

## Darlie Routier:

Name Darlie Lynn Routier D.R. # 999220  
DOB 01/04/70 Received 02/05/97 Age 27 (when received)  
County Dallas (tried in Kerr Co. on COV) Date of Offense 06/06/96  
Age at time of offense 26 Race white Height \_\_\_\_\_  
Weight 114 Eyes hazel Hair blonde  
Native County Altoona State Pennsylvania  
Prior Occupation self-employed/Testing Electronics Education Level 12 years

Prior Prison Record \_\_\_\_\_

None

### Summary:

Convicted in the June 1996 murder of her 5-year-old son Damon inside the family's suburban Dallas home. Damon and his 6-year-old brother Devon were stabbed to death while they slept with their mother in the downstairs family room of their Rowlett home. Routier's husband, Darin, and infant son, Drake, slept through the attack in upstairs bedrooms and were not harmed. Routier, who also suffered stab wounds that police claimed were self-inflicted, testified that she too slept through the attack on herself and her children and awoke only to see the back of a man fleeing the residence. Prosecutors argued Routier killed her children because they interfered with the lifestyle she wanted to live. She was arrested and charged with the murders after making inconsistent statements to police.

Co-Defendants: \_\_\_\_\_

None

<https://darliefacts.com/case-background/>  
<http://www.cnn.com/2015/07/10/us/death-row-stories-darlie-routier/>  
<http://murderpedia.org/female/R/r/routier-darlie.htm>

## Lizzy Borden:



Classification: **Murderer?**

Characteristics: The case was a *cause célèbre* throughout the United States

Number of victims: **2** ?

Date of murders: **August 4, 1892**

Date of arrest: **7 days after**

Date of birth: **July 19, 1860**

Victims profile: **Her father, Andrew Jackson Borden, 70, and her stepmother Abby Durfee Gray Borden, 64**

Method of murder: **Beating with a hatchet**

Location: **Fall River, Massachusetts, USA**

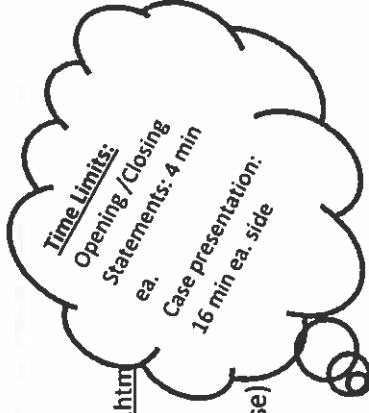
Status: **Acquitted by a jury on June 20, 1893. Died on June 1, 1927**

