

MOCK TRIAL CODE OF PROFESSIONAL CONDUCT

Lawyers in Ontario and in most other jurisdictions are governed by a code of professional conduct which makes certain actions that a lawyer takes subject to disciplinary sanctions by the Law Society of Upper Canada. For example, if a lawyer lies or misrepresents himself or herself to the court, that lawyer could be subjected to disciplinary review and ultimately lose their right to practice law.

The lawyers' duty of professionalism, integrity and promoting the administration of justice is a fundamental part of the Mock Trial Tournament. Accordingly what follows is a Mock Trial Code of Professional Conduct that will apply to all students, teachers and participants in the Mock Trial Tournament.

It is our ultimate goal that the Code of Professional Conduct will assist the participants in the tournament in receiving the full educational benefit of participating in the tournament.

NEW** *As always the purpose of Law Day is to introduce students to how the law is applied in practice. Students are encouraged to work diligently on the problem, but the object is not to obtain a conviction if you present the Crown or an acquittal if you represent the Defence. Instead, students will be judged on how well they present their positions. Part of a good presentation will involve a proper application of the law but you are not expected to have the same knowledge that practising criminal lawyers possess.*

Our experience over the past 17 years is that the participants are extremely enthusiastic about the Tournament. We believe that this enthusiasm is based in part on the competitive element of the Tournament. The competitive element, if left unchecked can lead to a negative experience for some participants. As a result we have implemented the Code of Professional Conduct. The Code provides as follows:

The tournament shall be conducted as an educational exercise first and as a competition second. While winning the tournament is an admirable goal, it is a goal that is secondary to the educational exercise. All students may suffer disappointment but, will have the rewards and benefits of participating in the tournament. Students must be prepared to lose even if it appears to them (and others) that they deserved to win.

There shall be no questioning the judges' ruling.

All participants are responsible for promoting conduct that is consistent with this code.

MOCK TRIAL TOURNAMENT 2001

INTRODUCTION

This year's case is Her Majesty the Queen v. Chris Crusher and the accused is being charged with both the offence of possession of a weapon for a purpose dangerous to the public peace and carrying a concealed weapon. The weapon was a pool table ball in a sock. The applicable law is detailed in these materials under the heading "Applicable Law". You may assume for the purposes of this case that the accused's rights under the Canadian Charter of Rights of Freedom and the Young Offenders' Act have been complied with, with the exception of the [Note] below. Note this case is based upon an actual case involving high school student.

The Ontario Tournament organizer is Jacqueline Armstrong Gates of Gowling Lafleur Henderson LLP in Kitchener. The writers of the mock trial scenario are Paul Calarco Barrister & Solicitor of Toronto and Jacqueline Armstrong Gates. We thank our Mocktrial committee for their assistance.

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II. THIS YEAR'S ONTARIO TOURNAMENT AND ADDITIONAL RULES

This year's Kit is being made available during the month of October, 2000.

Teams must be prepared to play the role of counsel for the Crown and the Accused. Teams will be assigned their roles on the basis of a coin toss preceding each round of the competition. Students portraying the witnesses must be familiar with two roles each, so that they can switch depending on the coin toss.

A. Participation and Eligibility

All students on a team must be full-time students at a high school in Ontario. Students who have participated in a past tournament as counsel in inter-school competition are ineligible to compete again in a current tournament. Students who have participated as witnesses may compete again.

B. Round One

Round One consists of a local in-school mock trial competition within the teacher's class or between classes within the same school. This will allow the teacher to form the best school team consisting of six students; four lawyers and two witnesses. At the end of Round One, the school should have selected a team to represent it if it wishes to continue further in the Tournament. At this stage, the teacher may feel that the educational objectives have been met and that he/she does not wish to proceed further. (We would of course encourage all schools to continue to the next round!) **Should the teacher wish to continue on to Round Two, he/she must notify Tracy Dallas at the CBAO of such intention in writing or by e-mail (see our law day web site participation form) on or before 4:00 p.m. Friday, January 26, 2001. Please note that this deadline is firm, and no exceptions can be made.** NEW ** *Therefore, it is YOUR responsibility to confirm that your request to participate is received by Tracy Dallas at CBAO. From time to time things happen and e-mails or faxes are not received for one reason or another! Double check by asking for confirmation when you e-mail or by calling if you are faxing your participation letter.*

