

Mock Trial

Superman

The case of the break and enter

Issue: Did Superman commit a break and enter and property damage? SOMEONE CHECK THE TITLE AND ISSUE PLEASE.

Trial Procedure

1. The case starts when the sheriff calls "Order in the court. All rise." Everyone stands. The judge enters and takes his/her seat. Everyone sits down.
2. The court clerk calls the case "Regina versus _____(names of the accused).
3. The Crown and Defense lawyers introduce themselves to the judge.
4. The clerk reads out the charge (the indictment), and asks each of the accused, "How do you plead?"
5. Each of the accused answers "Not guilty."
6. The Crown makes an opening statement to the jury.
7. The Crown calls its first witness.
8. The defense cross-examines this witness.
9. Repeat the last two steps for each witness.
10. The Crown rises and says "That concludes the Crown's case, Your Honour."
11. The defense begins by making a short opening statement to the jury.
12. The defense calls its first witness.
13. The Crown counsel cross-examines this witness.
14. Repeat the last two steps for each witness.
15. Defense and Crown counsels each make a closing statement to the jury. The defense goes first, followed by the Crown.
16. The judge instructs the jury.
17. Jury leaves to decide a verdict.
18. Jury returns.
19. The court clerk asks for the verdict.
20. The judge lets the accused go free if the verdict is "Not guilty." If the verdict is "Guilty," the judge asks one Crown lawyer and one defense lawyer to speak to sentence. The judge then sentences the accused.
21. The court says, "Order in the Court." Everyone stands, the judge leaves and the trial ends.

IN THE SUPREME COURT OF ???

R. v. SUPERMAN

Roles

Court Clerk: _____

Judge: _____

Crown

Crown #1 _____

Crown #2 _____

Crown #3 _____

Defence

Defence #1 _____

Defence #2 _____

Defence #3 _____

Superman: _____

Constable Peters: _____

Mr. Costco: _____

Mr. Power: _____

Lois Lane: _____

Jimmy Olsen: _____

Court Reporter (non-speaking): _____

Sheriff #1 (non-speaking): _____

Sheriff #2 (non-speaking): _____

Jury (12 members/jury will elect their Foreperson): _____

Script

CLERK: All rise. This court is now in session.

JUDGE: You may be seated.

CLERK: The Honorable Madam/Mister Justice _____ presiding. The case of Regina vs. Superman.

JUDGE: Are all parties present?

CROWN: *[Lawyers stand.]* Yes, my Lord/Lady. I am _____ and these are my associates _____ and _____. We are acting on behalf of the Crown.

DEFENCE: *[Lawyers stand.]* My Lord/Lady, I am _____ and these are my learned friend _____ and _____. We are acting on behalf of the accused.

JUDGE: Thank you. *[Lawyers sit.]*

[To the clerk.] Madam/Mr. Registrar, please read the charges.

CLERK: *[Turns to Superman.]* Please rise to hear the charges.

[Defence lawyers and Superman stand.]

Superman, you are charged with breaking and entering a warehouse located at King George Highway and 136th Street, in the City of _____, _____, on or about the first of November _____, in contravention of Section 348 of the Criminal Code of Canada. You are also charged under Section 430 with committing mischief resulting in damage over one thousand dollars. How do you plead to the first charge of breaking and entering?

SUPERMAN: Not guilty.

CLERK: To the second charge of mischief?

SUPERMAN: Not guilty.

CLERK: *[Turns to the judge.]* My Lady/Lord, the accused pleads not guilty to both charges.

JUDGE: *[To the Crown.]* Please proceed with your case.

CROWN: Ladies and gentlemen of the jury, we intend to prove that Superman deliberately broke the wall of the warehouse and then entered, thereby committing breaking and entering and mischief. We will prove that Superman had the intent to commit these crimes and that he was responsible for the actions that led to the destruction of the warehouse wall. In support of the case, the Crown will call Constable Peters, Mr. Costco, and Mr. Power. We now call the arresting officer, Constable Peters.

CLERK: Take the bible in your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

CONST.: I do.

CLERK: Please state your name and address.

CONST.: *[Constable Peters remains standing while giving his evidence.]* I am Constable John Peters and I live at 8131 Serve and Protect Street.

CROWN: Where do you work and what is your job?

CONST.: I am a member of the Royal Canadian Mounted Police, with the _____ (fill in the city) detachment, assigned to Special Crimes Unit.

CROWN: Constable Peters, please explain to the court what the Special Crimes Unit is and how long you have worked there.