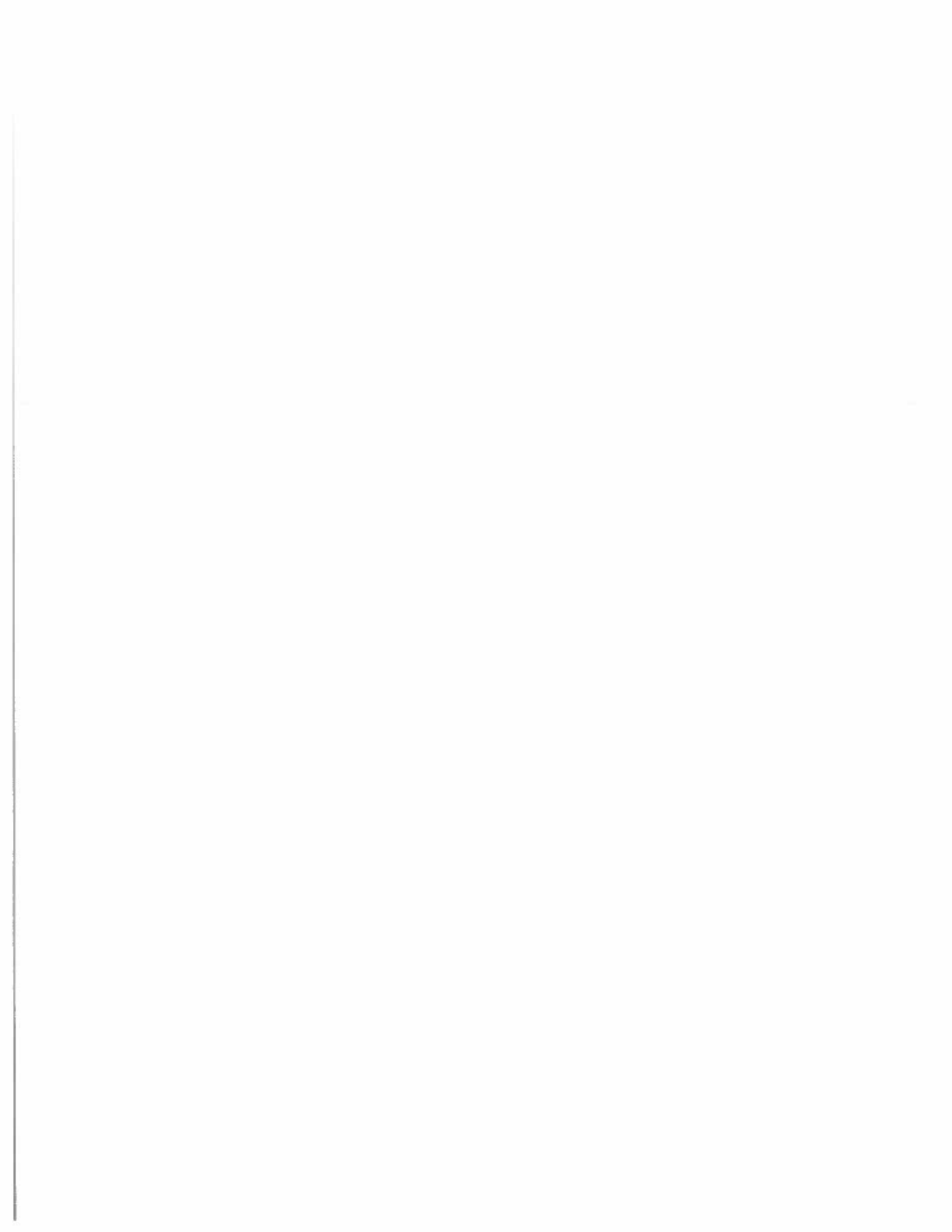
<http://famous-trials.com/lizzieborden>

<http://murderpedia.org/female/B/b/borden-lizzie.htm>

### General Expectations:

- You will form a team (Prosecution/Defense)
  - 2 Attorneys
  - 2 Witnesses
  - 2 Expert Witness (minimum)
- Your team will research and develop scientific analysis to support your stance
  - Attorneys: Formulate Opening & Closing statements, Interview/Cross Examine Witnesses
  - Witnesses: Use research to answer interview/cross examinations
  - Expert Witnesses: Testify as to the scientific analysis present in the investigation – include visuals, explanation of procedures, and results