C. Round Two

Round Two consists of regional inter-school competitions. The geographical boundaries of the regions will be arranged by the Committee following receipt of all notices of intention to proceed to Round Two. The teachers of the participating schools will be responsible for arranging the time, location and format of the regional play-offs, while adhering to the rules set out herein. Assistance will be provided by the Committee and CBAO will arrange for judges for the Round Two play-offs. **It is anticipated that the precise boundaries of each of the north, south, east and west regions may vary from year to year depending on the numbers and locations of schools interested in participating in Round Two.** The winners of the regional play-offs will advance to Round Three in Toronto.

Round Two must be completed on either **Thursday, March 29, Friday, March 30 or Saturday, March 31, 2001** and Tracy Dallas advised as to the regional winners on or before 4:00 p.m. on **Monday, April 2, 2001**. Again, no exceptions will be made with respect to timing. Strict adherence to the deadline will be required in order that the necessary arrangements may be made for travel and accommodations in Toronto for Rounds 3 and 4. Keep in mind that school holidays may impose certain scheduling difficulties.

NEW ** WINNERS OF ROUND II WILL BE EXPECTED TO HOST THE 2002 ROUND II COMPETITION. IF FOR SOME REASON YOU CAN NOT HOST, YOU WILL BE RESPONSIBLE FOR FINDING SOMEONE ELSE TO DO SO. Because of the size of the central area, a host for central east and central west will be required, unless the central host wishes to hold one competition with all central schools.

D. Round Three

Round Three consists of the semi-finals in Toronto on the morning of Law Day, Thursday, April 26, 2001. The four best teams from the regional inter-school competitions will compete in a court room in Toronto before Judges of the Ontario Court of Justice.

E. Round Four

Round Four consists of the finals in Toronto on the afternoon of Law Day. The two winning teams from the morning semi-finals will compete again before the presiding judges. All four teams will receive awards at the Law Day Banquet on the evening of April 26, 2001 which all four semi-finalist teams are invited to attend along with various local and provincial dignitaries and members of the Ontario judiciary and legal profession. The winning team will take home the Ontario High School Mock Trial Tournament trophy for the year.

F. Expenses

Schools participating in the Tournament MUST look after their own expenses in Round One (local in-school competition) and Round Two (regional inter-school competition). There are usually no costs associated with Round One and Round Two. Round Two competitions should occur on a Saturday in order to ensure full participation. Local Boards of Education might be approached for financial support by teachers if there are transportation or other costs. Limited financial assistance from the Canadian Bar Association - Ontario may be available for Round Three (semi-finals) and Round Four (finals) for accommodation and transportation, particularly for those schools having to travel some distance to Toronto, but **assistance is limited to the six member team (NO ALTERNATES) and the teacher.**

G. Law Day Re-Enactments

It is hoped that teachers whose teams have not reached the semi-finals and finals in Toronto will nevertheless re-enact their mock trials at school assemblies on Law Day, (April 26, 2001) so that other students and teachers will become aware of the significant benefits of both the mock trial activity and the study of law at the high school level.

H. Inconsistencies in Materials

In the event of any inconsistencies between the Mock Trial Tournament Guide and the Format of Tournament and Specific Case, the Format of Tournament and Specific Case will take precedence and its rules should be observed by all participants.

I. References to Gender

The witnesses may be played by students of either sex. All references in the witness statements to a specific gender may be modified as the particular situation dictates.

III. FACT SHEETS FOR HIGH SCHOOL **MOCK TRIAL TOURNAMENT 2001**

This section of the materials contains role descriptions for the accused and the various witnesses. Teachers should make these fact sheets available to the students early in the process and the students should be encouraged to find out as much as possible about the character of the role(s) which they will be representing. Note, however, that **students should NOT deviate from the role descriptions, in a manner that constitutes "unfair deviation" as described below.**

We would ask all participants to remember that the object of the Mock Trial Programme is educational, it evaluates the students' ability to learn the facts, understand the issues raised in the problem and to practice their advocacy skills. These are the considerations being evaluated by the judges. Please remember that the mock trial is an exercise in advocacy; your ability to present a convincing case and to react to situations which you did not anticipate is the essence of the exercise.

