

Mock Trial Script:

The Case of a Stolen Car

Mock Trial Script

BAILIFF: All rise. Department One of the Superior Court is now in session. Judge (Judge name) presiding. Please be seated.

JUDGE: Good morning, ladies and gentlemen. Calling the case of the People of the State of California versus (defendant's first and last name). Are both sides ready?

DISTRICT ATTORNEY: Ready for the People, Your Honor.

PUBLIC DEFENDER: Ready for the defense, Your Honor.

JUDGE: Will the bailiff please swear in the jury?

BAILIFF: Will the jury please stand and raise your right hand? 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." You may be seated.

DISTRICT ATTORNEY: Your Honor, ladies and gentlemen of the jury: the defendant has been charged with the crime of driving or taking a car belonging to someone else, without the permission of the owner. The evidence will show that a 2004 Corvette was stolen on the night of February 8th. The next day the defendant was arrested driving the stolen car. The defendant's fingerprints were on the keys used to steal the car. The evidence I present will prove to you that the defendant is guilty as charged.

PUBLIC DEFENDER: Your Honor, 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 name) was just

riding in a car stolen by someone else. After finding out the car was stolen, (defendant) was just trying to do the right thing by returning the car to its owner. Therefore, my client is not guilty.

JUDGE: The prosecution may call its first witness.

DISTRICT ATTORNEY: The People call the owner of the vehicle, (name of witness).

BAILIFF: 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?

CAR OWNER: I do.

BAILIFF: Please state your first and last name for the court. You may be seated.

DISTRICT ATTORNEY: Where do you work?

CAR OWNER: I own Riverside Car Sales.

DISTRICT ATTORNEY: What is the address of your business?

CAR OWNER: 4800 Magnolia Avenue in Riverside, California.

DISTRICT ATTORNEY: Were you working there on February 8th?

CAR OWNER: I was.

DISTRICT ATTORNEY: Was one of the cars that you had for sale a 2014 black Dodge Charger, California license plate 5CBX239?

CAR OWNER: Yes, it was.

DISTRICT ATTORNEY: Did you see that specific car in the parking lot on February 8th?

CAR OWNER: Yes. The car was parked when we closed that night.

DISTRICT ATTORNEY: Did you see the car again on February 9th?

CAR OWNER: No. It was missing from the parking lot when I got to work that morning.

DISTRICT ATTORNEY: Where were the keys to the vehicle when you left on February 8th?

CAR OWNER: They were locked in the sales office.

DISTRICT ATTORNEY: Where were the keys when you came back the next morning?

CAR OWNER: They were still locked in the sales office.

DISTRICT ATTORNEY: Did you file a stolen car report with the police?

CAR OWNER: Yes, I did.

DISTRICT ATTORNEY: Had you given anyone, including the defendant, permission to take or drive the vehicle?

CAR OWNER: No, I did not.

DISTRICT ATTORNEY: Thank you, I have no further questions.

JUDGE: Does the defense have any questions?

PUBLIC DEFENDER: Not at this time, Your Honor.

JUDGE: The witness is excused. The prosecution may call the next witness.

DISTRICT ATTORNEY: The People call the arresting officer.

BAILIFF: 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?

OFFICER: I do.

BAILIFF: Please state your first and last name. You may be seated.

DISTRICT ATTORNEY: Officer, where do you work?

OFFICER: I have worked for the California Highway Patrol for the past 10 years.

DISTRICT ATTORNEY: Were you on duty on the afternoon of February 9th?

OFFICER: Yes, I was patrolling the freeway between Riverside and Ontario.

DISTRICT ATTORNEY: Did you observe a black 2014 Dodge Charger that afternoon?

OFFICER: Yes, I did.

DISTRICT ATTORNEY: What was the license plate number?

OFFICER: It was a California license plate, 5CBX239.

DISTRICT ATTORNEY: Where did you first see the car?

OFFICER: Going west, near the exit to Jurupa Valley.

DISTRICT ATTORNEY: Why did you notice the car?

OFFICER: It fit the description of a vehicle that was on a list of stolen vehicles I received during roll call earlier in my shift.

DISTRICT ATTORNEY: Did you stop the vehicle?

OFFICER: Yes. I turned on my lights and siren and pulled the vehicle over.

DISTRICT ATTORNEY: Where did you stop the car?

OFFICER: About half a mile west of the Jurupa Valley exit on Highway 60.

DISTRICT ATTORNEY: What did you do after the car stopped?

OFFICER: I ordered the driver to step out and I arrested them.

DISTRICT ATTORNEY: Do you see the driver here in court?

