

Lesson 4:

Mock Trial: Jackson, Wyoming vs. Stone Fox

Bailiff:

All rise. The Superior Court of the State of Wyoming is now in session. The Honorable Judge _____ (fill in the name with the student or lawyer/judge, teacher, etc. who is serving as the judge for this case.) presiding. The case of Jackson, Wyoming vs. Stone Fox will now be heard.

Judge:

Please be seated. Today's case is the Town of Jackson, Wyoming versus Stone Fox. The residents of the Town, through their Mayor, have claimed that Stone Fox threatened and endangered many residents by his reckless actions the Annual Dogsled Race. We will now hear Opening Statements. Is the prosecution ready?

Prosecution: Opening Statement

Thank you, Your Honor and Ladies and Gentlemen of the Jury. We will show that at the Annual Dogsled Race, Stone Fox, one of the competitors in the race, put the lives of the other racers and the lives of all of the townspeople who had come to see the race in jeopardy.

About 100 feet from the finish line, Searchlight, the dog pulling the sled of the competitor who was leading the race at that time, suddenly died. As soon as this tragedy occurred, Stone Fox, the competitor whose sled was nearest to the leader, stopped his team of dogs. Even if his motives were good, his actions were unforgivable. What Stone Fox did next was unforgivable. He shot his rifle into the air and threatened to shoot anyone who crossed the finish line. Only Little Willie Pender, the driver of the sled that Searchlight had been pulling, was allowed to cross the line carrying Searchlight in his arms

We will prove that the racers and the spectators were shocked and frightened by Stone Fox's reckless behavior. No one at the race felt that they knew what Stone Fox was going to do next.

Furthermore, we will prove that Stone Fox broke Ordinance #321 of the State of Wyoming which reads:

No person or persons shall endanger the lives of others by threatening them with words or weapons either in public.

Defense: Opening Statement

Your Honor and Ladies and Gentlemen of the Jury, we will prove that Stone Fox fired his gun straight into the air without any attempt to jeopardize racers or spectators and in such a way that it didn't cause any harm. His only intent was to alert them about what had happened as Little Willie Pender approached the finish line. He knew how hard the boy and his dog trained for the race. Stone Fox's wish was to help Little Willie Pender and his grandfather who were about to lose their farm because they could not pay the tax bill, and to honor the hard work of Searchlight.

We will show that Stone Fox knows the unhappiness of losing land, land that belonged to him and his Shoshone people. We will prove that Stone Fox is a generous, kind and caring person who has been pre-judged because of factors that have nothing to do with his generous actions at

the Annual Dogsled Race....factors such as his size, his quiet ways, and his reputation as a highly skilled dogsled driver who had never lost a race.

When Little Willie Pender crossed the finish line, he won the race and was awarded enough money to keep his grandfather's farm. The defendant, Stone Fox, did a humanitarian deed. Stone Fox did not commit a crime...he performed an act of kindness.

Thank you.

Judge:

Will the Prosecution please call its first witness.

Prosecution:

Your Honor, the Prosecution would like to call Doc Smith to the witness stand.

Bailiff:

Do you swear to tell the truth, the whole truth, and nothing but the truth.

Prosecution:

Please state your full name and occupation.

Doc Smith:

I am Doctor Judith Smith and I serve as the medical doctor for Jackson, Wyoming.

Prosecution:

Can you tell the jury how you were involved with the Annual Dog Sled Race.

Doc Smith:

Yes. I was made aware of Little Willie's intentions to enter the race with his dog Searchlight several days before the race. Little Willy loves his grandfather and was very worried about him. When we all realized what the problem was - that Willy's grandfather was afraid he was going to lose his beloved farm - Willy made his plan to enter the race. I was there...right in the front of the crowd...ready to cheer Little Willy on.

Prosecution:

Doc Smith, can you tell the jury what you saw when Stone Fox shot off his rifle.

Doc Smith:

Yes. I saw panic in the eyes of all of the spectators around me. I even heard people crying.

Prosecution:

How would you characterize the way in which witnessing Stone Fox shooting off his gun put the lives of the townspeople in danger?

Doc Smith:

No doubt, the stress he put the townspeople under could make someone sick. And also, I did not know what Stone Fox might do next since he seemed so upset by what was going on. I would say Stone Fox seemed out of control.

Prosecution:

Thank you. I have no further questions.

Judge:

Would the defense like to question the witness?

