


Memo

To: Middle School Social Studies Teachers
From: Kandi L. Greter 
Public Education Coordinator
Supreme Court of Appeals of West Virginia
Date: August 17, 2012
Re: *West Virginia Law Adventure*

Enclosed please find the rules for the *West Virginia Law Adventure*, the middle school mock trial program of the Supreme Court of Appeals of West Virginia. All West Virginia middle school students are invited to participate in the writing competition during the 2012-2013 school year.

Unlike other mock trial programs in which students act out mock trial scripts written by adults, students participating in West Virginia Law Adventure must **write original mock trial scripts** based on one of the three scenarios in the official rules packet. Each scenario contains an indictment, a brief set of facts, and stipulations.

Final mock trial scripts **must be mailed to Kandi Greter by March 1, 2013**. One winner in each grade level and one winner for mixed grades will be chosen from scripts submitted by students and those classes will be invited to perform their scripts before one or more Supreme Court Justices in the Supreme Court Chamber on April 19, 2013.

West Virginia Law Adventure was approved for middle schools by the West Virginia Board of Education on February 14, 2008. It may be used to satisfy some social studies and writing CSOs (Content Standards and Objectives). In August 2010 the Justices of the Supreme Court of Appeals of West Virginia decided to extend the competition to all high school students and Joey Wiseman of The Department of Education agreed.

Schools are free to use the program as they wish. Because it is a writing-intensive project, Law Adventure could be used in English classes as well as social studies/civics classes. Teachers may decide to pull students from several classes to write a script together or to make it a project of one class, use it in one grade level or all grade levels, pit classes against each other or pit grades against each other, make it an after-school activity or before-school activity, or open it to all students. The competition will accept multiple scripts from the same school.

The point is for students to have fun while learning important lessons about our courts.

If you have any ideas, or questions about the program, please contact Public Education Coordinator Kandi Greter at Kandi.greter@courts.wv.gov or 304-340-2755.

West Virginia Law Adventure Guidelines

Welcome to the West Virginia Law Adventure, an educational program about our state's justice system for West Virginia middle school students. The Supreme Court of Appeals of West Virginia has worked collaboratively with the West Virginia State Bar, the Young Lawyers Section of the West Virginia State Bar, and the West Virginia Bar Foundation to provide this interactive learning experience, which was adapted with permission from the New Jersey State Bar Foundation's original, award-winning *Law Adventure Competition*.

1. Eligibility for 2012-2013 School Year

West Virginia middle school teachers, as well as parents of home-schooled children of middle age students, are invited to have their students write original mock trial cases based on one of the scenarios included in this guide. West Virginia Law Adventure is open to students in every middle school level, *i.e.*, Grade 6, 7, 8, or combined middle-school grade levels.

2. Requirements for Submissions

In order to be considered for an award and mock trial presentation before the Supreme Court of Appeals of West Virginia, case scripts must be the following:

- jury trials
- suitable for use in classrooms
- developed from one of the scenarios provided with these guidelines
- written by different students for each case submission
- accompanied by a completed cover letter for each case
- submitted by teachers on behalf of their classes, not by individual students
- **performed before a local magistrate, family court judge or circuit judge by February 28, 2013**
- **postmarked no later than March 1, 2013, and mailed to the Kandi Greter, Public Education Coordinator, West Virginia Supreme Court of Appeals, 1900 Kanawha Blvd. East, Building 1, Room E-100, Charleston, WV 25305**, for review and selection of one winner per grade level (Grades 6, 7, 8,) and one winner for the combined grade level.

Teachers may enter as many cases as they wish from each grade level or from combined grade levels, but there must be a separate entry form for each case, and each case must be written by different students.

In order to involve as many students as possible, teachers are encouraged to involve an entire class or students from several classes in the project rather than just a few students. Entries written by a combination of students in different grade levels are allowed and will be judged in the combined grade level.

Teachers are encouraged to have students who have not participated in writing the case to serve as jurors or have students who wrote one case serve as jurors on another case.

To be eligible for the competition, each class must go to their local courthouse for a performance of their mock trial in front of a magistrate, family court judge, or circuit judge by February 28, 2013. You may contact Kandi Greter for assistance in arranging your courthouse visit. Please note that judges' dockets are set months in advance, so the local court should be contacted early in the school year to set a date. The local judicial officer will preside in the trial, give students tips on how to make the scripts more realistic, and answer questions about the judicial branch of government.

After performance at the local courthouse, **case scripts must be sent to Kandi Greter, Public Education Coordinator, West Virginia Supreme Court of Appeals, 1900 Kanawha Blvd. East, Building 1, Room E-100, Charleston, WV 25305, by March 1, 2013**, to be eligible for the competition. Entries postmarked after that date will not be considered. The Young Lawyers will choose one winner in each grade level and one winner for the combined grade level. The winning classes will be invited to the Supreme Court Chamber at the State Capitol in Charleston to perform their trials in front of a Supreme Court justice.

