**AK Mock Trial**

**The Roles [29]** Judge

 Bailiff

 Prosecution [2]

Mr. Switzer – Victim

Defense [2]

 Mrs. Tonissen – Defendant

 Fingerprint Expert

Mecklenburg County Clerk

Court Reporter

Court Photographer

Court Sketch Artist

Officer Herrera

Mr. Tulloch – Campus Security Associate

Mr./Ms. Sweetheart – Former Student, Character Witness

Mr./Ms. Nosy – Character Witness

Jurors: 12

**Pre-Trial Prep**

*Everyone who wishes to have a copy of their lines should print one in advance*

1. \_\_\_ / Court terms & definitions chart
2. Pre-Trial/Day-of Assignments
3. Reflection

**Pre-Trial Prep**

Define all of the following:

|  |  |
| --- | --- |
| Felony  |  |
| Character witness |  |
| Redirect  |  |
| Objection |  |
| Overruled |  |
| Sustained |  |
| Circumstantial evidence |  |
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***North Carolina vs. Leah Tonissen***

**Bailiff** [STAND]: All rise. The North Carolina Superior Court is now in session. The Honorable \_\_\_\_\_\_\_\_\_\_\_\_ presiding.

**Judge** [ENTER THE ROOM AND TAKE YOUR SEAT]: Please be seated. This is the case of *North Carolina vs. Mrs. Tonissen* which involves the charge that the defendant violated United States Code, Title 18, Part 1, Chapter 51a, Section 1112 and is now charged with the crime of unauthorized use of a vehicle offense, G.S. 14-72.2, the crime of stealing gasoline, G.S. 14-72.5 and possession of a stolen vehicle, G.S. 20-106. This is a felony offense in the state of North Carolina. [STRIKE THE GAVEL] 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? Please say “I do”. [Wait for jurors to say “I do.”]

**All Jury Members:** I do.

**Clerk**: You may be seated. [Jury will sit back down]

**Judge**: Court is now in session. How does the defendant plead?

**Defense Attorney**: [STAND AND THE DEFENDANT STANDS ALSO]: Not guilty, your honor.

**Judge**: Is the prosecution ready?

**Prosecution**: [STAND] Yes, Your Honor. [SIT DOWN]

**Judge**: Is the defense ready?

**Defense**: [STAND] Yes, Your Honor. [SIT DOWN]

**Judge**: [LOOK AT THE PROSECUTION] Counsel, you may proceed with your opening argument.

**Prosecution**: [STAND, WALK AROUND THE TABLE AND LOOK AT THE JUDGE AND THE JURY] Your Honor and 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 2017 Camaro, belonging to Mr. Switzer was stolen on October 21st, 2016. That afternoon 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. We will show that Mrs. Tonissen is a demanding teacher who will go to any means to achieve high student success. This teacher let that drive of high expectations of students overwhelm her, and in a moment of intense emotion, steal the car of the man who provided her with a job. The prosecution will also prove beyond the shadow of a doubt that the defendant does have motive in this case – high stakes motives of financial gain. From the evidence you hear, you will have no choice but to find the defendant guilty of the crime as charged. Thank you. [SIT DOWN]

**Judge**: Thank you. The Court will now hear the Defense’s opening statement.

**Defense** [STAND, WALK AROUND THE TABLE AND LOOK AT THE JUDGE AND 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. The defense intends to show this defendant is a victim of circumstantial evidence. You will come to know the truth: that Mrs. Tonissen was just catching a ride with a co-worker until she realized that she was riding in a car stolen by someone else. After finding out that the car was stolen, Mrs. Tonissen was just trying to do the right thing by returning the car to its owner. Therefore my client is not guilty. She is a dedicated, experienced teacher who would never break the law. She is guilty only of making her passion for civics known and has, therefore, become a victim herself of being a target to be framed for the crime in question.

