

# **MOCK TRIAL CASE MATERIALS**

for the

## **UTAH LAW RELATED EDUCATION MOCK TRIAL ELEMENTARY PROGRAM**

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**State of Utah**

**v.**

**Charlie Young**

**Case No. 22cr23-006**

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**Grades 6-7-8**

This case was written and adapted by elementary and middle school teachers for the  
Utah Law Related Education Mock Trial Elementary Project

**CASE BRIEF:**

In Case Number 23cr23-006 is a criminal case of Automobile Homicide in which a young girl has died. Charles Young was the driver of the car.

**NOTE:** The Defendant in this case is only 16 years old. He/she may be certified and tried as an adult. Most possibly the case would be decided in juvenile court which is not an adversarial proceeding.

Only if the Defendant were 18 or certified as an adult would the trial take place in the Eighth District Court of the State of Utah.

**WITNESS LISTING:**

Mr. GeorgeWright ..... Prosecution Witness  
Mrs. AnnaWright ..... Prosecution Witness  
Sergeant Jodi McGruff ..... Prosecution Witness  
Jennifer Redding ..... Prosecution Witness

Charlie Young ..... Defendant  
Joey Cool ..... Defense Witness  
Thomas Midas ..... Defense Witness

## **THE TRIAL:**

**BAILIFF:** All rise, the Eighth District Court of the State of Utah is now in session. The Honorable \_\_\_\_\_ presiding.

**JUDGE:** Be seated.

**BAILIFF:** The court will now hear the case of *The State of Utah vs. Charles Young*.

**JUDGE:** Are the attorneys for the Prosecution present and ready? (Attorneys “*Yes Your Honor*”)  
Are the attorneys for the Defense present and ready? (Attorneys: “*Yes Your Honor*”)

We are here today to hear the case of the State of Utah vs. Charles Young. Ladies and gentlemen of the jury, you have been called to serve today in a matter of great importance. A young girl has died, and it is your duty alone to decide whether or not a crime has been committed. Listen carefully to the evidence from the witnesses, it is your privilege to believe or not believe what a witness will say, but you must take all the evidence into consideration. Remember, in the American system of Justice a person is innocent until proven guilty. I do believe that you will perform your task responsibly. Thank you for being here. Bailiff you will swear in the jury.

**BAILIFF:** Raise your right hand. You and each of you do solemnly swear that you will well and truly try the case now at hand and render a true verdict according to the evidence that will be presented.

**JURY:** I do.

**JUDGE:** Is the prosecution ready with its opening statement?

Prosecuting Attorney: We are ready, Your Honor. Ladies and gentlemen of the jury, this is a case of automobile homicide in which a drunk driver negligently drove his car around a curve which resulted in a beautiful young girl’s death.

Charles Young took into his hands a lethal weapon after having access to his father’s liquor cabinet and getting behind the wheel of the family car. On October 16, 2022, Samantha Sweet and her friend Jennifer were walking home from the movies when a drunken Charles Young came racing down the street and took Samantha’s life.

The evidence will show that the Defendant was drunk beyond the legal limit and should not have been driving. The Defendant was also driving much too fast for the area and conditions.

As freedom-loving Americans, we have the right to live in a free country and walk the streets whenever we want to. If we do not protect these rights, we will forfeit them. No one has the right to interfere with our existence in this country and Charles Young has done just this.

The Defendant has taken these rights away from Samantha Sweet and justice must be served. I know after hearing the evidence, you as the jury will find the Defendant, Charles Young guilty of automobile homicide, a felony of the third degree. Thank you.

**JUDGE:** Do the attorneys for the defense have an opening statement?

**DEFENSE ATTORNEY:** Yes, Your Honor. In this country we have many rights and freedoms. Any person who is charged with a crime is innocent until proven guilty. In this case we have a young man who has been wrongly charged with a crime of grave consequences.

Charles Young is an average sixteen-year-old. Remember what it was like when you were sixteen. You wanted to have fun and lead an active, exciting life. Charles is a good person; he attends all his classes at school and has an above grade point average. In school he has completed driver's education and has a legal driver's license. If you were to talk to any of his teachers, they would tell you that Charles has his life together and is fun to have in class. His employer is proud to have him as an employee. Charles is an excellent worker who makes the work place pleasant for the other employees.

As the defense, we will show you many factors that were involved in the death of Samantha Sweet ... not just a sixteen-year-old out for a joy ride. We will show you poor planning by the city. A crosswalk that was put too close to a curve in the road. This factor along with a wet street could have caused the accident by any driver. In this instance, we have a young man who just happened to be driving down the wrong street at the wrong time.

