

Mock Trial Case Theory Design

- The accused is assumed by the mock trial rules to already have been indicted by a grand jury. This means there is already sufficient evidence for a trial. Attorneys create evidence based on this assumption.
- The **burden of proof** is on the Prosecution.
- In the **opening statement**, counsel may not argue their case. Rather, the opening statement should serve as a preview of the anticipated testimony, exhibits, and other evidence.
- In the **closing argument**, counsel argues the case theory, reminds the judge/jury of key points of testimony, refutes opposing claims.
- Most case theories are based on the accused having the **means, motive, and opportunity** to commit the crime.
 - “means” = s/he was capable of doing it
 - “motive” = s/he had a reason to do it
 - “opportunity” = evidence places him/her at the scene of the crime when it was committed

Case Theory Outline	
Defendant: _____	Accused of: _____
Means, as claimed by the prosecution:	
Motive, as claimed by the prosecution:	
Opportunity, as claimed by the prosecution:	

Witness Summary *[Counsel is strongly advised to prepare direct examination questions for witnesses in advance and to practice these questions with witnesses before trial.]*

Witness Names <i>List in order you plan to call to the stand.</i>	Any Physical Evidence? <i>NOTE: Most mock trials have limits on physical evidence.</i>	What is this witness' testimony supposed to prove?