

The Supreme Court of Canada

Photographs by Philippe Landreville

MOCK TRIAL



GENERAL INTRODUCTION

A criminal trial unfolds before a single judge, who is in some cases assisted by a jury composed of 12 jurors. Defence counsel represents the accused, who is presumed innocent. Crown counsel acts on behalf of the prosecution, presenting evidence to the court to prove beyond a reasonable doubt that the accused is guilty. This is done by, among other things, having witnesses describe what they saw, heard or experienced. The trial ends with a verdict declaring the accused guilty or not guilty. If the verdict is guilty, a sentence is then imposed by the judge.

Please note that the enclosed documents are intended solely as instructions for a game created to make the legal process more accessible to school groups. Consequently, many formalities have been omitted, such as having the witnesses swear an oath and requiring the jury to reach a unanimous verdict.



HOW TO HOLD A MOCK TRIAL

Step 1: Setting clear limits

Before you start the mock trial, you should set very clear limits: each counsel may only ask two questions to each witness, objections are not permitted and the witnesses do not swear an oath. You should also remind students that the trial is only a simulation and is being conducted for strictly educational purposes. It is best to construct the case around the theft of an object like a book, a camera or sports equipment.

Step 2: Selecting volunteers

Pick five volunteers, preferably people who speak loudly and are comfortable speaking in front of a group or in public. Each volunteer will play one of the following roles: victim, accused, defence counsel, Crown counsel and judge. The victim is Crown counsel's witness and the accused is defence counsel's witness. Each witness will be examined by his or her own counsel and cross-examined by opposing counsel. The rest of the group will be the members of the jury; tell them they will have to reach a verdict at the end of the mock trial.

Step 3: Setting the stage

You can set the stage by asking the first volunteer questions to find out if he or she plays sports or collects anything in particular. You can use the answers to create a fictitious situation (prepare an outline) in which a particular item has been stolen. Once this is done, everyone takes his or her position in the courtroom and the mock trial begins. The trial can be adapted to the students' needs and to the educational objectives you have set for your class.

Step 4: Taking stock

It is recommended that, at the end of the mock trial, you review this experience with the students and that you then explain the characteristics of the subsequent levels of the Canadian judicial system to help them understand the steps of a possible appeal process, including an appeal to the Supreme Court of Canada.

The teacher's role

The teacher's role is to be a facilitator throughout the mock trial and to ensure that the established procedure is followed.



SAMPLE MOCK TRIAL

THEFT OF A BOOK OR A SOCCER BALL

Facts

(The teacher sets out the facts after deciding, with the five volunteers, what item has been stolen.)

The victim went into a store to purchase a book or a soccer ball and slipped and fell on the way out, hitting his (her) head on the ground. A few seconds later, the victim slowly got up, realized that the item he (she) had purchased was gone and saw someone running away on the other side of the street. The person resembled the accused, whom the police arrested near the scene of the crime. What must be determined today is whether or not the accused is guilty of theft.

Sources of the law

Criminal offences can be found in the Canadian Criminal Code or in another law of a criminal nature enacted by the Parliament of Canada. For more information, we invite you to visit the Department of Justice's Web site at the following address: www.justice.gc.ca

Procedure

First witness (the victim)

1. Crown counsel stands and calls his (her) witness to testify.
2. Crown counsel asks the witness two questions and then sits down.
3. Defence counsel stands and cross-examines the witness by asking two questions, and then sits down.

Second witness (the accused)

1. Defence counsel stands and calls his (her) witness to testify.
2. Defence counsel asks the witness two questions and then sits down.
3. Defence counsel stands and cross-examines the witness by asking two questions, and then sits down.

Instructions to the jury

The judge asks the jury two questions and then announces the verdict, which is based on the jury's answers.

End of the trial

The mock trial ends once the judge has announced the verdict.

Please note that this information package includes sample questions for counsel and sample instructions to the jury for the judge.

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CROWN COUNSEL

To the judge:

Your Honour, I would like to call **(name of the victim)** to the stand.

To the victim:

1. Could you please tell the Court what happened on the day of the theft?
2. Could you please describe the person who stole your (name the item) and point at him (her) if he (she) is in the courtroom today?

The Crown rests, Your Honour.

To the accused (cross-examination):

If the accused answered that he or she has seen the victim before:

1. Why were you running away?
2. Did it occur to you to help the victim?

If the accused answered that he or she has never seen the victim before:

1. If you did not steal the (name the item), how do you explain the fact that the victim was able to describe you to the police?

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DEFENCE COUNSEL

To the victim (cross-examination):

1. Is it possible that after you fell down your vision was blurry and that you did not get a good look at the person who stole your (name the item)?
2. If the person was running away, how were you able to see him (her) well enough to describe him (her) to the police?

To the judge:

Your Honour, I would like to call
(name of the accused) to the stand.

To the accused:

1. Have you ever seen the victim before?
2. Where were you on the day of the theft?

The defence rests, Your Honour.

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JUDGE

Members of the jury, you have heard the evidence. You must decide whether the accused is guilty beyond a reasonable doubt.

I call upon the jury for the verdict.

- All those who find the accused guilty, raise your hand.
- All those who find the accused not guilty, raise your hand.

Guilty

The accused has been found guilty.
I sentence him (her) to 2 years in prison.

Not Guilty

The accused has been found not guilty.
You may leave the Court freely.

The Court is adjourned.