

MOCK TRIAL SCRIPT

The Case of Mary's Missing Lunch

Mary Peabody, Plaintiff

vs

Virgil Goodman, Defendant

Developed by:

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Belleville, Illinois

Approx Time Required:

2 hours

Participants in Trial:

Judge

Bailiff

Court Reporter

Plaintiff - Mary Peabody

Plaintiff's Lawyer

Defendant - Virgil Goodman

Defendant's Lawyer

Witness 1 - Miss Leigh Laughlin, Third Grade Teacher

Witness 2 - Molly Murphy

Witness 3 - Harry Hart

Witness 4 - Ralph Jones

Jury - 12 classmates or use the rest of the class with one designated as the Jury Leader.

Props:

Yellow lunch box, an empty Capri-Sun Punch carton, 3 tables and 7 chairs

The Case of Mary's Missing Lunch

BAILIFF: This honorable court of the _____ Judicial Circuit with the Honorable Judge _____ is now in session. All rise.

JUDGE: Ladies and gentlemen of the jury, this case involves the disappearance of Mary' lunch from her lunch box. In this case, Mary Peabody, who is a third grader at _____ School is the plaintiff and Virgil Goodman who is also a third grader at _____ School is the defendant. Mary Peabody is asking you to decide whether or not Virgil Goodman stole her lunch from her lunch box, leaving only a banana peel and a few crumbs. Miss Peabody's lawyer, do you wish to make an opening statement?

PLAINTIFF'S The evidence in this case will prove that on Friday, April 19, Virgil Goodman

LAWYER: took my client's yellow lunch box from the classroom basket while taking the basket from the third grade classroom to the cafeteria. When Mary Peabody opened her lunch box in the cafeteria, her peanut butter sandwich, her bag of potato chips and her Capri-Sun Punch drink were missing. The only thing left in the lunch box were a few crumbs and a banana peel.

DEFENDANT'S LAWYER: Ladies and gentlemen of the jury, my client, Virgil Goodman, has been wrongly accused of stealing Mary Peabody's lunch. He was asked by Miss Laughlin to carry all of the lunch boxes to the cafeteria on April 19. He did carry them down to the cafeteria but did not eat Mary Peabody's lunch.

JUDGE: Plaintiff's lawyer, please call your first witness.

PLAINTIFF'S LAWYER: I call Mary Peabody to the witness stand.

COURT REPORTER: (to the witness) Raise your right hand. Do you solemnly swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

MARY PEABODY: Yes

PLAINTIFF'S LAWYER: Please state your name.

MARY PEABODY: Mary Peabody.

PLAINTIFF'S LAWYER: Where do you go to school?

MARY PEABODY: I'm a third grader at _____ School.

PLAINTIFF'S LAWYER: Could you describe the lunch that you brought to school on April 19.

MARY PEABODY: I brought a banana, a Capri-Sun Punch drink, potato chips and a peanut butter sandwich in my yellow lunch box.

PLAINTIFF'S LAWYER: What was in the lunch box when you opened it in the cafeteria?

MARY PEABODY: Some crumbs and a banana peel.

PLAINTIFF'S LAWYER: Mary, I hand you what is marked as Exhibit #1 and ask if this is your lunch box that you found empty on April 19 in the cafeteria.

MARY PEABODY: Yes, it is.

PLAINTIFF'S LAWYER: I move that Exhibit #1 be admitted into evidence.

JUDGE: Exhibit #1 is admitted into evidence.

PLAINTIFF'S LAWYER: That's all, your honor.

JUDGE: Defense Counsel. do you want to cross-examine Miss Peabody?

**DEFENDANT'S
LAWYER:** Mary, you didn't actually see Virgil Goodman eat your lunch, did you?

MARY PEABODY: No, I guess not.

**DEFENDANT'S
LAWYER:** No further questions, your honor.

JUDGE: Plaintiff's counsel, you may call your next witness.

**PLAINTIFF'S
LAWYER:** I call Miss Leigh Laughlin to the stand.

**COURT
REPORTER:
(to the witness)** Raise your right hand. Do you solemnly swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

MISS LAUGHLIN: I do.

**PLAINTIFF'S
LAWYER:** State your name.

MISS LAUGHLIN: Leigh Laughlin.

**PLAINTIFF'S
LAWYER:** What is your occupation?

MISS LAUGHLIN: I am a teacher at _____ School, grade three A.

