**The State v. Protagonist: Criminal Mock Trial of the Protagonist of “The Tell-Tale Heart”**

**Job Descriptions**

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| Judge- Teacher or Outside Source |  |
| Jury | Responsible for deciding whether the protagonist is guilty of first-degree murder or is innocent (not guilty) by reason of insanity (using a mental insanity plea). |
| Defense Team | Will enter a plea on behalf of the defendant that he is not guilty by reason of insanity. The defense attorney is responsible for rebutting the case the prosecution makes.  |
| Prosecution | Responsible for arguing and attempting to prove beyond a reasonable doubt that the protagonist is guilty of first-degree murder. |
| Protagonist | Will work with the defense to formulate questions and answers that show he is not guilty by reason of insanity. |
| Witnesses | Will work with their respective sides to formulate questions and answers that prove the protagonist’s guilt or innocence. |

**Mock Trial Procedures**

1. **Calling of Case by Bailiff**: "All rise. The Court of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is now in session. Honorable Judge \_\_\_\_\_\_\_\_\_\_\_\_\_\_ presiding.
2. **Opening Statement**: First the prosecutor (criminal case) and then the defendant's attorney explain what their evidence will be and what they will try to prove.
3. **Prosecution’s or Plaintiff's Case**: Witnesses are called to testify (direct examination) and other physical evidence is introduced. Each witness called is cross-examined (questioning used to discredit the witnesses’ testimonies) by the defense.
4. **Defendant's Case**: Same as the third step except that defense calls witnesses for direct examination; cross-examination by prosecution/plaintiff.
5. **Closing Statement**: An attorney for each side summarizes the evidence presented and asks for a decision in his/her favor.
6. **Jury Deliberation**: The jury will weigh all of the evidence to determine a verdict for the defendant. The jury can only give a verdict of guilty if the evidence has sufficiently proven beyond the burden of proof that the defendant committed the accused crime and is not guilty by reason of insanity.

*Mock trial procedures section modified from Nineteenth Judicial Circuit Court, Lake County, IL (Teacher Resources) http://19thcircuitcourt.state.il.us/services/pages/mock\_trials.aspx*

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**Defense Task Sheet**

As a defense lawyer, it is your responsibility to rebut the prosecution’s argument and convince the jury that your client, the protagonist in “The Tell-Tell Heart,” is innocent. At the end of the story, he admits guilt, so for you, innocence means allowing him to take an insanity plea (not guilty by reason of insanity). For your argument, your goal is to establish a case that the protagonist is not responsible for his actions (killing the old man) due to mental health problems. As you complete your argument, your team is responsible for the following items:

1. Opening Argument: This is the introduction to your argument. Your opening argument should grab the attention of your audience (the jury) and gives your position in the case, your client is innocent due to mental insanity. Your opening argument should be about 2-3 minutes long.
2. Questioning the Witnesses: With the help of your witnesses, create and answer 5 questions that would prove your client is really mentally insane. These will be the questions that you will ask your client during your examination period.
3. Closing Argument: This is the conclusion to your argument. Your closing argument is the final opportunity to convince the jury that your client is innocent of all charges of first degree murder and is guilty by reason of insanity. Be sure to reiterate your key points of evidence and prove why the prosecution is wrong. Your closing argument should be 2-3 minutes long.

Roles:

* Defense Lawyer #1: Gives the opening argument.
* Defense Lawyer #2: Gives the closing argument.
* Defense Lawyer #3: Questions the witnesses.
* Recording Defense Lawyer: Takes notes for the group and keeps the group on task.
* Devil’s Advocate Defense Lawyer: Assists the group in brainstorming the prosecution’s point of view so they can refute it.

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**Prosecution Task Sheet**

As a prosecution lawyer, it is your responsibility to prove without a shadow of a doubt that the defendant, the protagonist in “The Tell-Tell Heart” is guilty of first degree murder of the old man. You must prove without a shadow of a doubt that he is a calculated killer whose actions were premeditated. As you complete your argument, your team is responsible for the following items:

1. Opening Argument: This is the introduction to your argument. Your opening argument should grab the attention of your audience (the jury) and gives your position in the case, the defendant is guilty of first degree murder and extensively premeditated the crime of killing the old man. Your opening argument should be about 2-3 minutes long.
2. Questioning the Witnesses: With the help of your witnesses, create and answer 5 questions that would prove your client is guilty of first degree murder and is a calculated killer whose actions were premeditated. These will be the questions that you will ask your client during your examination period.
3. Closing Argument: This is the conclusion to your argument. Your closing argument is the final opportunity to convince the jury that the defendant is guilty of all charges of first degree murder. Be sure to reiterate your key points of evidence and prove why the defense is wrong. Your closing argument should be 2-3 minutes long.

Roles:

* Prosecution Lawyer #1: Gives the opening argument.
* Prosecution Lawyer #2: Gives the closing argument.
* Prosecution Lawyer #3: Questions the witnesses.
* Recording Prosecution Lawyer: Takes notes for the group and keeps the group on task.
* Devil’s Advocate Prosecution Lawyer: Assists the group in brainstorming the defense’s point of view so they can refute it.

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**Jury Task Sheet**

The jury is responsible for deciding a verdict of guilt or innocence (not guilty by reason of insanity) in the trial of The State v. Protagonist. You must listen to both sides objectively and decide his fate based on the evidence that the defense and prosecution provide. As we prepare for this trial, you are responsible for the following items:

1. Before the trial begins, complete the graphic organizer to give your opinion of the protagonist’s guilt or innocence (mental insanity). Be sure to give text evidence from both the “Tell-Tale Heart” and “Portrait of a Psychopath” to support your view.
2. During the trial, take notes on the “During the Trial” section of your graphic organizer. Be sure to write down specific things that both sides say that may sway your decision to convict the protagonist.
3. After the trial, you will have 10 minutes to collaborate with your team (the rest of the jury) to decide whether the protagonist should be convicted of first-degree murder or if he should be found guilty by reason of insanity. You will then report back to the court with your decision along with an explanation.
4. While all members of the jury will collaborate and take notes, assign one person to record your verdict and explanation, and one person should be selected as the Head Juror, who will read the verdict to the court.

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**Witness Task Sheet**

The witnesses are responsible for providing evidence that will help their side (defense or prosecution) present their case to the court. Witnesses can either tell about the person’s character or they can give their expertise on a subject related to the case. As a witness, you are responsible for the following:

1. Assist your side (defense or prosecution) with coming up with 5 questions to ask you during trial. You must also answer these questions by providing text evidence from either “The Tell-Tale Heart” or “Portrait of a Psychopath.”
2. You must also come up with 2 questions that the other side may ask you during cross-examination, and answer those questions using text evidence. Remember, cross-examination is used to discredit you as a witness, so the opposing side will ask you questions that will try to prove that you are not a good witness.
3. Character Witnesses: Give input on the events that took place and the character/personality of the protagonist.
4. Expert Witness: Gives their professional opinions based on their expertise. In this case, the expert witness should give input on the mental stability of people who kill and how it relates to the protagonist.