

KANE COUNTY BAR ASSOCIATION

2002 BOY SCOUT MERIT BADGE DAY

MOCK TRIAL PROGRAM MATERIALS

PEOPLE V. RICK DONNER (A mock criminal trial) Summary

On the night of Friday, December 14, 2001, a break-in occurred at Edward Bigg Senior High School (BHS), a school of approximately 2,000 students located in Kane City, Illinois. In an indictment filed on February 13, 2002, Rick Donner (RD), the 19-year-old defendant, was charged with **burglary, 720 ILCS 5/19-1 (2001)**. It was alleged that he "...without authority knowingly entered a building, known as Edward Bigg High School, with the intent to commit a theft therein." RD was also charged with **theft, 720 ILCS 5/16-1(a)(4) (2001)**, by "knowingly ... obtaining control over property stolen from Bigg High School, a brass cornet, knowing the property to have been stolen or under such circumstances as would reasonably induce him to believe that the property was stolen, and intending to deprive the owner, Bigg High School, permanently of the use or benefit of the property."

QUICK SUMMARY OF THE CASE: (Provided for the reader's convenience, the following summary is not intended to serve as evidence. Only the statements beginning at page 4 have evidentiary value.)

FOR THE STATE:

Lynn Bryant (LB): LB, the principal of BHS, was called to the school on the morning after the break-in. LB will be able to testify about the nature of the damage caused as a result of the break-in and the type and value of the stolen property. LB also talked with MP, in early

January, about the break-in and thereafter called the police.

Melvin (Mildred) Poole (MP): Upon questioning by the police following an arrest for retail theft, 15-year-old MP implicated RD. MP is currently on probation following an adjudication as a delinquent minor stemming from charges of retail theft.

Kim Ramirez (KR): A 10-year veteran of the Kane City Police Department, KR questioned LB, MP, and later went to RD's house. There, he observed a cornet taken from BHS during the December break-in and a computer similar to one which had previously been reported as stolen from BHS in early 2001 following a separate break-in. KR recalls that during questioning of RD, the latter admitted knowing about the December break-in but denied any involvement in the incident. KR also observed RD wearing athletic shoes which had a sole pattern resembling a shoeprint KR had observed at the scene of the break-in.

FOR THE DEFENDANT:

Herman (Hermione) Sheppard (HS): HS will testify that RD was with him (or her) on the night of December 14, 2001.

Bill (Billie) Ash (BA): A 17-year-old friend of RD's, BA will testify that MP offered to sell, to several students, some of the property stolen from BHS. When BA asked MP about the break-in, MP said he broke into BHS "with some older guys," but did not mention RD's name.

Rick (Ricki) Donner (RD): The 19-year-old defendant, RD will deny committing the break-in and deny knowing anything about it. RD will claim that the cornet was left at his house by MP and claim to have purchased the computer from MP in the autumn of 2001, after MP claimed to have purchased it "at a flea market" and upgraded it.

Stipulations:

1. Head custodian for BHS, Charles Pearson, performed a security check at the building at 11:00 p.m., December 14, 2001, and determined that all doors and windows were locked. (This stipulation may be read to the jury during the State's case.)
2. For purposes of this case, the police seizure of property at the defendant's house is to be presumed entirely in accord with current law dealing with searches and seizure. There is to be no pretrial motion challenging the police discovery of evidence at the defendant's house.
3. The parties may stipulate to other evidence, if desired.

Exhibits:

1. Photocopy of partial shoeprint.
2. The parties are free to prepare their own exhibits, subject to accepted rules of pretrial discovery. A team intending to use an exhibit must so inform their opponent, who has the right to inspect the exhibit (or a copy thereof) prior to the trial. Due to security concerns at the Kane County Judicial Center, it is strongly urged that exhibits be limited to photographs, charts, or other documents rather than physical objects.

EVIDENCE

Detective Kim Ramirez interviewed Lynn Bryant, at the latter's office at BHS, on two separate occasions. The first occurred at 10:00 a.m. on December 15, 2001, shortly after the break-in was discovered. Here are excerpts from Ramirez' report:

Bryant has been principal at BHS for 2 ½ years.... This is the 3rd break-in this school year.... LB has no idea whether acts are related or who might be possible suspects....