CONST.: Special Crimes Unit is a police squad trained to handle Super-Powered criminals. I have worked on this squad for five years.

CROWN: Constable, what happened on the afternoon of November 1st, ?

CONST.: I received a call from a witness that Superman was about to break into a warehouse.

CROWN: What did you see when you arrived at the scene?

CONST.: I saw that the brick wall of the warehouse was in pieces and someone was entering the hole in the wall.

CROWN: Was that someone the accused?

DEFENCE: *[Lawyer stands to make the objection.]* My Lady/Lord, I object! The Crown is leading the witness.

JUDGE: Objection sustained. *[Defence sits.]* Please rephrase the question.

CROWN: Yes my Lord/Lady. Constable, who was the person you saw entering the building?

CONST.: Him! *[Pointing to Superman.]*

CROWN: My Lord/Lady, please let the record show that Constable Peters identified the accused as the person in question. *[To the Constable.]* What happened next?

CONST.: I arrested Superman on the charges of breaking and entering and mischief resulting in damage over one thousand dollars.

CROWN: No further questions, my Lord/Lady.

JUDGE: Defence, do you wish to cross-examine?

DEFENCE: Yes, my Lord/Lady. *[Standing.]* Constable Peters, has the accused been in trouble with the law before?

CONST.: Well ... no.

DEFENCE: Did you see five men with Lois Lane?

CONST.: Yes.

DEFENCE: Did those men have guns?

CONST.: Yes.

DEFENCE: Are you aware of what Superman has done for this city?

CONST.: Well ...

DEFENCE: Well, let me refresh your memory. He has helped citizens by upholding the law, put the needs of others before the needs of himself, and has kept law and order by controlling criminal activity. No further questions, my Lord/Lady.

JUDGE: *[To the Crown.]* Is there anything arising?

CROWN: Yes, my Lord/Lady. Were charges against the five men laid for kidnapping?

CONST.: Yes

CROWN: Have they been to trial?

CONST.: Yes.

CROWN: Were they convicted?

CONST.: No.

CROWN: Thank you. No further questions.

JUDGE: Thank you. You may step down. *[To the Crown.]* Please call your next witness.

CROWN: I call Mr. Costco, the owner of the warehouse.

CLERK: Take the bible in your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

COSTCO: I do.

CLERK: Please state your name, address and occupation.

COSTCO: My name is William Costco, I live at 189 King George Highway, in the city of _____, Province of _____, beside my warehouse. I am the owner and manager of the Costco warehouse.

CLERK: You may be seated.

CROWN: Please tell us what happened on the first of November _____.

COSTCO: My friend, Harry Robinson, ran into my house and told me that Superman was about to break the wall of my warehouse.

CROWN: What did you do?

COSTCO: I ran to my warehouse.

CROWN: What did you see?

COSTCO: The bricks of the warehouse were in pieces on the ground. Superman was entering the building through the hole in the wall.

CROWN: Did Superman ask permission to enter the building?

COSTCO: No.

CROWN: Thank you. I have no further questions.

JUDGE: Does the defence wish to cross-examine?

DEFENCE: Where were the bricks lying when you arrived at the warehouse?

COSTCO: I already told you, they were lying in pieces on the ground.

DEFENCE: On the outside of the building?

COSTCO: Yes, on the outside!

DEFENCE: In your opinion, isn't it true that if Superman crashed through the wall, the bricks would have been carried inside the building with the impact, rather than outside?

CROWN: Objection! This calls for a conclusion on the part of the witness. Mr. Costco is not a demolition expert.

JUDGE: Sustained. Please strike the last question from the record.

DEFENCE: Mr. Costco, when did you arrive at the warehouse?

COSTCO: I don't know.

DEFENCE: Well, was it before or after the police arrived?

COSTCO: At the same time.

DEFENCE: I have no more questions.

JUDGE: You may step down. *[To the Crown.]* Do you wish to call any more witnesses?

CROWN: Yes, for our last witness we call Mr. Power, a demolition expert.

CLERK: Take the bible in your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

POWER: I do.

CLERK: Please state your name, address and occupation.

POWER: My name is Max Power, and I live at 8131, 156 Street, _____, _____. I am a demolition expert and I have been working for Sun Life Insurance Company for ten years investigating the cause of explosions.

CLERK: Please be seated.

CROWN: Mr. Power, have you ever investigated an explosion at a brick building prior to this particular investigation?