<b>Attorneys: (2 Prosecutorial, 2 Defense)</b>				
<b>Score</b>	<b>Opening Statement</b>	<b>Direct Examination</b>	<b>Cross Examination</b>	<b>Closing Statement</b>
<b>10-9</b>	Fulfills ALL expectations of student handout: Introduction, Theme, Opposition & their purpose to case, Hits highlights of case & indicates expected verdict, Conclusion.	Introduces witnesses, witnesses serve to fill any gaps in story, questions follow logical progression	Rarely (if ever) asks questions that do not help the case, only asks questions (and allows) that result in yes/no responses, questions follow very logical progression	Gives a full recap of the theory, clearly states intended verdict. All statements are fact (no speculation).
<b>8-7</b>	Fulfills ALL expectations of student handout (including expected verdict) but does not hit all case highlights or includes too many.	Introduces witnesses that serve to fill story with 1-2 gaps. Questions follow mostly logical progression	1-2 questions may not help the case or result in elaborated responses. Questions follow mostly logical progression	Recap of the theory has a few holes. Intended verdict is stated. Some speculation ("it's possible...", "interesting coincidences..." ) is included.
<b>6-5</b>	Fulfills MOST expectations of student handout: does not summarize all witnesses, only hits 1-2 highlights of case, &/or does not indicate expected verdict.	Does not introduce the witnesses and leaves many gaps in the story. Questions follow a loose logical progression	Asks many questions that do not help the case and frequently allows elaborated responses. Questions follow loosely logical progression.	Recap of the theory has many holes, verdict being sought is not clearly stated, lots of speculation.
<b>&lt;4</b>	Fulfills FEW expectations of student handout: does not summarize any witnesses, hit any highlights, or indicate anticipated verdict.	Does not introduce witnesses and leaves major gaps in the story. Questions do not follow any logical progression	Asks only questions that do not help the case and lets witnesses elaborate with each response. Questions do not follow a logical progression.	Does not give any recap of theory, verdict being sought never stated, all speculation – no facts.
<b>Witnesses (3 general – each side; minimum 1 Expert each side)</b>				
<b>Score</b>	<b>General</b>			
<b>10-9</b>	Answers all questions with confidence, does not forget any answers or waver from his/her side's theory during cross examination	Does not forget any answers or waver	Provides background to establish themselves as an expert. Sticks to facts not opinions. Goes into detail to describe procedures used. Provides comprehensive supplemental visuals, etc. to describe science behind analysis.	
<b>8-7</b>	Answers many questions with confidence with few exceptions. May forget answer to 1-2 questions but recovers. Does not waver from his/her side's theory during cross examination	Answers many questions with confidence with few exceptions. May forget answer to 1-2 questions but recovers. Does not waver from his/her side's theory during cross examination	Provides background to establish themselves as an expert. Sticks to facts not opinions. Misses some details on procedures used. Provides several supplemental visuals, etc. to describe science behind analysis.	
<b>6-5</b>	Answers only a few questions with confidence and forgets answers to questions with only occasional recovery. Allows opinion to be waived during cross examination.	Answers only a few questions with confidence and forgets answers to questions with only occasional recovery. Allows opinion to be waived during cross examination.	Provides limited background to establish themselves as an expert. States facts but also some opinions. Misses several details on procedures used. Provides only a few supplemental visuals, etc. to describe science behind analysis.	
<b>&lt;4</b>	Does not answer any questions with confidence and forgets most if not all answers to questions. Allows cross examination to completely derail theory.	Does not answer any questions with confidence and forgets most if not all answers to questions. Allows cross examination to completely derail theory.	Provides no background to establish themselves as an expert. States mostly opinion and few facts. Does not explain procedures used. Provides only 1 supplemental visual, etc. to describe science behind analysis.	
<b>Notes:</b>				

<b>Group Composite</b>			
<b>Score</b>	<b>Quality of Info.</b>	<b>Cooperation</b>	<b>Case Knowledge</b>
<b>10-9</b>	Examples (research) and references are well chosen to best exemplify main points in defense or prosecution of the defendant. All points are well supported.	Group works together to share responsibilities, information, and speaking time equally. Information refers to and complements that of the other team members. Transitions from one role (speaker) to the next are smooth and well prepared	Presentation uses scientific analysis of evidence and researched facts (with reference materials so jury can follow along). This information is applied to main points in the case. Actions of defendant are evaluated against issues raised in the trial.
<b>8-7</b>	References support the main point. Research is used to support defense or prosecution of the character. Main points are adequately convincing.	Time allotted to each member is somewhat uneven. Information connects to that of other group members. Transitions are present.	Presentation uses analyzed science and researched examples that connect to the main point in the case. The information shows how actions taken by the defendant contribute to guilt or innocence.
<b>6-5</b>	References are not connected to research or the case. Arguments are random and unconvincing.	Time allotted to each speaker is imbalanced. Information conflicts with or repeats that of other group members. No noticeable transition from one speaker to the next.	Presentation includes few references to scientific analysis of evidence or researched facts of the case. Attempts to connect actions of the defendant are awkward or unconvincing.
<b>&lt;4</b>	Information is not based on research or the case or is unrelated to the main points.	No evidence of group planning or cooperation.	Presentation uses no scientific analysis of evidence and no researched facts of the case. Team speaks in generalizations about issues unrelated to the case.
<b>Notes:</b>			
<b>Prosecutor #1</b>		<b>Prosecution Witness #1</b>	<b>Defense Witness #1</b>
<b>Prosecutor #2</b>		<b>Prosecution Witness #2</b>	<b>Defense Witness #2</b>
<b>Defense #1</b>		<b>Pros. Expert Witness #1</b>	<b>Defense Expert Witness #1</b>
<b>Defense #2</b>		<b>Pros. Expert Witness #2</b>	<b>Defense Expert Witness #2</b>
<b>Group Composite Score</b>			

**Professionalism**

When speaking, team makes frequent eye contact with judge and jury. Volume and pace reflect intensity of main points. Movements/gestures are to add emphasis. Presentation is within time limit, professionally orchestrated and attired.