**Judge**: Very well, the prosecution may proceed with their first witness.

**Prosecution** [STANDING]: Thank you, your Honor. The People call the owner of the car, Mr. Switzer.

**Judge**: Mr. Switzer, please take the stand. [Mr. Switzer STAND BY the witness chair]

**Bailiff** [ADDRESSING Mr. Switzer]: Raise your right hand. Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

**Mr. Switzer**: I do.

**Clerk**: State your name for the court please.

**Mr. Switzer:** David Switzer

**Clerk**: You may be seated.

**Prosecution**: [STANDING] Please state your occupation and where you work.

**Mr. Switzer:** I am the principal at Ardrey Kell High School.

**Prosecution:** What is the address of your school?

**Mr. Switzer:** 10220 Ardrey Kell Rd, Charlotte, North Carolina

**Prosecution:** Were you working there on Friday, October 21st, 2016?

**Mr. Switzer:** Yes, I was. We were having homecoming.

**Prosecution:** What kind of car do you drive?

**Mr. Switzer:** I recently purchased a 2017 blue Camaro.

**Prosecution:** What is the license plate number?

**Mr. Switzer:** My license number is 5CBX239. North Carolina tags.

**Prosecution:** Did you park the car in the school’s parking lot on Friday, October 21st, 2016?

**Mr. Switzer:** Yes. Since I love my job and my students at AK so much, I arrive at work every morning at 6 AM. I always park in the same spot. Like I said earlier, we were having homecoming that evening, so things were a little chaotic at school that day. Right after the bell rang, we had clubs meeting for the parade, we had a tailgate party for the students, and a wonderful football game to end the evening.

**Prosecution:** So the car was parked in the same spot all day?

**Mr. Switzer:** As far as I know. I didn’t leave to go anywhere. My job as a principal requires me to pay more attention to my students than my car. All I know is that after our WIN in the game, my car was missing when I returned to my parking spot.

**Prosecution:** Where were the keys to the Camaro while you were at school, the parade, the tailgate, and the game on October 21st, 2016?

**Mr. Switzer:** They were locked in my office.

**Prosecution:** Where were the keys when you came back to your office after that awesome football game and homecoming dance?

**Mr. Switzer:** They were still locked in my office.

**Prosecution:** Did you file a stolen car report with the police?

**Mr. Switzer:** Yes, I did. I went straight to Officer Herrera to report the crime.

**Prosecution:** Had you given anyone, including the defendant [POINT to Mrs. Tonissen], permission to take or drive the Camaro?

**Mr. Switzer:** No, I did not.

**Prosecution:** Thank you, I have no further questions

**Judge**: Does the defense have any questions?

**Defense**: Not at this time, Your Honor.

**Judge**: The witness is excused. [Wait for the witness to leave the stand.] The prosecution may call the next witness.

**Prosecution**: The People call the arresting officer. [BAILIFF shows the witness to the witness stand.]

**Bailiff**: [ADDRESSING Officer Herrera] Raise your right hand. Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

**Officer Herrera**: I do.

**Clerk**: Please state your first and last name.

**Officer Herrera**: Officer Julio Herrera.

**Clerk**: You may be seated.

**Prosecution**: [STANDING] Officer, where do you work?

**Officer Herrera**: I have worked for the Charlotte Mecklenburg Police Department for the past ten years.

**Prosecution**: Were you on duty October 21st, 2016?

**Officer Herrera**: Yes. I worked at Ardrey Kell on October 21st during the day. My friend wasn’t feeling well, so I took part of his patrol shift beginning at 2:30. I patrolled until 6:00 that night when I returned to the AK football game.

**Prosecution**: Did you observe a blue 2017 Camaro that afternoon?

**Officer Herrera**: Yes, I did.

**Prosecution**: What was the license number?

**Officer Herrera**: 5CBX239.

**Prosecution**: Where did you first see the car?

**Officer Herrera**: Going north, near Tom Short Road.

**Prosecution**: Why did you notice the car?

**Officer Herrera**: It fit the description of a car which was on our list of stolen vehicles.

**Prosecution**: Did you stop the Camaro?

**Officer Herrera**: Yes. I turned on my lights and siren and pulled the car over.

**Prosecution**: Where did you stop the car?

**Officer Herrera**: About half a mile before Polo Ridge Elementary School.

**Prosecution**: What did you do after the car stopped?

**Officer Herrera**: I ordered the driver to step out and I arrested her.

**Prosecution**: Do you see the driver here in court?

**Officer Herrera**: Yes, the record will show that the witness has identified the defendant sitting at the defense table [Point to Mrs. Tonissen.]