3. Cost of Travel to Local Courthouses and Winners to the Supreme Court in Charleston

The West Virginia Bar Foundation, the Young Lawyers Section of the West Virginia State Bar, and the Supreme Court of Appeals of West Virginia will reimburse the cost of transporting classes to their local courthouses and the winning classes to the Supreme Court Chamber at the State Capitol in Charleston. Transportation invoices may be submitted to Kandi Greter, Public Education Coordinator, 1900 Kanawha Blvd. E. Bldg. 1, Room E -100, Charleston, WV 25305.

4. Technical Assistance

West Virginia teachers are encouraged to work with their students on their mock trial scripts throughout the fall. Teachers are invited to seek the assistance of local attorneys. Teachers may also call the West Virginia State Bar at (866) 989-8227, for a list of attorneys willing to assist.

Kandi Greter of the Supreme Court Administrative Office, Division of Children's Services, is available to assist with questions about these guidelines and scheduling mock trials at local courthouses. She is available at (304) 340-2755, or Kandi.Greter@courtsww.gov.

5. Tips for the Writing Process

Students must write a trial script based on one of the three case scenarios presented in this rules packet: robbery and conspiracy, obtaining a prescription by fraud or forgery, or murder.

Each mock trial must have at least two witnesses for each side, *i.e.*, two for the prosecution and two for the defense. Because the defendant cannot be forced to testify in the American court system, the defense team should strategize about whether to have the defendant take the witness stand.

While there is no limit on the number of witnesses, the total trial – including jury deliberation – should last no longer than forty-five (45) minutes. Please keep facts and witness statements concise without sacrificing content.

The prosecution and the defense each may have up to two attorneys, although both do not have to have speaking roles. There also may be roles for a non-murder victim, clerk, bailiff, and court reporter.

Students must write opening statements, testimony, closing arguments, and jury instructions. Students should produce evidence (*e.g.*, a fire marshal's report) and visual trial props like photos and maps. The facts presented must be consistent with the case scenarios provided in the rules packet.

Please use fictitious names for people, companies, and other entities. If using material from other sources, please provide footnotes and/or a bibliography.

Here are a couple of suggestions for development of witness testimony:

1. Once students choose and develop a scenario, have the defendant and victim act out the crime with witnesses watching. Then have the witnesses write their own witness statements/affidavits based on what they saw. Act out the scenario only once; after all, in real life the incident they witness would occur only once.
2. Witness credibility can depend on whether one witness' testimony matches the testimony of other witnesses.

6. Format of Script Submissions

The enclosed cover letter must be completed and accompany each script.

Entries must be typewritten, double-spaced, and titled. Please do not submit videotapes, DVDs or audiotapes.

Please submit **two** copies of each case entered.

Please keep an electronic copy of each case.

Each entry should be mailed to the following:

**Kandi Greter, Public Education Coordinator
West Virginia Supreme Court of Appeals
1900 Kanawha Blvd. East, Building 1, Room E-100
Charleston, WV 25305**

Scripts must be postmarked by **March 1, 2013**. No e-mailed or faxed entries will be accepted. All entries received must be considered final. No revisions can be made after you have submitted your entry/entries.

Only entries that follow the above guidelines will be considered.

7. Judging Criteria

All entries should promote middle school students' understanding of the law and the judicial branch of government. The scripts should be written by students and grade-appropriate.

Points will be awarded as follows:

Correct Use of Grammar 10 points

Opening Statements (persuasiveness, description of evidence) 20 points

Testimony (questions, consistency with the scenario, creativity) 20 points

Closing Arguments (persuasiveness, description of evidence) 20 points

Jury Instructions (clarity and accuracy) 20 points

Use of Evidence (consistency with the scenario, creativity) 10 points.

Winners will be selected in each grade level. Winning schools will receive plaques, and teachers and students will receive personalized certificates signed by the Justice presiding over the case.

FOR MORE INFORMATION

If you have any questions about **West Virginia Law Adventure**, including how to receive reimbursement for the field trips to courthouses, contact

Kandi Greter, Public Education Coordinator
Supreme Court of Appeals of West Virginia
1900 Kanawha Blvd. E., Bldg. 1, Room E-100
Charleston, WV 25305
Phone: 304-340-2755; Fax: 304-558-0775
Email: kandi.greter@courtsww.gov.

8. The Cases

On the following pages you will find information on three cases. Classes should choose one case on which to base a script. For each case, you will be provided an indictment, introduction, stipulations, and relevant West Virginia statutes.

