



A CASE OF ARSON AT THE MANSION

A Guided Mock Trial

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For more information

www.texaslre.org/index.html
www.TexasGovernorsMansion.org
www.tdi.state.tx.us/fire/

Anyone with information about The Governor's Mansion arson is encouraged to call Crime Stoppers at 1-800-252-8477 or the State Fire Marshal's Office arson hotline, 1-988-252-8477.

NOTE: Curriculum will be field tested during fall 2009 at schools around Texas. Afterward, any necessary changes will be made. As teachers use the materials, any suggestions/corrections are valued and should be sent to ygreenwood@texasbar.com.

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A CASE OF ARSON AT THE MANSION

A Guided Mock Trial

Note: All names and details in this mock trial are fictitious and do not refer to any person or action involved in the case, other than the fact that the mansion was heavily damaged by fire.

Purpose of the Project: Texas high school students participating in this enrichment activity will learn about the historical significance as well as the current status of the Texas Governor's Mansion. Utilizing this example based on an actual fire, students will learn courtroom procedure, laws regarding arson and its consequences, as well as fire safety information.

"We shape our buildings and afterwards our buildings shape us."
Winston Churchill

Objectives: The student will

1. Participate in preparations for conducting a mock trial;
2. Analyze witness statements and other evidence to identify bias and differentiate between fact and opinion.

TEKS: 8.20 D, 8.30 B & F; U.S. Hist. 18 A, 24 B & F; Govt. 14 A, B & E, 15 C, 21 A; Special Topics 1 B & E

Materials Needed: Copies of *Texas v. Taylor Glow*

Teaching Strategy:

1. Distribute copies of "Information for Participants," (Attachment 1) to the class members. Allow enough time for students to read the packet, then pass out copies of the "Brief of A Mock Trial," (Attachment 2) Assist students in filling in the facts and question sections (a teacher answer key is included).
2. Assign or allow students to choose roles as the judge, defense attorneys, defendant, prosecuting attorneys, bailiff, clerk, reporter and the six witnesses. The witness roles have been written so that they may be played by either male or female students. Have the students write these names on the "Brief of Mock Trial." The rest of the class will be the jury. While the students who have roles in the trial prepare for the trial, the remainder of the class will play a website game on juries. By going through the computer game, "Pick 12" on the *texaslr.org* website (http://texaslr.org/jurygame_intro.html), student jurors will not only be able to access information on the role and selection of a jury, but also play a game in which they pick a criminal jury such as one that would be used in ***Texas v. Taylor Glow***.
3. Have attorneys meet in a group with their witnesses. Pass out the appropriate witness sheets (Attachments 3 & 4) so the witnesses can become familiar with

their parts and the attorneys can start planning the questions they will ask during the trial (attorneys will need copies of all witness statements). The witness sheets are as brief as possible in order that students will not be burdened with additional reading. It is usually NOT a good idea to allow students to bring outside information they might create to add to the information provided in the packet.

4. Distribute copies of the “Courtroom Script,” (Attachment 5) so that students can become familiar with the sequence of the trial.
5. While the attorneys are meeting with their witnesses, give the appropriate role playing sheets to the court reporter and bailiff, and answer any questions these students may have.
6. Arrange the room as a state district court.
7. Proceed with the trial following the “Courtroom Script.” The following steps will help the trial move smoothly:
 - a) The bailiff calls the court to order and swears in the jury by saying, “Do you solemnly swear or affirm that you will fairly try the issues now to be given you? That you will speak nothing to anyone of the business or matters you have in hand, but among yourselves? And when you are agreed upon any verdict, you will keep it secret until you deliver it up in court? Say I do.”
 - b) The judge asks the prosecutor to make his or her opening statement.
 - c) The prosecutor reads the indictment (given on the following page). He or she then describes the case to the jury and gives them a summary of the facts. Statements should end with the fact that the state will prove the defendant guilty of the crime for which he or she is charged.
 - d) The judge asks the defense to make his or her opening statement.
 - e) The defense attorney gives an opening statement.
 - f) The judge asks the prosecution to call its first witness.
 - g) The bailiff swears in the witness by saying, “Do you swear or affirm to tell the truth, the whole truth and nothing but the truth? Say I do if you so swear or affirm.”
 - h) The prosecutor examines the witness.
 - i) The defense attorney cross-examines the witness.
 - j) Steps “f” through “i” are repeated for subsequent prosecution witnesses.
 - k) The judge asks the defense to call its first witness.
 - l) Steps “g” through “j” are followed for each defense witness, with the defense attorney doing the direct examination first, followed by cross-examination by the prosecutor.
 - m) The judge asks the prosecution for a closing statement.
 - n) The judge asks the defense attorney for a closing statement.
 - o) The judge asks the prosecution if they have a rebuttal closing, followed by a defense rebuttal.

