

NAME: _____

ROLE: _____

CLASS PERIOD: _____

RESPONSIBILITIES: _____

LEGAL CASE BRIEF

CASE TITLE The State of Florida versus Alli McGraw		CHARGE Possession of Marijuana
PETITIONER State of Florida	RESPONDENT Alli McGraw	ARREST DATE April 22, 20__
		LOCATION Jackson High School
FACTS OF THE CASE		
<ul style="list-style-type: none"> ▪ There has been an increase in drug abuse at Jackson High School. Three students were recently caught possessing large amounts of marijuana and other drugs with intent to sell to other students. They are currently being held in a juvenile detention center. ▪ The school administrators hired an investigator to look into the problem. The investigator, Norman Tilman, decided random searches of lockers and student belongings would reduce the problem. ▪ Mr. Tilman performed the searches for many days and found no signs of drugs. ▪ On Tuesday, April 22, Mr. Tilman began another search. The lockers, backpacks, and purses of ten students were searched. ▪ Matt Brown and Alli McGraw were two of the students whose belongings were searched. ▪ Mr. Tilman searched Alli's backpack which she had purchased at a garage sale on Saturday, April 19. ▪ Mr. Tilman found a small amount of marijuana in a zippered compartment on the inside of the backpack. ▪ Alli purchased the backpack from people who had been known to use marijuana in the past. ▪ Alli claims the marijuana must have been placed in the backpack before she purchased it and that she knows nothing about it. ▪ She is now being charged with possession of marijuana. 		
ISSUE		
<ul style="list-style-type: none"> ▪ Did the marijuana in Alli's backpack belong to her? 		
RULE OF LAW		
<p><u>Possession of Marijuana</u>: If the offense is the possession of 20 grams or less of cannabis (marijuana), then the person commits a misdemeanor of the first degree, punishable by up to one year in jail.</p>		

PROSECUTION WITNESS STATEMENTS

PROSECUTION WILL DIRECT EXAMINE THESE WITNESS
 DEFENSE WILL CROSS-EXAMINE THESE WITNESSES

Witness #1: Norman Tilman, Private Investigator

<i>Job History:</i>	<ul style="list-style-type: none"> I have been a private investigator for ten years. Before that, I was a police officer for seven years. In the last five years, I have worked with many schools in trying to solve the drug problems.
<i>Current Job:</i>	<ul style="list-style-type: none"> I recommended to the administrators at Jackson School to start searching the lockers and student belongings. I believe this helps reduce the drug use in the schools.
<i>Day of Incident:</i>	<ul style="list-style-type: none"> On April 22, I was searching ten students' lockers and belongings. When I reached Alli McGraw's backpack, I found a small amount of marijuana in a zippered compartment in the inside of the backpack. It was a good place to hide the marijuana because the inside compartment is hard to see and I almost missed it. I asked Alli if the marijuana was hers. She said she didn't know anything about the stuff. She was very embarrassed.

Witness #2: Matt Brown, Student

<i>Location:</i>	<ul style="list-style-type: none"> I was one of the ten students in the search. Mr. Tilman went through my locker and my backpack before he searched Alli's things. I was standing next to Alli.
<i>Observation of Incident:</i>	<ul style="list-style-type: none"> She seemed nervous when Mr. Tilman started the search. I saw Mr. Tilman pull the marijuana out of Alli's backpack. She said "Oh, no!" and then said she didn't know anything about it.
<i>Relationship with Defendant:</i>	<ul style="list-style-type: none"> I have been going to school with Alli since I moved to this city four years ago. As far as I know, Alli has never been in trouble. She has a few friends who get into trouble, but she's a good kid.

Witness #3: Sandy Smith, Student

<i>Relationship with Defendant:</i>	<ul style="list-style-type: none"> I am Alli's science partner. We do all of our experiments together. Alli and I have been friends for a long time.
<i>Observations:</i>	<ul style="list-style-type: none"> Recently, Alli hasn't been completing her parts of the assignments. She blames it on all the other school activities she is involved in. I think she has some other problems. She seems confused when she is in class.
<i>Recent Incidents:</i>	<ul style="list-style-type: none"> In fact, last week, she made some mistakes in a chemistry experiment which caused a small explosion. No one was hurt and there was no danger, but I was pretty scared.