Defense:

We would, Your Honor. Doc Smith, you stated that you have been the medical doctor in Jackson for close to nine years. Isn't that true?

Doc Smith

Yes

Defense:

You have been here almost from the beginning of the development of the Town of Jackson. Isn't it also true that there have been many incidents in which the townspeople have been placed in stressful situations?

Doc Smith:

Yes, but that doesn't make the fact that Stone Fox threatened the spectators and the racers any less criminal.

Defense:

A simple "yes" or "no" is all I need, Doctor. But the people of Jackson, Wyoming have endured much worse without calling it criminal.
I have no further questions.

Judge:

Prosecution, call your next witness.

Prosecution:

We call Mayor Nicholas Wilson to the stand.

Bailiff:

Do you swear to tell the truth, the whole truth, and nothing but the truth?

Prosecution:

Please state your full name and occupation.

Mayor:

I am Nicholas Wilson, the Mayor of the Town of Jackson, Wyoming.

Prosecution:

Mr. Mayor, were you present at the Annual Dogsled Race on Saturday, January 17, 1910?

Mayor:

Yes sir! I go to all of the dogsled races.

Prosecution:

Can you tell the jury where you were standing at the end of the race?

Mayor:

Since I had the honor of calling the race, I was stationed at the finish line.

Prosecution:

What happened next?

Mayor:

We were all stunned by what had happened to Searchlight. A hush had fallen over the crowd of spectators. Then, with no warning, Stone Fox raised his rifle and fired it

Prosecution:

Did you do anything immediately after Stone Fox shot the gun?

Mayor:

I remember starting to panic. Then I remembered that I had to keep my townspeople calm. I also remember being too scared to move.

Prosecution:

Can you tell the jury what you have heard from your townspeople since this incident occurred.

Mayor:

People have stopped in my office every day since the race to register a complaint against the defendant, Stone Fox.

Prosecution:

Mr. Mayor, can you please tell the jury what Ordinance #321 of the State of Wyoming is all about.

Mayor:

Ordinance #321 states that in the State of Wyoming a person cannot endanger someone's life by threatening them with words or weapons in public. Our State officials knew what it would be like for the State to grow. They were aware of the possibility for violence to occur. This Ordinance #321 exists to bring civility to the West.

Prosecution:

Thank you, Mr. Mayor. I have no further questions.

Judge:

Would defense like to question this witness?

Defense:

Yes, Your Honor. Mayor Wilson, how long have you been the Mayor of Jackson?

Mayor:

I was elected Mayor of Jackson four years ago.

Defense:

Is it true that you were aware that winning the \$500 prize would mean that Willy and his grandfather could pay off their debt and save their farm?

Mayor:

Yes.

Defense:

Looking back on the day of the race, therefore, would you say that no one was hurt at the race, and that some people - namely Willy and his grandfather - were greatly helped?

Mayor:

Well...yes.

Defense:

Thank you. I have no further questions.

Judge:

Does the prosecution have any further witnesses?

Prosecution:

The prosecution rests, Your Honor.

Judge:

Defense, call your first witness.

Defense:

We call Little Willy Pender to the stand

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Bailiff:

Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth.

Defense:

Please tell the court your name.

Little Willy:

My name is Willy Pender. Most folks call me Little Willy.

Defense:

How old are you Willy?

Little Willy:

I am ten years old.

Defense:

Can you please tell the jury how you became involved in the Jackson Annual Dogsled Race.

Little Willy:

Well...my grandfather was sick. I didn't know what was wrong. Then I found out that we needed **\$500** to save the farm. The winnings from the race were \$500. And I knew I could win because I had Searchlight.

Defense:

Do you think you would have won if Searchlight had not died?

Little Willy:

Yes, sir. I knew I was going to win the race until...until Searchlight suddenly stopped and died.

Defense:

Stone Fox stopped the race. In your opinion, why did he do that?

Little Willy:

Not my opinion. I think everyone knew fairly quickly that Stone Fox stopped the race so he could help me carry Searchlight over the finish line and I could win the race. I know everyone was scared at first. Stone Fox was a big man with a rifle. But it wasn't minutes before everyone realized why he did what he did.

Defense:

Thank you, I have no further questions.

Prosecution:

Willy, isn't it true that Stone Fox stopped the race when he saw that Searchlight had died?

Little Willy:

Yes.

Prosecution:

Isn't it true that there were a lot of people close by when Stone Fox fired his rifle?

Little Willy:

Yes.

Prosecution:

And, isn't it true that he stopped the race by firing his rifle?