The next problem we have is an unqualified person attempting CPR on the victim. This could be a major factor in the death of Samantha Sweet.

Do not be satisfied unless and until the evidence establishes beyond reasonable doubt each and every element of the crime with which the Defendant is charged. We are confident that the evidence does not support the charges that face the Defendant. Thank you.

**JUDGE:** Prosecution, you may call your first witness.

**PROSECUTING ATTORNEY:** We would like to call Mr. George Wright to the stand. (*Mr. Wright takes the stand*)

**BAILIFF:** Please raise your right hand. Do you promise to tell the truth, the whole truth and nothing but the truth?

**MR. WRIGHT:** I do.

**PROSECUTING ATTORNEY:** Mr. Wright, what is your address?

**MR. WRIGHT:** 469 Pineview Road, Coraville, Utah

**PROSECUTING ATTORNEY:** How long have you lived at this address?

**MR. WRIGHT:** Thirteen years.

**PROSECUTING ATTORNEY:** Is there a tight curve on this street?

**MR. WRIGHT:** Yes, right where my house is.

**PROSECUTING ATTORNEY:** (Showing Mr. Wright's statement of the night of the accident to him). Is this the statement you made to the police on the night of October 16?

**MR. WRIGHT:** Yes, it is.

**PROSECUTING ATTORNEY:** In your statement you said that you were outside that night. What were you doing outside at 10:30 p.m.?

**MR. WRIGHT:** Turning the water off to the sprinklers.

**PROSECUTING ATTORNEY:** What happened while you were outside?

**MR. WRIGHT:** There was an accident just up the street.

**Prosecuting Attorney:** What did you do then?

**MR. WRIGHT:** I yelled to my wife to call 911 and then ran to the accident site.

**PROSECUTING ATTORNEY:** What did you find when you got to the accident?

**MR. WRIGHT:** I found a girl sitting in the street, she wasn't hurt. Up the street I found another girl, who was badly hurt.

**PROSECUTING ATTORNEY:** Did you help her?

**MR. WRIGHT:** No, because by that time my wife had come out of the house, and she has her first aid training. It was then that I heard someone in the trying to start the engine, so I ran to stop him

**PROSECUTING ATTORNEY:** Do you see anyone in this courtroom who was in the car at the time:

**MR. WRIGHT:** Yes, I do.

**PROSECUTING ATTORNEY:** Please point to that person.

**MR. WRIGHT:** (*Points to Charles Young*)

**PROSECUTING ATTORNEY:** Thank you. Let the record reflect that Mr. Wright has identified Charles Young, the Defendant, driving a car at the scene of the accident on October 16<sup>th</sup>. Mr. Wright, could you smell any alcohol when you arrive at the car?

**DEFENSE ATTORNEY:** Objection! Counsel is leading the witness.

**JUDGE:** Objection sustained.

**PROSECUTING ATTORNEY:** Was there anything unusual about the car?

**MR. WRIGHT:** I could smell alcohol in the car.

**PROSECUTING ATTORNEY:** Was the Defendant driving the car?

**MR. WRIGHT:** Yes, he was.

**PROSECUTING ATTORNEY:** Could the Defendant have avoided hitting girl?

**MR. WRIGHT YES.**

**DEFENSE ATTORNEY:** Objection! That is speculation by the witness.

**JUDGE:** Sustained, continue.

**PROSECUTING ATTORNEY:** Mr. Wright, did you attempt to help the driver out of the car?

**Mr. Wright:** No, sir, he looked mean and there was another person in the car with him.

**PROSECUTING ATTORNEY:** Did you stop them from leaving?

**MR. WRIGHT:** The car wasn't going anywhere. It hit a tree so I just told them not to move. By that time the police had arrived.

**PROSECUTING ATTORNEY:** Do you think the defendant was drunk?

**DEFENSE ATTORNEY:** Objection! The witness is being asked to draw a legal conclusion that he is unqualified to make.

**JUDGE:** Sustained.

**PROSECUTING ATTORNEY:** That's all I have at this time. Your witness.

**DEFENSE ATTORNEY:** What time did you begin watering your lawn that night?

**MR. WRIGHT:** About 8:30 p.m.

**DEFENSE ATTORNEY:** Did you realize that some of the water ran off into the street?

**MR. WRIGHT:** I try to soak the lawn really good for about an hour, but that night I was watching TV and forgot about turning the water off.