DEFENSE WITNESS STATEMENTS

DEFENSE WILL DIRECT EXAMINE THESE WITNESS
PROSECUTION WILL CROSS-EXAMINE THESE WITNESSES

Witness #1: Gloria Swanson, Band Director

<i>Job:</i>	<ul style="list-style-type: none"> I am the band director.
<i>Relationship with Defendant:</i>	<ul style="list-style-type: none"> I have had Alli in my music class and in the band for several years.
<i>Description of Defendant:</i>	<ul style="list-style-type: none"> She is very talented and hard working. She spends much of her free time practicing with a few other students. I don't think Alli uses drugs.
<i>Observations of Defendant:</i>	<ul style="list-style-type: none"> I have noticed recently that she seems a bit distracted, but that's normal in the spring. Our band played in the Springtime Parade, we just finished Spring Break and testing, and now it's almost the end of the year!

Witness #2 : Rob McGraw, Alli's Cousin

<i>Relationship with Defendant:</i>	<ul style="list-style-type: none"> I am Alli's Cousin.
<i>Information about Events Leading up to Defendant's Arrest:</i>	<ul style="list-style-type: none"> I was with Alli when she bought the backpack. We found it at a garage sale next door to my house. The house is owned by a bunch of adults who used to be "hippies." I remember when they had lots of very loud parties that would end when the police came to break them up. Once my mom helped one of the men fix the lawnmower and they offered her marijuana as a thank you.
<i>Description of Defendant:</i>	<ul style="list-style-type: none"> My cousin never gets into trouble. She doesn't use drugs.

Witness #3: Alli McGraw, Defendant

<i>Personal Description:</i>	<ul style="list-style-type: none"> I am involved in lots of extra activities. I am on the dance line, play clarinet in the band, and am a member of the girls track team. I work part time at the neighborhood grocery store. I am a good kid. I have never been in trouble before, except for being asked to leave class because I was talking too much. I know nothing about the marijuana that was found in my backpack on April 22. I never dreamed it would get me into this much trouble.
<i>Recent Events Leading up to Arrest:</i>	<ul style="list-style-type: none"> I purchased the backpack at a garage sale on Saturday, April 19. I went to the sale with my cousin, Rob, who lives next door to the house. The sale was at the house of a group of adults who have lived there since they graduated from college in 1992. The backpack was in good shape, and very cheap, so I bought it.

NAME: _____

ROLE: _____

CLASS PERIOD: _____

RESPONSIBILITIES: _____

LEGAL CASE BRIEF

CASE TITLE The State of Florida versus Jesse Sunderson		CHARGE 1. Possession of Fireworks 2. Damage to Property
PETITIONER State of Florida	RESPONDENT Jesse Sunderson	ARREST DATE January 7, 20__ LOCATION Jefferson Middle School
FACTS OF THE CASE <ul style="list-style-type: none"> ▪ On January 7, at 1 p.m. many firecrackers exploded in an <u>empty</u> locker at Jefferson School, causing great damage to the lockers and the walls. Luckily, no one was injured. ▪ Mr. Stuart, the assistant principal, searched the other lockers and found <u>additional</u>, unused firecrackers in a locker assigned to Jesse Sunderson. ▪ Jesse was recently suspended from the soccer team. ▪ Two other students were also recently suspended from the soccer team. 		
ISSUE <ul style="list-style-type: none"> ▪ Did the firecrackers belong to Jesse? ▪ Is he the one that put them into the <u>empty</u> locker that exploded? 		
RULE OF LAW <ol style="list-style-type: none"> 1. <u>POSSESSION OF FIREWORKS</u>: It shall be unlawful for any person to offer for sale, expose for sale, sell at retail or wholesale, <i>possess</i>, advertise, use, or explode any fireworks. 2. <u>DAMAGE TO PROPERTY</u>: A person who intentionally causes damage to physical property of another without the latter's consent. 		

