to a jury trial in writing, so I will be deciding the outcome of this case. But first, let me review a few things. Sir, you do have a right to counsel. The rules of evidence and other laws apply to these proceedings and it is often helpful to have an attorney to assist you. Do you still wish to proceed without an attorney?

DEF: Yes, judge.

Judge: You are not required to testify and no one may make you testify. If you decide not to testify, I will not use the fact that you did into testify as evidence against you. Choosing to remain silent cannot be used against you. Do you understand this right?

DEF: Yes.

Judge: State, please read the complaint.

DA: ****Reads the complaint.****

Judge: State, do you have an opening statement?

DA: Yes. On October 9th, Mr. Petersen was seen speeding by Trooper Richards north on 130. Trooper Richards stopped the defendant and issued a citation. That is what we are here for today. Mr. Petersen is guilty of driving 85 in a 75 MPH zone.

Judge: Mr. Petersen you may present an opening statement now, wait until the state rests their case, or waive your opening.

DEF: I don't have anything to say right now.

Judge: Ok, state, call your first witness.

DA: The state calls Trooper Mark Richards.

****Trooper Richards takes the stand****

Judge: Please raise your right hand. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth?

TRP: I do.

Judge: State, you may proceed.

DA: Please tell us briefly about your education and your background in law enforcement, Trooper Richards.

TRP: This is my 7th year with DPS. I went to Mary-Hardin Baylor and then went straight into the Round Rock police academy. After working for the city for 2 years, I applied at DPS and was hired. I've been there ever since.

DA: Were you working on October 9th?

TRP: Yes, I was

DA: Did you make any traffic stops around noon?

TRP: Yes, I stopped a red Toyota pick-up truck that was northbound on 130.

DA: Why did you stop this truck?

TRP: It was moving in excess of the posted speed limit. The speed limit is 70 on that stretch of 130 and the driver was going 85.

DA: How do you know?

TRP: I had my calibrated radar device aimed at the truck when it approached. There was not much traffic, so I know I was picking up the truck.

DA: Was this here, in Williamson County?

TRP: Yes

DA: What happened when you stopped the truck?

TRP: It was a typical traffic stop. I had a professional interaction with the defendant and he was pleasant. I explained why I stopped him and issued him a ticket. I asked him to please slow down.

DA: What did he say?

TRP: He said ...

DEF: Judge, is he allowed to say what I said?

Judge: I will take that as an objection. It is overruled. The state may ask the trooper to testify to what you said because you are the opposing party from the state. State, you may proceed.

DA: What did the person you stopped say?

TRP: He said, "I know I was speeding, but I was just passing the other car."

DA: Do you see the man you stopped in the red truck that day in the courtroom?

TRP: Yes.

DA: Would you please point to him and tell us what he's wearing?

TRP: He's the gentleman right over there wearing

DA: Nothing further.

Judge: Mr. Petersen, do you have any questions?

DEF: Yes, trooper, didn't you see that I was passing another car at that time?

TRP: I did not notice that.

DEF: Weren't there other cars on the road?

TRP: A few.

DEF: So I was just trying to pass someone, not just speeding along.

TRP: As I recall, you were going over the posted speed limit.

DEF: Do you remember what the weather was like that day?

DA: Objection. Relevance.

Judge: Overruled. The weather may be important to the driving conditions. You may answer, Trooper Richards.

TRP: I don't remember, no.

DEF: Then how are you so sure there wasn't another car that I was passing?

TRP: What I am sure of is that you were speeding, which is a violation for the law.

Judge: Anything further, Mr. Petersen?

DEF: No.

Judge: State call your next witness.

DA: The state rests.

Judge: Mr. Petersen, do you wish to make any opening remarks at this time?

DEF: No.

Judge: Do you wish to present any witnesses, testify or present any record or documents? You do not have to do any of these things because the state has the burden of proof.

DEF: No, I think I made my point.

Judge: We will proceed to closing. State?

ST: Judge, as you heard, it was a routine traffic stop. The defendant was speeding and should be held responsible for his actions. He is guilty.

Judge: Mr. Petersen.

DEF: Judge, I might have been slightly speeding at the moment, but I promise it was only for a minute and just to pass another car. Trooper Richards seems nice enough, but he can't remember what the weather was like that day, so how can he remember if there was another car that I was passing? I shouldn't have to pay this ticket.

Judge: Ok thank you to both the prosecutor and defendant. Having heard the testimony and evidence, I am ready to rule