Exterior window of athletic storage room on north side of building broken, appears to be point of entry.... Interior window to music storage room also broken, several lockers inside room forced open.... Three French horns found on floor.... Inventory of missing items, per LB: three violins, one flute, one cornet, a snare drum, twelve football jerseys and three basketball warmup outfits (jacket and pants), all the property of BHS.

Ramirez also talked with Bryant on January 7, 2002, at 3:45 p.m., in the latter's office, and took note of the following:

LB had been hearing comments from a number of students about possible suspects of the December 19 break-in, and the name Mel (Millie) Poole was repeatedly mentioned.

After school ended today MP approached LB and asked to talk. MP admitted knowing about the break-in and who was involved. In response to LB's questions, MP identified "Lips," "Boz" and Rick Donner. LB did not know the first two individuals, but recognized Donner as a recent BHS graduate. LB did not recall Donner as being a

troublemaker when a student at the school. LB was aware of MP's current juvenile record. LB also said he'd gotten an estimate of the damages and loss from the break-in: damage=\$500.00 for broken windows and \$1,475.00 for lost instruments and athletic apparel.

On January 7, 1998, at 6:30 p.m., at the Kane City Police Department, Melvin (Millie) Poole gave the following statement to Det. Ramirez:

My name is Mel (Millie) Poole and I am 15-years-old and a freshman at Bigg High. Between Thanksgiving and Christmas last year, I was running around with some older guys, like Lips, Boz and Rick Donner. I do not know Lips' or Boz' real names, but they hang out together. I first met Donner last spring, at a concert in St. Charles. Over the summer I'd run into him sometime at Charlestown Mall.

During the week after Christmas, I went to Donner's house on Green Street. In the basement, Donner showed me some instruments and a couple things. I remember seeing some violins, drums, a small trumpet and some keyboards. Some of the things had cases, some did not. Donner said he, Lips and Boz had gotten the a great deal on the instruments and wanted to know if I could help sell them to the other kids at school.

When I got back to school after the break, I asked a bunch of guys I knew if they were interested in the instruments. I then learned about the break-in and figured out that the stuff was hot. I then went to Principal Bryant and told him what I knew.

I did not break into BHS. I was at a friend's house on the night of December 14, watching some basketball games on T.V. I don't remember the friend's name.

I am currently on 18 months juvenile probation as a result of a couple of retail thefts I got caught on in February, 2001, at Spring Hill Mall. I was also stopped at the Sears store at Charlestown Mall this afternoon for a suspected shoplifting of a pair of jeans.

I've agreed to give this statement in return for a promise from the State not to prosecute a violation of my probation. This is the truth.

*Feb. 13, 2002 Grand Jury testimony of Officer Kim Ramirez:
(examination by David Doe, Assistant State's Attorney)*

Q Good afternoon, officer, would you please state your name for the record?

A Kim Ramirez. R-A-M-I-R-E-Z.

Q What is your occupation?

A I'm a detective with the Kane City Police Department. I've been with the department for some 10 years and the last four of them I've been a detective.

Q Could you tell the ladies and gentlemen what you did on December 14, 2001, in relation to the break-in at Bigg High School?

A Well, at about 10:00 a.m., I spoke with the school's principal, Lynn Bryant. Bryant had no idea who the perpetrators might be. I was led to the suspected scene of the break-in, which was a window on the north side of the building. The window, which was really blacked-out glass, was to an athletic storage room. There were a couple of muddy shoeprints on the tile floor inside the room that looked pretty recent in origin.

Q Was anything missing from that room?

A Most of the equipment was pretty well locked up, but Bryant told me his inventory showed there to be 12 football jerseys and three basketball warmup outfits missing.

Q Was there any other damage inside the school?

A Yes. About 100 yards from the athletic storage room, on the east side of the building, a music department storage room had a broken window. A number of lockers appeared to have been forced open. Bryant said a flute, a cornet and a snare drum were missing.

* * *

Q Did you talk to anyone else on January 7 after speaking with Principal Bryant?

A After I talked with Bryant, I drove Mel Poole, in my squad car, back to the Detective Division at the police station. He told me he had been associating with Rick Donner, and was at Donner's house over the Christmas holiday.