**PLAINTIFF'S
LAWYER:** On April 19 did you have two students in your class named Mary Peabody and Virgil Goodman?

MISS LAUGHLIN: Yes.

**PLAINTIFF'S
LAWYER:** Do you think they are good students?

**DEFENDANT'S
LAWYER:** Objection! The question is not relevant to the case.

JUDGE: Objection sustained.

**PLAINTIFF'S
LAWYER:** Did you ask Virgil Goodman to take Mary's lunch box to the cafeteria on April 19?

MISS LAUGHLIN: Yes, along with the rest of the class' lunch boxes. They were all in a basket.

**PLAINTIFF'S
LAWYER:** About how long was Virgil gone from the classroom?

MISS LAUGHLIN: About five minutes.

**PLAINTIFF'S
LAWYER:** How far is it to the cafeteria from your classroom?

MISS LAUGHLIN: Down two flights of stairs.

PLAINTIFF'S When Virgil returned to the class did anything unusual happen?

LAWYER:

MISS LAUGHLIN: Yes. He and Joseph Cool started giggling and I had to write their names on the board.

**PLAINTIFF'S
LAWYER:** I have no further questions, your honor.

JUDGE: Do you wish to cross-examine, defense counsel?

**DEFENDANT'S
LAWYER:** Yes. Miss Laughlin, you don't know why my client and Joseph Cool were giggling, do you?

MISS LAUGHLIN: No.

**DEFENDANT'S
LAWYER:** How many other people could have touched Mary's lunch box while it was in the cafeteria?

MISS LAUGHLIN: Oh, I don't know, probably anyone in the kindergarten, first or second grades who all eat before we do.

**DEFENDANT'S
LAWYER:** Thank you. That's all, your honor.

JUDGE: You may be excused, Miss Laughlin. Next witness.

**PLAINTIFF'S
LAWYER:** I call Molly Murphy to the stand.

**COURT
REPORTER:
(to the witness)** Raise your right hand. Do you solemnly swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

MOLLY MURPHY: I do.

**PLAINTIFF'S
LAWYER:** State your name.

MOLLY MURPHY: Molly Murphy.

**PLAINTIFF'S
LAWYER:** Do you know Virgil Goodman?

MOLLY MURPHY: Yes, he is in my class.

**PLAINTIFF'S
LAWYER:** Did you notice anything unusual about him on April 19?

MOLLY MURPHY: I noticed he had peanut butter on his mouth!

**PLAINTIFF'S
LAWYER:** No further questions.

**DEFENDANT'S
LAWYER:** Miss Murphy, did you notice this peanut butter on Virgil before or after lunch on April 19?

MOLLY MURPHY: I don't remember.

**DEFENDANT'S
LAWYER:** I have no further questions.

JUDGE: You may be excused. Any more witnesses?

**PLAINTIFF'S
LAWYER:** Just one. I call Harry Hart to the stand.

**COURT
REPORTER:
(to the witness)** Raise your right hand. Do you solemnly swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

HARRY HART: I do.

**PLAINTIFF'S
LAWYER:** State your name.

HARRY HART: Harry Hart.

**PLAINTIFF'S
LAWYER:** Harry, do you work at _____ School?

HARRY HART: Yes, I am the maintenance man.

**PLAINTIFF'S
LAWYER:** Did you find anything when you cleaned the boys bathroom on April 19?

HARRY HART: Yes, I found an empty Capri-Sun Punch carton in the trash can.

**PLAINTIFF'S
LAWYER:** Harry, I hand you what is marked as Exhibit #2 and ask if you can identify this.

HARRY HART: Yes, this is the empty Capri-Sun Punch carton that I found in the boys trash on April 19?

**PLAINTIFF'S
LAWYER:** I move that Exhibit #2 be admitted into evidence.

JUDGE: Exhibit #2 is offered into evidence. Do you want to cross-examine this witness, defense counsel?

**DEFENDANT'S
LAWYER:** Yes. Harry, what time did you find the empty carton?

HARRY HART: When I cleaned up after school -- about 4:00 p.m.

**DEFENDANT'S
LAWYER:** You have no idea who put it there, do you?

HARRY HART: No.

**DEFENDANT'S
LAWYER:** Nor do you know when it was put there?

HARRY HART: I know it was not there when I cleaned on April 18.

JUDGE: Thank you, you are dismissed.

**PLAINTIFF'S
LAWYER:** Plaintiff rests her case.

JUDGE: Defense counsel, you may present your case to the jury.

