

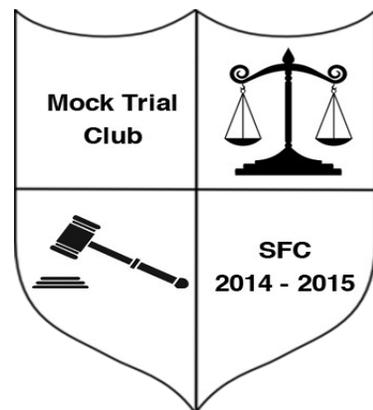
Saint Frances Cabrini
Spring 2015 Mock Trial Competition

Commonwealth of Pennsylvania

v.

Robin Woods

*Sponsored by the Wilson McLean Law Firm
Authored by Daina Wilson-McLean, Esq.*



OATH OF OFFICE

SFC STUDENT ATTORNEYS

I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States, the Constitution of this Commonwealth, and the St. Frances Cabrini Regional Catholic School Student Handbook and that I will discharge the duties of my office as a student attorney with fidelity.

Signature: _____ Date: _____

2014-2015 SFC STUDENT ATTORNEY LICENSE

VALIDATED	EXPIRES	GROUP NO.	CLUB
10/01/2014	06/30/2015	FS14151	SFCMT

THIS IS TO CERTIFY THAT

(Print Name in Ink)

HAS MET ALL REQUIREMENTS AND HAS THE RIGHT TO PRACTICE LAW AS A STUDENT ATTORNEY IN THE SFC MOCK TRIAL CLUB AND DURING THE SFC MOCK TRIAL COMPETITION.

INTRODUCTION

Welcome to the Spring 2015 session of the Saint Frances Cabrini Regional Catholic Elementary School Mock Trial Competition. This semester's problem, *Commonwealth of Pennsylvania v. Robin Woods*, is a criminal case involving the disappearance of Robin Woods' grandmother. The Defendant, Robin Woods, has been charged with first degree murder. The prosecution believes that, on June 26, 2013, Robin Woods killed her grandmother and disposed of the remains.

In the upcoming weeks before trial, student attorneys will review evidence, create arguments for preliminary objections and stipulations, write case memoranda applying Pennsylvania statutes and court decisions to underlying issues, and conduct pre-trial hearings to resolve issues.

NOTE:

All questions regarding the mock trial case problem or competition are to be directed to Daina Wilson-McLean, the SFC Mock Trial Coach & Competition Coordinator.

Daina Wilson-McLean, Esquire

Chief Legal Counsel

WILSON MCLEAN LAW FIRM

Estate Planning & Administration Attorneys

Wills, Trusts, Taxes, & Probates

<http://wilson-mclean.com>

Phone: (484) 469-8435

Email: daina@wilson-mclean.com

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Criminal Homicide

When a crime is committed, it is the job of the local District Attorney Office where the crime occurred to investigate and prosecute the criminal activity. It is alleged that the Defendant, Robin Woods, murdered her grandmother in their Philadelphia home. Therefore, the Office of the District Attorney for the City of Philadelphia will prosecute this case. There is only one District Attorney, also known as the Philadelphia DA. The current Philadelphia DA is Seth Williams. However, there are about 600 lawyers, detectives and support staff that work for the Office of the District Attorney. Attorneys that help the Philadelphia DA to review, charge, prepare, and prosecute criminal cases are known as Assistant District Attorneys, or ADAs. You can learn more about the Office of the District Attorney at <http://www.phila.gov/districtattorney/index.html>.

In Pennsylvania, murder is one of the classifications of **criminal homicide**. Criminal homicide is defined in Section 2501(a) in Chapter 25 of Title 18 of the Pennsylvania Consolidated Statutes.

18 Pa.C.S.A. § 2501. Criminal homicide

- (a) **Offense defined.** -- A person is guilty of criminal homicide if he intentionally, knowingly, recklessly or negligently causes the death of another human being.
- (b) **Classification.** -- Criminal homicide shall be classified as murder, voluntary manslaughter, or involuntary manslaughter.

There are three **degrees of murder** in Pennsylvania. Think of degrees as different levels of a specific crime.

18 Pa.C.S.A. § 2502. Murder

- (a) **Murder of the first degree.** -- A criminal homicide constitutes murder of the first degree when it is committed by an intentional killing.
- (b) **Murder of the second degree.** -- A criminal homicide constitutes murder of the second degree when it is committed while defendant was engaged as a principal or an accomplice in the perpetration of a felony.
- (c) **Murder of the third degree.** -- All other kinds of murder shall be murder of the third degree. Murder of the third degree is a felony of the first degree.