PROSECUTION WITNESS STATEMENTS

PROSECUTION WILL DIRECT EXAMINE THESE WITNESS
 DEFENSE WILL CROSS-EXAMINE THESE WITNESSES

Witness #1: Leslie Stuart, Assistant Principal

Job and Background Information	<ul style="list-style-type: none"> • I have been assistant principal at Jefferson School since 1989. • Before that I was a social studies teacher at Olsen High School.
Day of the Incident: Observations and Description	<ul style="list-style-type: none"> • On January 7, I was called to the west wing after an explosion which damaged the lockers and the walls. • I looked over the damage and quickly decided that I had to make certain that there were no more firecrackers in any other lockers so I used my master key to open the lockers. • In locker 633 I found a large grocery bag full of unexploded firecrackers. • I took the firecrackers to my office and looked up the student assigned to locker 633. • The student was Jesse Sunderson. • I then called the police.

Witness #2: Mickey Price, Soccer Coach

Job History	<ul style="list-style-type: none"> • I have been a coach at Jefferson for the last three years.
Relationship to Defendant	<ul style="list-style-type: none"> • Jesse Sunderson is on my soccer team.
Description on events prior to the Incident	<ul style="list-style-type: none"> • I had a meeting with Jesse’s parents and Jesse a week ago. • I explained that Jesse was being suspended from the team because of poor grades. • The school has a policy that all athletes must maintain a B-average to play in school sports. Jesse’s average has slipped to C. • Jesse became very angry and complained that it wasn’t fair to suspend one player for poor grades, while other players could keep playing even though they were using alcohol. • Upon questioning, Jesse gave me the names of two other players who have since, after much investigation, also been suspended from the team.

Witness #3: Shawn Dettmer, Former Soccer Player

Relationship to the case	<ul style="list-style-type: none"> • I’m a student at Jefferson and I was on the soccer team until the coach kicked me off.
Description of Defendant as it relates to this case	<ul style="list-style-type: none"> • Apparently, Jesse Sunderson ratted me out that I drank beer. • He’s such a jerk. • He has messed up my chances at getting a scholarship. • He should be expelled. • He must’ve gotten the fireworks from that little fireworks stand at the state border. • I think I saw him with some bottle rockets from that place.

DEFENSE WITNESS STATEMENTS

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Witness #1: Erin Thompson, Student in Hallway

Personal Description	<ul style="list-style-type: none"> • I am a seventh grader at Jefferson. • I am a member of the Marching Band. • I like school a lot and spend most of my time working on my computer or talking with my best friend.
Observations prior to Incident	<ul style="list-style-type: none"> • I have a locker in the west wing next to one of the kids who was suspended from the soccer team. That kid is friends with Shawn Dettmer. • I hear the student blaming Jesse for all his problems.
Observations on Day of Incident	<ul style="list-style-type: none"> • I also saw this student with some friends walking down the hall in the west wing a few seconds before the explosion. • I was on my way to the office to meet my older brother who was taking me to the orthodontist.

Witness #2: Kyle Hadley, School Janitor

Job History	<ul style="list-style-type: none"> • I have been the janitor at Jefferson School for five years.
Observations on Day of Incident	<ul style="list-style-type: none"> • On the morning of the explosion, I noticed my locker master key was missing. • Those keys open everything. The only other people that have one are the school administrators. • I usually leave it on the hook by the door inside my supply closet. • I had seen two of the boys from the soccer team hanging around the door to my supply closet earlier that morning.

Witness #3: Jesse Sunderson, Defendant

Personal Description	<ul style="list-style-type: none"> • I am a good student. I get some A's, but mostly B's. I do have a C in Math right now. • I participate in sports and music activities. • I have a part-time job delivering newspapers.
Events Leading to Incident	<ul style="list-style-type: none"> • I usually get along with the students at Jefferson. Except at the moment, a couple of kids are very angry with me for telling the coach that they drink beer. • I told on them because I didn't think it was fair to punish me for breaking a rule and not punish others. • I heard them tell some other kids that they would "get back at me!"
Knowledge Regarding Incident	<ul style="list-style-type: none"> • The lockers have combinations and I have not given my combination to anyone. • I think they might have planted the firecrackers in my locker which is located in the west wing. • I did not plant the firecrackers in the empty locker, and I have no idea how the firecrackers got into my locker.