**Prosecution**: After you arrested the defendant, did you search the car?

**Officer Herrera**: Yes.

**Prosecution**: What did you find?

**Officer Herrera**: I found a set of keys in the ignition.

**Prosecution**: [Bring the script and keys with you. Show the keys to the witness.] Are these the keys you found?

**Officer Herrera**: [Look at keys.] Yes.

**Prosecution**: Your Honor, I would like to have these keys marked as people's exhibit number one and ask that they be admitted into evidence. [Give keys to clerk who will pretend to put a sticker on them and hand them back.]

**Judge**: Does the defense have any objection?

**Defense**: No, Your Honor.

**Judge**: The keys will be admitted as People’s exhibit number one.

**Prosecution**: Officer, was there anything unusual about these keys?

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

**Prosecution**: Can you please tell the jury what shaved master keys are?

**Officer Herrera**: 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.

**Prosecution**: I have no further questions.

**Judge**: Does the defense wish to ask any questions?

**Defense**: [STANDING] Yes, Your Honor.

**Defense**: Officer, when you pulled the car over, you ordered my client to turn off the ignition, didn’t you?

**Officer Herrera**: Yes, I did.

**Defense**: So you saw the defendant touch the keys?

**Officer Herrera**: Yes.

**Defense**: Do you know how far Polo Ridge Elementary is from Ardrey Kell High School?

**Officer Herrera**: Yes, it’s about 2 miles from there.

**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 the fingerprint examiner, \_\_\_\_\_\_\_\_\_\_\_\_\_\_.

[Bailiff guides the witness to the witness stand.]

**Bailiff**: [ADDRESSING FINGERPRINT EXPERT] Raise your right hand. Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

**Fingerprint Expert**: I do.

**Clerk**: Please state your first and last name.

**Fingerprint Expert**: [state your name]

**Clerk**: You may be seated.

**Prosecution**: [STANDING] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_[fingerprint expert’s name], where do you work?

**Fingerprint Expert**: I am employed by the Charlotte Mecklenburg County Sheriff's Department. I have been a qualified fingerprint examiner for 12 years.

**Prosecution**: [Take script and keys to the witness stand and show witness the keys.] Have you ever seen these keys before?

**Fingerprint Expert**: [Look at keys.] Yes. I was asked to check them for fingerprints at my lab.

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

**Fingerprint Expert**: Yes. There were several clear print impressions.

**Prosecution**: Were you able to identify the defendant’s [POINT AT Mrs. Tonissen] print’s on the keys?

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

**Prosecution**: Thank you. I have no further questions, Your Honor.

**Judge**: Does the defense have any questions?

**Defense**: [STANDING] Yes, Your Honor. [fingerprint expert’s name], as a matter of fact, you also found fingerprints on the keys which did not belong to the defendant, didn't you?

**Fingerprint Expert**: That is correct.

**Defense**: To whom do they belong?

**Fingerprint Expert**: I don't know.

**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 Mr./Ms. Nosy.

[Bailiff guides the witness to the witness stand.]

**Bailiff**: [ADDRESSING Nosy] Raise your right hand. Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

**Nosy**: I do.

**Clerk**: Please state your first and last name.

**Nosy**: [STATE your first name, \_\_\_\_\_\_\_\_\_\_\_\_ Nosy]

**Clerk**: You may be seated.

**Prosecution**: Please state your occupation and where you work.

**Nosy**: I am a student at Ardrey Kell High School.

**Prosecution**: Can you tell the court the information you witnessed regarding this case?

**Nosy**: I was in Mrs. Tonissen’s class on Thursday afternoon making up some work I had missed when I was out sick with the flu. We had this huge project due on Friday, so I decided to try and get all of my other work out of the way to give my attention to the project. I overheard Mrs. Tonissen talking with Mrs. Peach. Mrs. Tonissen was trying to have a private conversation but I couldn’t help but overhear. Mrs. Tonissen was talking about how the state of North Carolina should pay their teachers more and show more respect for the profession. Mrs. Tonissen stated that the only way she could ever have anything nice would be if she just took it.

**Defense:** [STANDING] Objection Your Honor. Hearsay.

**Judge:** Sustained.

**Prosecution**: How would you describe Mrs. Tonissen as a teacher?

**Nosy**: Well, she is very strict. I mean, the class is interesting, but she don’t let us play around or take a day off. She’s called my home before cause my grades were kinda bad.