Little Willy:

Yes.

Prosecution:

Tell me, isn't it true that Stone Fox could have chosen a less threatening way to stop the race.

Little Willy:

Maybe.

Prosecution:

Thank you. I have no further questions

Judge:

Do you have any more witnesses to call?

Defense:

Yes, Your Honor. The defense calls Stone Fox to the witness stand.

Bailiff:

Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth.

Defense:

Please state your name and occupation.

Stone Fox:

I am Stone Fox and I train dogs to race them.

Defense:

Can you tell the jury why you entered the Jackson Annual Dog Sled Race?

Stone Fox:

I wanted the prize money to buy back land that belongs to me and my people.

Defense:

Can you explain to the jury why you fired the gun in the air and threatened the other Racers. What was your intent?

Stone Fox:

How do you stop teams of dogs pulling sleds and racing to a finish line? People are afraid of Stone Fox. They see me as a big Indian man who has few words. I thought about just standing in the racers' way to stop them, but I did not think I had enough time to do that. Shooting my rifle in the air would catch attention and stop everyone. That was what had to happen to give honor to this brave boy and his brave animal.

Defense:

So your only intent was to stop the race so you could honor Willy and Searchlight by helping Willy carry the dog across the finish line.

Stone Fox:

Yes.

Defense:

Thank you. I have no further questions. The defense rests.

Prosecution:

Stone Fox, is a rifle a required supply for these races?

Stone Fox:

I always carry a rifle. If a dog got badly hurt you might have to use it to put the dog out of its misery

Prosecution:

Isn't it true, though, that rifles are not part of the required supplies for dogsled races?

Stone Fox:

Yes.

Prosecution:

Why do you carry a rifle?

Stone Fox:

So I won't have to use it.

Prosecution:

But isn't it true that you did use your rifle at the Jackson Annual Dogsled Race to threaten the other racers. Please answer the questions, Stone Fox. Did you threaten the other racers?

Stone Fox:

No. I did it to stop the race and no one was hurt.

Prosecution:

I have no further questions, Your Honor.

Closing: Prosecution's Side:

Stone Fox is guilty of breaking the law. Ordinance 321 clearly states that a person cannot endanger someone's life by threatening them with words or weapons in public. In a very public place at a very public gathering, Stone Fox chose to use a weapon to threaten and terrify everyone at the Jackson Annual Dog Sled Race . You must, therefore, find Stone Fox guilty.

As you heard from spectators and racers alike, he put everyone's life in danger. We heard Doc Smith describe how she was very concerned for the safety of her friends and neighbors. This type of fear-producing incident can effect the health and well-being of lots of people. The Mayor of Jackson shared a little of his own panic and then his fear that panic would spread among the spectators and the racers. The Mayor was terrified what might have happened if the crowd panicked after they heard the gun shot. What would Stone Fox do if panic ensued.

Even if you believe that Stone Fox broke the law because he felt that Will Pender and his dog Searchlight deserved to win the race even after Searchlight died, you must still find him guilty of breaking the law.

Thank you.

Closing: Defense

Your Honor and Ladies and Gentlemen of the jury, today we have shown that, without any doubt, Stone Fox did a good and honorable deed when he stopped the race and helped Willy Pender as he carried Searchlight over the finish line. Stone Fox had no intention of hurting any of the spectators or racers. His intention was merely to get everyone's attention. In a heated dog sled race with all of cheering and excitement, how else could you get that attention? Even when the crowd grew silent because Searchlight fell over, the crowd was not paying attention to the other racers. They were only focused on Willy and Searchlight. No one was hurt and Stone Fox used his gun in such a way that no one would be.

You heard from witnesses that the other racers had no chance to win the race and, therefore, no chance at winning the \$500 first prize. You also know that Stone Fox would have risked his own life if he stood in the way of the fast-moving racers. He would have been trampled.

Think of the rifle shot as a loud whistle. People would no doubt have been frightened - even threatened - by any loud noise at that time of the race. They were already frightened and saddened by watching Searchlight stop suddenly, fall over, and die.

Stone Fox is a man of honor,. He also is a man who honors our animals. His respect for Searchlight and for Willy and his grandfather led him to save the day for the Pender family...not ruin the day for the racers and the spectators. The right person won. A good deed was done. Stone Fox should be considered a hero, not a villain. He should be free to get ready for the next series of races, races where he can raise more money to help buy back his people's land. Find him innocent....because he is innocent.

Thank you.