

Monkey Around Mock Trial - LESSON PLAN

Learning Objectives: Students will...

1. Analyze the importance of bike safety.
2. Evaluate consequences of bad decisions.
3. Create a mock trial based on content from the story, *Don't Monkey Around with Safety on Your Bicycle*

TEKS: 5th Grade Social Studies 15A-B, 17C, 19, 23B-E, 25B-C, 26A-B

Materials Needed: *Don't Monkey Around with Safety on your Bicycle* picture book
https://www.tmcec.com/wp-content/uploads/2024/02/Bike_English_AllSMALL.pdf -
Don't Monkey Around with Safety on your Bicycle - Mock Trial Creation Guide
Handouts.

Vocabulary: acquittal, allegation, bench trial, charge, conviction, defendant, defense, examination, felony, jury trial, misdemeanor, prosecution theft, punishment, stipulated facts, verdict, witness

Teaching Strategy:

1. Read the story, *Don't Monkey Around with Safety on your Bicycle*, with students. Distribute copies of the *Mock Trial Creation Guide* and have students complete STEP 1 as they read.
2. Read *STEP 2: Setting the Scene for a Mock Trial* aloud as a class. This portion of the activity creates a hypothetical situation for students to consider to create a mock trial based on the information provided.
3. Have students complete *STEP 3: Understanding Legal Terms* and *STEP 4: Case Preparation*. Review the vocabulary from STEP 3 and all items from *STEP 4* as a class to ensure everyone is in agreement with details for the case.
4. Have students sign-up for a role, or assign them yourself, using the *STEP 5: Sign-Up Sheet*. Based on the sign-up page, place students into six (6) groups and hand them their assigned group worksheet so they know what to prepare for their portion of the trial.

GROUP 1: Opening statement for the Prosecution

GROUP 2: Opening Statement for the Defense

GROUP 3: Prosecution Witness

GROUP 4: Defense Witness

GROUP 5: Closing Argument for the Prosecution

GROUP 6: Closing Argument for the Defense

Students will need to work well with the members of their group to create the best story possible to support their side of the case. Encourage students to add as much detail to their stories as possible, and to practice with the members of their group so their version comes across as seamless as possible for the jury.

NOTE: Groups are based on a class size of 24. If fewer, condense the number for each group. If class size is larger, encourage additional students to act as jury members, time keepers (if you want to limit how long a side speaks) or as team captains keeping an overall view on what is happening.

5. After students complete their portion of the script and have practiced within their group, have the class come together to read the script in number order.
6. When finished, have students deliberate over what they think happened to Marigold's bicycle, and if they would convict Ms. Flower of theft, or acquit her of the charges.
7. Use the Jury Deliberation form for students to submit their decision.

Don't Monkey Around with Safety on your Bicycle

Mock Trial Creation Guide

STEP 1: Read, *Don't Monkey Around with Safety on your Bicycle* and answer the questions below.

STORY SYNOPSIS: In the story, *Don't Monkey Around with Safety on Your Bicycle*, Marigold learns about choosing the right helmet, obeying traffic signals, using hand signals, and making smart decisions while riding with friends. By wearing bright clothing, using bike lanes, and following the rules of the road, you can enjoy biking safely, too. Remember, wearing your helmet and being careful can help prevent crashes to keep you safe!

Answer the questions below as you read about Marigold:

1. What was Marigold hoping to get for her birthday? Did she get it?
2. Share at least one piece of advice Marigold received when selecting her new helmet:
3. Where did Marigold's Dad say she could ride to as long as she promised to obey all bike safety rules?
4. Marigold was so excited to ride her bike and spent time picking out just the right outfit. She eventually settled on a yellow jacket instead of her black windbreaker. Why?
5. According to the story, what should you do when you reach an intersection without a bike lane?
6. List two reasons why it is important to follow bicycle safety rules when riding in your neighborhood.
7. What advice would you give Marigold to help her encourage her friends to make better bike safety choices?

STEP 2: Setting the Scene for a Mock Trial

Now, thanks to Marigold, we know a little more about the importance of bike safety. However, what if her story presented another dilemma? Read the information below and decide how to proceed based on the given information...

The Story Continues:

The next day, Marigold rode her bike to the park with her friends after school. Shortly after she arrived, her bicycle went missing. As you can imagine, she was quite upset. Her parents called the police who investigated the crime. They eventually arrested Lilly Flower, a parent who was seen with her neighbor at the park around the same time as Marigold and her friends. Ms. Flower claims she is being framed and demands a fair trial to prove her innocence of this allegation.