**Prosecution**: Thank you, Mr./Ms. Nosy. I have no further questions, Your Honor.

**Judge**: Does the defense have any questions?

**Defense**: [Stand up.] Yes, Your Honor. Mr./Ms. Nosy, did you see the defendant steal the car from the parking lot on Friday October 21st, 2016?

**Nosy**: No.

**Defense**: Thank you Mr./Ms. Nosy. No further questions

**Judge**: Mr./Ms. Nosy, you may step down. [Nosy WALKS back to their seat]

**Prosecution**: Your Honor, the People rest their case.

**Judge**: Very well. Is the defense ready with it’s case?

**Defense**: Yes, Your Honor. I call the defendant, Mrs. Tonissen. [Bailiff guides the defendant to the witness stand.]

**Bailiff**: [ADDRESSING Mrs. Tonissen] Raise your right hand. Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

**Defendant**: I do.

**Clerk**: Please state your name.

**Defendant**: Leah Tonissen

**Clerk**: You may be seated.

**Defense**: Mrs. Tonissen, where were you on the afternoon of October 16th?

**Defendant**: I was at PetSmart in Blakeney getting my dog, Jack some treats and new toys. I also went to Chick Fil A for some nuggets.

**Defense**: Your Honor, I would like to have these receipts marked as plaintiff’s exhibit number one and ask that they be admitted into evidence. [Give receipts to clerk who will pretend to put a sticker on them and hand them back.]

**Judge**: Does the prosecution have any objection?

**Prosecution**: No, Your Honor.

**Judge**: The receipts will be admitted as plaintiff’s exhibit number one.

**Defense**: Did you see a 2017 blue Camaro at that location?

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

**Defense**: Did you talk to the driver?

**Defendant**: Yes, I asked him how fast it was. My husband has always wanted a sports car so I was thinking about getting him one for his birthday when I get a raise from the state of North Carolina. I am always looking out for the safety of others and I wanted to make sure that the car wasn’t too fast since my husband will be hauling around our young daughter, Kate.

**Defense**: I understand a mother looking out for her family. What did the man driving the Camaro say?

**Defendant**: He said to get in the car and he would show me. I usually don’t talk to strangers and I should have listened to my gut, but I trusted the guy for some reason. He looked like another teacher from Ardrey Kell that I know. I was thinking that he was a fellow teacher. Since I’m new to AK, I have 200 new colleagues and I thought that he was one of them.

**Defense**: I understand. That is a lot of new faces and names to learn. What did you do then?

**Defendant**: I got in the car and he drove towards Tom Short Road. He was driving really fast. I was scared for my life. I no longer felt safe.

**Defense**: Do you know what the driver’s name was?

**Defendant**: Yes. He told me his name was Jon.

**Defense**: What was his last name?

**Defendant**: I don't know. He never told me.

**Defense**: Had you ever met him before?

**Defendant**: No. Again, he looked very familiar, but I couldn’t place him. I guess I really should know who I work with.

**Defense**: Did he tell you where he got the car?

**Defendant**: He said he “borrowed” the car.

**Defense**: When did he tell you that?

**Defendant**: After we left the parking lot at Chick Fil A.

**Defense**: How far did you ride with him?

**Defendant**: To Polo Ridge Elementary. He didn't stop before then.

**Defense**: What happened when you reached Polo Ridge Elementary?

**Defendant**: He said he was getting out to walk home and I could have the car to give to my husband.

**Defense**: Did you take the car at that time?

**Defendant**: Yes.

**Defense**: Where did you go?

**Defendant**: I started to drive back to Ardrey Kell.

**Defense**: Why Ardrey Kell?

**Defendant**: Jon told me that he borrowed it from the boss at Ardrey Kell. I assumed that he meant Mr. Switzer. I had noticed his blue Camaro every day when I got to work. I was always just a little jealous.