- p) The judge reads his or her charge to the jury (given in the Courtroom Script).
 - q) The jury pretends to leave the courtroom but actually stays in the room so other students will be able to observe their deliberations. The jury chooses a presiding juror and discusses the case. When a verdict is reached, it is written for the judge on Attachment 6.
 - r) The judge calls the court back to order and asks the jury for the verdict. He or she then reads the jury's verdict orally.
 - s) If the verdict is guilty, the judge will explain that the second, or punishment, phase of the trial will now begin. (This phase of the trial has been omitted from the mock trial.)
 - t) If the verdict is not guilty, the judge states that the defendant is free to go.
8. Debrief the mock trial by discussing the following questions:
- a) Were the questions asked by the lawyers relevant?
 - b) Were there any questions to which the opposing lawyer should have voiced objections?
 - c) Do you think the jury made the correct decision? Why or why not?
9. For a more formal evaluation, have the students complete the "Mock Trial Reflections," Attachment 7.
10. Fire Safety Activity—State Fire Marshal Extension, Attachment 8.
11. Note: This incident could be considered a federal crime if it met the dollar amount, was a fraud across state lines, or involved an explosion. It could be tried under a number of federal statutes regarding firearms and explosives. However, the penalty is usually not as harsh as it would be if charged under state statutes. (Information provided by Ed Salazar, Director of the State Fire Marshal's Office.)
12. Many law enforcement agencies have been involved in the investigation of this crime. As of July, 2009, the chief investigating agency is the Texas Department of Public Safety—the Texas Rangers. Lieutenant Jim Denman, Texas Rangers, Company F, is in charge of the mansion investigation.
13. **Anyone who has information about this The Governor's Mansion arson is encouraged to call Crime Stoppers at 1-800-252-8477 or the State Fire Marshal's Office arson hotline, 1-988-252-8477.**

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BACKGROUND*:

Texas Governor's Mansion History

The mansion's history began with a \$14,500 appropriation from the legislature roughly a decade after Texas became a state in 1845. Governor Elisha M. Pease selected the block bounded by Lavaca, Guadalupe, Tenth, and Eleventh streets, some 300 yards southwest of the Capitol. Architect Abner Cook supervised the construction of the two-story, Greek Revival-style mansion which predates the 1888 Texas Capitol. The bricks for the building were made in Austin, and the pine logs used for the pillars were hauled in from Bastrop. Each floor had four main rooms, two on each side of a broad central hall. Six 29-foot Ionic columns were erected to span the front porch, adding the finishing touches to the stately residence. Completed on June 14, 1856, the Mansion is the fourth oldest governor's residence continuously occupied in the United States and the oldest governor's mansion west of the Mississippi River.

Governor Elisha Pease was the first occupant of the mansion; Sam Houston roamed its halls; Governor Hogg's children slid down the banister; President McKinley and Will Rogers and many heads of state visited; Wilbert Lee "Pappy" O'Daniel hosted radio shows with his band; Governor Connally recuperated from the gunshot he suffered while riding with President Kennedy in the motorcade; George W. Bush awaited news of the outcome of the 2000 presidential election there. The Texas Governor's Mansion belongs to all Texans and has been home to 40 governors since 1856.

In 1982, then Governor Clements resumed tours of the mansion after a \$4.1 million renovation and redecoration was completed. Two years later, when Mark White was Governor of Texas, an electronically controlled gate with a television monitor linked to the security detail's garage lookout was added. The entire security system, it has been reported, was designed by the U.S. Secret Service.

More recently, in October, 2007, Governor Rick Perry and his family agreed to move out of the Mansion for a \$10 million deferred maintenance project, removing asbestos and lead paint, restoring deteriorating windows and updating the Mansion's mechanical systems as well as increasing the size of the basement and stabilizing the foundation. All countless valuables, including Sam Houston's mahogany four-poster bed, Stephen F. Austin's writing desk, and numerous pieces of valuable art and antique furniture, were removed and in storage. On June 8, 2008, the Mansion suffered tremendous damage due to arson. Even though the mansion was empty and all its prized contents in storage, significant structural and architectural damage occurred. Since the fire, time and money have been spent to shore up walls, flooring and the roof to address damage from fire and water. In 2009, The Texas Legislature appropriated \$22 million dollars to restore the National Historic Landmark.