Information both sides agree on:

Marigold rode her bike to the park. The bike was not there an hour later when she went looking for it to ride home. Lilly Flower was at the park with her neighbor at the same time as Marigold and her friends. Lilly Flower drives a large SUV that can easily fit a bike in the back without it being seen by most. The police searched Ms. Flower's house and did not find the bicycle, but did find a brand new gaming system that was purchased after the bike went missing and cost about the same as Marigold's bike. Ms. Flower left the park shortly after Marigold and her friends arrived. Marigold and her friends did not see anyone else at the park at this time other than themselves, Ms. Flower, and Ms. Flower's neighbor.

The Charge:

Lilly Flower is charged with a Class B misdemeanor for theft of \$100-\$749 of property, which carries a punishment of up to 180 days in jail and/or up to \$2,000 fine.

Citizens do not bring criminal charges to others. That is the job of the state. Therefore, the name of this case would be

_____ The State _____ vs. _____ Lilly Flower _____
(The Prosecution) (The Defendant)

STEP 3: Understanding Legal Terms

Complete the vocabulary below to better prep for trial:

Allegation	Theft
Stipulated Facts	Charge
Misdemeanor	Witness
Felony	Bench Trial
Examination	Jury Trial
Prosecution	Punishment
Defendant	Verdict
Conviction	Acquittal

STEP 4: Case Preparation

Who is the Defendant in this case? _____

What is the defendant charged with? _____

In a trial, both parties agree to certain stipulated facts before the trial begins. This saves time during the trial and keeps everyone focused on the important questions at hand.

Stipulated Facts for this case include:

Who would make good witnesses for this case?

Witnesses for the Prosecution	Witnesses for the Defense
1.	3.
2.	4.

Evidence to consider for the trial:

STEP 5: Sign-Up Sheet

GROUP #1 - Opening Statements for the Prosecution	GROUP #2 - Opening Statements for the Defense
ATTORNEY 1:	ATTORNEY 5:
ATTORNEY 2:	ATTORNEY 6:
ATTORNEY 3:	ATTORNEY 7:
ATTORNEY 4:	ATTORNEY 8:

GROUP #3 - PROSECUTION	
Witness	Questioned by
WITNESS 1:	ATTORNEY 9:
WITNESS 2:	ATTORNEY 10:

GROUP #4 - DEFENSE	
Witness	Questioned by
WITNESS 3:	ATTORNEY 11:
WITNESS 4:	ATTORNEY 12:

GROUP #5 - Closing Arguments for the Prosecution	GROUP #6 - Closing Arguments for the Defense
ATTORNEY 13:	ATTORNEY 17:
ATTORNEY 14:	ATTORNEY 18:
ATTORNEY 15:	ATTORNEY 19:
ATTORNEY 16:	ATTORNEY 20:

STEP 6: Now that you hold a basic outline of your case, time to start preparing for trial. Your job is to organize the information for the case and present it to a jury of your peers. Follow the directions for your assigned task to help prosecute, or defend, Lilly Flower in the case of *The State v. Lilly Flower*.

GROUP 1: OPENING STATEMENT FOR THE PROSECUTION

An **OPENING STATEMENT** is given by an attorney to a jury, or judge if it's a bench trial, at the start of a trial explaining what they believe happened in a case. These opening statements usually include basic facts of the case, evidence that will be shared, and witnesses that will offer their version, or testimony, of what happened.

YOUR TASK: Work together to ensure you are telling a compelling story. To do so, each of you need to complete the information in the boxes below, and share it with the court when it is your turn.

ATTORNEY 1: Your Honor, fellow counsel, ladies and gentlemen of the jury, we are here today because Lilly Flower has been accused of _____. A crime she DID commit. Today, you will hear from (*Witness #1's Name*) _____ who will tell you _____

ATTORNEY 2: You will also hear from (*Witness #2's Name*) _____ who will say _____

ATTORNEY 3: Opposing Counsel will call (*Witness #3's Name*) _____ to the stand who will tell you _____

ATTORNEY 4: They will also call (*Witness #4's Name*) _____ to the stand who will who will say _____

By the time you are done hearing the information for this case, you will come to the same conclusion as our side, that Lilly Flower is GUILTY of these allegations. Thank you.