We encourage the witnesses to "get into character", whether by way of role playing and/or by way of dressing the part. Although witnesses will attempt to prepare for every possible question that may be asked of them, they must be prepared to respond, on the spot, to questions which were not anticipated. As a result, witnesses must be flexible. On the other hand, if the testimony is not consistent, a Judge may begin to doubt the truth of the statements. Establishing credibility will, therefore, present a challenge to every witness at the trial. In order to carry out the witness role successfully, the two Crown witnesses (Gerry Goodcop and Robin Badcop) should meet before trial and work out other details about their characters. Similarly, the two defence witnesses (the accused Chris Crusher and Kim Chaos) need to work out some details together. Please note, that while we encourage students to develop the characters of the witnesses and to fill in the gaps in their personalities, teams will be penalized for deviating from the fact sheets. For the purposes of the mock trial, the following definition of "unfair deviation" includes, but is not limited to:

- A. Changing relevant facts,
- b. Refusing to admit, in cross-examination, a fact which is included in a fact sheet, and
- c. The addition of any fact, including personal characteristics of a witness, which might unfairly influence the result of the case.

The Canadian Bar Association - Ontario would like all of the participants to be aware that it is the judge, and the judge alone, who is the trier of fact. It is the judge's role to determine whether there has been a deviation from the facts, to determine whether the deviation was "unfair", and to determine whether the deviation affected, in any material way, his/her determination of the case. There will be no specific objections to bringing the deviation to the notice of the judge, nor will there be specific penalties for deviations; the existence of, effect of, and penalty for, any deviation, is strictly within the discretion of the judge.

In your presentation, we would ask all teachers and students, and their advisers, to remember that, in an effort to ensure a "level playing field" for all of this year's participants, you are directed to strictly adhere to the facts and law as given to you; do not add additional facts, do not use case law, case books or any statute law extraneous to the problem. All of the relevant and material facts and law have been provided to you in the materials.

If there are any questions regarding the foregoing, please refer to the Introduction found at Part I of these materials.

R. v. CHRIS CRUSHER

CONSTABLE GERRY GOODCOP

Description of Witness -

Constable Goodcop is employed by the Yourtown Police Service and has been since 1990. She/he holds the rank of Police Constable first level. She/he just wrote his/her sergeant's exam and she/he hopes to be promoted to detective. She/he has been partnered with Robin Badcop for the last three years. They get along great! Robin was a great help after his/her daughter was born in helping him/her learn to relax with aquacise lessons. Prior to that he/she had spent his/her spare time in pool halls becoming a pool shark. He/She was so good he/she could tell what pool ball it was with his/her eyes closed.

Statement of Witness -

On September 18, 2000, I was on patrol with my partner Robin Badcop. We received a radio call to attend Johnny Rotten High School about an unrelated matter. We were in the school for about 45 minutes. First we were talking to the principal, and then I wanted to show Robin the trophies that the school sports teams had won last year. It is a great school with many talented students.

Upon leaving the school, I saw the youth before the court, Chris Crusher talking to two other students. He was about 20 feet away from us. I saw Chris fiddling with something in his pocket at the same time trying to conceal something from us. I thought he/she was trying to conceal something because on seeing us Chris looked away as if to look for a way to run but seeing none moved so that his/her back was turned away from us.

When Chris looked away, I saw something dangling from his/her back pocket. I thought I recognized the object. This struck me as strange so I approached the youth and asked what she/he had.

Chris dithered and pulled a sock which contained a pool cue ball out of his/her pocket. A pool table cue ball is very hard and if swung in a sock can cause severe injury to any person. A pool cue ball is actually the ball that is shot with the pool cue with the intention of hitting another ball on the pool table.

I arrested Chris for weapon dangerous and carrying a concealed weapon.

Chris made a statement but I cannot recall what she/he said exactly. I think that my partner may have it recorded.

I know that there is a so-called gang at the school, but they seem to be kids who are horsing around more than anything. I have only heard of them and do not have any personal knowledge of their activities.