POWER: Yes, I've conducted investigations in over twenty brick buildings.

CROWN: Please describe for the court what one of your investigations would involve.

POWER: I go into a site and analyze the evidence such as the size of the hole and the distance debris was scattered to determine the cause of the explosion.

CROWN: Please describe the scene at the warehouse on November 1st of _____.

POWER: There was a large hole in the warehouse wall approximately two meters wide and three meters high.

CROWN: About the size of a large man?

POWER: Why, yes!

CROWN: In your expert opinion, could the damage to the warehouse have been caused by Superman?

POWER: With his superhuman strength... easily!

CROWN: Thank you. No further questions.

JUDGE: Does the defence wish to question the witness?

DEFENCE: Yes my Lord/Lady. As part of your investigation do you test the surrounding area for traces of gunpowder?

POWER: Of course, that's standard procedure.

DEFENCE: Did you find any on the bricks?

POWER: Yes, lots!

DEFENCE: In your expert opinion, could guns fired at a wall cause it to crumble?

POWER: Well... yes.

DEFENCE: Thank you no more questions.

JUDGE: Would the Crown like to call another witness?

CROWN: No, my Lord/Lady. The Crown rests.

JUDGE: Will the Defense please begin.

DEFENCE: My Lord/Lady, we intend to prove that Superman did not break the wall. His reputation shows that he would not hurt or injure anyone deliberately. To support our case, we will call Lois Lane, Jimmy Olsen, and Superman. For our first witness, we would like to call Ms. Lane.

CLERK: Take the bible in your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

LOIS: I do.

CLERK: State your name, address and occupation.

LOIS: Lois Lane, 8686, 156 Street _____, in the province of _____. I am a reporter for the Daily Planet. I've worked for the paper for five years.

CLERK: You may be seated. *[Clerk returns to his/her seat.]*

DEFENCE: What happened to you on the first day of November _____?

LOIS: Well, I was in my apartment putting together an article on welfare fraud when I heard a knock on the door. When I answered it, two men grabbed me, blindfolded me, and gagged me. I was taken to a car and driven somewhere.

DEFENCE: Then what happened?

LOIS: I was marched down some stairs and tied to a chair. When they took my blindfold off, I saw five men with masks on; and they had guns. I started to scream and one of them hit me. One man said they couldn't let me write an article on welfare fraud because that might cause a police investigation and then all their plans would be ruined.

DEFENCE: What else did the man say?

LOIS: He said, you realize we can't let you live. He said that his gun was very powerful and that my death would be quick and painless. Then he laughed and pointed the gun above my head and shot at the wall.

DEFENCE: Please tell the court what happened next.

LOIS: I screamed and bricks were falling around me. The gunman was laughing and saying good-bye Ms. Lane. Then I heard sirens and Superman was there. The men fled and Superman tried to go after them but Constable Peters blocked the doorway and arrested him.

DEFENCE: Thank you Ms. Lane. I have no further questions.

JUDGE: Does the Crown wish to cross-examine?

CROWN: Yes my Lord/Lady. *[To Lois.]* Were the bricks falling all around you just before Superman entered?

LOIS: Yes.

CROWN: So using basic laws of physics, is it safe to assume that there was an outside force pushing the bricks into the building?

DEFENCE: Objection my Lord/Lady. This question asks for a conclusion on the part of the witness. This witness is a reporter not a university physics professor.

JUDGE: Objection sustained.

CROWN: Isn't true that you are in love with Superman?

LOIS: Well... uh... um...

CROWN: Remember, you are under oath.

LOIS: Um... Yes.

CROWN: Would you lie for him?

LOIS: Um... uh...

DEFENCE: Objection!

CROWN: I withdraw my question. Thank you. No further questions, my Lord/Lady.

JUDGE: *[To defence.]* Please call your next witness.

DEFENCE: I call Jimmy Olsen to the stand.

CLERK: Please take the bible in your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth so help you God?

JIMMY: I sure do.

CLERK: Please state your name, address and occupation.

JIMMY: My name is Jimmy Olsen and I live at 4343 Shutter Bug Drive, _____, _____ . I am a photographer for the newspaper, The Daily Planet.

CLERK: You may be seated.

DEFENCE: Jimmy, what were you doing on November 1st _____?

JIMMY: I was out in _____ with Clark Kent, a reporter with the paper, taking pictures of an accident. Clark said he had to go make a phone call and went over to a nearby telephone booth. Next thing I saw was Superman flying overhead. I decided to follow him because I knew he would lead me to a story.