GROUP 2: OPENING STATEMENT FOR THE DEFENSE

An **OPENING STATEMENT** is given by an attorney to a jury, or judge if it's a bench trial, at the start of a trial explaining what they believe happened in a case. These opening statements usually include basic facts of the case, evidence that will be shared, and witnesses that will offer their version, or testimony, of what happened.

YOUR TASK: Work together to ensure you are telling a compelling story. To do so, complete the information in the boxes below, and share it with the court when it is your turn.

ATTORNEY 5: Your Honor, fellow counsel, ladies and gentlemen of the jury, we are here today because Lilly Flower has been accused of _____. A crime she did NOT commit. Today, the defense will call (*Witness #3's Name*) _____ to the stand who will tell you _____

ATTORNEY 6: You will also hear from (*Witness #4's Name*) _____ who will say _____

ATTORNEY 7: Opposing Counsel will call (*Witness #1's Name*) _____ to the stand who will tell you _____

ATTORNEY 8: They will also call (*Witness #2's Name*) _____ to the stand who will who will say _____

By the time you are done hearing the information for this case, you will come to the same conclusion as our side, that Lilly Flower is NOT GUILTY of these allegations. Thank you.

GROUP 3: PROSECUTION WITNESSES

The prosecution holds the burden of proving guilt in a criminal case. For this reason, the prosecution calls their witnesses to the stand first. They start off with what is called DIRECT EXAMINATION. Direct examination is when an attorney asks usually open ended and friendly questions of a witness that supports their side of the case. When an attorney finishes their direct examination of a witness they say, "Your Honor, I pass the witness." This statement lets the court know they have no more questions for that witness and it is the other side's turn to ask questions.

After a witness is asked Direct Examination Questions, the other side gets to ask CROSS EXAMINATION questions. These questions are not as friendly and usually require yes or no responses. As a witness, be prepared to answer questions that might not be as easy as the ones you prepared below.

Friendly, Direct Examination Questions of Prosecution Witness #1:

ATTORNEY 9: Your Honor, the prosecution calls (*Witness #1's Name*) _____ to the stand.

(**WITNESS 1:** *be prepared to respond to all questions presented, both from your own attorney, and opposing counsel as well*)

1. Please state your name and what you do for the jury.
- 2.
- 3.
- 4.
- 5.

"Your Honor, I pass the witness."

WITNESS 1: Answer the not so friendly Cross Examination questions from opposing counsel, **ATTORNEY 11.**

Friendly, Direct Examination Questions of Prosecution Witness #2:

ATTORNEY 10: Your Honor, the prosecution calls (*Witness #2's Name*) _____ to the stand.

(**WITNESS 2:** *be prepared to respond to all questions presented, both from your own attorney, and opposing counsel as well*)

1. Please state your name and what you do for the jury.
- 2.
- 3.
- 4.
- 5.

"Your Honor, I pass the witness."

WITNESS 2: Answer the not so friendly Cross Examination questions from opposing counsel, **ATTORNEY 12.**

NOTE: Once questions are created, decide who will ask questions, and who will answer them. After all of your witnesses have completed their testimony, you say, "Your Honor, the prosecution rests."

Preparation for Defense Witness #3
Remember, Defense starts with their own direct examination questions that tend to be open ended & friendly.
ATTORNEY 9: Closed ended, cross examination questions to consider for Defense Witness #3
1.
2.
3.
4.
5.

Preparation for Defense Witness #4
Remember, Defense starts with their own direct examination questions that tend to be open ended & friendly.
ATTORNEY 10: Closed ended, cross examination questions to consider for Defense Witness #4
1.
2.
3.
4.
5.

GROUP 4: DEFENSE WITNESSES

The prosecution holds the burden of proving guilt in a criminal case. For this reason, the prosecution calls their witnesses to the stand first. Then it's the defense attorney's turn to call their witnesses.

Witnesses start off on the stand with what are called DIRECT EXAMINATION questions. Direct examination is when an attorney asks usually open ended and friendly questions of a witness that supports their side of the case. When an attorney finishes their direct examination of a witness they say, "Your Honor, I pass the witness." This statement lets the court know they have no more questions for that witness and it is the other side's turn to ask questions.

After a witness is asked Direct Examination Questions, the other side gets to ask CROSS EXAMINATION questions. These questions are not as friendly and usually require yes or no responses. As a witness, be prepared to answer questions that might not be as easy as the ones you prepared below.