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RESPONSIBILITIES: _____

LEGAL CASE BRIEF

CASE TITLE The State of Florida versus Max Paulson		CHARGE Reckless or Careless Driving
PETITIONER State of Florida	RESPONDENT Max Paulson	ARREST DATE February 23, 20__
		LOCATION Intersection of Elm St. and Third Ave.

FACTS OF THE CASE

- On February 23 at approximately 6 p.m., an automobile driven by Max Paulson made a left turn from the northbound lane of Elm Street to Third Avenue
- The driver collided in the crosswalk with a bicycle ridden by Sam Smith
- Sam Smith was thrown from his bike, landing across the street and breaking his leg.
- It is illegal to ride bicycles on the sidewalk in this area of town.
- The traffic light was green.
- The “no bicycle” signs are posted on every other block. There are signs on Second and Fourth Avenues, but not on Third.

ISSUE

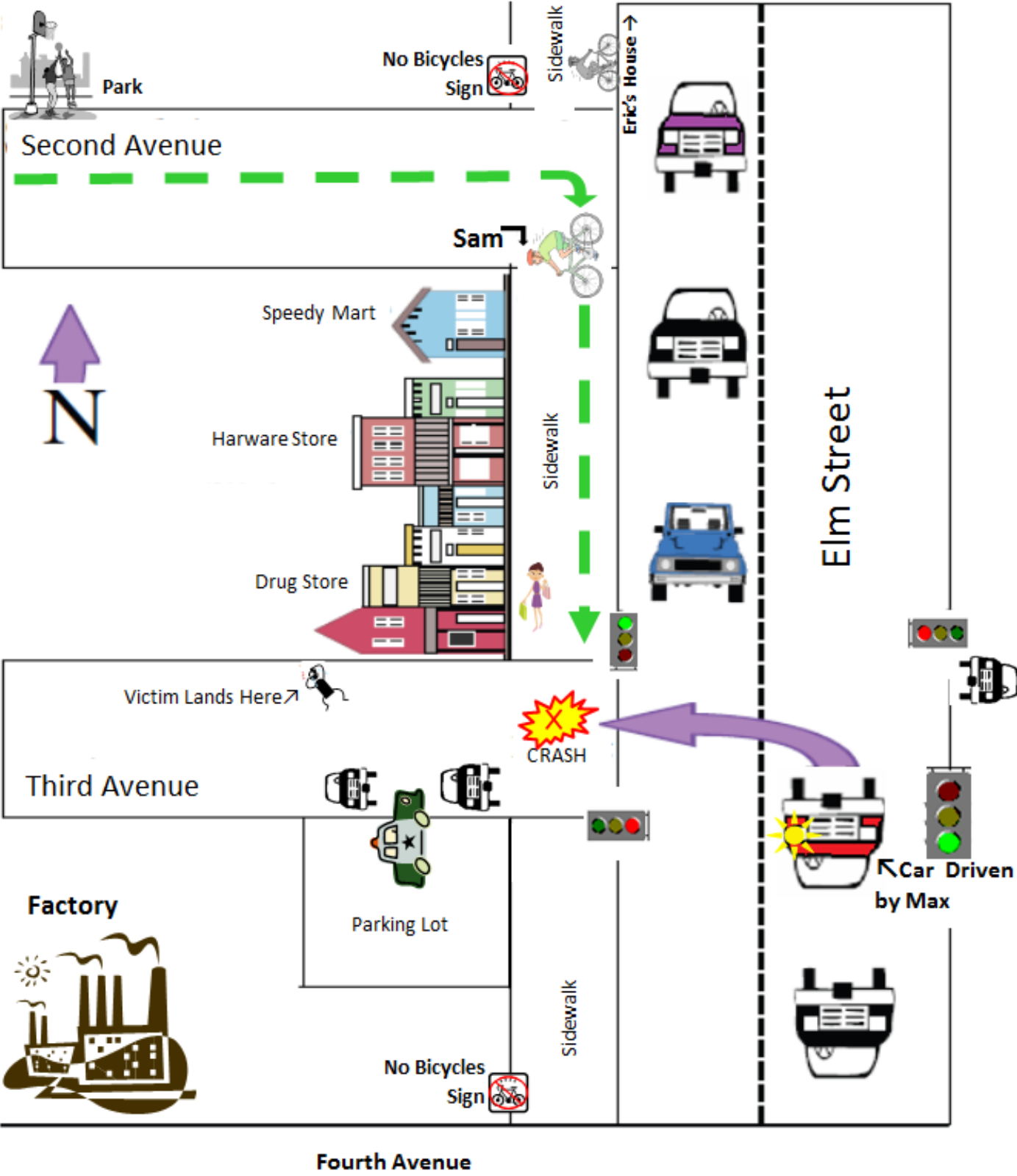
- Is the crash Max Paulson’s fault?