Q This was after the date of the break-in at Bigg High?

A Yes. While there, Donner showed him some musical instruments he said he had gotten at a great price and wondered if Poole could help sell them.

Q What kind of instruments did Poole see?

A Violins, drums, a cornet and some electric keyboards.

Q (by a juror) What's Poole like? Was Poole going to get a cut from the sale?

A He said---

Q (by Mr. Doe) We're not seeking any charges against Poole.

* * *

Q What did you do after talking to Poole?

A I proceeded to the Donner residence in Kane City. Mrs. Donner, Rick's mother, answered my knock on the door and let me enter. Rick was not home. Mrs. Donner consented to my looking around the house. In Rick's bedroom I saw a brass cornet which Principal Bryant later told me was the one that was taken during the break-in. There was also a personal computer. By comparing a serial number found inside the computer's CPU, I determined that it was one of ten computers which had been taken from the business ed department at BHS during a burglary in the early spring of 2001.

* * *

Q Did you eventually talk with Rick Donner?

A Yes. I saw him on Main Street, at 11:00 that same night. He agreed to accompany me to the police station. At the station, he denied committing the December 19 break-in at BHS but suggested that I talk with my juvenile offender department and they could give me the names of likely suspects. He said the crime was probably committed by some students at BHS. He also said he bought the computer in his room from a computer geek at BHS named Poole.

* * *

A Donner said he knew Mel Poole, and called him a little geek with a drug problem.

* * *

Q Did you observe anything else during your talk with Donner?

A The sole pattern on the athletic shoes Donner wore were very similar to the partial print I photographed inside the football equipment room at BHS on the morning after the break-in.

Q Did you photograph Donner's shoes?

A No. He refused to let me make a photo of the shoes or give them to me.

* * *

Q When was Donner arrested?

A I arrested him on January 13. He admitted knowing about the burglary and said that Mel Poole was involved. He said that Poole would never testify against him because Poole would be afraid to be sent to the St. Charles Youth Home for violating his probation. He said Poole had been hanging around with him and left the cornet at his house when he was over one day in late December. Donner claimed to be at a friend's house on the night of the burglary but could not give me this friend's name. Donner also said he had gotten rid of the shoes he wore on January 7th because he was tired of them.

Statement of Herman (Hermione) Sheppard, given to private investigator Dick Diamond, on January 29, 2002, at 10:00 a.m., at Sheppard's home in Kane City:

I've been a close friend of Rick Donner since we were both in the 6th grade. We both graduated from BHS last June. I'm presently 19 years of age. RD was with me on the evening of December 14, 2001. At 7:00 p.m., the two of us went to the BHS basketball game, at the BHS gym. A whole lot of our classmates had come back from college for the game, so I'm sure that a lot of them could confirm that we were there. The game was over at 9:30, and we went, just the two of us, out for a pizza. I think we went to the Pizza Palace across the street from BHS. We had a pizza and left at 11:30. RD drove me home, and we talked while parked in RD's car for a while. I went inside, alone, and went to bed at 1:00 a.m.

RD told me he had to start work early on Saturday morning. I don't know Mel Poole

very well. He's some younger kid that likes to hang around the older guys. I've heard that he's been in trouble with the cops before.

Statement of Bill (Billie) Ash, offered to Dick Diamond on February 1, 2002, at 3:00 p.m., at Ash's Kane City home:

I'm 17-years-old and a senior at BHS. I've known RD for a couple years. I don't really know MP very well. I just know he's a freshman who hangs around a tough crowd. The word is that he's a pothead.

It was in early January, just after we got back from the Xmas break, when we were talking about the burglary at school. I was in Florida with my family during the holidays, so I didn't learn about the break-in until after school started up.

I've got a friend who is in the school band. While he didn't lose anything from the burglary, the locker next to his got cleaned out. We were in the cafeteria at lunchtime talking about the whole thing when MP came by and offered to sell some instruments.

I think he mentioned a violin and a trumpet or something, and some football jerseys.

I asked MP where he got the stuff and he eventually admitted that he broke into the school with some older guys. He mentioned only one guy by name --Lips, I think he said--and said they were guys from South High. RD's name never came up.