**Defense**: Where were you when the officer arrested you?

**Defendant**: On Tom Short, just leaving Polo Ridge.

**Defense**: [Take keys up to the stand and show them to the defendant.] Do these keys belong to you?

**Defendant**: [Look at keys.] No.

**Defense**: Have you ever seen them before?

**Defendant**: Yes. They were in the Camaro.

**Defense**: Did you touch them?

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

**Defense**: Thank you, Mrs. Tonissen. I have no further questions. Your Honor.

**Judge**: Does the prosecution have any questions?

**Prosecution**: [Stand up.] Yes, Your Honor. Mrs. Tonissen, what did this "Jon" person look like?

**Defendant**: I don't remember exactly. He was bald and he was very friendly.

**Prosecution**: What kind of clothes was he wearing?

**Defendant**: He was wearing black plants and a golf polo.

**Prosecution**: 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 Camaro before and I wanted to know if this was going to be an option when I get my raise. Plus, like I said, Jon looked really familiar. I would be able to pick him out of a lineup. I think.

**Prosecution**: Did it occur to you at any time to call the police?

**Defendant**: Sure, but I had left my cell phone in my purse in my car at Chick Fil A. I can be forgetful sometimes. It’s because I put so much energy into my family and my job. I don’t always have time to take care of myself. Once I realized it was probably Mr. Switzer’s car, I just decided to take it back to AK and return it myself.

**Prosecution**: You wanted to drive the Camaro because it was a fast car, didn’t you?

**Defendant**: I guess so. But….

**Prosecution**: [cut Mrs. Tonissen off] You knew the car was stolen at the time you were driving it, didn’t you?

**Defendant**: Maybe, but I……

**Prosecution**: [cut Mrs. Tonissen off] Thank you. I have no further questions.

**Judge**: The witness is excused. [Wait for defendant to leave the stand.]

**Defense**: The defense calls \_\_\_\_\_\_\_\_\_\_\_\_\_ Sweetheart.

**Judge**: Mr./Ms. Sweetheart, please take the stand. [SWEETHEART TAKES THE STAND]

**Bailiff**: [ADDRESSING MRS. SWEETHEART] Raise your right hand. Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

**Sweetheart**: I do.

**Clerk**: Please state your name.

**Sweetheart**: \_\_\_\_\_\_\_\_\_\_\_\_\_ Sweetheart

**Clerk**: You may be seated.

**Defense**: Mr./Ms. Sweetheart, are you a student at Ardrey Kell High School?

**Sweetheart**: No, I was one of Mrs. Tonissen’s students before she transferred schools. I graduated 7 years ago. I am currently attending UNC Chapel Hill and will graduate next year from med school.

**Defense**: How would you describe her?

**Sweetheart**: She’s great. I would not be where I am today without her.

**Defense**: And why is that?

**Sweetheart**: I used to be a terrible student. I was flunking and was getting ready to drop out. She helped me so much – after school and even on weekends. She really changed my life.

**Defense**: Did she speak about breaking the law?

**Sweetheart**: Oh yes! But it within the context of the class. Part of the course that she teaches was law, so it was always just part of how she made the class interesting.

**Defense**: Thank you Mr./Ms. Sweetheart. No further questions.

**Judge**: Does the prosecution have any questions?

**Prosecution**: [Stand up.] No, Your Honor.

**Judge**: The witness is excused. [Wait for defendant to leave the stand.]

**Defense**: The defense calls Mr. Robert Tulloch.

**Judge**: Mr. Tulloch, please take the stand. [TULLOCH TAKES THE STAND]

**Bailiff**: [ADDRESSING MR. TULLOCH] Raise your right hand. Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

**Tulloch**: I do.

**Clerk**: Please state your name.

**Tulloch**: Wayne Tulloch.

**Clerk**: You may be seated.

**Defense:** Please state your occupation and place of work.

**Tulloch:** I am a Campus Security Associate at Ardrey Kell High School.

**Defense:** How well do you know the defendant?

**Tulloch:** I speak with her every morning during her planning period. She is quite dedicated to her job and the kids at AK.

**Defense**: Have you ever witnessed or known the defendant to steal or cut corners?

**Tulloch**: Of course not, the students and staff respect her a great deal.

**Defense**: Are you aware if Mrs. Tonissen was on campus on October 21st, 2016?

**Tulloch**: I saw Mrs. Tonissen Friday morning and a few times throughout the day. In reviewing the school’s surveillance tapes, it does appear the Mrs. Tonissen left campus around 4pm on Friday.