RULE OF LAW

RECKLESS DRIVING: Any person who drives any vehicle in such a manner as to indicate a disregard for the safety of persons or property is guilty of reckless driving. Reckless driving is a misdemeanor.

CARELESS DRIVING: Any person operating a vehicle upon the streets or highways shall drive the same in a careful manner, having regard for the width, grade, curves, corners, traffic, and all other circumstances, so as not to endanger the life, limb, or property of any person.

DOWNTOWN MAP & CRASH SCENE



PROSECUTION WITNESS STATEMENTS

PROSECUTION WILL DIRECT EXAMINE THESE WITNESS
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Witness #1: Officer Mike Rudy, Arresting Officer

<i>Location:</i>	<ul style="list-style-type: none">• I was in my squad car waiting to enter Third from a parking lot.
<i>Description of Area:</i>	<ul style="list-style-type: none">• The intersection of Elm Street and Third Avenue is probably the busiest intersection in our town.• There are a lot of cars and a lot of people on the sidewalk and shopping in the nearby stores.• There is also a manufacturing plant nearby that causes major traffic and safety problems.• The folks who work there race to get home and sometimes are not careful about watching for pedestrians in the crosswalk.• We have had several near accidents recently.
<i>Knowledge of law:</i>	<ul style="list-style-type: none">• Last year, City Council decided that bicycling on the sidewalk is not safe in the downtown area.• Signs saying "No bicycles on the sidewalk" were placed on every other block.• There is not one on the intersection of Elm and Third, but there is one at Elm and Second.
<i>Description of Incident and Investigation:</i>	<ul style="list-style-type: none">• On April 23, Max Paulson was driving home after work. Like all of the rest, he was in a hurry to make the turn onto Third Avenue.• He made a turn between two cars that required him to accelerate very quickly to get out of the way of the oncoming traffic.• The accident investigation found black tire marks on Elm Street where he started his turn.• There was no evidence that he tried to slow down before he hit the bicyclist.• The force threw the bicyclist across the street.

Witness #2: Eric Davis, Injured Party's Friend

<i>Events leading up to the Incident:</i>	<ul style="list-style-type: none">• I was riding bikes with my friend Sam Smith.• It was starting to get dark so we decided to head home. We rode together from the park down Second Avenue toward Elm Street.• At Elm Street we separated.• Sam turned right, and I turned left.
<i>Observation of Incident:</i>	<ul style="list-style-type: none">• I was not at the crash scene.• I didn't know anything had happened to Sam until I got home and his dad called me to see if Sam was at my house.• I guess the hospital called his dad a couple of minutes later.

Witness #3: Sam Smith, The Injured Party

<i>Age:</i>	<ul style="list-style-type: none">• I am 17 years old.
<i>Description of Incident:</i>	<ul style="list-style-type: none">• On April 23, I was riding my bike south on the sidewalk on Elm Street.• I was in a hurry because it was starting to get dark and I don't have a light on my bike.• I rode past the speedy mart, the hardware store and the drug store.• I was riding on the sidewalk because the traffic was heavy.• There were a few people walking on the sidewalk so I had to weave in and out so I wouldn't hit them.• When I looked at the traffic light it was green, so I rode into the intersection in the crosswalk.• Before I knew it, I was hit by a car that was turning from Elm Street onto 3rd Avenue.
<i>Description of Injuries:</i>	<ul style="list-style-type: none">• I only remember thinking "I'm gonna die."• I woke up in the ambulance with a badly broken leg.• I had surgery to put pins in my leg to help it heal. It still hurts sometimes.