We will focus our discussion on first degree murder by reviewing the statute in depth.

Penalty for First Degree Murder

The defendant in our case is now 15 years old. She was thirteen at the time that her grandmother went missing. In Pennsylvania, any person under the age of 15 who has been convicted of first degree murder after June 24, 2012 shall be sentenced to a term of life imprisonment without parole or 25 years to life.

18 Pa.C.S.A. § 1102.1(a)(2). Sentence of persons under the age of 18 for murder, murder of an unborn child and murder of a law enforcement officer

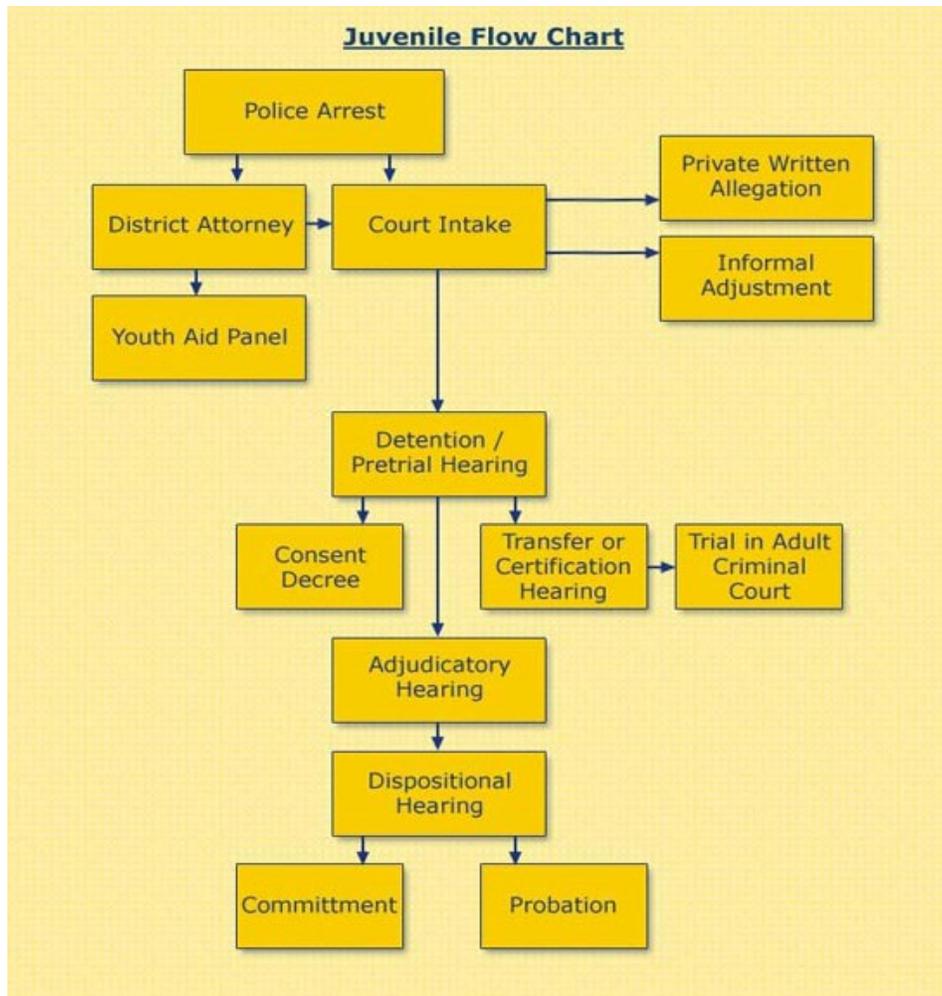
(a) First degree murder.--A person who has been convicted after June 24, 2012, of a murder of the first degree, first degree murder of an unborn child or murder of a law enforcement officer of the first degree and who was under the age of 18 at the time of the commission of the offense shall be sentenced as follows:

(1) A person who at the time of the commission of the offense was 15 years of age or older shall be sentenced to a term of life imprisonment without parole, or a term of imprisonment, the minimum of which shall be at least 35 years to life.

(2) A person who at the time of the commission of the offense was under 15 years of age shall be sentenced to a term of life imprisonment without parole, or a term of imprisonment, the minimum of which shall be at least 25 years to life.