West Virginia Law Adventure 2012-2013

Fax Sheet

School: _____

Teacher: _____

Grade Level:

- ☐ 6th
- ☐ 7th
- ☐ 8th
- ☐ Combined

Case Scenario:

- ☐ Robbery and Conspiracy
- ☐ Obtaining a prescription by fraud and forgery
- ☐ Murder

***Please fill out and Fax (304-558-0775) Attention Kandi Greter back ASAP ***

West Virginia Law Adventure 2012-2013

Cover Sheet

School: _____

Teacher: _____

Grade Level:

- ☐ 6th
- ☐ 7th
- ☐ 8th
- ☐ Combined

Student Script Writers (if different grades please list each student's grade level): _____

Case Scenario:

- ☐ Robbery and Conspiracy
- ☐ Obtaining a prescription by fraud and forgery
- ☐ Murder

Standard of proof: beyond a reasonable doubt

Potential sentence for the crime: _____

List of witnesses for the prosecution: _____

List of witnesses for the defense: _____

Main issue in the case: _____

Sub-issues: _____

CASE SCENARIO 1

The State has charged James White and Crystal Jones with the crimes of bank robbery and conspiracy to commit bank robbery. This incident occurred at the First Big Bank on May 18th 2011. The State alleges that James White entered the First Big Bank with a 9mm handgun and demanded money from the clerk Shannon Smith. Just a few minutes prior to James White entering the bank, a 911 call was made reporting that a bank robbery was taking place at the Last National Bank. The Pine County Sheriff Department then responded to the Last National Bank, which is on the other side of town from the First Big Bank, only to find that there was not a robbery going on.

The State alleges that Crystal Jones, who is the girlfriend of James White, placed the fake call to 911 to create a distraction and delay the response of the officers to the First Big Bank. The State alleges that James White was able to take approximately ten thousand dollars (\$10,000).

STIPULATIONS

1. The Pine County Sheriff's Department found Crystal Smith's fingerprints on the pay phone that was used to make the fake 911 call.
2. That James White and Crystal Smith have been dating for several years.
3. A search warrant was issued for the home of James and Crystal and they found approximately six thousand dollars (\$6,000), but not the 9mm handgun.

RELEVANT STATUTES

W.Va. Code 61-2-12 Bank Robbery: If any person by force and violence or by putting in fear, feloniously takes from the person or presence of another any money in the care, custody, control, management or possession of, any bank, he shall be guilty of a felony.

§61-10-31 Conspiracy: It shall be unlawful for two or more persons to conspire to commit any offense against the state and one or more of such persons does any act to effect the object of the conspiracy.

CASE SCENARIO 2

The State has charged Stacy Mimms with obtaining a prescription by fraud or forgery. On July 1st 2012 Stacy Mimms went to the Hometown Pharmacy and presented a prescription for Oxycodone for 500 pills from Dr. Nick. The pharmacist on duty found the amount of 500 pills to be strange and contacted Dr. Nick who indicated that he had written the prescription but it was for fifty (50) pills. When Stacy went to pick up the prescription an officer stopped her and took her into custody. At the time she was taken into custody Michael Lantz was with her.

STIPULATIONS

1. That Stacy Mimms gave a statement to the officer admitting that she is the person on the video taking the prescription in.
2. Stacy indicated in her statement that the only reason she did it was due to threats from Michael Lantz.
3. That a handwriting expert reviewed the prescription but was unable to determine if Stacy forged it.
4. That Michael Lantz did have a knife in his pocket when the officer stopped them.
5. That oxycodone is a controlled substance under WV Code 60A-4-403(a)(3)

RELEVANT STATUTE

WV Code 60A-4-403(a)(3) To acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge.

CASE SCENARIO 3

On January 26th the Oakville High School took a ski trip to a local resort. Neil Marte and his girlfriend Molly Wallace were two of the students on the trip. Molly's ex-boyfriend Steve Stephens also attended with about fifteen other students. Molly left Steve about one month before she began to date Neil. In the last few weeks there have been several incidents of physical violence between Neil and Steve.

On January 26th Neil spent much of the day snowboarding with Molly, while Steve was always following. All three of them were very accomplished snowboarders and hardly ever fall. The State alleges that late in the day Neil, Molly, and Steve were racing down a very steep slope when Steve pushed Neil into a large tree. Neil died later that day at the local hospital. Molly did not witness the incident because she was ahead of Neil when this occurred. Chris Chandler and Sam Foster were on the chair lift and witnessed the incident.

The State has charged Steve with the murder of Neil due to pushing him into the tree.

STIPULATIONS

1. The West Virginia Medical Examiners office determined that Neil Marte died from blunt force trauma.
2. That the Medical Examiners office determined that Neil had not used any alcohol or illegal substances on the day he died.

RELEVANT STATUTE

§61-2-1. First and second degree murder

Murder by any willful, deliberate, and premeditated killing is murder of the first degree.

Murder by any willful and deliberate killing but without premeditation is murder of the second degree.