DEFENSE WITNESS STATEMENTS

DEFENSE WILL DIRECT EXAMINE THESE WITNESS
PROSECUTION WILL CROSS-EXAMINE THESE WITNESSES

Witness #1: Sara Firestone, Eye Witness

<i>Location:</i>	<ul style="list-style-type: none">• I was shopping on April 23 just after dinner.• I picked up a few items at the speedy market and a prescription at the drug store.• When I came out of the drug store I was nearly hit by a bike driven by Sam Smith.
<i>Observation of Incident:</i>	<ul style="list-style-type: none">• Sam was riding on the sidewalk in a fast, rather reckless manner.• I didn't think it was legal to ride bikes on the sidewalk downtown. I think I have seen some signs about it.• Sam raced by me and entered the intersection, riding in the crosswalk.• The traffic light was green.• There was a lot of traffic, especially on Elm Street.• I heard the tires of a car squeal as it turned from Elm onto 3rd Avenue and hit him.• He was thrown across the street, almost hitting a light pole.• I ran inside to call 911.• Sam was not wearing reflective clothing.• I remember thinking that because I had just purchased some reflector tape to put on the jacket that my daughter wears when she rides her bike.

Witness #2: Cynthia Murray, Expert Witness

<i>Job Description (Establishes the witness as an Expert)</i>	<ul style="list-style-type: none">• I am the director of the Florida Bike Safety Project.• As part of my job, I run a bike camp here young people learn how to ride their bikes safely.• I have been doing this for seven years.• During the camp, we focus on the rules of the road, which include getting off of your bike and walking when you are going to cross the street in a pedestrian crosswalk.
<i>Knowledge of Law</i>	<ul style="list-style-type: none">• Also, under Florida law, a person may not ride a bike upon a sidewalk within a business district unless permitted by local authorities. If a person doesn't obey the bike laws, he or she can be given a ticket, much like a driver of a car gets a ticket.
<i>Observation of Incident:</i>	<ul style="list-style-type: none">• I was not at the crash site.• I did not observe the incident.• I am only testifying as an expert on bike safety.

Witness #3: Max Paulson, Defendant

<i>Description:</i>	<ul style="list-style-type: none">• I am 19 years old. I am a good driver. I have never had a ticket or been involved in a car accident.
<i>Description of Incident:</i>	<ul style="list-style-type: none">• On April 23 I was driving home from work on Elm Street, going north.• I got to 3rd Avenue and signaled my left turn at the light, as I do every day. The light was green.• There were a lot of cars driving south on Elm.• I waited a long time for an opening. Finally, a gap in the traffic occurred letting me turn left.• It was only a brief break in the traffic so I made a quick turn.• I was surprised, and somewhat embarrassed, when my tires squealed because of my quick turn.• The next thing I remember is hitting this bike that came out of nowhere.• I mean, one minute I looked and the intersection was clear and the next minute I hit a bike.
<i>Reaction:</i>	<ul style="list-style-type: none">• I am very sorry, but I think the bicyclist is partly to blame.

THE STATE OF FLORIDA VERSUS TONY GARCIA

NAME: _____

ROLE: _____

CLASS PERIOD: _____

RESPONSIBILITIES: _____

LEGAL CASE BRIEF

CASE TITLE The State of Florida versus Tony Garcia		CHARGE Criminal Mischief
PETITIONER State of Florida	RESPONDENT Tony Garcia	ARREST DATE March 15, 20__
		LOCATION Residential Neighborhood

FACTS OF THE CASE

- Tony Garcia and several of his friends were riding their bikes around the neighborhood on Friday, March 15.
- At about 6:00 p.m. a few kids from a different neighborhood rode by Tony and his friends.
- They teased Tony and his friends and dared them to throw stones at Mr. Wiley's windows.
- Mr. Wiley is an old man who often tells the children to stay off his property.
- Several windows were broken, and when Mr. Wiley ran out of his house to stop the children, he recognized Tony.
- The State has now charged Tony with the crime of vandalism (Criminal Mischief).