*Historical information from Hunter, Sally, 2008, "This House is Your House—The Governor's Mansion—Texas' Front Porch Since 1856."

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TEXAS v. TAYLOR GLOW*

A Guided Mock Trial

****Note: All names and details in this mock trial are fictitious and do not refer to any person or action involved in the case, other than the fact that the mansion was heavily damaged by fire.***

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**TEXAS v. TAYLOR GLOW
INFORMATION FOR PARTICIPANTS**

(For the bailiff)

USED TO SWEAR IN THE JURY:

“Do you solemnly swear or affirm that you will fairly try the issues now to be given you? That you will speak nothing to anyone of the business or matters you have in hand, but among yourselves? And when you are agreed upon any verdict, you will keep it secret until you deliver it up in court? Say I do.”

USED TO SWEAR IN EACH WITNESS:

“Do you swear or affirm to tell the truth, the whole truth and nothing but the truth? Say ‘I do’ if you so swear or affirm.”

(For the prosecuting attorneys)

OPENING STATEMENT:

Describe the case and a summary of the facts to the jury; say you plan to prove Taylor Glow is guilty of arson.

EXAMINE WITNESSES:

- What is your name?
- What do you do for a living?
- Where do you live?
- What is your relation to the defendant?
- Ask other questions to build your case.

OBJECTIONS:

When the other attorney questions a witness, you may say, "I object on the grounds that: (1) the witness is incompetent to answer this question; (2) the question is irrelevant to the issue in this case; (3) the attorney is badgering the witness; or (4) the attorney is leading the witness."

CLOSING STATEMENT:

Summarize the points you have made during the trial; try to tear down the other side's evidence; say that you have shown that Taylor Glow is guilty of the crime of arson, which is a second degree felony.

(For the defense attorneys)

OPENING STATEMENT:

Describe the case and a summary of the facts to the jury; say the state will be unable to prove that Taylor Glow is guilty of the crime charged.

EXAMINE WITNESSES:

- What is your name?
- What do you do for a living?
- Where do you live?
- What is your relation to the defendant?
- Ask other questions to build your case.

OBJECTIONS:

When the other attorney questions a witness, you may say, "I object on the grounds that: (1) the witness is incompetent to answer this question; (2) the question is irrelevant to the issue in this case; (3) the attorney is badgering the witness; or (4) the attorney is leading the witness."

CLOSING STATEMENT:

Summarize the points you have made; try to tear down the other side; say the prosecution has failed to prove that Taylor Glow is guilty of arson and therefore the jury must find him not guilty.

BRIEF OF THE MOCK TRIAL

TEXAS v. TAYLOR GLOW

- FACTS:
- 1.
 - 2.
 - 3.
 - 4.
 5. (Students might find more than five important facts.)

QUESTION: Whether or not Taylor Glow is guilty of the crime of arson. Arson is described under Texas law as the act of starting a fire or causing an explosion for the purpose of destroying or damaging land, buildings, or vehicles. Starting a fire is considered arson even if the fire goes out before causing any damage.

One can be charged with arson if he or she starts the fire or sets off an explosion, and knows:

1. The property belongs to another person, sits on property belonging to another person, or contains property belonging to another person.
2. The property is insured against damage, or that there is a mortgage or lien on the property held by someone other than the person who sets the fire.

One can also be charged with arson, regardless of intentions, if he or she recklessly sets a fire or sets off an explosion without regard for the safety of other people or property.

Under Texas Penal Code Sec. 28.02, arson is a second-degree felony, punishable by 2 to 20 years in a state prison, unless the fire involves a church or a home, or someone is hurt or killed. In those cases, it is a first-degree felony, which could carry a life sentence.