DEFENCE: Then what happened?

JIMMY: I followed Superman in my car, to a warehouse. I parked the car and then ran over.

DEFENCE: What did you see?

JIMMY: I saw bricks lying all over the ground, so I ran inside.

DEFENCE: What did you see on the inside?

JIMMY: Five guys with guns almost ran over me. Superman started to chase them but then Constable Peters appeared in the doorway and arrested him. I couldn't believe he arrested Superman and let those five guys go.

DEFENCE: Thank you Jimmy, no further questions.

JUDGE: Does the Crown wish to cross-examine?

CROWN: Yes my Lord/Lady. Jimmy did you see how Superman entered the warehouse?

JIMMY: No.

CROWN: Did he use the front door with you?

JIMMY: No he didn't use the front door.

CROWN: What is your relationship with Superman?

JIMMY: I think Superman is the greatest! He's my hero!

CROWN: Would you lie to protect Superman?

DEFENCE: Objection!

JUDGE: Sustained!

CROWN: Has Superman ever saved your life, Jimmy?

JIMMY: Oh yes, many times!

CROWN: So you are very loyal to Superman, aren't you?

JIMMY: Of course!

CROWN: Thank you, no more questions.

JUDGE: You may step down. Please call your next witness.

DEFENCE: I call the accused, Superman, as the next witness.

[Superman is escorted to the stand by a sheriff. The sheriff remains at Superman's side during his testimony.]

CLERK: Take the bible in your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

SUPERMAN: I do.

CLERK: State your name, address and occupation.

SUPERMAN: My name is Superman and I live at 8567 Hero Drive, _____, _____. My occupation is fighting crime, although I've never made any money from saving the world.

CLERK: You may be seated.

DEFENCE: What were you doing on November 1st _____?

SUPERMAN: I was flying over the city of _____ when I heard a muffled scream.

DEFENCE: What did you do then?

SUPERMAN: I wasn't positive where it had come from, but I guessed the direction and flew over there. Using my X-ray vision, I began looking into the buildings as I flew by.

DEFENCE: What did you see?

SUPERMAN: Inside a warehouse I saw Lois Lane tied up and a man firing a gun.

DEFENCE: Then what happened?

SUPERMAN: I approached the wall of the warehouse and told people to back away because I was about to break through the wall.

DEFENCE: Did you break the wall down?

SUPERMAN: No, as I was winding up, the wall just crumbled. So I flew through the hole and went after the men. That's when I ran into Constable Peters and was arrested.

DEFENCE: I have no further questions my Lord/Lady.

JUDGE: Does the Crown wish to cross-examine?

CROWN: Yes, my Lord/Lady. *[To Superman.]* Did you intend to break the wall?

SUPERMAN: Well ... yes ... I did intend to...

CROWN: You testified that the wall began to crumble when you were winding up. How close were you to the wall at that point?

SUPERMAN: I ... um... was right in front of it, I guess.

CROWN: Did you touch any of the bricks?

SUPERMAN: I'm not sure. I think I might have hit some of them with my elbows on my way through.

CROWN: Were you touching the wall when it began to crumble?

SUPERMAN: No, I saw it crumble with my eyes before I went through it.

CROWN: Would you go to any lengths to rescue Ms. Lane if her life were in danger?

SUPERMAN: Yes, of course!

CROWN: I have no further questions my Lord/Lady.

JUDGE: You may step down.

DEFENCE: I have no further witnesses, my Lord/Lady.

JUDGE: *[To defence.]* Would you please begin your closing remarks.

DEFENCE: Ladies and gentlemen of the jury, the Crown must prove beyond a reasonable doubt that Superman intended to, and did, break through the wall. This they have not done. Superman has testified that he flew through an already existing hole in the wall. The only reason he entered the building was to save Ms. Lane's life. No witness for the Crown actually saw Superman break the wall. While Superman admits he did have the intention of breaking the wall, he did not carry out the act, because as he approached the wall, it crumbled. Ms. Lane has testified that she was held in the warehouse by five men, one of whom fired a gun at the wall causing it to collapse. The Crown has presented no evidence which contradicts these facts. This is further supported by the evidence of Mr. Costco who testified that the bricks were outside the warehouse. Ladies and gentlemen, you do not have to be an expert to know that an explosion inside a building will force the bricks to the outside. You heard a demolition expert testify that gunpowder was found on the bricks and that the guns found at the scene of the crime were powerful enough to cause bricks to be blown apart. Let's not tie the hands of our city's most popular and successful Super Hero, let's allow him the freedom to rescue people in trouble and chase down criminals. I ask you to find Superman not guilty of both of these ridiculous charges.