After that I took the sock and pool cue ball and placed it in my evidence bag and marked it with my initials. I took it to the police station.

Helpful Suggestions

In order to carry out your role successfully, you will have to meet with the crown counsel before the trial to work out other details about your character. You may want to discuss matters such as what caught your eye to make you look at Chris. Why something dangling from her/his pocket was strange?

You may want to expand on how you were able to identify the accused. You may be asked about the pool ball and how you recognized it as such.

In your discussion with the Crown counsel, make sure that the details of your story agree with what the other witnesses for the Crown will say.

During your testimony, you may be asked by the Crown counsel to identify some exhibits. As the Crown counsel hands you each exhibit, examine it and confirm that it is what it is said to be.

It is impossible to prepare for every question which you may be asked. Try to anticipate what you will be asked and prepare as much as you can, but be prepared to give answers on the spot.

Try to keep your story consistent throughout your testimony.

Please accept this statement as a summary of your evidence. There is no issue to authenticity. Your credibility is on the line. You have to make the judge believe that you are telling the truth.

CONSTABLE ROBIN BADCOP

Description of Witness -

Constable Badcop is employed by the Yourtown Police Service and have been since 1993. All of his/her police employment has been in Yourtown. She/he holds the rank of Police Constable. Prior to becoming a police officer, he/she was a fitness trainer and taught self defence classes and aquatic exercise classes. In his/her spare time he/she still teaches at the local YMCA. He/she has two children twin boys aged 4.

Statement of Witness -

On September 18, 2000, I was on patrol with my partner Gerry Goodcop. We received a call to attend Johnny Rotten High School about an unrelated matter. Johnny Rotten High School is located downtown and we drive by it often either while on duty or off duty as there are a lot of good restaurants nearby.

We were at the school for about one half hour meeting with the principal. Upon leaving the school, I saw the youth before the Court, Chris Crusher apparently trying to conceal something from us. Chris was wearing a jacket in my favourite colour - bright orange. I determined that he/she was trying to conceal something since I observed him/her stuffing an item into his/her pocket and she/he said something like "Oh no, the Cops!".

My partner and I exchanged looks. We feared that this youth might have weapon or contraband. Therefore my partner and I decided to approach the youth. We told him/her to stay where she/he was. I indicated that if she/he had something in his/her pocket she/he should give it to us.

After some hesitation, she/he produced a sock with a cue ball in it. The sock was a gym sock and smelled liked old running shoes. This could be a very dangerous weapon, I mean the cue ball not the sock. I asked why he/she had it on her person. I was told "for my protection."

[**NOTE to students. This statement does not conform to the special evidentiary provisions of the Young Offenders' Act so the Crown cannot lead it as part of their case. If the defence leads this statement (which they may nor may not wish to do) then and only then can the Crown ask questions about it. It is up to the individual teams as to what they wish to do. For the purpose of this exercise assume no violation of Chris Crusher's Charter Rights are to be considered. The issue of of unreasonable search and seizure did not really arise on the facts of this case.]

I seized both the sock and the cue ball. I gave it to my partner. I don't know what my partner did with it after that.

In my opinion, this is another example of the escalation of violence in the schools. I know as I have been involved in several investigations dealing with violent incidents in the school in which this young person attended. That being said, I, know of a group that calls itself the “Mashers” that hangs out at this school, but in my opinion, they are just play fighters, they do not mean any harm. A cue ball in a sock is really serious and it could cause harm.

Helpful Suggestions

In order to carry out your role successfully, you will have to meet with the crown counsel before the trial to work out other details about your character. You may want to discuss matters such as what caught your eye to make you look at Chris. Why you thought Chris might be carrying a weapon or contraband? When you recorded the statement? Do you have notes?

You may be asked to describe the cue pool, the sock and how you recognized it as such.

In your discussion with the Crown counsel, make sure that the details of your story agree with what the other witnesses for the Crown will say.

During your testimony, you may be asked by the Crown counsel to identify some exhibits. As the Crown counsel hands you each exhibit, examine it and confirm that it is what it is said to be. It is impossible to prepare for every question which you may be asked. Try to anticipate what you will be asked and prepare as much as you can, but be prepared to give answers on the spot.