PROSECUTING ATTORNEYS:

WITNESSES FOR THE PROSECUTION:

1. Trooper Jimmie Smith
2. Officer Cameron Martinez
3. Morrie Burst

DEFENDANT: _____

DEFENSE ATTORNEYS:

WITNESSES FOR THE DEFENSE:

1. Taylor Glow
2. Maddie Koonz
3. Hunter Lincoln

JUDGE: _____

BAILIFF: _____

CLERK: _____

DECISION: _____

SENTENCE: _____

BRIEF OF A MOCK TRIAL
(Teacher Key)

Texas v. Taylor Glow

FACTS:

1. On October 2, 2007, Governor Perry and his family moved out of the Texas Governor's Mansion so a planned deferred maintenance project could begin. Its contents were placed in storage.
2. Security at the mansion was adjusted when the state's first family moved out because there was little traffic coming in the mansion.
3. A person, between 5 feet 9 inches and 6 feet 1 inch tall, was seen scaling a wall to get on the mansion grounds at or around 1:20 a.m., as shown on a security camera. A few minutes later, he or she was seen hurling an object at the front porch of the mansion, right before it burst into flames.
4. Taylor Glow was arrested for the crime of arson a few days after the fire.
5. Taylor Glow was a new initiate in the business fraternity at City College in the spring semester, 2008.
6. (Students may come up with other pertinent facts.)

QUESTION: Whether or not Taylor Glow is guilty of arson, as defined in Texas law.

PROSECUTOR AND ASSISTANTS:

WITNESSES FOR THE PROSECUTION:

1.Jimmie Smith : _____

2.Cameron Martinez: _____

3.Morrie Burst : _____

DEFENSE ATTORNEY AND ASSISTANTS:

WITNESSES FOR THE DEFENSE:

1.Taylor Glow (defendant) : _____

2.Hunter Lincoln : _____

3.Maddie Koonz : _____

JUDGE: _____

BAILIFF: _____

CLERK: _____

DECISION: _____

(For all students except jurors)

STIPULATED FACTS:

Before the First Family of Texas moved out of the mansion on October 7, 2007, in order for a planned deferred maintenance project could begin, the Governor's Protective Detail was in charge of security. They would call on the Capitol Police whenever necessary. When Governor Perry and his family moved out of the mansion, security matters were adjusted. One trooper was assigned to the mansion on round-the-clock rotating schedules. This was determined to be sufficient because of adequate security equipment in the mansion, and there was little to no traffic coming in the mansion. An 8-foot chain-link fence was installed outside the mansion's iron and concrete fence for added security.

In October, 2007, construction started. Because construction workers and others were on site, two troopers per shift for all weekday shifts and one trooper per shift for weekend shifts were assigned to the mansion.

Security equipment available at the mansion included:

- Video cameras
- Camera recording equipment
- Camera monitors—two high definition, split-screen televisions; ten camera views available on each monitor—two large views and eight smaller views
- Perimeter infrared beams system
- Fire alarms
- Smoke detectors
- Concrete and wrought-iron fence
- Eight-foot chain-link fence covered with a green tarp so that it wasn't possible to see inside the mansion grounds from outside.

The State Fire Marshal is the chief investigator in charge of the investigation of arson. By statutory authority, the State Fire Marshal commissions peace officers to act as fire and arson investigators and to perform other law enforcement duties. As of July, 2009, the Texas Department of Public Safety—Texas Rangers have been in charge of the investigation.

Videos taken by security cameras show a figure going over a barricade wall and entering the mansion grounds. Later, someone is shown throwing something at the front porch, and then a burst of flames can be seen on the video.

After investigating the crime, Taylor Glow was arrested for the crime of arson.