Team uses notes when speaking but maintains adequate eye contact with judge and jury. Volume and pace are consistent with main points. Gestures and movement are hesitantly used. Presentation does not sufficiently use time and not all team members present/look professional.

Team uses note cards to avoid eye contact. Volume and pacing are difficult to follow. Movements are not related to points of emphasis and reflect nervousness/unease. Time was not sufficiently used &/or most of team did not present/look professional

Team never looks up, cannot be heard, moves nervously or not at all. Went over time limit without sufficient info to warrant or was severely under. No one on the team presented/looked professional.

## OPENING STATEMENTS: GENERAL NOTES

- WHY is the opening statement so important?
  
- THEORY
  - Why is a theory important?
  
  - When do you establish your theory?
  
- THEME
  - On what should themes be based?
  
  - Some examples:
    - *"This is a case about taking chances."*
    - *"Mary Jones had a dream and a plan."*
    - *"Revenge. That's what this case is all about."*
    - *"This is also a case about pain. Mr. Johnson's only companion today is constant pain."*
    - *"This is a case about police brutality"*
  
- WHAT TO DO:
  - Effectively tell a story.
  - Focus on the people, not the problem.
    - Who are the important players?
    - Most jurors view the world through emotional eyes.
    - Personalize your party.
      - Why?
  
  - Make the story vivid.
    - Re-create the incident.
    - Make it emotional and dramatic (we love drama!)
  - KEEP IT SIMPLE.; KEEP IT SIMPLE.; KEEP IT SIMPLE.
  - Be Logical and concise.
  - Walk the jurors through the events in chronological order.
  
- WHAT NOT TO DO:
  - Do NOT include personal opinions
  - Do NOT overstate the evidence
  
- SECRET WEAPON
  - Anticipate weaknesses
  
- The parts.
  - Introduction
  - Parties
  - Scene
  - Instrumentality
  - Date, time, weather and lighting
  - Issue
  - What happened

- Basis of guilt/non-guilt
- Anticipating and refuting the other side
- Conclusion
- Introduction
  - Themes
  - Theory
  - Enthusiasm, confidence, and integrity
- PARTIES
  - Introduce essential people
    - Parties
    - Critical witnesses
- Prosecution's counsel:
  - Tell a story about your client.
  - Build him/her up and make him/her sympathetic to the jury
  - Get the jury to relate
- Defense's counsel:
  - Important parties and witnesses that Plaintiff's counsel didn't mention/glossed over
  - SCENE
- Describe the scene so the jury can visualize it.
  - Instrumentality
  - Vehicle, machinery, equipment, etc.
    - (most important in personal injury/products liability cases)
  - Date, time, weather, and lighting
    - Set the stage.
  - Describe the context.
    - ISSUE
- Important tool for defense:
  - Denial of Prosecution's version of the disputed facts of the case
- What happened
  - THIS IS YOUR MOMENT.
  - Your job? Get the jury to believe your side of the story.
- Basis of guilt/non-guilt
  - PROSECUTION:
    - Summary of facts
    - Conclude that client is entitled to win
  - DEFENSE:
    - Point out holes in plaintiff's story
    - Find ways plaintiff's story is not persuasive
    - Emphasize your OWN picture and conclusion
- Anticipating and refuting other side
  - PROSECUTION:
    - Defuse the defense, without appearing defensive
  - DEFENSE:
    - Can talk about evidence that Plaintiff has already described
- Conclusion
  - Keep it brief. KEEP IT SIMPLE.
  - *Simply and directly* tell jury that facts of the case will support his/her side, and ask for a verdict.
    - *"Members of the jury, after you have heard the evidence, we are confident that you will find the defendant guilty of each count in this indictment: armed robbery and murder."* [Prosecution]
    - *"At the conclusion of this case, you will have grave doubts that Tom Smith was anywhere near the robbery when it occurred. If anything, you will be convinced that someone else did it. Consequently, Tom Smith is simply not guilty of anything."* [Defense]