Try to keep your story consistent throughout your testimony.

Please accept this statement as a summary of your evidence. There is no issue to authenticity. Your credibility is on the line. You have to make the judge believe that you are telling the truth.

CHRIS CRUSHER

Description of Witness-

Chris is 17 years old. He/She goes to Johnny Rotten High School where he/she takes a combined grade 11 and 12 programme. His/her average is 65%. He/She lives up on the mountain and bicycles to school every day except in bad weather. His/her goal was to get into shape. He/She lives with his/her parents and brother. His/Her brother also goes to school at Johnny Rotten High School but is in grade nine. Kim and Chris have hung out together since grade nine. In fact Kim was the first person Chris met on the first day of school in grade nine.

Statement of Witness-

I was at school on September 18, 2000, and I was pretty scared about things. I just found out that Jackie Thug was looking for me. I heard that Jackie wanted to fight me again. Jackie and I had a couple of fights in the last school year. The fights always happened after school hours. Jackie thinks that she/he is pretty tough, but really is not.

This time, though, I heard Jackie had a gang. I figured that if there was a gang looking for me, I better get some help. The principal could not protect me because Jackie would just wait until I was alone and hit me then. His/her gang would be there so it might be a lot against one. Lately there has been a lot of gang activity at our school. Already in the first few weeks of school I have seen the police there pretty often.

I went home and got a cue ball from the pool table in the basement. Our family does not play much pool so I figured nobody would miss it. I put it in a gym sock that I found in my locker. (I had lost the one that matches it.) I wanted to carry this on me just in case I had to defend myself. I really hoped that nothing would happen or if things got bad I could just scare them. There was no way I was going to take a knife along, that's way too much. I saw a guy get stabbed once and there's no way I want to get involved in that stuff. There was blood everywhere and it really freaked me out.

Just before the end of lunch, I saw the cops leaving the school. I saw them looking right at me. I knew I should have worn black or beige something that blends in. They came along and I didn't want to show them what I had because cops always find a way to get you into trouble. I tried to hide it. But was unsuccessful. They took away my cue ball and the sock. I told them why I had the cue ball, which was true. I got charged anyway. I cannot believe that. They took me down to the station and I missed the afternoon of school. My parents did not know I had the cue ball. They would never have let me out of the house if they knew.

Helpful Suggestions

In order to carry out your role successfully, you will have to meet with the defence counsel before the trial to work out other details about your character. You may want to discuss matters such as what made you choose a cue ball. Why you were so scared of Jackie Thug? Describe the previous fights. How much did you try to explain to the police about carrying the cue ball. You may be asked to describe the cue ball, and the sock.

In your discussion with the Defence counsel, make sure that the details of your story agree with what the other witnesses for the Defence will say.

During your testimony, you may be asked by the Defence counsel to identify some exhibits. As the Defence counsel hands you each exhibit, examine it and confirm that it is what it is said to be.

It is impossible to prepare for every question which you may be asked. Try to anticipate what you will be asked and prepare as much as you can, but be prepared to give answers on the spot.

Try to keep your story consistent throughout your testimony.

Please accept this statement as a summary of your evidence. There is no issue to authenticity. Your credibility is on the line. You have to make the judge believe that you are telling the truth.

KIM CHAOS

Description of Witness -

Kim is a highschool student at Johnny Rotten High School. He/She is in grade 11 and is the co-president and has an 80% average. He/She is sixteen years old and just got his/her beginners' licence. He/She has been friends with Chris since the first day of grade nine. She/he immediately liked Chris and Chris was wearing bright orange shorts and bright orange running shoes. He/She thought Chris was a friendly and sunny person.

Statement of Witness -

My friend Chris was charged by the cops for having a cue ball. I don't know why they charged him. He/She just wanted to be able to defend himself from Jackie and the Mashers. He/She told me so.