Criminal Process for Juveniles

The defendant in our case is a **juvenile**, or a young child. The criminal process that occurs after a person is arrested is different for juveniles. The chart that follows shows the different stages of criminal procedure that a juvenile will undergo after arrest.



(Image Credit: http://www.phila.gov/districtattorney/criminalJustice_JuvenileFlowChart.html)

Juvenile Flow Chart Definitions:

Youth Aid Panel – This program was created for juveniles that have never committed a crime before. The juvenile admits that they are guilty of the crime they are being charged with. Then, they enter into a contract with the judicial

system that allows them to be punished without going to jail.

Court Intake – This is the first hearing that a juvenile will have. It will be determined at this hearing whether the juvenile will be released or held for prosecution.

Private Written Allegation – When a private criminal complaint is filed against a juvenile, it is handled by the Probation Department.

Informal Adjustment – The Youth Study Center determines whether a juvenile should be considered for other programs instead of being prosecuted for a crime.

Detention/Pretrial Hearing – The Juvenile is held in custody until their trial.

Consent Decree – This is an order by a judge that gives the juvenile a set period of time to meet certain conditions set by the court. If the juvenile meets these conditions, the case against them may be dropped.

Transfer or Certification Hearing – this hearing determines whether a juvenile, age 14 or older, will be tried in the juvenile court system or whether the juvenile will be tried as an adult.

Adjudicatory Hearing – In the juvenile court system, this trial is conducted before a judge without a jury. The ADA, the defense attorney, witnesses, the arresting police officer, and the juvenile attend this hearing. The witnesses, arresting police officer, and the juvenile are given the opportunity to testify.

Dispositional Hearing – The court makes a decision regarding the case.

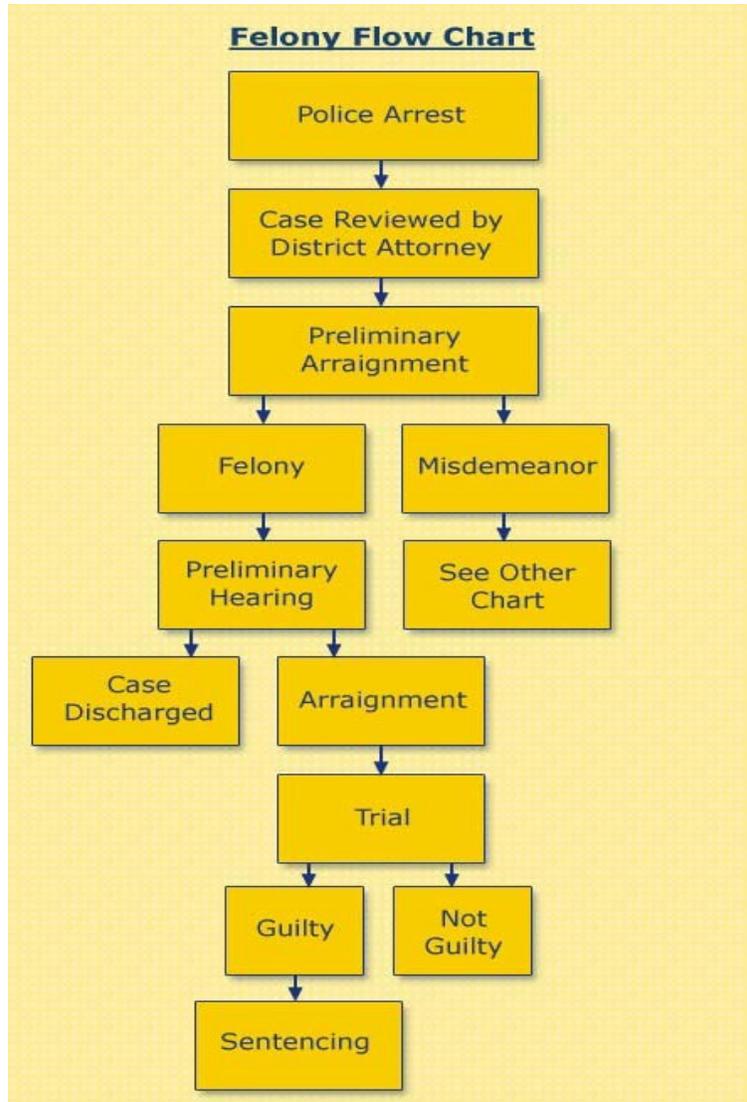
Commitment – The court decides to keep the juvenile in custody.

