

# Mock Trial

## General Introduction

A criminal trial unfolds before one judge, at times assisted by a jury composed of 12 jurors. Defense counsel is in charge of representing the accused, who is presumed innocent. The Crown Attorney acts on behalf of the prosecution, adducing evidence into court to prove beyond any reasonable doubt that the accused is guilty as charged. This is done by having witnesses testify as to what they saw, heard or experienced. The trial ends with a verdict declaring the accused guilty or not guilty. A sentence is then imposed by the judge.

Please note that the enclosed documents are instructions for a game created to make the legal process more accessible to school groups. Consequently, most formalities have been eliminated, such as having the witnesses testify under oath and the necessity for the jury to render a unanimous verdict.

## How to do a mock trial?

### Step 1: Setting clear limits

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Before you start the mock trial, you have to set very clear limits: each counsel may ask only two questions of each witness, objections are not permitted and the witnesses do not swear under oath. It is best to construct the case around the theft of an object like a book, a camera or sports equipment.

### Step 2: Selecting volunteers

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Pick five volunteers who speak loudly and are not shy. The volunteers will play one of the following roles: victim, accused, defense counsel, Crown counsel and judge. The rest of the group will be the members of the jury; tell them they will be asked to render a verdict at the end of the mock trial.

### Step 3: Setting the stage

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You will set the stage by asking the first volunteer questions to find out if he or she plays sports or collects anything in particular. This should enable you to create a fictitious situation where one of the items mentioned has been stolen. Once that is done, everyone takes their position in the courtroom and the mock trial begins.

### The teacher's role

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The teacher's role is to be the facilitator throughout the mock trial and to ensure that the procedure outlined above is followed.

### Witnesses

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The victim is the Crown counsel's witness and the accused is the defense counsel's witness. Each witness will be examined by his / her own counsel and cross-examined by opposing counsel.