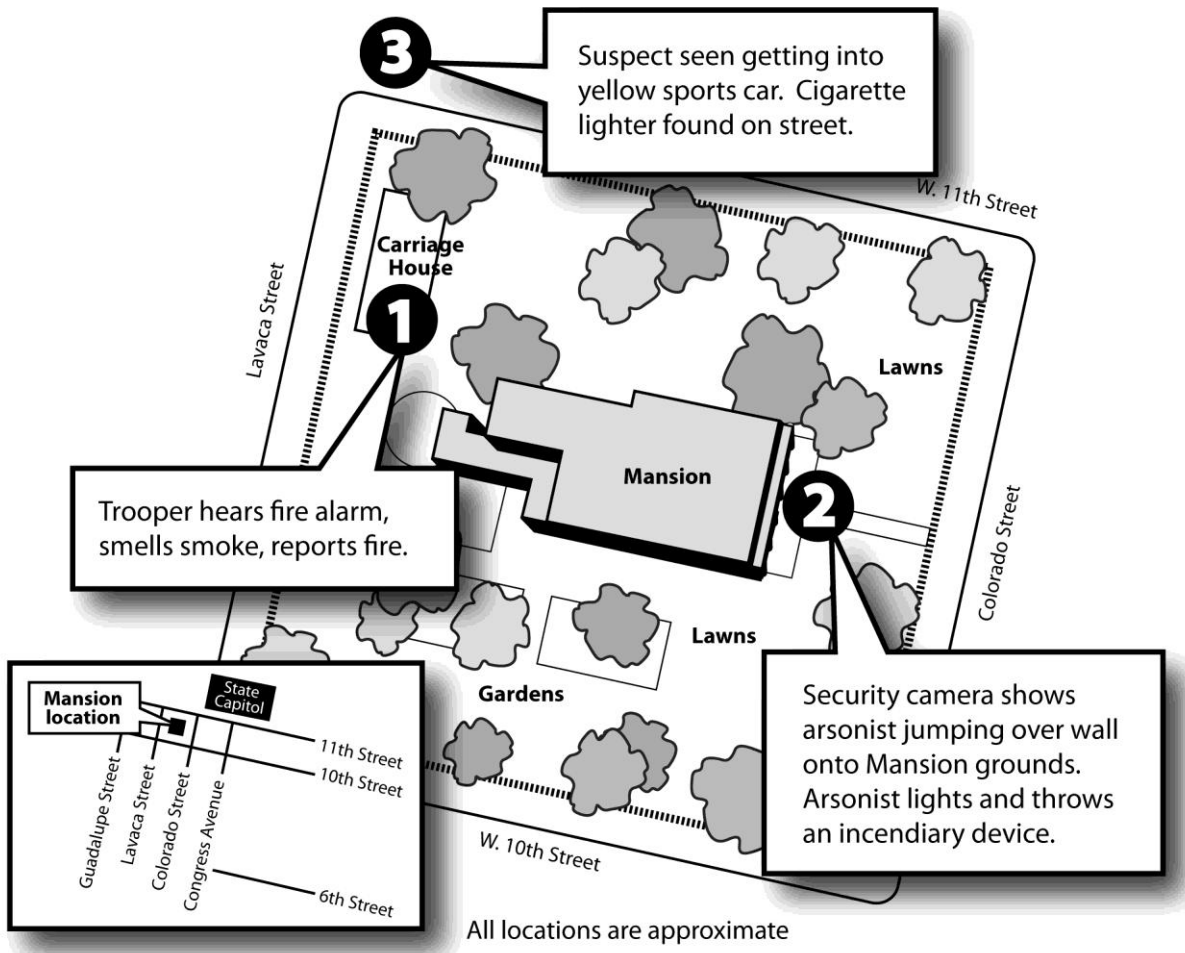
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Texas Governor's Mansion before the fire.



Texas Governor's Mansion after the fire



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WITNESSES FOR THE PROSECUTION

Fact Statement of Trooper Jimmie Smith:

On June 7, 2008, I finished my eight-hour shift at the Texas History Museum and went straight to the Governor's Mansion. I arrived there at 9:48 p.m. and relieved Trooper Jackie Jones, who told me everything was quiet. I went upstairs in the Carriage House (above the garage of the mansion) and sat down at the desk. I checked all camera views at that time and periodically during my four-hour shift. At 1:35 a.m., I heard the fire alarm and knew something was wrong. At 1:42 a.m., I called the Department of Public Service communications on my personal cell phone, walked outside, and smelled smoke. As I continued to walk as I talked, I saw a glow through the mansion's front window. I told the DPS Communications person to call the fire department.

At about 1:47 a.m. I heard sirens coming up Lavaca Street and went out the back gate to flag down the firemen. The fire truck drove around to Colorado Street. Although Trooper Brown came to relieve me at 1:57 a.m., I didn't leave and continued assisting at the scene.

Fact Statement of Officer Cameron Martinez:

Early on the morning of June 8, 2008, I was working as a plainclothes officer in downtown Austin for the City Police Department. Upon hearing fire alarms go off in the direction of the Governor's Mansion, I headed that way to see if I was needed. I saw a suspicious-looking person walking from the north side of the mansion to a vehicle on 11th and Guadalupe Street. I saw the person get into a yellow late-model sports car which was parked facing west on 11th Street. The person drove rapidly away, and I walked to where the car was parked. I found a cigarette lighter on the ground by where the car had been parked, which I put into an evidence bag.