## ~PROSECUTION OPENING~

### THE INTRODUCTION

Good morning, my name is John Smith, and I am the prosecutor in this case. It is my pleasure to represent the people of this state. On October 3rd, 2009, the defendant in this case [describe what he or she did in detail]. At the conclusion of the case we will ask for a verdict of guilty. *[It may be helpful to point to the defendant in the courtroom when you refer to him.]*

### THE THEME:

Ladies and gentlemen of the jury, this case is about... [a defendant who could not control his anger] or [a man whose greed got the better of him] or [a defendant who is pretending to be insane to avoid being held responsible for his own actions]. *[These are some pretty basic themes. To develop your own theme, try to summarize your prosecution case in a sentence or two.]*

### SUMMARIZE EACH WITNESS:

Ladies and gentlemen of the jury, the prosecution will call three witnesses to the stand. We will call officer so and so who will explain that he was on duty in Springfield on the night of the robbery, and responded to the 7-11 and observed the defendant fleeing from the scene with a bag in his hand. We will call the store clerk who was on duty, and she will testify that she recognized the defendant as the robber even though he had a bandana covering most of his face. Lastly we will call a government psychologist who will testify that he did a mental health assessment of the defendant. The psychologist will testify that the defendant was definitely not insane at the time of the commission of the crime.

-Or-

Ladies and gentlemen of the jury, the prosecution will call four witnesses to the stand. We will call Mr. Smith who will testify that he was at his residence when the defendant attacked him without provocation while he sat with his family in the tavern. We will call the ER nurse who will testify that the victim sustained four fractured ribs and a broken nose as a result of this unprovoked attack. We will also call the defendant's roommate who will testify that the defendant bragged about what he did after he returned home that evening.

*[A couple of examples are provided above, but you will need to summarize for yourself what each witness is going to testify to. A lengthier opening statement will provide a lot of details as to what each witness will say. Refer to the time limitations in your mock trial packet and adjust your summary accordingly.]*

### Anticipate the defense theories:

*A good prosecution opening statement will try to anticipate the points that the defense will raise in their opening. Remember that the prosecution has to give their opening statement first so you will have to guess a little as to what the defense will say. Often times a prosecutor will state something along the lines of "Ladies and gentlemen, the defense may argue that the defendant acted in self-defense, however, the witnesses will all state that it was the defendant who approached the victim and began attacking him." Or the prosecution will state: "Ladies and gentlemen, the defense may argue that the defendant was temporarily insane at the time of the fight. However, we will show that the defendant was merely intoxicated when the fight broke out, and not of the witnesses will describe unusual behavior."*

### CONCLUSION:

At the conclusion of the case we would ask you to find the defendant guilty, that the state has not met its burden of proof. Thank you.

## ~DEFENSE OPENING STATEMENT~

### THE INTRODUCTION:

Good morning, my name is Ralph Jurgensen, and it is my pleasure to represent so and so on this very important case. The defendant stands here falsely accused of \_\_\_\_\_, a very serious crime. At the conclusion of the case we will ask for a verdict of not guilty.

### THE THEME:

Ladies and gentlemen of the jury, this case is about... [mistaken identity] or [a person who acted out of self-defense] or [a person who mentally ill and didn't know what he was doing]. *[It can often be hard for a mock trial student to think of a theme. However, there are a limited number of defenses an accused party can use. Either the defendant was mistaken for another, was forced to act out of self-defense, was insane or suffering from diminished capacity, or perhaps committed a crime but just not the specific crime that the prosecutor alleges.]*

### CONTRADICT THE STATE'S THEORIES:

The prosecution hopes that their witnesses will say... However, in fact the testimony will show... *[Remember in a trial, the prosecution gives their opening statement first. The prosecutor will outline his or her case and will accentuate the positive or only highlight the points of the case that help get a conviction. In every mock trial packet there are inconsistencies in the case or facts that help the defense. You need to be prepared to list all the evidence that helps you in your opening] For example:* Ladies and gentlemen of the jury, the state has claimed that they have an eyewitness who identified my client as the burglar. However this supposed eyewitness really has poor vision, and it was very dark out on the night in question.

