

CRIMINAL MOCK TRIAL
DISTRICT COURT

State of Minnesota,)
 Prosecutor)
))
vs.))
))
Jesse Sunderson,)
 Defendant)

FACTS

On January 7, 1987 at 1 p.m. many firecrackers exploded in an empty 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 more firecrackers in a locker assigned to Jesse Sunderson. Jesse has been charged with possession of firecrackers and damage to property.

ISSUES: Did the firecrackers belong to him and did he put them into the empty locker?

DEFENSE: Jesse will try to prove that he is a victim of retaliation. Because he informed Coach Price about the use of alcohol by two students, Jesse believes the two students planted the firecrackers in his locker.

WITNESS STATEMENTS

Prosecution Witnesses

Leslie Stuart, Asst. Principal

Mickey Price, coach

Leslie Stuart, Assistant principal

I have been the assistant principal at Jefferson School since 1979. Before that I was a social studies teacher at Olsen High school.

On January 7, 1987 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 the 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.

Mickey Price, the coach

I have been a coach at Jefferson for the last three years. Jesse Sunderson is on my soccer team. 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.

WITNESS STATEMENTS

Defense Witnesses

Jesse Sunderson, Defendant
Erin/Aaron Thompson, classmate

Jesse Sunderson, the defendant

I did not plant the firecrackers in the empty locker, and I have no idea how the firecrackers got into my locker. I am a good student, I participate in sports and music activities, and I have a part-time job delivering newspapers.

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!" I think they might have planted the firecrackers in my locker.

Erin Thompson, a classmate

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.

I have a locker next to one of the kids who was suspended from the soccer team. I heard the student blaming Jesse for all his problems. 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.

INSTRUCTIONS TO THE JURY

The prosecution must set out such a convincing case against the defendant that the jury believes “*beyond a reasonable doubt*” that the defendant is guilty.

THE LAW

609.595 DAMAGE TO PROPERTY

Aggravated criminal damage to property.

Whoever intentionally causes damage to physical property of another without the latter’s consent may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both if the damage to the property caused a reasonably foreseeable risk of bodily harm.

624.21 SALE AND USE OF FIREWORKS PROHIBITED.

Except as otherwise provided in sections 624.20 to 624.25, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or wholesale, or use or explode any fireworks.