I know that Jackie and Chris never got along. (Jackie wears a lot of black and brown and cannot stand bright colours.) Jackie and Chris had a couple of fights last year, but they didn't seem too bad. Jackie bragged about winning them but I know that Chris can handle him/herself and there is no way Jackie could win a fair fight. I saw their last fight which took place last year and Jackie said she/he was "going to rearrange Chris' ugly face and Chris should just wait." Well first of all Chris does not have an ugly face and secondly, I did not see any injuries to either parties after those fights.

I heard from some friends that Jackie had gotten a gang together over the summer. I had seen Jackie hanging around with a bunch of people at the mall just before school started and figured that was his/her gang.

In my opinion Jackie is a real coward. Not only did she get a gang together, but I also heard that Jackie was going to start carrying a weapon. Everyone in the school heard it. I told Chris about the gang and the weapon. I never saw what she/he had but I figured that it was likely a pipe or a knife or something.

Chris said she/he could take Jackie any day in a fair fight, which is true, but if it was six on one Chris would need some help. I wasn't prepared to help Chris fight however as I am no good at fighting. I learned that Chris started carrying a cue ball around. I don't blame Chris.

I saw Chris get arrested as I was standing talking to Chris along with another friend when the police officers came by.

Helpful Suggestions

In order to carry out your role successfully, you will have to meet with the defence counsel before the trial to work out other details about your character. You may want to discuss matters such as what you knew about Jackie and the Mashers? Whether you thought it was normal for Chris to be scared? Why you don't think the police should have charged him. You may be asked to describe the cue pool, the sock and how you recognized it as such.

In your discussion with the Defence counsel, make sure that the details of your story agree with what the other witnesses for the Defence will say.

During your testimony, you may be asked by the Defence counsel to identify some exhibits. As the Defence counsel hands you each exhibit, examine it and confirm that it is what it is said to be. It is impossible to prepare for every question which you may be asked. Try to anticipate what you will be asked and prepare as much as you can, but be prepared to give answers on the spot.

Try to keep your story consistent throughout your testimony.

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APPLICABLE LAW

(Reference is made to the Criminal Code of Canada.)

Possession Offences

POSSESSION OF WEAPON FOR DANGEROUS PURPOSE/Punishment

88. (1) Every person commits an offence who carries or possesses a weapon, an imitation of a weapon, a prohibited device or any ammunition or prohibited ammunition for a purpose dangerous to the public peace or for the purpose of committing an offence.

Punishment

(2) Every person who commits an offence under subsection (1)

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years; or

(b) is guilty of an offence punishable on summary conviction.

CARRYING CONCEALED WEAPON/Punishment

90. (1) Every person commits an offence who carries a weapon, a prohibited device or any prohibited ammunition concealed, unless the person is authorized under the Firearms Act to carry it concealed.

Punishment

(2) Every person who commits an offence under subsection (1)

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or

(b) is guilty of an offence punishable on summary conviction.

(Reference is made to the Young Offenders Act)

GENERAL LAW ON ADMISSIBILITY OF STATEMENTS TO APPLY/When statements are admissible/ Exception in certain cases for oral statements/Waiver of right to consult/Statements given under duress are inadmissible/Misrepresentation of age/Parent, etc not a person in authority.

56. (1) Subject to this section, the law relating to the admissibility of statements made by persons accused of committing offences applies in respect of young persons.

When statements are admissible

(2) No oral or written statement given by a young person to a peace officer or to any other person who is, in law, a person in authority on the arrest or detention of the young person or in circumstances where the peace officer or other person has reasonable grounds for believing that the young person has committed an offence is admissible against the young person unless

(a) the statement was voluntary;

(b) the person to whom the statement was given has, before the statement was made, clearly explained to the young person, in language appropriate to his age and understanding, that

(i) the young person is under no obligation to give a statement,

(ii) any statement given by him may be used as evidence in proceedings against him,

(iii) the young person has the right to consult counsel and a parent or other person in accordance with paragraph (c), and

(iv) any statement made by the young person is required to be made in the presence of counsel and any other person consulted in accordance with paragraph (c), if any, unless the young person desires otherwise;

(c) the young person has, before the statement was made, been given a reasonable opportunity to consult

(i) with counsel, and

(ii) a parent, or in the absence of a parent, an adult relative, or in the absence of a parent and an adult relative, any other appropriate adult chosen by the young person; and

(d) where the young person consults any person pursuant to paragraph (c), the young person has been given a reasonable opportunity to make the statement in the presence of that person.