JUDGE: Thank you. *[To Crown.]* Would you please begin your closing statement?

CROWN: Ladies and gentlemen of the jury, if we do not tie Superman's hands in the same manner that all law abiding citizens' hands are tied, then we give him a license to randomly destroy

other people's property without any recourse for the property owners. There can be no doubt that Superman intended to break the wall and in fact, the wall crumbled under his touch when he approached it. You have heard him admit that he would stop at nothing to rescue Ms. Lane and on November 1, _____ that meant flying through a wall, resulting in mischief and breaking and entering. You heard Ms. Lane testify that the bricks fell inward and landed all around her. This could only be caused by Superman smashing through the wall. I ask for a guilty verdict on both counts. Superman must be held accountable by the same laws that govern all citizens of Canada.

JUDGE: *[To the jury.]* Ladies and gentlemen of the jury, you have heard the evidence, and must now decide whether or not Superman is guilty of these crimes. The Crown argues that Superman had the intention of breaking of the wall and carried out the act resulting in mischief. Also, that Superman forced his way into the building, thereby committing break and enter. The defence argues that the wall was already broken and that Superman entered the building only to apprehend the criminals that held Ms. Lane. If you have any doubt that Superman intended to break through the wall OR that Superman actually did break through the wall, you must find Superman not guilty.

If, on the other hand, you have no doubt that Superman committed these crimes then you must find him guilty.

There will be a brief recess while the jury deliberates.

[The jury files out. The Judge leaves the bench.]

Sheriff #1: All rise.

[Jury leaves the courtroom to discuss among themselves what they think the verdict should be.]

They will then take a vote: "On the charge of break and enter, how many find Superman guilty? How many find him not guilty?"

"On the charge of mischief, how many find Superman guilty? How many not guilty?"

[They will then choose a foreperson to will say what the results are when asked by the clerk back in the courtroom. When they are ready, they will be escorted back to their seats by the sheriff.]

Sheriff #1: All rise. This trial is again in session.

[The jury files in and everyone goes to their original seats. The judge returns to the bench. Judge nods to the people in the court and then sits. People in the court sit after the judge sits. The jury foreperson remains standing.]

CLERK: Mr./Madam Foreperson, have you reached a verdict?

FOREMAN: Yes my Lord/Lady, we have.

CLERK: Will the accused, Superman, please rise?

[The sheriff, Superman, and his lawyers stand.]

CLERK: On the first count of break and enter how do you find the accused?

FOREPERSON: We find the accused: (guilty/not guilty).

CLERK: On the second count of mischief how do you find the accused?

FOREPERSON: We find the accused: (guilty/not guilty).

CLERK: Members of the jury, hearken to your verdict as the court does record it. You find the accused, Superman, not guilty/guilty. This is your verdict, so say you all.

Please stand to confirm your verdict.

[All members of the jury stand.]

JUDGE: Ladies and gentlemen of the jury, we thank you for acting as jurors in this matter. Both society and the law benefit from your contribution. In return, I hope you have found it to be an interesting and rewarding experience. Superman, you are free to go.

OR

Superman, you have been found guilty of the first count of break and enter and/or the second count of mischief. A sentencing hearing will be held now. Crown, do you have a submission on the appropriate sentence?

[Crown stands.]

CROWN: Yes, my Lord/Lady, I do. This is Superman's first offence, but it was a serious crime and he never repented for his acts. I suggest that the appropriate sentence in

this case is a period of imprisonment for the maximum allowed by the law.

[Crown sits.]

JUDGE: Defence, do you have anything to say?

[Defence stands.]

DEFENCE: Thank you my Lord/Lady. Superman is an upstanding citizen. He has saved many lives. His only intent was to rescue Lois Lane. The defence asks that he receive a conditional discharge with a period of two years of probation and 300 hours of community service.

[Defence sits.]

JUDGE: Superman, please stand.

[Superman stands.]

You have been found guilty of a serious criminal offence and must not take these proceedings lightly. However, you have been straightforward and have never been in trouble before. I feel that your good deeds for our society must be taken into consideration. I hereby order a suspended sentence with a period of five years probation and 1,000 hours of community service.

CLERK: This court stands adjourned. Order in the court.

[All rise as the judge exits the courtroom.]



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