



State v. Randall (Secondary)

Facts: James and Arlene go to a night club to have a drink. Randall, who has been drinking, comes up to their table, says he knows Arlene, and tries to talk to her. James gets angry and asks Randall to leave. An argument takes place and a fight ensues. The police are called and Randall is arrested for assault on James. Randall claims James caused the fight and that he was only defending himself.

Evidence: There is no physical or documentary evidence for this trial.

Witnesses

For the Prosecution

James
Arlene

For the Defense

Randall
Phillip, a waiter in the night club

Witness Statements

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| James | “I was just sitting in the place with Arlene, listening to the music, when this guy came up and started bothering her. I asked her if she knew him, and she said, ‘No.’ So I told him to leave. The man was blind drunk, and he kept bothering my girl. So I stood up and told him to leave before I called the manager. About that time he squared off on me, and when I turned to walk away he hit me.” |
| Arlene | “I was with my boyfriend, James, when an old friend of mine, Randall, came over to our table. Randall had been drinking, and he grabbed my arm and told me to dance with him. James asked me if I knew him, and I said ‘No,’ because James is very jealous. Then James told Randall to leave before some trouble got started. Randall didn’t leave, and James stood up to argue with him. The next thing I knew, they were fighting.” |
| Phillip | “This one guy was sitting with a girl when Randall went over to them. I know Randall because he plays in a band here occasionally. Randall only had two drinks. I know because I was waiting on his table. Randall motioned to the girl to dance, and then he held her arm to help her up. The guy she was with got mad and started yelling. Randall smiled and told him to be cool. The guy jumped up and grabbed Randall. Randall hit him back, and they really went at it. After that, the cops came.” |
| Randall | “I was at this club, walking around, checking the place out. I saw Arlene. I had gone out with her for two years, but I hadn’t heard from her in a couple of months. I went over to ask her how she was doing. I’d had a couple of drinks, but I wasn’t even a little drunk. I asked her to dance, and the guy with her looked at me funny. I know Arlene well, and I knew she wanted to dance with me, so I took her by the arm. Then this guy sitting with her confronted me. I told him I didn’t want any trouble. Then he jumped up, and before I knew it, he grabbed me and hit me.” |

Procedure

After each side has had the opportunity to make an opening statement, examine its own witnesses, cross-examine the opponent’s witnesses and present a closing statement, the judge should instruct the jury as to the appropriate law in the case.

The instructions that follow can be shortened and/or simplified for classroom use.