Exception in certain cases for oral statements

(3) The requirements set out in paragraphs (2)(b), (c) and (d) do not apply in respect of oral statements where they are made spontaneously by the young person to a peace officer or other person in authority before that person has had a reasonable opportunity to comply with those requirements.

Waiver of right to consult

(4) A young person may waive the rights under paragraph (2)(c) or (d) but any such waiver shall be videotaped or be in writing, and where it is in writing it shall contain a statement signed by the young person that the young person has been apprised of the right being waived.

Statements given under duress are inadmissible

(5) A youth court judge may rule inadmissible in any proceedings under this Act a statement given by the young person in respect of whom the proceedings are taken if the young person satisfies the judge that the statement was given under duress imposed by any person who is not, in law, a person in authority.

Misrepresentation of age

(5.1) A youth court judge may in any proceedings under this Act rule admissible any statement or waiver by a young person where, at the time of the making of the statement or waiver,

- (a) the young person held himself or herself to be eighteen years of age or older;
- (b) the person to whom the statement or waiver was made conducted reasonable inquiries as to the age of the young person and had reasonable grounds for believing that the young person was eighteen years of age or older; and
- (c) in all other circumstances the statement or waiver would otherwise be admissible.

Parent, etc., not a person in authority

(6) For the purpose of this section, an adult consulted pursuant to paragraph 56(2)(c) shall, in the absence of evidence to the contrary, be deemed not to be a person in authority.

Canada
Province of Ontario
Judicial District of Yourtown

IN THE NAME OF HER MAJESTY THE QUEEN
THIS INFORMATION OF

OFFICER ROBIN BADCOP
OF THE YOUR TOWN POLICE SERVICE (occupation) hereinafter
called the Informant.

The informant says that he/she believes on reasonable grounds that

1. Chris Crusher, a young person within the meaning of the Young Offenders Act, on or about the 18th day of September in the year 2000 at the City of Yourtown in the Province of Ontario did have in his/her possession a weapon, to wit, a pool table ball in a sock, for a purpose dangerous to the public peace, Contrary to the Criminal Code;
2. and further that the said Chris Crusher, a young person within the meaning of the Young Offenders Act, on or about the 18th day of September in the year 2000 at the City of Yourtown in the Province of Ontario did carry concealed a weapon, to wit, a pool table ball in a sock, Contrary to the Criminal Code;

Sworn before me at the City of YourTown
the Regional Municipality of Town
This 18th day of September A.D. 2000.

SIGNATURE TO BE ADDED

Informant

V. MOCK TRIAL TOURNAMENT TIME CHART 2001

1.	Call to order, read charge, enter plea, introduction of teams	2 - 3 min
2.	Crown - opening statement	4 min
3.	Crown Witnesses	
	Constable Gerry Goodcop - direct examination	6 min
	- cross examination	4 min
	Constable Robin Badcop - direct examination	6 min
	- cross examination	4 min
4.	Defence opening	4 min
5.	Defence Witnesses	
	Kim Chaos - direct examination	6 min
	- cross examination	4 min
	Chris Crusher - direct examination	6 min
	- cross examination	4 min
6.	Summations	
	Defence	5 min
	Crown	5 min
7.	Short Recess at Judge's discretion for deliberation	
8.	Judge - verdict and team assessment	10 - 12 min
9.	Judge - delivery of verdict and team assessment	10 - 12 min

N.B. FOR THE PURPOSES OF THE MOCK TRIAL PROGRAMME, PLEASE BE ADVISED THAT THERE IS NO RIGHT OF RE-EXAMINATION. SHOULD A JUDGE SUGGEST THAT RE-EXAMINATION WOULD BE A GOOD IDEA, PLEASE ADVISE THE JUDGE THAT THERE IS NO SCOPE FOR IT WITHIN THE CONTEXT OF THE PROBLEM. IT IS ALL COUNSEL'S RESPONSIBILITY TO ADVISE THE COURT IF THE MATTER SHOULD ARISE.

