

Mini-Mock Trial Manual

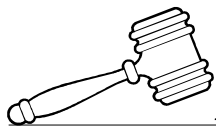
Student Handout: *State of Minnesota v. T.J. Schmidt*

PWC Mock Trial
District Court

State of Minnesota)
)
v.)
)
T. J. Schmidt)

FACTS

On July 17, Mara Thompson filed a complaint alleging that TJ Schmidt was violating the law that prohibits operation of a personal watercraft before the hours of 9:30 a.m. and one hour before sunset and requires no-wake speed within 150 feet of a shoreline, a dock, a swimmer, a swimming or diving raft, or a moored, anchored, or nonmotorized watercraft. Ms. Thompson, a neighbor of TJ Schmidt, claims that TJ operated his PWC before the hour of 9:30 a.m. at high speed off the end of her dock which extends approximately 50 feet into the lake. TJ Schmidt has been charged with violating the law.



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Student Handout: PROSECUTION WITNESSES STATEMENTS

Mara Thompson
Sam Leverton

Mara Thompson

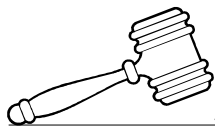
I am TJ's next door neighbor. I am a nurse, I work the late night/early morning shift at the town's hospital. I usually get home about 7:30 in the morning. I check my messages and change my clothes. On nice days, I walk around the many gardens I have planted. By 8:30 a.m., I am usually back inside to watch the morning news programs and have some breakfast.

On July 17, I did these things, made coffee and sat down to watch television. I then remembered that I had to call a repair service to come and look at my air conditioner. I quickly made the call, hoping to get done so I could see a little bit of the news. After a few minutes on the phone, I heard TJ start his PWC. He was riding close to the end of my dock which extends 50 feet into the lake. I had to ask the person on the other end of the line to speak louder, and eventually I had to close the window so I could hear. The irritating noise lasted until about 9:45 a.m., when TJ was joined by a friend and they rode toward the other side of the lake. A little later, I called local law enforcement and complained.

Sam Leverton

I am TJ's best friend. I am 17 and will be entering 12th grade in the fall. TJ and I are spending lots of time together this summer, most of it at TJ's house because he lives on a lake. I like to take my PWC over to TJ's and we spend hours on the lake.

On July 17, I called TJ shortly after I got up and arranged to meet him on the lake near his house. He said to hurry because he was on his way outside. I ate a quick breakfast, got ready, and drove over to TJ's, stopping at the gas station for something to drink. It took me about 20 minutes to drive to TJ's. When I arrived, I waved at TJ who was a little distance from shore. TJ came in and helped me put my PWC into the water. Then both of us road out into the lake. When we got back to TJ's house a couple of hours later, we found out that TJ's neighbor had filed a complaint against TJ.



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Student Handout: DEFENSE WITNESSES STATEMENTS

T.J. Schmidt
Stephanie (Steven) Cohen

TJ Schmidt

I live on a lake and love to ride my personal watercraft (PWC). I am 17 and will be entering 12th grade in the fall and believe that this is my last summer to relax and have fun. My friends often join me for lake activities.

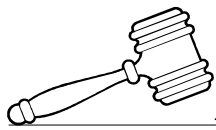
On July 17, my best friend Sam called after breakfast to see what I was doing. I don't remember the exact time. I explained I was on my way outside to ride my PWC. Sam said he was on his way over and asked me not to go too far. I went outside to ride my PWC. It was going to be a hot day and there were already lots of boats on the lake. Because I was waiting for Sam to arrive, I stayed near shore so that I could see him. I rode back and forth, practicing turns and speeding up and slowing down in front of my house. My parents own 100 feet of lakeshore. I have neighbors on both sides. Many of my neighbors own PWCs.

I do not consider myself a trouble maker, although I did get one speeding ticket for driving 45 in a 30 mph zone near school. I am a little scared by all of this. I worry that my parents are going to limit my use of my PWC or that they will take it away from me. I understand that there are regulations about the use of PWCs, but I just didn't think about them on July 17 as I was waiting for Sam to arrive.

Stephanie Cohen

I am a neighbor. I live next to TJ with my family. I will be a freshman at the university in the fall. I love the outdoors, especially summer activities. On July 17, I was relaxing on our deck, listening to a CD. I think it was sometime after 9 a.m. My alarm always wakes me at 8:30. That morning, I was also watching TJ on his PWC. I was impressed with how skilled TJ had become, performing some pretty fancy maneuvers. When TJ was too far from shore for me to see him, I used the binoculars that we use for bird watching.

I saw Sam arrive. He waited for a few minutes until TJ came close enough to shore to see him. Then he waived and called to TJ. TJ came to shore and stopped his PWC. After a short break, both boys got onto their PWCs and rode out into the lake.



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Jury Instructions: *State of Minnesota v. T.J. Schmidt*

Before evidence is presented

Members of the jury, you are to decide this case solely on the evidence presented here in the courtroom. This evidence includes the testimony of witnesses and any documents that are entered into the court record. You will not use any objections made by the lawyers and arguments concerning the objections, testimony that the court tells you to disregard, or anything you may have seen or heard outside the courtroom.

During this trial, you are going to hear testimony of witnesses, and you will have to make judgments about the believability of the witnesses. I ask you to be patient, and listen carefully to the testimony of all the witnesses, and keep it all in mind until you hear the entire case. In making your decision, rely on your own experience, your own judgment, and your own common sense.

If at any time during the trial you are unable to hear, please raise your hand. The parties will be asked to speak up.

After the evidence is presented.

Members of the jury, you have heard all of the testimony concerning this case. It is now up to you to determine the facts. You, and you alone, are the judges of the facts. You will then have to apply the facts to the law as I now give it to you.

The law in this case states:

It is against the law to operate a personal watercraft before the hour 9:30 a.m. or after one hour before sunset. It is also against the law to operate a personal watercraft at a speed greater than slow-no wake speed within 150 feet of a shoreline, a dock, a swimmer, a swimming or diving raft, or a moored, anchored, or nonmotorized watercraft.

If you find TJ guilty of violating the law, you will be finding in favor of the State. If you find TJ not guilty of violating the law, you will be finding in favor of TJ. You must all agree on the verdict.