OFFICER: Yes. (Point to defendant).

DISTRICT ATTORNEY: The record will show that the witness has identified the defendant sitting at the defense table. After you arrested the defendant, did you search the car?

OFFICER: Yes.

DISTRICT ATTORNEY: What did you find?

OFFICER: I found a set of keys in the ignition.

DISTRICT ATTORNEY: (Show keys) Are these the keys you found?

OFFICER: Yes.

DISTRICT ATTORNEY: Your Honor, I would like to have these keys marked as people's exhibit number one and ask that they be admitted into evidence.

JUDGE: Does the defense have any objection?

PUBLIC DEFENDER: No, Your Honor.

JUDGE: The keys will be admitted as People's exhibit number one.

DISTRICT ATTORNEY: Officer, was there anything unusual about these keys?

OFFICER: Yes. Based on my experience as a highway patrol officer, they looked like shaved master keys.

DISTRICT ATTORNEY: Can you please tell the jury what shaved master keys are?

OFFICER: Yes. They are keys that have been filed down so that they will start all models of a type of car. They are used as tools to steal cars.

DISTRICT ATTORNEY: I have no further questions.

JUDGE: Does the defense wish to ask any questions?

PUBLIC DEFENDER: Yes, Your Honor.

PUBLIC DEFENDER: Officer, when you pulled the car over, you ordered my client to turn off the ignition, didn't you?

OFFICER: Yes, I did.

PUBLIC DEFENDER: So you saw the defendant touch the keys?

OFFICER: Yes.

PUBLIC DEFENDER: Do you know how far Riverside Car Sales is from the freeway?

OFFICER: Yes, it's about three miles from there.

PUBLIC DEFENDER: Thank you. I have no further questions.

JUDGE: The witness is excused. Does the prosecution have any other witnesses?

DISTRICT ATTORNEY: Yes, Your Honor. The People call the fingerprint examiner.

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

EXPERT: I do.

BAILIFF: Please state your first and last name. You may be seated.

DISTRICT ATTORNEY: Where do you work?

EXPERT: I am employed by the Contra Costa County Sheriff's Department. I have been a qualified fingerprint examiner for 10 years.

DISTRICT ATTORNEY: Have you ever seen these keys before?

EXPERT: Yes. I was asked to check them for fingerprints at my lab.

DISTRICT ATTORNEY: Did you find any fingerprints on the keys as a result of your testing?

EXPERT: Yes. There were several clear impressions.

DISTRICT ATTORNEY: Were you able to identify the defendant's prints on the keys?

EXPERT: Yes. The prints I found on two of the keys were identical to the fingerprints taken from the defendant.

DISTRICT ATTORNEY: Thank you. I have no further questions and no other witnesses, Your Honor.

JUDGE: Does the defense have any questions?

PUBLIC DEFENDER: Yes, Your Honor. As a matter of fact, you also found fingerprints on the keys which did not belong to the defendant, didn't you?

EXPERT: That is correct.

PUBLIC DEFENDER: To whom do they belong?

EXPERT: I don't know.

PUBLIC DEFENDER: Thank you. I have no further questions.

JUDGE: The witness is excused.

DISTRICT ATTORNEY: Your Honor, the People rest their case.

JUDGE: Is the defense ready with its case?

PUBLIC DEFENDER: Yes, Your Honor. I call the defendant.

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

DEFENDANT: I do.

BAILIFF: Please state your name. You may be seated.

PUBLIC DEFENDER: Where were you on the afternoon of February 9th?

DEFENDANT: I was at the 7-11 Store on Magnolia Avenue on the west side of Riverside.

PUBLIC DEFENDER: Did you see a 2014 black Dodge Charger at that location?

DEFENDANT: Yes. A guy pulled into the parking lot driving it.

PUBLIC DEFENDER: Did you talk to the driver?

DEFENDANT: Yes, I asked him how fast it was.

PUBLIC DEFENDER: What did he say?

DEFENDANT: He said to get into the car and he would show me.

PUBLIC DEFENDER: What did you do then?

DEFENDANT: I got in the car and he drove onto the freeway going west towards Jurupa Valley.
He was driving really fast.

PUBLIC DEFENDER: Do you know what the driver's name was?

DEFENDANT: Yes. He told me his name was Rick.

PUBLIC DEFENDER: What was his last name?

DEFENDANT: I don't know. He never told me.

PUBLIC DEFENDER: Had you ever met him before?

DEFENDANT: No.

PUBLIC DEFENDER: Did he tell you where he got the car?