**DEFENSE ATTORNEY:** You didn't answer the question. Did the excess water cover part of the street?

**MR. WRIGHT:** Yes sir.

**DEFENSE ATTORNEY:** That's all I have, Your Honor.

**PROSECUTING ATTORNEY:** The State wishes to call Mrs. Wright to the stand. (*Mrs. Wright takes the stand*).

**BAILIFF:** Please raise your right hand. Do you promise to tell the truth, the whole truth and nothing but the truth?

**MRS. WRIGHT:** Yes.

**PROSECUTING ATTORNEY:** What were you Doing on October 16, 1922?

**MRS. WRIGHT:** I was watching T.V. when my husband shouted from the front yard that there had been an accident, and I should call “911”.

**PROSECUTING ATTORNEY:** What did you do then?

**MRS. WRIGHT:** I called “911” and reported the accident and then went to see if I could be of any help.

**PROSECUTING ATTORNEY:** What did you find when you got to the accident?

**MRS. WRIGHT:** I ran to where my husband was, and I found a girl who had been hurt badly.

**PROSECUTING ATTORNEY:** Did you help her?

**MR. WRIGHT:** Yes, I checked her vital signs and found that her heart had stopped, and she wasn't breathing.

**PROSECUTING ATTORNEY:** Did you do anything?

**MRS. WRIGHT:** Yes, CPR.

**PROSECUTING ATTORNEY:** Did her heart begin to beat?

**MRS. WRIGHT:** Yes.

**PROSECUTING ATTORNEY:** Did you continue to perform CPR?

**MRS. WRIGHT:** No, I tried to help make her as comfortable as possible. By then the ambulance had arrived.

**PROSECUTING ATTORNEY:** That's all, Your Honor. Your witness.

**DEFENSE ATTORNEY:** Mrs. Wright, are you certified in CPR?

**MRS. WRIGHT:** I was.

**DEFENSE ATTORNEY:** So that means you were not certified at the time of the accident?

**MRS. WRIGHT:** No, I wasn't

**DENENSE ATTORNEY:** Did it ever occur to you that you could have done more damage than good?

MRS. WRIGHT: I had to try and save that girl's life.

DEFENSE ATTORNEY: On the autopsy report, Samantha died as a result of her ribs puncturing her lungs.

PROSECUTING ATTORNEY: Objection! Counsel is telling a story, not asking a question.

JUDGE: Stay with the questioning.

DEFENSE ATTORNEY: What happens when a person does not continue to practice a skill?

MRS. WRIGHT: I guess he begins to lose that skill.

DEFENSE ATTORNEY: Did you continue to keep up your training?

MRS. WRIGHT: No.

DEFENSE ATTORNEY: May I ask why not?

MRS. WRIGHT: I didn't find the time to go back to class.

DEFENSE ATTORNEY: Could it be possible that Samantha's injuries were caused by CPR being performed incorrectly on her?

PROSECUTING ATTORNEY: Objection! Counsel is asking the witness for a medical conclusion.

JUDGE: Sustained.

DEFENSE ATTORNEY: No further questions.

**PROSECUTING ATTORNEY:** The State wishes to call Jennifer Redding to the stand. (*Jennifer Redding takes the stand*).

**BAILIFF:** Please raise your right hand. Do you promise to tell the truth, the whole truth and nothing but the truth?

JENNIFER REDDING: I do.

PROSECUTING ATTORNEY: Jennifer, how long were you and Samantha friends?

JENNIFER REDDING: Two years.

PROSECUTING ATTORNEY: Why were you two out so late at night?

JENNIFER REDDING: We were coming home from a movie.

PROSECUTING ATTORNEY: Why didn't you get a ride?

JENNIFER REDDING: Samantha's parents were out of town, and she was going to spend the night at my house. When the movie was over, I called my mom to come and get us, but she said the car had died so she decided to walk home.

PROSECUTING ATTORNEY: How far do you live from the theatre?

JENNIFER REDDING: About 5 blocks.

PROSECUTING ATTORNEY: Is Pineview Road on the normal route home?

JENNIFER REDDING: No, we were taking a short cut through the park.

PROSECUTING ATTORNEY: Let's talk about the accident. Where were you and Samantha when the car came around the curve?

JENNIFER REDDING: We were almost across the street when a car came racing around the curve.

PROSECUTING ATTORNEY: What did you do then?

JENNIFER REDDING: I jumped backwards and fell on the side of the street.

PROSECUTING ATTORNEY: Did you see what Samantha did?

JENNIFER REDDING: She didn't move. I guess she was too scared to move.

PROSECUTING ATTORNEY: Did you see the car hit her?

JENNIFER REDDING: Yes.

PROSECUTING ATTORNEY: Did the car seem to be out of control?

JENNIFER REDDING: No.

PROSECUTING ATTORNEY: No more questions Your Honor.

