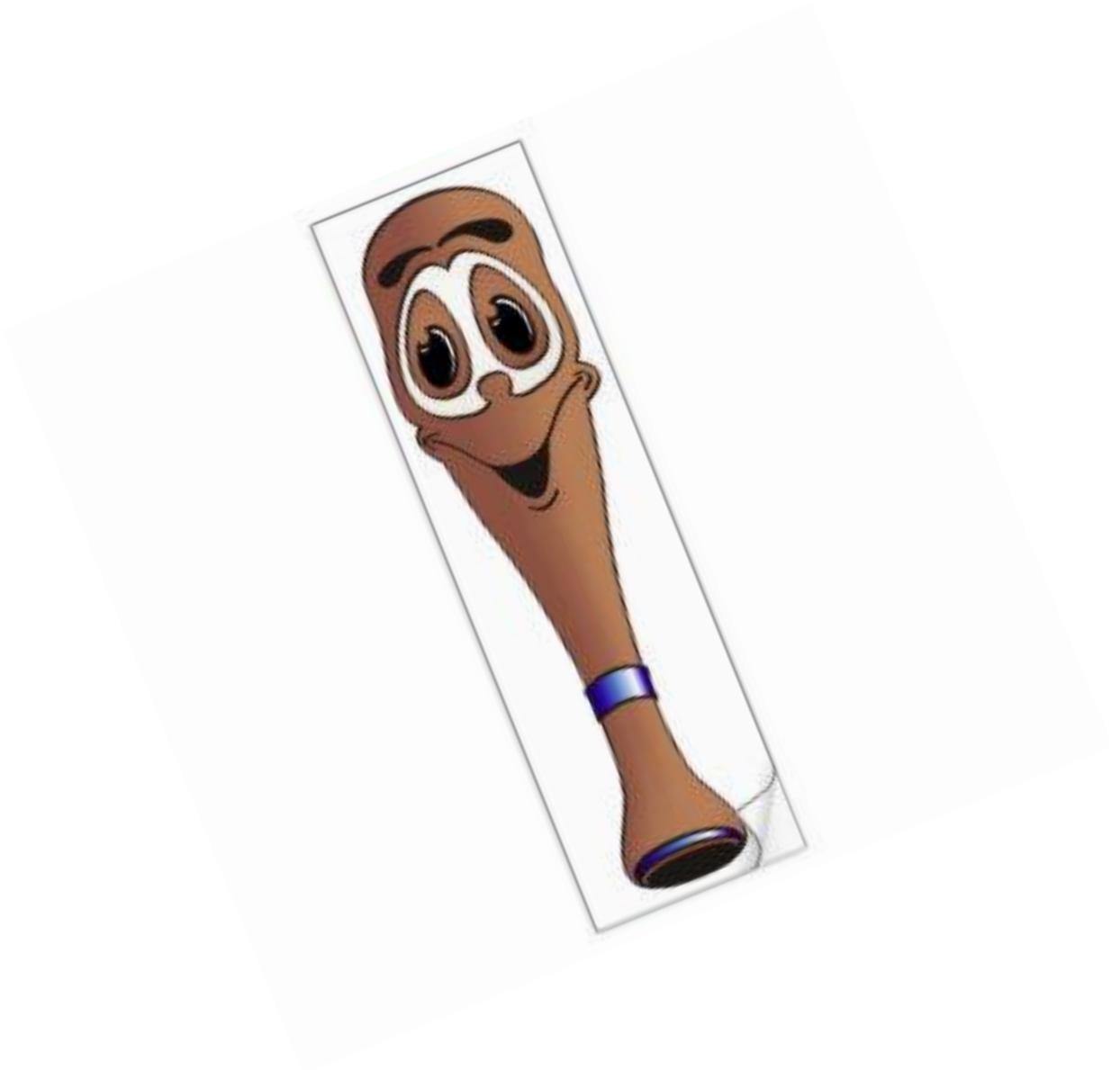


The Case of the Bat Attack



Mock Trial Script

The Case of the Bat Attack

Johnson & the State of Florida, Plaintiffs
VS
Smith, Defendant

Prepared by:
Tony Marconi
Edited by:
Rose E. Gualtieri

Approximate Time Required for Mock Trial:
1.5 Hours

Participants in Trial:

Bailiff

Judge

Prosecutor

Victim: Mr. Johnson

Defense Attorney

Defendant: Mr. John Smith

Witness: Detective Jones

Clerk of the court

12 Jurors

Props: 1 Baseball bat

If mock trial is held in classroom additional props are required
(3 tables, and 7 chairs for classroom set-up)

Script: **The Case of the Bat Attack**

Scene: The Palm Beach County Courthouse

BAILIFF All rise. Hear ye, hear ye. The Circuit Court of the 15th Judicial Circuit of the State of Florida, in and for Palm Beach County is now in session. All those having business before this court, draw near and give attention and you shall be heard. God save the United States, the great State of Florida and this honorable court.