**Defense**: Is it unusual for a teacher to be on campus that late on a Friday afternoon?

**Tulloch**: Not really. The campus was buzzing with activity that afternoon since we were all participating in homecoming. Everyone was a bit distracted that day since it was a big night for our football team.

**Defense**: Thank you Mr. Tulloch, the defense has no further questions at this time.

**Judge**: Does the prosecution have any questions?

**Prosecution**: [Stand up.] Yes, Your Honor. Mr. Tulloch, you stated that there are security cameras on campus. Will you tell us what you found when you looked back at the security footage of the area where the Camaro was parked?

**Tulloch**: I was able to see the car leaving the parking lot around the same time that Mrs. Tonissen was leaving the building.

**Prosecution**: Thank you Mr. Tulloch, the prosecution has no further questions at this time.

**Defense:** Redirect your Honor?

**Judge:** You may proceed.

**Defense:** Mr. Tulloch, did you see Mrs. Tonissen leave in the Camaro from the Ardrey Kell parking lot?

**Tulloch:** Unfortunately, the camera directed at the area where the Camaro was parked must have been blown askew during the recent storms. I was able to see the car leaving the parking lot, but not who was driving the car.

**Defense**: Thank you Mr. Tulloch, the defense has no further questions at this time. The defense rests at this time.

**Judge**: The witness is excused. [WAIT for defendant to leave the stand.] 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 crimes 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, even if for a short time. 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. 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. It means that you must consider all of the evidence and that you are very sure that the charge is true. Your decision must be unanimous. [TO the defense and prosecution:] Are you ready with final arguments?

**Prosecution**: Yes, Your Honor.

**Defense**: Yes, Your Honor.

**Prosecution**: [STAND 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 the first two things we must prove. First, the defendant was arrested driving a car belonging to Mr. Switzer. Second, the owner testified that no one, including the defendant, had permission to drive or take the Camaro. 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 Camaro because it was fast. The defendant knew the car was stolen, and says that she even thought about calling the police before driving it. But the defendant didn’t even try to walk into Polo Ridge to use a telephone instead of driving the car and didn’t even try to stop anywhere between that school and AK to call the 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.

**Defense**: [STAND and FACE the jury.] Your Honor, ladies and gentlemen of the jury: Mrs. Tonissen was unlucky to get into a car with a man who had stolen that car. She got into the car because she thought she recognized the person behind the wheel and she had never been in a Camaro before. My client’s fingerprints were found on the keys because she 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 could not be identified. I suggest to you that they belong to the real thief: Jon. Mrs. Tonissen is an honest person and was only trying to return the car to its owner, Mr. Switzer. If she had meant to keep the car, why would she drive it back to Ardrey Kell? 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 that 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 she intended, and testified under oath that she wasn’t trying to keep the car from the 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 a reasonable doubt and, therefore, you must find Mrs. Tonissen not guilty.

**Judge**: The jury is excused to deliberate.

[The jury will be lead in their discussion by their Foreperson. Examine all of the evidence in the case to reach a verdict. Jury LEAVES the room]

[Jury RETURNS with their verdict]

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

**Foreperson**: [STANDING] We have your honor.

**Judge**: Will the defendant please rise? [Mrs. Tonissen and her attorney both stand] Will the jury foreman please read the verdict?

**Jury Foreman**: We the jury find the defendant guilty/not guilty as charged.

***IF GUILTY:***

**Judge**: The defendant, Leah Conway Tonissen, has been found guilty of unauthorized use of a vehicle, stealing gasoline, and possession of a stolen vehicle. Your sentencing is scheduled for December 2nd of 2017 in Court Room 502. This court is adjourned.

***IF NOT GUILTY:***

**Judge**: The defendant, Leah Conway Tonissen, has been found NOT guilty of unauthorized use of a vehicle, stealing gasoline, and possession of a stolen vehicle. This court is adjourned.

***IF THE JURY CANNOT REACH A VERDICT:***

Judge: The defendant, Leah Conway Tonissen, has not been found guilty of a crime due to the fact that the jury did not reach a unanimous agreement on the verdict. Since the jury hasn’t reached a verdict, I declare a hung jury and mistrial. The District Attorney’s office will decide if they want to have another trial in the case at a later date. This court is adjourned.