CLERK/DEPUTY OF THE COURT 2001

The clerk's and the deputy's jobs are to help the judge run the courtroom. The clerk is responsible for timing the teams. To begin with, you should be familiar with the general trial script summary which is set out below:

A. Trial Script Summary

- i. Court deputy escorts judge to bench and calls order; court clerk formally opens court.
- ii. Counsel stand to identify themselves (Crown followed by defence).
- iii. Court clerk reads the indictment and accused pleads to charges.
- iv. Crown counsel makes opening statement.
- v. First Crown witness called and sworn in by court clerk.
- vi. Crown examines witness (direct examination).
- vii. Defence examines witness (cross examination).
- viii. Steps 5-7 are repeated for each Crown witness.
- ix. Defence makes opening statement.
- x. Steps 5-7 are repeated for each defence witness with defence conducting direct examination and Crown conducting cross examination.
- xi. Defence presents closing arguments.
- xii. Crown presents closing arguments.
- xiii. Judge leaves.
- xiv. Court adjourns briefly to await return of judge.
- xv. Judge returns and tells the accused that he or she is "guilty" or "not guilty".
- xvi. Judge evaluates teams.
- xvii. Court is adjourned.

The specific duties of the court clerk and deputy will now be explained.

1. ANNOUNCE THE OPENING OF COURT:

When all participants have taken their places, you will usher in the judge and announce:

Court Deputy: "Order, all rise"

It is also good to introduce the judge, by saying:

"Mr. Justice/Madame Justice _____ presiding".

Court Clerk: "Oyez, Oyez, Oyez, Anyone having business before the Superior Court of Justice for the Province of Ontario and come now forward attend upon Her Majesty the Queen".

2. READ THE INFORMATION TO THE ACCUSED:

After the Crown and Defence Lawyers identify themselves, you will read the charge as it is set out in the Indictment. A copy of the information is in these materials. You will stand and say:

1. Chris Crusher, a young person within the meaning of the Young Offenders Act, on or about the 18th day of September in the year 2000 at the City of Yourtown in the Province of Ontario did have in his/her possession a weapon, to wit, a pool table ball in a sock, for a purpose dangerous to the public peace, Contrary to the Criminal Code;
2. "How say you to this charge? Do you plead guilty or not guilty?"
3. and further that the said Chris Crusher, a young person within the meaning of the Young Offenders Act, on or about the 18th day of September in the year 2000 at the City of Yourtown in the Province of Ontario did carry concealed a weapon, to wit, a pool table ball in a sock, Contrary to the Criminal Code;
4. "How say you to this charge? Do you plead guilty or not guilty?"

3. SWEAR IN THE WITNESSES:

After the accused pleads not guilty to the charge, the Crown will begin its case. They will call their first witness to the stand, Gerry Goodcop. You will be responsible for swearing in Gerry Goodcop and all subsequent witnesses.

One way of doing this is to approach the witness with a book (Bible) for him/her to swear on. You then say:

"Will you state your name to the court please?"

After the name is given, the oath is given:

"Do you promise to tell the truth as you know it concerning this matter?"

or

"Do you swear that the evidence to be given by you to this court between our Sovereign Lady the Queen and the accused shall be the truth, the whole truth, and nothing but the truth, so help you God?"

"Do you solemnly affirm to... etc." (for those who object to swearing an oath to God)

4. ANNOUNCE ADJOURNMENTS AND THE CLOSING OF COURT

After the closing arguments have been made by both sides, the judge will adjourn for 10-12 minutes to decide on the verdict and prepare the team evaluation. When ready to adjourn, you will rise and say:

Deputy: "All rise"

Clerk: "Court will now adjourn (or recess) for 10 minutes"

When the judge is ready to return, the deputy will call the courtroom back to order and will ask everyone to rise.

Clerk: Court is now resumed, please be seated.

The judge will then announce the verdict (guilty or not guilty) as well as which team delivered the best performance. When all is finished, you rise and say:

Deputy: "All rise"

Clerk: "Court is adjourned"

5. MISCELLANEOUS DUTIES

There may be other jobs, which you can perform for the judge, such as providing pens and paper, and a glass of water. It might also be wise to xerox some "performance sheets" in case the judge forgets to bring one.