**DEFENDANT'S
LAWYER:** I call Virgil Goodman to the stand.

**COURT
REPORTER:
(to the witness)** Raise your right hand. Do you solemnly swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

VIRGIL GOODMAN: I do.

**DEFENDANT'S
LAWYER:** State your name.

VIRGIL GOODMAN: Virgil Goodman.

**DEFENDANT'S
LAWYER:** Virgil, did you eat a peanut butter sandwich, a banana and potato chips and drink a Capri-Sun Punch from Mary Peabody's lunch on April 19?

VIRGIL GOODMAN: No.

**DEFENDANT'S
LAWYER:** Did you get your name on the board that day?

VIRGIL GOODMAN: Yes.

**DEFENDANT'S
LAWYER:** Why?

VIRGIL GOODMAN: Joseph and I were talking in class.

**DEFENDANT'S
LAWYER:** What were you talking about?

VIRGIL GOODMAN: I don't remember.

**DEFENDANT'S
LAWYER:** That's all. I have no further questions.

JUDGE: Plaintiff's counsel, do you have any cross-examination of this witness?

**PLAINTIFF'S
LAWYER:** No.

JUDGE: Next witness, please.

**DEFENDANT'S
LAWYER:** I call Ralph Jones.

**COURT
REPORTER:
(to the witness)** Raise your right hand. Do you solemnly swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

RALPH JONES: I do.

**DEFENDANT'S
LAWYER:** State your name.

RALPH JONES: Ralph Jones.

**DEFENDANT'S
LAWYER:** Do you know Virgil Goodman?

RALPH JONES: Yes.

**DEFENDANT'S
LAWYER:** Is he a thief?

**PLAINTIFF'S
LAWYER:** Objection!

JUDGE: Sustained.

**DEFENDANT'S
LAWYER:** Did you eat lunch with Virgil on April 19?

RALPH JONES: Yes.

**DEFENDANT'S
LAWYER:** What did Virgil eat?

RALPH JONES: He had a peanut butter sandwich and some other stuff. He ate his whole lunch and part of mine. He was real hungry!

**DEFENDANT'S
LAWYER:** No further questions.

JUDGE: You may be dismissed. Any further witnesses?

**DEFENDANT'S
LAWYER:** No.

**PLAINTIFF'S
LAWYER:** No.

JUDGE: Plaintiff's counsel, would you care to make a closing argument to the jury?

**PLAINTIFF'S
LAWYER:** Your honor, ladies and gentlemen of the jury, the evidence you have heard proves that Virgil Goodman had possession of Mary Peabody's lunch box after he left the classroom on the second floor on April 19. The evidence also shows that when Mary opened her lunch box in the cafeteria all that was left were a few crumbs and a banana peel. You heard Molly Murphy saw peanut butter on Virgil's mouth and that Virgil and Joseph Cool were "giggling" about something when he returned from the cafeteria. Don't you think it was about a trick he had played on Mary? You also know that Harry Hart found an empty Capri-Sun Punch carton in the boys bathroom later that day. I ask you to do the right thing and bring back a verdict in favor of Mary Peabody and against Virgil Goodman.

JUDGE: Defense counsel, do you wish to address the jury?

DEFENDANT'S Yes, your honor. Ladies and gentlemen of the jury, Virgil is an innocent guy.
LAWYER: Do you think he could take a basket full of lunch boxes down two flights of stairs, eat all of Mary's lunch, go to the boy's bathroom and still get back upstairs in just five minutes? Do you think he could eat Mary's lunch, then eat his own and part of Ralph Jones' lunch too? He might be a hungry boy, but nobody is that hungry! Molly Murphy said he had peanut butter on his mouth but she didn't know if that was before or after he ate his own peanut butter sandwich. Plenty of kids could have eaten Mary's lunch. Remember, Miss Laughlin said all the kindergarten, first and second grade kids eat their lunch in the cafeteria before the third grade does. I ask you to do the right thing and bring back a verdict in favor of Virgil Goodman and against Mary Peabody.

JUDGE: Jurors, you will now retire to the jury room to deliberate. First pick one of you as the leader of your group. When you have reached a verdict, please let the Bailiff know. Bailiff, please take charge of the jury.

Recommendation: - If you choose to pick 12 jurors have them go to the back of the class to deliberate. They can only ask questions of the judge.

- If you choose to use the rest of the class, have the actors wait outside the class during deliberations.