Preparation for Prosecution Witness #1
Remember, Prosecution starts with their own direct examination questions that tend to be open ended & friendly.
ATTORNEY 11: Closed ended, cross examination questions to consider for Prosecution Witness #1
1.
2.
3.
4.
5.

Preparation for Prosecution Witness #2
Remember, Defense starts with their own direct examination questions that tend to be open ended & friendly.
ATTORNEY 12: Closed ended, cross examination questions to consider for Prosecution Witness #2
1.
2.
3.
4.
5.

Friendly, Direct Examination Questions of Defense Witness #3:

ATTORNEY 11: Your Honor, the defense calls (*Witness #3's Name*) _____ to the stand.

(**WITNESS 3:** *be prepared to respond to all questions presented, both from your own attorney, and opposing counsel as well*)

1. Please state your name and what you do for the court.
- 2.
- 3.
- 4.
- 5.

"Your Honor, I pass the witness."

WITNESS 3: Answer the not so friendly Cross Examination questions from opposing counsel, **ATTORNEY 9.**

Friendly, Direct Examination Questions of Defense Witness #4:

ATTORNEY 12: Your Honor, the defense calls (*Witness #4's Name*) _____ to the stand.

(**WITNESS 4:** *be prepared to respond to all questions presented, both from your own attorney, and opposing counsel as well*)

1. Please state your name and what you do for the court.
- 2.
- 3.
- 4.
- 5.

"Your Honor, I pass the witness."

WITNESS 4: Answer the not so friendly Cross Examination questions from opposing counsel, **ATTORNEY 12.**

NOTE: Once questions are created, decide who will ask questions, and who will answer them. After all of your witnesses have completed their testimony, you say, "Your Honor, the prosecution rests."

GROUP 5: CLOSING ARGUMENT FOR THE PROSECUTION

A **CLOSING ARGUMENT** is given by an attorney to a jury, or judge if it is a bench trial, at the end of the trial. These arguments summarize basic facts of the case, remind others what evidence was shared, and what witnesses claimed during their time on the witness stand when offering their testimony.

YOUR TASK: As attorneys, your job is to work together to remind the jury, or judge if it is a bench trial, that you met your burden of proof (which is *beyond a reasonable doubt* in a criminal trial). To do so, each of you need to complete the information in the boxes below, and share it with the court when it is your turn.

ATTORNEY 13: Your Honor, fellow counsel, ladies and gentlemen of the jury, we were here today because Lilly Flower was accused of _____. A crime she DID commit. Today, you heard from (*Witness #1's Name*) _____ who said _____

ATTORNEY 14: You also heard from (*Witness #2's Name*) _____ who said _____

ATTORNEY 15: Opposing Counsel called (*Witness #3's Name*) _____ to the stand who told you _____

ATTORNEY 16: They also called (*Witness #4's Name*) _____ who said _____

Based on this information, we ask that you, the jury, find Lilly Flower GUILTY of _____ Thank you.

GROUP 6: CLOSING ARGUMENT FOR THE DEFENSE

A **CLOSING ARGUMENT** is given by an attorney to a jury, or judge if it is a bench trial, at the end of the trial. These arguments summarize basic facts of the case, remind others what evidence was shared, and what witnesses claimed during their time on the witness stand when offering their testimony.

YOUR TASK: As attorneys, your job is to work together to remind the jury, or judge if it is a bench trial, that the prosecution did not meet their burden of proof (which is *beyond a reasonable doubt* in a criminal trial). To do so, each of you need to complete the information in the boxes below, and share it with the court when it is your turn.

ATTORNEY 17: Your Honor, fellow counsel, ladies and gentlemen of the jury, we were here today because Lilly Flower was accused of _____. A crime she DID NOT commit. Today, you heard from (*Witness #3's Name*) _____ who said _____

ATTORNEY 18: You also heard from (*Witness #4's Name*) _____ who said _____

ATTORNEY 19: Opposing Counsel called (*Witness #1's Name*) _____ to the stand who told you _____

ATTORNEY 20: They also called (*Witness #2's Name*) _____ who said _____

Based on this information, we ask that you find Lilly Flower NOT GUILTY of _____ Thank you.

Based on your findings, how would you decide this case?

Jury Verdict Sheet

Case of

v.

We, the jury, find the defendant in this case (GUILTY / NOT GUILTY) of the crime of