JUDGE Will the Clerk of the court please read the charges.

COURT CLERK State of Florida versus John Smith charged with violating Florida Statute 784.045. Aggravated Battery causing great bodily harm and violation of Florida Statute 775.085. The Hate crime law.

JUDGE The Bailiff will now swear in the jury.

BAILIFF Jury, please rise. Do you solemnly affirm that you will truly try the issues between the State of Florida and the Defendant and render a true verdict according to the law and the evidence.

JUDGE Is the state ready? (State attorney affirms)
Is the defense ready? (Defense attorney affirms)
The State will present its opening arguments to the jury.

PROSECUTOR Ladies and gentlemen of the Jury, this is a simple case. We will prove beyond a reasonable doubt, that on the afternoon of the first of August the defendant, John Smith, attacked the 65-year-old victim with a baseball bat, while the victim was asleep on the grass in front of the high school. You will find that the defendant did this for no other reason than he “hate” homeless, old people.

JUDGE Does the defense have an opening statement?

DEFENSE ATTY. Your Honor, we will hold off from making an opening statement until after the State makes its case.

JUDGE The State can call its first witness.

PROSECUTOR I call Detective Jones of the Palm Beach County Sheriff’s Office.

(Jones takes the witness stand)

BAILIFF Do you affirm that the evidence you are about to give will be the truth, the whole truth and nothing but the truth?
(Witness affirms oath)

PROSECUTOR Detective Jones, what happened on the afternoon of August first of this year?

DET. JONES At about 2 pm, I was called to investigate an assault in front of the high school athletic field. They were in the process of loading Mr. Johnson, the victim, into the ambulance. He told me that a kid beat him with a baseball bat and pointed at the defendant, Mr. Smith, who was being detained by the school security officer. The kid told me that these old drunk homeless guys are always sleeping it off on the lawn next to the ball field, and that he attempted to wake him up because he was sleeping in the path and Mr. Johnson went off on him and tried to take his bat, so he hit him. At that time I read him his rights and placed him under arrest.

PROSECUTOR Thank you Detective Jones, I have no further questions.

JUDGE The Defense can now cross-examine the witness.

DEFENSE ATTY. Detective Jones, what can you tell us about Mr. Johnson? Did he ever have any run-ins with the law?

PROSECUTOR Objection, your honor. Mr Johnson is not on trial here. The victim's past has nothing to do with this case.

JUDGE Objection sustained. You may not ask questions about the victims' past.

DEFENSE ATTY. I have no questions at this time.

JUDGE Thank you Detective Jones, you may step down. Does the State have any more witnesses?

PROSECUTOR I call the witness, Mr. Johnson.

(Mr. Johnson takes the witness stand)

BAILIFF Do you affirm that the evidence you are about to give will be the truth, the whole truth and nothing but the truth?
(Witness affirms oath)

PROSECUTOR Mr. Johnson, can you tell me what happened on the afternoon of August first?

MR. JOHNSON I was taking a nap in my usual spot in the shade. The defendant there, poked me with the end of his baseball bat and then said some stuff about how he don't like us old homeless people just hanging around and how we should go somewhere else. So to defend myself, I grabbed the end of the bat and asked him just where exactly we were supposed to go. He did not like that at all. So he jerked the bat back and hit me in the chest. Doctor said he broke 2 ribs. I was in the hospital for 10 days. I still can't breath right.

PROSECUTOR That's all the questions I have for the witness.

JUDGE Does the defense want to cross-examine this witness?

DEFENSE ATTY. Yes, your Honor. Mr. Johnson, did my client poke you with that bat, or did you just reach out and grab it as he walked past.

MR. JOHNSON Oh no, he poked me with it, that's why I grabbed it.