The State Fire Marshall told me that they have evidence that indicates this was an intentionally set fire, so we consider it a criminal act. I viewed a video taken by security cameras, and one can clearly see a shadowy figure scaling a barricade wall to get onto the grounds of the mansion. The person, between 5 feet 9 inches and 6 feet 1 inch tall, is wearing a baseball-type cap, a dark shirt, long pants and work gloves. He (she) appears to be lighting a glass bottle stuffed with a fuel-soaked rag using a cigarette lighter. The figure is then seen hurling an object at the front porch. Immediately thereafter, a burst of flames can be seen on the video. The intruder's face is not clearly shown on the images.

After several days of investigation, Taylor Glow was arrested and charged for the crime of arson. At the time of his/her arrest, Taylor was wearing a baseball cap. As is our standard arrest procedure, he (or she) was fingerprinted. When we compared his (or her) fingerprints

with those on the cigarette lighter, we found that the two sets were identical. Additionally, DMV records indicate that Taylor is the owner of a late-model yellow sports car.

Fact Statement of Morrie Burst:

I am an investigator for the State Fire Marshal and have studied fires for 45 years. It has been my experience that arson cases involving public buildings are especially challenging to solve.

When we first started investigating this case, we felt that there was great likelihood of it had been committed by someone we'd never heard of, with no connection to the governor. We suspected that it might even have been a gang initiation or someone upset at the governor or someone with political motivation.

I examined 18 photographs released by the governor's office which show collapsed ceilings, a charred staircase and damaged walls of the mansion. An earmark of arson is the V-shaped pattern of black soot on the mansion's façade. The bottom of the V-shape is on the front porch, suggesting someone threw a Molotov cocktail, with the flames spreading up and out. I do believe this is a case of arson.

Maddie Koonz came to the State Fire Marshal's office on the day of the fire and told us about seeing a suspicious person in the area of the mansion earlier that morning. He (she) described the person and the car which he (she) drove away. Then we got a call from an anonymous person telling us about a meeting of the business fraternity at City College where someone suggested (jokingly) about initiating their new members by making them do "something" to earn their places in the group. They mentioned that the governor and his family had moved out of the mansion so that it could be renovated, and that might be a good subject of the hazing.

After investigating these two tips, we were led to Taylor Glow, who was a new initiate at the business fraternity meeting and also drove a late model yellow sports car. We placed him under arrest, fingerprinted him, and found his fingerprints on a cigarette lighter found at the scene.

We have been told that the Texas Crime Stoppers has offered a \$50,000 reward for information about this crime.

WITNESSES FOR THE DEFENSEFact Statement of Taylor Glow:

In the spring of 2008, I was a junior at City College majoring in business. I was so happy to be asked to pledge the business fraternity that spring, based on my grades and community service, and I am looking forward to not only getting my bachelor's degree in business but also an MBA. Our business fraternity is not like social sororities and fraternities that have initiation and hazing of new members. But at our meeting on June 6, a couple of the seniors mentioned something about how much fun it would be to order the new initiates to do something "challenging." They also mentioned that the governor and his family had moved out of the Governor's Mansion so that it could have deferred maintenance performed. I personally would never take that as a suggestion to go set the mansion on fire, but some of the seniors were joking about making the new members do something to "earn our places in the group."

On the night of June 7, 2008, I couldn't sleep, so I decided to drive downtown. I parked my car, a yellow sports car, and walked around a little. Sometime after midnight, I went back to my car and drove to my apartment. A couple of days later, I was arrested for the crime of arson at the Governor's Mansion. Was I surprised! By the way, I'm only about 5 feet 6 inches tall. I often wear ball caps, but so do all of my friends. I also do not and never have smoked.

I read in a newspaper that a group accused by the FBI of making Molotov cocktails during the Political Party Powers' state conference might be responsible for this crime. I hope they continue the investigation because I did not commit this horrible crime.

Fact Statement of Hunter Lincoln:

I am the president of the business fraternity at City College. Every spring we initiate juniors who have good grades and records at the college. Taylor Glow was one of our initiates in the spring of 2008, and I personally have been very impressed with him (her). He (she) attends every meeting and actively takes part in all business of the organization. He (she) was at the meeting in June, 2008, and I remember some of the senior members joking about requiring some kind of hazing activity for new members. But we would never really do that—it was just talk. Taylor is a very intense person who would do anything to please the group. I think he (she) wants to run for office at the end of the year. However, if I thought he had anything to do with this crime, I certainly would report it and earn the \$50,000 reward. I was very shocked when I heard he (she) had been arrested, and I may be partially responsible for his (her) arrest. An investigator came to me a few days after the Governor's Mansion was burned down and asked me to provide him a list of those members who were in attendance at our June meeting. Of course I had to do this, and Taylor's name was on the list.