DEFENSE ATTORNEY: What were you and Samantha talking about while you were crossing the street?

JENNIFER REDDING: We were talking about the new boy that moved into my neighborhood the week before.

DEFENSE ATTORNEY: So, you weren't paying close attention to what was going around you?

JENNIFER REDDING: We heard a car squealing around corners in the distance.

DEFENSE ATTORNEY: So, you heard the car coming?

JENNIFER REDDING: Yes, but it seemed to stop about two blocks away.

DEFENSE ATTORNEY: Before you crossed the street did you notice any water on the street?

JENNIFER REDDING: Yes.

DEFENSE ATTORNEY: A lot of water?

JENNIFER REDDING: No.

DEFENSE ATTORNEY: About how far did the water go into the street:

JENNIFER REDDING: Maybe ten feet.

DEFENSE ATTORNEY: Did you cross the street there?

JENNIFER REDDING: We ran past the sprinkler and crossed at the crosswalk.

DEFENSE ATTORNEY: No more questions, Your Honor.

PROSECUTION ATTORNEY: The State wishes to call Sargeant Jodi McGruff to the Stand. .  
*(Sargeant McGruff takes the stand).*

**BAILIFF:** Please raise your right hand. Do you promise to tell the truth, the whole truth and nothing but the truth?

SARGEANT: I do.

PROSECUTING ATTORNEY: Sargeant McGruff, how long have you been on the police force?

SARGEANT: Fifteen years.

PROSECUTING ATTORNEY: Were you the officer that arrived at the scene of the accident on October 16, 2022?

SARGEANT: Yes.

PROSECUTING ATTORNEY: Describe what you saw when you arrived.

SARGEANT: I arrived approximately four minutes after receiving the call. When I got out of my car there was one girl sitting on the opposite side of the street from the car. There was a girl laying in the middle of the street and a woman trying to revive her. There was a man standing next to a car that had hit a tree.

PROSECUTING ATTORNEY: What did you do then?

SARGEANT: I went to the girl lying in the street to see if I could help.

PROSECUTING ATTORNEY: And did you.

SARGEANT: No, by the time I reached them, the girl's heart had begun to beat and the ambulance had arrived.

PROSECUTING ATTORNEY: What did you do next?

SARGEANT: I went to the car to see if everyone was okay.

PROSECUTING ATTORNEY: What did you find?

SARGEANT: Mr. Wright was standing next to the car and there were two people in the car.

PROSECUTING ATTORNEY: Who was in the driver's seat?

SARGEANT: The Defendant.

PROSECUTING ATTORNEY: Was there anything unusual about the car or its occupants?

SARGEANT: When the driver opened the door, a liquor bottle fell out onto the ground.

PROSECUTING ATTORNEY: What went through your mind at this time?

SARGEANT: That both occupants had been drinking.

PROSECUTING ATTORNEY: What did you do next?

SARGEANT: I gave the Defendant the field sobriety test.

PROSECUTING ATTORNEY: Did he pass?

SARGEANT: No, he did not. With that result, I took both occupants of the car to the station.

PROSECUTING ATTORNEY: What happened at the station?

SARGEANT: I gave the Defendant a Breathalyzer test?

PROSECUTING ATTORNEY: What were the results of that test?

SARGEANT: The blood alcohol level was .13%.

PROSECUTING ATTORNEY: What is the level at which a person is considered legally "drunk?"

SARGEANT: .05%. However, Utah has a .01% for anyone under the age of 21. It's called the "No Drop Law".

PROSECUTING ATTORNEY: Can any person operate a car correctly and safely with this level of alcohol?

DEFENSE ATTORNEY: Objection! The witness doesn't have the expertise to testify to that.

JUDGE: sustained. Would you like to rephrase your question counselor?

PROSECUTING ATTORNEY: No. No further questions. Your witness.

DEFENSE ATTORNEY: Sargeant McGruff, is there such a thing as a perfect test?

SARGEANT: I guess not.

DEFENSE ATTORNEY: How accurate are the Breathalyzer tests?

SARGEANT: Very accurate.

DEFENSE ATTORNEY: Is there a way to give the test so the results are incorrect?

SARGEANT: No.

DEFENSE ATTORNEY: How fast would you estimate that the car was going around the curve?

SARGEANT: Thirty-five miles per hour.

DEFENSE ATTORNEY: Was there any indication that the driver lost control of the car when it hit the water?

SARGEANT: Yes, skid marks, the direction and speed with which the car hit the tree and other factors indicate tht the driver lost control of the car at about te point where there was water in the street.

DEFENSE ATTORNEY: No further questions.

PROSECUTING ATTORNEY: The prosecution rests.