

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA.

STATE OF FLORIDA

CASE NO. 07-0002
Criminal Division

Prosecution,

v.

Alli McGraw,

Defendant.

STIPULATED FACTS

There has been an increase in drug abuse at Jackson 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 claims to know nothing about the marijuana. She is now being charged with possession of marijuana.

ISSUE: Did the marijuana in Alli's backpack belong to her?

DEFENSE: 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.

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Prosecution Witness Statements

Norman Tilman, Private Investigator

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 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.

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.

Matt Brown, Student

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. 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 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.

Sandy Smith, Student

I am Alli's science partner. We do all of our experiments together. 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. 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. Alli and I have been friends for a long time.

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Defense Witness Statements

Alli McGraw, Defendant

I know nothing about the marijuana that was found in my backpack on April 22. I purchased the backpack at a garage sale on Saturday, April 19. The sale was at the house of a group of adults who have lived there since they graduated from college in 1992. I went to the sale with my cousin, Rob, who lives next door to the house. The backpack was in good shape, and very cheap, so I bought it. I never dreamed it would get me into this much trouble.

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 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.

Rob McGraw, Alli's Cousin

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.

My cousin never gets into trouble. She doesn't use drugs.

Gloria Swanson, Band Director

I am the band director. I have had Alli in my music class and in the band for several years. She is very talented and hard working. She spends much of her free time practicing with a few other students. I have noticed recently that she seems a bit distracted, but that's normal in the spring. I don't think Alli uses drugs.

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Instructions to the Jury

After Evidence is presented

Members of the jury, you have heard all of the testimony concerning this case. It is now up to you to determine the facts. You and you alone, are the judges of the facts. Once you decide what facts the evidence proves, you must then apply the law as I give it to you to the facts as you find them.

The defendant is presumed to be innocent of the charges. This presumption remains with the defendant throughout every stage of the trial and is not overcome unless you are convinced beyond a reasonable doubt that the defendant is guilty. The defendant is not required to prove his innocence.

The prosecution has the burden of proving the guilt of the defendant beyond a reasonable doubt. This burden remains on the prosecution through the trial. The prosecution must prove that a crime was committed and that the defendant is the person who committed the crime. However, the prosecution is not required to prove guilty beyond all possible doubt or to a certain percentage. Nor is the prosecution required to disprove every conceivable circumstance of innocence.

A reasonable doubt is a doubt founded upon reason. Proof beyond a reasonable doubt requires such proof that would convince you to rely upon a fact enough to make an important decision in your own business or personal affairs. However, if you are not satisfied of the defendant's guilt to that extent, then reasonable doubt exists and the defendant must be found not guilty.

The LAW

1213.12 POSSESSION OF MARIJUANA

It is a petty misdemeanor to possess or give away a small amount of marijuana. A small amount of marijuana is defined as 5 grams or less. For the first offense, the court may fine the person up to \$200 and require him or her to participate in a drug rehabilitation program.

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VERDICT FORM

We, the jury, in the case of State of Florida versus Alli McGraw find the defendant

_____ Guilty

_____ Not Guilty

of the charge of Possession of Marijuana.

We agree unanimously.

Signature of Foreperson

Date