Fact Statement of Maddie Koonz:

I work the late shift at Dunk-a-Buck Coffee House on Guadalupe Street. In the early morning of June 8, I left work about 1:00 a.m. after cleaning up. I walked to where I had parked my car, close to the Governor's Mansion. I park there because there are always police officers around that area guarding the mansion and the Capitol, so I figure my car is safe there. Usually, I'm the only one on the street at that hour, but that morning I noticed someone running to his (her) car on 11th Street. This person was wearing a ball cap, so I couldn't see his (her) face. He (she) quickly got into his (her) car, a late-model yellow sports car and drove rapidly away. I think this person was probably in his (her) twenties because of how quickly he (she) was running to the car. The person was also about average in height.

Soon thereafter, I heard sirens and saw lots of activity at the Governor's Mansion. Then I noticed smoke and flames. I decided to get out of the way, so I drove home. Later that morning, after sleeping a while, I heard that someone had set fire to the mansion. So, being the good citizen that I am, I went down to the office of the State Fire Marshal, who I was told was in charge of the investigation. I wanted to tell them about the person I saw running away from the fire and driving quickly away. I described this person, who could have been male or female, as being about 6 feet tall, wearing a ball cap and a dark shirt. He or she was wearing some type of gloves and loose-fitting jeans. I also told the Fire Marshal's investigator about the yellow late-model sports car I saw this person get into.

I don't know Taylor Glow and do not know if this is the person I saw running to his (her) car on the morning of June 8. But it would certainly help my bank account to be able to collect the \$50,000 reward.

COURTROOM SCRIPT

BAILIFF: The court is now open and in session. The Honorable Judge _____ presiding. All persons having business before the court come to order. This is the case of *Texas v. Taylor Glow*.

It is now time to swear in the jury. The jury will please rise, raise your right hand and be sworn: *Do you solemnly swear that you will try the issues now to be given you? That you will speak nothing to anyone of the business or matters you have in hand, but among yourselves? And when you are agreed upon any verdict, you will keep it secret until you deliver it up in court? Do you all so swear?*

JURY: (As a whole:) I do.

JUDGE: Does the prosecution have an opening statement?

PROSECUTION: Yes, Your Honor. (Prosecutor should give opening statements.)

JUDGE: Does the defense have an opening statement?

DEFENSE: Yes, Your Honor. (Give opening statement.)

JUDGE: Will the state please call its first witness?

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

WITNESS: I do.

JUDGE: The prosecution may examine the witness.

PROSECUTION: (Asks the witness questions. If the other attorney objects to any question, questioning should stop until the judge rules. The judge will say "Sustained" if he or she agrees with the objection or "Overruled" if he or she disagrees.)

JUDGE: Any further questions from the prosecution?

PROSECUTION: No, Your Honor. I pass the witness.

JUDGE: Does the defense wish to cross-examine the witness?

DEFENSE: Yes, Your Honor. (Asks the witness questions. If the other attorney objects to any question, questioning should stop until the judge rules. The judge will say “Sustained” if he or she agrees with the objection or “Overruled” if he or she disagrees.)

JUDGE: Next witness.

[This continues with each witness for the prosecution being called, one at a time, sworn in by the clerk, questioned and cross-examined in the manner previously stated.]

JUDGE: First witness for the defense.

[Witnesses for the defense should be called, one at a time, sworn in by the clerk, questioned by the defense attorney and cross-examined by the prosecutor, as previously stated.]

JUDGE: Does the prosecution have a closing statement?

PROSECUTION: Yes, Your Honor. (Give closing statement.)

JUDGE: Does the defense have a closing statement?

DEFENSE: Yes, Your Honor. (Give closing statement.)

JUDGE: Members of the jury: The defendant in this case is charged with a criminal offense. Under our legal system, a person is innocent until proven guilty beyond a reasonable doubt. This means that the state must place before you enough evidence to convince you, to the satisfaction of your good sense, that such a crime was committed by the person on trial.

The defendant before this court is charged with the crime of arson. This crime, under Texas criminal law, is described under Texas law as the act of starting a fire or causing an explosion for the purpose of destroying or damaging land, buildings, or vehicles. Starting a fire is considered arson even if the fire goes out before causing any damage.

One can be charged with arson if he or she starts the fire or sets off an explosion, and knows:

The property belongs to another person, sits on property belonging to another person, or contains property belonging to another person.