DEFENSE ATTY I have no further questions for this witness.

JUDGE The witness may step down. Does the state have any more witnesses?

PROSECUTOR No, your Honor, at this point the prosecution rests.

JUDGE Is the defense ready?

DEFENSE ATTY. The defense calls Mr. John Smith

BAILIFF Do you affirm that the evidence you are about to give will be the truth, the whole truth and nothing but the truth?
(Witness affirms oath)

DEFENSE ATTY. Mr. Smith please tell us what really happened on the afternoon in question.

MR. SMITH This was all a big misunderstanding. I didn't mean to hurt anybody. After baseball practice, me and some of the guys were going home. We walked by the spot where some homeless people hangout. Mr. Johnson there was sleeping right on the edge of the sidewalk. I just sort of tapped the end of the baseball bat on the cement next to his head to wake him up to

let him know that he was almost on the sidewalk. He must have thought I was attacking him or something. Because he got real mad and reached out and grabbed the bat like he was going to take it from me. He would not let go. At that point I said a few unkind things that I should not have said about old drunks hanging around bumming money from people. Anyway, I snatched the bat back and swung it at him, I didn't mean to hurt him. At that point I was just defending myself.

DEFENSE ATTY I have no further questions.

JUDGE The prosecution can now cross-examine the witness.

PROSECUTOR Mr. Smith, do you hate old people?

MR. SMITH No! I don't hate anybody; I just said those things in the heat of the moment because I was scared.

PROSECUTOR Yes, or no, did you hit him with the bat while he was on the ground? May I remind you that you are under oath.

MR. SMITH Well, if you put it like that, Ok yes, he was on the ground.

PROSECUTOR No further questions, your honor.

JUDGE Does the defense have any further questions.

DEFENSE ATTY No your honor. We have no other witnesses so the defense rests.

JUDGE You may step down, Mr. Smith. The defense may now make a closing statement to the jury.

DEFENSE ATTY. Ladies and gentlemen of the jury. The State's attorney is right this is a simple case. My client had no intention of hurting Mr. Johnson. He was just attempting to wake Mr. Johnson up to inform him that during his nap, he had somehow got himself into the path. It was Mr. Johnson who attempted to take the bat away and do harm to my client and he was just defending himself. You must find my client, not guilty.

JUDGE The prosecution can give his closing remarks.

PROSECUTOR Ladies and gentlemen of the jury. Oh, he did it all right. He took a baseball bat to a 65-year-old man while he was on the ground. Mr. Johnson was doing nothing at all to him. Mr. Smith

hates an old homeless person, that's why he did it. Nothing but hatefulness He is guilty of this crime.

JUDGE

The jury is instructed that you can find Mr. Smith guilty or not guilty on count 1 of the indictment for assault and battery. You can only find Mr. Smith guilty or not guilty of count 2, the hate crime law if you have found him guilty of count 1. You may now retire to the deliberation room.

(Jury leaves to deliberate and returns)

Foreman, have you reached a verdict?

FOREMAN

We have your honor.
On count 1 of the indictment, Assault and battery, we find the defendant (**Guilty/Not Guilty**)

As to count 2 of the indictment, violation of the hate crime law, we find the defendant (**Guilty/Not Guilty**)

JUDGE

(If found not guilty on both counts)
Thank you jury. The defendant is now free to go. This case is now closed.

(If found guilty for count 1 and not guilty for count 2)
Thank you jury. The defendant will rise for sentencing. You are hear-by remanded to the Florida State Prison for a period of 6 years time. This case is now closed.

(If found guilty for count 1 and guilty for count 2)
Thank you jury. The defendant will rise for sentencing. You are hear-by remanded to the Florida State Prison for a period of 34 years time. This case is now closed.

Student Assignment

There are 20 positions that require roles to be filled by students. Each part must have 1 student assigned to that role with the addition of an alternate. Additional students will be a part of the crowd of witnesses.

Part	Student Assigned	Student Alternate
Bailiff		
Judge		
Defense Attorney		
Clerk of the Court		
Prosecutor		
Mr. John Smith		
Detective Jones		
Mr. Johnson		
Jury member Foreman 1		
Jury member 2		
Jury member 3		
Jury member 4		
Jury member 5		
Jury member 6		
Jury member 7		
Jury member 8		
Jury member 9		
Jury member 10		
Jury member 11		
Jury member 12		