*or*

Ladies and gentlemen of the jury, the state has claimed that my client confessed to killing Mr. Jones, however, my client was coerced and threatened by the police.

*or*

Ladies and gentlemen of the jury, the prosecution has indicated that my client's fingerprints were found on the crime scene. However, there is a legitimate explanation for this. My client was employed as a caretaker for the premises just 6 months prior.

*or*

Ladies and gentlemen of the jury, the prosecution has explained that three witnesses saw my client stab the defendant. However, what the prosecutor didn't say is that my client suffers from mental illness. He was literally out of his mind that day in question, and we have an expert witness who will testify that my client is insane.

### SUMMARIZE EACH WITNESS:

Ladies and gentlemen of the jury, the defense will call three witnesses to the stand, the first witness will testify that she was with my client on the night in question, and my client wasn't even near the town of Springfield where the crime is alleged to have occurred. Our second witness is so and so, and he will testify that my client had no motive to commit the burglary because my client was gainfully employed, and is a person of honest character.

*or*

Ladies and gentlemen of the jury, the defense will call two witnesses to the stand. First will be Mr. Johnson who will testify that he observed my client on the night of the altercation, and Mr. Johnson will testify that my client was clearly provoked, and only struck the alleged victim after he was threatened. Secondly we will call Dr. Smith to the stand to testify that she was employed as an emergency room physician on the night of the incident. Dr. Smith will testify that she treated the alleged victim for a fracture and she noticed that the alleged victim was highly intoxicated when he came into the emergency room.

*[Whatever your case is, or what your defense is, you will want to summarize what each witness is expected to say.]*

### CONCLUSION:

At the conclusion of the case we would ask you to find that my client is innocent. The state has not met its burden of proof, and we would ask for a verdict of not guilty. Thank you.



## Sample Opening Statements

### Prosecution

[Insert Introductory Paragraph]

Your honor, ladies and gentlemen of the jury, today the people are charging Jes Markson with violations of the California penal code 187 and 188. We are charging Jes Markson with willful, deliberate, First-Degree Murder of Taylor Rodriguez. Today, the people will prove beyond a reasonable doubt, that Jes Markson killed Taylor Rodriguez with malice and planning by calling to the stand four witnesses.

First, Detective Elliot Green, an unbiased government official who examined the defendant's house, will testify that [enter what Dt. Green will testify here].

Then, we will call Tobie Keeton, Taylor Rodriguez's close friend, to the stand. Mr./Mrs. Keeton will testify to [enter what Tobie will testify to here].

Third, we will call Francis Stone, who examined Taylor Rodriguez's body will testify to [enter what Francis Stone will testify to here].

Finally, the people will call Alex Palmer, the defendant's own gardener, who will testify to [enter what Alex will testify to here].

{Today, the people will prove, beyond a reasonable doubt, that Jes Markson is guilty.}

### Defense

[Insert Introductory Paragraph]

You honor, ladies and gentlemen of the jury, the prosecution would have you believe that Jes Markson is guilty for a crime as heinous as murder. But today, we shall prove otherwise.

First, we will call Stevie Ricco to the stand, Jes Markson's close friend and coworker. Ricco will show that [enter what Ricco will show here].

Then, we will call Dr. Pat Choi, a qualified psychologist and scientist, who will testify to [enter what Choi will testify to here].

Third, Brook DeMartini, Taylor Rodriguez's ex-girlfriend/boyfriend, will testify to [enter what Brook will testify to].

Finally, Jes Markson will take the stand, and testify to [enter Jes's testimony here].

{Today, we will prove that my client is not guilty.}

**\*\*The attorney responsible to opening arguments is to:**

- Write an introductory paragraph. This should be a vivid argument of your position in this case (meaning, is Jes Markson guilty or not guilty). Use metaphors and figurative language, but keep it short.
- Briefly explain what each witness will testify about and the significance of this testimony. How will it help your case?
- Where the last sentence in the {} brackets is, write a closing paragraph that restates your point. It should be similar to the opening paragraph. End strong.