The property is insured against damage, or that there is a mortgage or lien on the property held by someone other than the person who sets the fire.

One can also be charged with arson, regardless of intentions, if he or she recklessly sets a fire or sets off an explosion without regard for the safety of other people or property.

Arson is a second-degree felony, punishable by 2 to 20 years in a state prison, unless the fire involves a church or someone is hurt or killed. In those cases, it is a first-degree felony, which could carry a life sentence.

In all criminal cases, the burden of proof is on the state. The defendant is presumed to be innocent until his guilt is established by legal evidence beyond a reasonable doubt. In case you have a reasonable doubt of the defendant's guilt, you will acquit him and say by your verdict "not guilty."

When making your decision, you should look carefully at what each witness said. Where witnesses disagree, you must decide which witness is reliable.

You should now consider all the evidence. Now retire and choose a presiding juror. When you have reached a decision, the presiding juror should notify me and return the verdict.

BAILIFF: (Gives verdict forms to jury.)

JUDGE: (After the jury has returned with a verdict) Members of the jury, have you arrived at a verdict?

PRESIDING JUROR: Yes, Your Honor. (Read the decision of the jury.)

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No. 10840

Texas	X	In the District Court
v.	X	of
Glow	X	The State of Texas

VERDICT OF THE JURY:

We, the jury, find the defendant not guilty.

Presiding Juror

No. 10840

Texas	X	In the District Court
v.	X	of
Glow	X	The State of Texas

VERDICT OF THE JURY:

We, the jury, find beyond a reasonable doubt that the defendant is guilty of the offense of arson, which is a second degree felony.

Presiding Juror

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MOCK TRIAL REFLECTIONS

Directions: Answer the following questions on a SEPARATE piece of paper in well-developed paragraphs. Use specific examples from the trial to support your answers.

MEMBERS OF THE JURY SHOULD ANSWER THE FOLLOWING QUESTIONS:

1. With what crime was the defendant charged? Describe how the prosecution said the crime for which the defendant was charged occurred?
2. On a scale of 1-5 (with 5 being the highest), how well did the prosecution prove its case? What were their major arguments?
3. On a scale of 1-5 (with 5 being the highest), how well did the defense prove its case? Defend your answer. What were their major arguments?
4. If you had been an attorney for either side, **how and why** would you have changed the strategy or arguments used?
5. What is one concrete legal principle you learned about serving on a jury?

WITNESSES AND ATTORNEYS SHOULD ANSWER THE FOLLOWING QUESTIONS:

1. What was the decision of the jury? Do you agree or disagree with the verdict? Defend your opinion.
2. In your judgment, did the defendant get a fair trial? Why do you believe this? If not, why not?
3. Describe at least one item of court proceeding or rules of evidence you learned by participating in a mock trial as a witness or attorney.
4. Explain **one strength** you see in the trial process as we use it in the United States. Explain one **weakness**.
5. Evaluate your performance in the trial on a scale of 1-5 (with 5 being the highest). Defend your ranking explaining one area you did well and one area you would like to improve.

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A CASE OF ARSON AT THE GOVERNOR'S MANSION
A Fictional Mock Trial
State Fire Marshal Extensions

Extensions:

9th & 10th Grades

Research the reasons for and importance of “Having an Exit Strategy” for every place you enter, and conduct a visual survey of each public place you enter for one full week. The location of each exit should be documented, along with any potential hindrance to exiting. For information about the “Have an Exit Strategy Where You Live, Work, and Play” initiative, visit the State Fire Marshal’s website at <http://www.haveanexitstrategy.com/>. Present your findings to other students.

11th & 12th Grades

Research the reasons for and importance of “Having an Exit Strategy” for every place you enter, and conduct a visual survey of each public place you enter for one full week. The location of each exit should be documented, along with any potential hindrance to exiting. Compile potential class findings of exit hazards; contact and meet with your local fire safety inspection official to share and discuss class findings. For information about the “Have an Exit Strategy Where You Live, Work, and Play” initiative, visit the State Fire Marshal’s website at <http://www.haveanexitstrategy.com/>.

Research the reasons for and importance of “Having an Exit Strategy” for every place you enter, with a focus on campus residency or independent living. Prepare a presentation using various media to present to senior class students. For information about the “Have an Exit Strategy Where You Live, Work, and Play” initiative, visit the State Fire Marshal’s website at <http://www.haveanexitstrategy.com/>.

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