ISSUE

- Did Tony throw stones?
- Did he break any of the windows?

RULE OF LAW

CRIMINAL MISCHIEF: A person commits the offense of criminal mischief if he or she willfully and maliciously injures or damages by any means any real or personal property belonging to another, including, but not limited to, the placement of graffiti thereon or other acts of vandalism.

PROSECUTION WITNESS STATEMENTS

PROSECUTION WILL DIRECT EXAMINE THESE WITNESS
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Witness #1: Mr. Wiley, Victim

<i>History:</i>	<ul style="list-style-type: none">• I have lived in this neighborhood for 47 years.• My wife and I built our little house when we were married.• My wife died five years ago.• Since then, I have been a victim of many attacks of vandalism.
<i>Day of Incident:</i>	<ul style="list-style-type: none">• On Friday evening, March 15, I was watching the 6:00 p.m. news when I heard glass breaking in my front porch.• I ran out my back door and around the house to see what was going on.• I saw lots of kids.• I recognized Tony because he lives down the block and often rides his bike past my house.• It was clear to me that this group of kids was responsible for breaking my windows.• In fact, Tony had a rock in his hand and I just know he was getting ready to throw it.

Witness #2: Leslie Jacobs, Newspaper Deliverer

<i>History:</i>	<ul style="list-style-type: none">• I have delivered newspapers to Mr. Wiley's neighborhood for three years.
<i>Observation of Incident:</i>	<ul style="list-style-type: none">• On Friday, March 15, I was delivering a newspaper to Ms. Crowley, who lives three houses away from Mr. Wiley.• I heard kids screaming and then I heard breaking glass.• I ran over to Mr. Wiley's house.• I saw about 10 children on the front yard.• Tony and another kid were pushing each other.• It looked to me like the other kid was trying to stop Tony from throwing a stone.• I did not see anyone throw stones.

DEFENSE WITNESS STATEMENTS

DEFENSE WILL DIRECT EXAMINE THESE WITNESS
PROSECUTION WILL CROSS-EXAMINE THESE WITNESSES

Witness #1: Sandy Carter, Friend of Defendant

<i>Relationship with Defendant:</i>	<ul style="list-style-type: none"> • Tony and I were out riding our bikes with some of our other friends on Friday, March 15.
<i>Description of Incident:</i>	<ul style="list-style-type: none"> • We were riding up and down Tony's block when a bunch of kids we didn't know rode up to us and started teasing us. • They dared us to throw stones at grouchy old Mr. Wiley's windows. • We tried to ignore them. • They threw a stone and hit a front porch window. • Then they threw some more stones. • I think a couple of windows were broken. • Tony and I and our friends stood and watched. • When one of the other kids picked up a stone to throw, Tony tried to stop him. • Then Mr. Wiley came around the house. • The other kids said they didn't throw the stones, they said that Tony did. • I think they were mad at Tony because he tried to stop them.
<i>Description of Defendant:</i>	<ul style="list-style-type: none"> • Tony is a real nice friend; he wouldn't try to break Mr. Wiley's windows.

Witness #2 : Tony Garcia, Defendant

<i>Location:</i>	<ul style="list-style-type: none"> • I was riding bikes with my friends in my neighborhood on Friday, March 15.
<i>Description of Incident:</i>	<ul style="list-style-type: none"> • It was almost getting dark when a bunch of kids we didn't know rode up to us and started bugging us. • They wanted us to throw rocks with them. • They were going to try to break some of Mr. Wiley's front porch windows. • Even though I don't like Mr. Wiley very much, we said we wouldn't do that. • I saw one kid standing next to me pick up a rock. • I tried to take it out of his hand so he wouldn't throw it. • That's when Mr. Wiley came around the corner. L • eslie the newspaper carrier also showed up. • I did not throw any stones.