Probation – The court decides to let the juvenile remain out of prison as long as they meet certain court-ordered conditions. If the juvenile violates probation, they can be jailed.

The District Attorney wants Robin Woods tried as an adult. The Certification Hearing has already occurred and Robin Woods has been transferred to the Adult Criminal Court system for trial.

Criminal Process for Adults

Serious criminal offenses, such as aggravated assault, voluntary manslaughter, murder, arson, burglary, kidnapping, forgery, and insurance fraud, are **felonies** in Pennsylvania. The chart below illustrates the procedure that defendants must undergo when they are arrested for a felony.



(Image Credit: http://www.phila.gov/districtattorney/criminalJustice_FelonyFlowChart.html)

Felony Flow Chart Definitions:

Preliminary Arraignment – At this hearing, all the charges against the defendant is read to him/her and the judge sets bail. Bail is a payment made to court in exchange for being released from jail. If the defendant fails to show up to scheduled court hearings, the bail is forfeited. Whether a defendant receives bail is discretionary.

Felony – A serious crime that carries a maximum term of imprisonment of more than 5 years.

Misdemeanor – A crime, not as serious as a felony, that carries a maximum term of imprisonment of less than 5 years.

Preliminary Hearing – This hearing determines whether there is enough evidence to bring the case to trial.

Case Discharged – The defendant is released from custody and the charges are dismissed if there is not enough evidence for the case to go to trial.

Arraignment – After the decision is made to bring the case to trial, the charges are formally brought against the defendant.

It has been determined that there is enough evidence for Robin Woods' case to go to trial. Woods has been formally charged with first degree murder. Bail has not been granted in this case. Robin Woods will remain in jail until the trial.

Constitutional Rights

Pennsylvania has its own state Constitution, which was adopted in 1776. It later became the framework for the Constitution of the United States of America, which has been in operation since 1789. The entire text of the Constitution of the Commonwealth of Pennsylvania can be viewed at

<http://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=0>.

The text of the Constitution of the United States can be viewed at

http://www.senate.gov/civics/constitution_item/constitution.htm.

For our case, we will limit our discussion to Amendments IV – X of the Bill of Rights. The Bill of Rights are the first ten amendments to the U.S. Constitution. We will also review Sections 1, 6, 8, 9, 13, and 14 in the Declaration of Rights of the Constitution of Pennsylvania.

Pa. Const. art. I, § 1. Inherent rights of mankind.

All men are born equally free and independent, and have certain inherent and inalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

Pa. Const. art. I, § 6. Trial by jury.

Trial by jury shall be as heretofore, and the right thereof remain inviolate. The General Assembly may provide, however, by law, that a verdict may be rendered by not less than five-sixths of the jury in any civil case. Furthermore, in criminal cases the Commonwealth shall have the same right to trial by jury as does the accused.

Pa. Const. art. I, § 8. Security from searches and seizures.

The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant.

Pa. Const. art. I, § 9. Rights of accused in criminal prosecutions.

In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against

him, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land. The use of a suppressed voluntary admission or voluntary confession to impeach the credibility of a person may be permitted and shall not be construed as compelling a person to give evidence against himself.

Pa. Const. art. I, § 13. Bail, fines and punishments.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

Pa. Const. art. I, § 14. Prisoners to be bailable; habeas corpus.

All prisoners shall be bailable by sufficient sureties, unless for capital offenses or for offenses for which the maximum sentence is life imprisonment or unless no condition or combination of conditions other than imprisonment will reasonably assure the safety of any person and the community when the proof is evident or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

U.S. Const. amend. IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

U.S. Const. amend. V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

U.S. Const. amend. VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

U.S. Const. amend. VII.

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

U.S. Const. amend. VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

U.S. Const. amend. IX.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

U.S. Const. amend. X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Miranda Warning

Miranda v. Arizona, 384 U.S. 436 (1966) is a consolidation of four different cases:

Westover v. United States, 342 F.2d 684 (9th Cir. 1965)

State v. Miranda, 401 P.2d 721 (Ariz. 1965)

People v. Stewart, 400 P.2d 97 (Cal. 1965)

People v. Vignera, 207 N.E.2d 527 (N.Y. 1965)

Miranda v. Arizona:

Miranda was arrested at his home on suspicion of kidnapping and rape. He was taken to a police station and identified by a witness. After the identification, he was interrogated by two police officers for two hours. He then signed his name to a written confession. At trial, the oral statements made were presented to the jury. Miranda was found guilty of kidnapping and rape. He was sentenced to 20-30 years imprisonment on each count. On appeal, the Supreme Court of Arizona held that Miranda's constitutional rights were not violated in obtaining the confession.