DEFENDANT: He said he had stolen the car.

PUBLIC DEFENDER: When did he tell you that?

DEFENDANT: When we were on the freeway.

PUBLIC DEFENDER: How far did you ride with him?

DEFENDANT: About 20 minutes. He didn't stop before then.

PUBLIC DEFENDER: What happened when you reached Jurupa Valley?

DEFENDANT: He said he was getting out and that I could have the car.

PUBLIC DEFENDER: Did you take the car at that time?

DEFENDANT: Yes.

PUBLIC DEFENDER: Where did you go?

DEFENDANT: I started to drive to Riverside so I could return the car.

PUBLIC DEFENDER: How did you know where to return it to?

DEFENDANT: Rick told me he took it from a car lot in Riverside.

PUBLIC DEFENDER: Where were you when the officer arrested you?

DEFENDANT: On the freeway, just before the exit to Jurupa Valley.

PUBLIC DEFENDER: Do these keys belong to you?

DEFENDANT: No.

PUBLIC DEFENDER: Have you ever seen them before?

DEFENDANT: Yes. They were in the Dodge.

PUBLIC DEFENDER: Did you touch them?

DEFENDANT: Yes, when I turned the car off after the officer stopped me.

PUBLIC DEFENDER: Thank you. I have no further questions and no other witnesses, Your Honor.

JUDGE: Does the prosecution have any questions?

DISTRICT ATTORNEY: Yes, Your Honor. What does this "Rick" look like?

DEFENDANT: I don't remember exactly. He had dark hair.

DISTRICT ATTORNEY: What kind of clothes was he wearing?

DEFENDANT: I'm not sure. Jeans, I think. A t-shirt.

DISTRICT ATTORNEY: So you just got into this car with someone that you didn't know and had never even seen before?

DEFENDANT: Yes. I had never been in a Charger before.

DISTRICT ATTORNEY: Did it occur to you at any time to call the police?

DEFENDANT: Sure. But there wasn't a phone where we stopped, and I don't have a cell phone. Once I started back, I just kept driving.

DISTRICT ATTORNEY: You wanted to drive the Dodge because it was a fast car, didn't you?

DEFENDANT: I guess so.

DISTRICT ATTORNEY: You knew the car was stolen at the time you were driving it, didn't you?

DEFENDANT: Yes.

DISTRICT ATTORNEY: Thank you. I have no further questions.

JUDGE: The witness is excused. Does the defense rest?

PUBLIC DEFENDER: Yes, Your Honor.

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 three things to you: First, that the defendant drove or took a car belonging to someone else; Second, that the owner did not give the defendant permission to drive or take the car; and Third, that the defendant intended to take away the owner's right to have the car, either permanently or temporarily. If each of you believes that the prosecution proved all three of these things beyond a reasonable doubt, then you should find the defendant guilty. 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: Are you ready with final arguments?

DISTRICT ATTORNEY: Yes, Your Honor.

PUBLIC DEFENDER: Yes, Your Honor.

DISTRICT ATTORNEY: 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 the first two things we must prove. First, the defendant was arrested driving a car belonging to the owner of Riverside Car Sales. Second, the owner testified that no one, including the defendant, had permission to drive or take the Charger. Therefore, all we have to prove is that the defendant drove the car and intended to keep it away from the owner for at least a little while. The defendant admitted wanting

to drive the Dodge because it was fast. The defendant knew the car was stolen, and said that they even thought about calling the police before driving it. But the defendant didn't even try to walk to a telephone instead of driving the car and didn't even try to stop anywhere to call police. That shows that the defendant intended to keep the car for at least a little while. 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.

PUBLIC DEFENDER: Your Honor and ladies and gentlemen of the jury, my client was unlucky enough to get into a car with a man who had stolen that vehicle. They got into the car because they admittedly had never been in a Charger before. My client's fingerprints were found on the keys because they had to touch them when the officer pulled the car over. But the prosecution's own expert told you that other fingerprints were found on those keys that were not identified. I suggest to you that they belong to the real thief: Rick. My client is an honest person and was only trying to return the car to its owner. If they meant to keep the car, why would they drive it back to Riverside? Remember that under the law my client is presumed to be innocent. The prosecution must prove every part of its case beyond a reasonable doubt-that means you must be very sure. One of the things they must prove is that my client intended to keep the car from the owner. My client is the only person who knows what they intended, and they testified under oath that they weren't trying to keep the car from its owner, but was trying to return it. The prosecution has presented no real evidence to you to show that this is not true. That means that there is reasonable doubt and, therefore, you must find my client not guilty.