

MOCK TRIAL

SCENARIO 1-THEFT

SCENARIO AND FACTS OF THE CASE

The victim went into a store to buy an item and slipped and fell on the way out, hitting their head on the ground. A few seconds later, the victim slowly got up, realized that the item they purchased was gone and saw someone running on the other side of the street. The person looked like the accused person, who was arrested near the scene of the crime after the police was called in. The mock trial will determine whether or not the accused person is guilty of theft.



INTRODUCTION

A criminal trial is heard by a single judge, who may be assisted by a jury of 12 jurors. **Defence counsel** is the lawyer for the accused person, who is presumed to be innocent. **Crown counsel** acts on behalf of the prosecution, presenting evidence to the court to prove beyond a reasonable doubt* that the accused person is guilty. **Witnesses** describe what they saw, heard or experienced in response to counsel's questions. The trial ends with a verdict declaring the accused person guilty or not guilty. If the verdict is guilty, a sentence, or punishment, is then imposed by **the judge**.

This activity aims to make the legal process more accessible to students. Many aspects of a criminal trial have been omitted, such as having the witnesses swear an oath and requiring the jury to reach a unanimous verdict. Additionally, this mock trial is different than the hearings that take place at the Supreme Court of Canada. The Supreme Court is Canada's final court of appeal, which means that it re-examines cases decided in lower courts. Lawyers present their arguments and judges make and render a decision.

This mock trial scenario can be adapted to the students' needs and to the learning objectives you have set for your class.

* "Beyond a reasonable doubt" means that the judge or the members of the jury (depending on the trial) are certain, based on the evidence presented at the trial, that the accused person is guilty. This does not mean that they are absolutely certain (100%), but that a very high degree of certainty must be present for a guilty verdict to be rendered. It is not enough for the judge or the jury to find that the accused person is probably guilty. If that is the case, the accused person will have to be acquitted.

SOURCES OF LAW

Criminal offences can be found in the Canadian *Criminal Code* or in another law of a criminal nature enacted by the Parliament of Canada. For more information, consult the Department of Justice's website at www.justice.gc.ca.

INFORMATION ABOUT VISITS AND RESERVATIONS

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1-866-360-1522
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Website: www.scc-csc.ca

THE PROCESS

1. SET CLEAR LIMITS

Remind students that the trial is a simulation conducted for educational purposes and explain the limits of the activity. Each counsel will ask only 2 questions to each witness, objections are not permitted and the witnesses do not swear an oath. Keep in mind that some students could find this activity upsetting.

2. SELECT VOLUNTEERS AND SET THE STAGE

Pick 5 volunteers to play the following roles:

- **Victim**
- **Accused person**
- **Crown counsel**
- **Defence counsel**
- **Judge**

Each witness will be examined by their own counsel and cross-examined by the other party's counsel. The rest of the group will act as **the jury** who will have to reach a verdict at the end of the mock trial.

3. PRESENT THE CASE

Describe the case to the group and explain each person's role in the mock trial. Make sure that all volunteers are comfortable with their role. Give the Crown counsel, defence counsel and judge handouts to the volunteers playing these roles.

4. HOLD THE MOCK TRIAL

The victim will be the first witness to take the stand, followed by the accused person. The Crown and the defence will examine and cross-examine both witnesses, then the judge will instruct the jury to reach a verdict. The mock trial ends once the judge has announced the verdict. All the questions are provided as examples. You can modify them or write additional questions.

5. DEBRIEF

At the end of the mock trial, review the experience with the students. Explain the levels of the Canadian judicial system and the steps of an appeal process, including an appeal to the Supreme Court of Canada. For more information, please consult the "**Judicial work**" page of our website: www.scc-csc.ca

CROWN COUNSEL

TO THE JUDGE

Crown counsel stands up

Justice **[last name]**, I would like to call **[name of victim]** to the stand.

CROWN COUNSEL

TO THE VICTIM (EXAMINATION)

- Could you please tell the Court what happened on the day of the theft?
- Could you please point to the person who stole your purchase, if they are in the courtroom today?

The Crown rests, Justice **[last name]**.

*Crown counsel sits down***DEFENCE COUNSEL***Cross-examination of the victim**Examination of the accused person***CROWN COUNSEL**TO THE ACCUSED PERSON
(CROSS-EXAMINATION)*Crown counsel stands up*

- You say that you did not steal the purchase. In that case, how do you explain the fact that the victim saw you running away from the scene of the crime?
- Is there someone who could confirm where you were on the day of the theft?

No further questions, Justice **[last name]**.

*Crown counsel sits down***JUDGE***The verdict is chosen**The Court is adjourned*

CROWN COUNSEL

*Examination of the victim***DEFENCE COUNSEL**
*TO THE VICTIM (CROSS-EXAMINATION)**Defence counsel stands up*

- If the person was running away, how were you able to see them well enough to recognize them?
- When you saw the person running away, are you certain that you saw the item in their possession?

No further questions, Justice [last name].**DEFENCE COUNSEL**
TO THE JUDGE

Justice [last name], I would like to call
[name of accused person] to the stand.

DEFENCE COUNSEL
TO THE ACCUSED PERSON
(EXAMINATION)

- Have you ever seen the victim before?
- Where were you on the day of the theft?

The defence rests, Justice [last name].*Defence counsel sits down*

CROWN COUNSEL

Cross-examination of the accused person

JUDGE

*The verdict is chosen**The Court is adjourned*

CROWN COUNSEL*Examination of the victim***DEFENCE COUNSEL***Cross-examination of the victim**Examination of the accused person***CROWN COUNSEL***Cross-examination of the accused person***JUDGE**
TO THE JURY

Members of the jury, you have heard the evidence. You must decide whether the accused person is guilty beyond a reasonable doubt.

JUDGE
CALL FOR THE VERDICT

I call upon the jury for the verdict.

- All those who find the accused person guilty, raise your hand.
- All those who find the accused person not guilty, raise your hand.

For the purpose of this activity, choose the verdict for which the majority voted. Note that in a criminal trial by jury, unanimity is required for a person to be convicted.

JUDGE
*THE VERDICT***GUILTY**

The accused person has been found guilty. I sentence you to 2 years in prison.

OR**NOT GUILTY**

The accused person has been found not guilty. You may leave the Court freely.

JUDGE
CLOSING WORDS

The Court is adjourned.