

MOCK TRIAL

SCENARIO 2-VANDALISM

SCENARIO AND FACTS OF THE CASE

Someone has vandalized an outside wall of the school overnight. The next morning, an individual who lives near the school notified the principal that while walking their dog early that morning, they saw a person carrying a large backpack running from the schoolyard. The witness indicated that they recognized the person, who lives near them. The accused person claims to be innocent, and says that they saw two other people in the schoolyard putting cans of paint into a bag before running off. The mock trial will determine whether or not the accused person is guilty of vandalism.



INTRODUCTION

A criminal trial is heard by a single judge, who may be assisted by a jury of 12 jurors. **Defence counsel** is the lawyer for the accused person, who is presumed to be innocent. **Crown counsel** acts on behalf of the prosecution, presenting evidence to the court to prove beyond a reasonable doubt* that the accused person is guilty. **Witnesses** describe what they saw, heard or experienced in response to counsel's questions. The trial ends with a verdict declaring the accused person guilty or not guilty. If the verdict is guilty, a sentence, or punishment, is then imposed by **the judge**.

This activity aims to make the legal process more accessible to students. Many aspects of a criminal trial have been omitted, such as having the witnesses swear an oath and requiring the jury to reach a unanimous verdict. Additionally, this mock trial is different than the hearings that take place at the Supreme Court of Canada. The Supreme Court is Canada's final court of appeal, which means that it re-examines cases decided in lower courts. Lawyers present their arguments and judges make and render a decision.

This mock trial scenario can be adapted to the students' needs and to the learning objectives you have set for your class.

* "Beyond a reasonable doubt" means that the judge or the members of the jury (depending on the trial) are certain, based on the evidence presented at the trial, that the accused person is guilty. This does not mean that they are absolutely certain (100%), but that a very high degree of certainty must be present for a guilty verdict to be rendered. It is not enough for the judge or the jury to find that the accused person is probably guilty. If that is the case, the accused person will have to be acquitted.

SOURCES OF 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, consult the Department of Justice's website at www.justice.gc.ca.

INFORMATION ABOUT VISITS AND RESERVATIONS

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1-866-360-1522
Email: tour-visite@scc-csc.ca
Website: www.scc-csc.ca

THE PROCESS

1. SET CLEAR LIMITS

Remind students that the trial is a simulation conducted for educational purposes and explain the limits of the activity. Each counsel will ask only 2 questions to each witness, objections are not permitted and the witnesses do not swear an oath. Keep in mind that some students could find this activity upsetting.

2. SELECT VOLUNTEERS AND SET THE STAGE

Pick 5 volunteers to play the following roles:

- **Witness**
- **Accused person**
- **Crown counsel**
- **Defence counsel**
- **Judge**

Each witness will be examined by their own counsel and cross-examined by the other party's counsel. The rest of the group will act as **the jury** who will have to reach a verdict at the end of the mock trial.

3. PRESENT THE CASE

Describe the case to the group and explain each person's role in the mock trial. Make sure that all volunteers are comfortable with their role. Give the Crown counsel, defence counsel and judge handouts to the volunteers playing these roles.

4. HOLD THE MOCK TRIAL

The witness will be the first witness to take the stand, followed by the accused person. The Crown and the defence will examine and cross-examine both witnesses, then the judge will instruct the jury to reach a verdict. The mock trial ends once the judge has announced the verdict. All the questions are provided as examples. You can modify them or write additional questions.

5. DEBRIEF

At the end of the mock trial, review the experience with the students. Explain the levels of the Canadian judicial system and the steps of an appeal process, including an appeal to the Supreme Court of Canada. For more information, please consult the "**Judicial work**" page of our website: www.scc-csc.ca

CROWN COUNSEL
TO THE JUDGE

Crown counsel stands up

Justice **[last name]**, I would like to call **[name of witness]** to the stand.

CROWN COUNSEL
TO THE WITNESS (EXAMINATION)

- Could you please tell the Court what you saw when you arrived near school early in the morning of **[date]**?
- Were you able to get a good look at this person's face and what they were doing?

The Crown rests, Justice **[last name]**.

Crown counsel sits down

DEFENCE COUNSEL

Cross-examination of the witness

Examination of the accused person

CROWN COUNSEL
TO THE ACCUSED PERSON
(CROSS-EXAMINATION)

Crown counsel stands up

- Why were you at school early in the morning of **[date]**?
- Why did you have a big backpack with you, and what did it contain?

No further questions, Justice **[last name]**.

Crown counsel sits down

JUDGE

The verdict is chosen

The Court is adjourned

CROWN COUNSEL

*Examination of the witness***DEFENCE COUNSEL**
TO THE WITNESS (CROSS-EXAMINATION)*Defence counsel stands up*

- Are you sure that the person you saw this morning is indeed the accused person present here in the courtroom today?
- Are you absolutely certain that there was no one else in or around the schoolyard when you saw the accused person?

No further questions, Justice [last name].**DEFENCE COUNSEL**
TO THE JUDGEJustice **[last name]**, I would like to call
[name of accused person] to the stand.**DEFENCE COUNSEL**
TO THE ACCUSED PERSON
(EXAMINATION)

- Where were you last night and early this morning?
- What did you see in and around the schoolyard at that time?

The defence rests, Justice [last name].*Defence counsel sits down*

CROWN COUNSEL

Cross-examination of the accused person

JUDGE

*The verdict is chosen**The Court is adjourned*

CROWN COUNSEL*Examination of the witness***DEFENCE COUNSEL***Cross-examination of the witness**Examination of the accused person***CROWN COUNSEL***Cross-examination of the accused person***JUDGE
TO THE JURY**

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

**JUDGE
CALL FOR THE VERDICT**

I call upon the jury for the verdict.

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

For the purposes of this activity, choose the verdict for which the majority voted. Note that in a criminal jury trial for a person to be found guilty, unanimity is required.

**JUDGE
THE VERDICT****GUILTY****OR****NOT GUILTY**

The accused person has been found guilty. I sentence you to 30 hours of community service and you must clean the school wall.

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

**JUDGE
CLOSING WORDS**

The Court is adjourned.