Vignera v. New York:

Vignera was picked up by police on suspicion of robbery. He was first taken to the 17th Detective Squad headquarters. He was then taken to the 66th Detective Squad. At this second location, Vignera admitted that he committed the robbery and he was formally arrested. He was then taken to the 70th Precinct for detention. At this third location, he was questioned by an assistant district attorney in the presence of a hearing reporter who transcribed the questions and answers. At trial, Vignera's confession and the transcript were presented to the jury. He was found guilty of first degree robbery and sentenced to 30-60 years imprisonment. The Appellate Division and the Court of Appeals of New York affirmed the conviction.

Westover v. United States:

Westover was arrested by police in Kansas City on suspicion of two robberies. He was taken to a local police station. While at the station, the police was informed by the FBI that Westover was wanted for a felony charge in California. Westover was interrogated all night and the next morning by the local police. Then, the FBI interrogated him for another two-and-a-half hours. Westover signed confessions that were written by one of the FBI agents confessing to his involvement in the two robberies. His confessions were admitted at trial.

Westover was convicted of the two robberies and sentenced to 15 years imprisonment on each count. His conviction was affirmed by the Court of Appeals for the Ninth Circuit.

California v. Stewart:

Stewart was arrested at his home on suspicion of endorsing stolen checks. His wife and other members of his family were also arrested. Stewart was interrogated nine different times over the course of five days. During the ninth interrogation session, Stewart stated that he had robbed a woman of her purse, but he did not mean to kill her. At trial, Stewart's statements were admitted. Stewart was convicted of robbery and first-degree murder and sentenced to death. The Supreme Court of California reversed the conviction. They held that Stewart should have been advised of his right to remain silent and his right to counsel.

The Fifth Amendment of the U. S. Constitution states that no person "shall be compelled in any criminal case to be a witness against himself." This means that the person has a right to be free from **self-incrimination**. In other words, they do not have to testify against themselves. This Amendment protects individuals that are in police custody and are about to be interrogated from self-incrimination. The Sixth Amendment of the U. S. Constitution states that defendants have the right to a defense counsel in all criminal prosecutions. In order to ensure that those rights are not violated, the United States Supreme Court, in *Miranda v. Arizona*, provided guidelines that police should follow when a person is in their custody and will be interrogated by them. Police must inform a person in custody that they have a right to remain silent and that they have a right to an attorney, whether or not they can afford one. Additionally, the police must advise that any statements made after the Miranda warning has been given can be used as evidence against the person in court.

Once a person has been given the Miranda warning, they can choose whether to exercise or waive their rights. If the person exercises their right to remain silent or to have an attorney, the police must stop any interrogation. However, if the person waives their rights and talks to the police, then the police can interrogate.

Exceptions to the Miranda Requirement

If the police fail to give a person the Miranda warning, that person's statements cannot be used against them in court. However, there are exceptions when a person's statement is admissible in court, despite the fact that a Miranda warning wasn't given to them before an interrogation.

Some examples of when a statement can be made admissible even if the Defendant is not Mirandized:

- On cross-examination of a Defendant by the Prosecution, the Defendant contradicts an earlier statement that he/she made when he/she was in custody and being interrogated. The Prosecution may use the earlier statement to show that the Defendant is lying.

- If a suspect gives an alibi in response to a police interrogation, then the alibi may be used in court.

- If a suspect confesses before the Miranda warning, but is given the Miranda warning later and the suspect confesses a second time, then the second confession can be used against the suspect.

- Statements made to undercover police officers or informants are admissible.

- The Miranda warning does not have to be given before booking questions, such as name, age, address, height, weight, etc.

- When there is an immediate danger to the public, the Miranda warning does not have to be given before asking a suspect where a dangerous weapon may be hidden.

- All requests for counsel must be asserted and direct. In other words, the suspect must ask for an attorney to be present. It is not enough to say things like "maybe I should talk to a lawyer first" or "it would be nice to have an attorney present."

Burden of Proof

Pennsylvania follows the **common law** that a defendant is innocent until proven guilty. The prosecution has the burden of proving murder **beyond a reasonable doubt** at trial. In cases where a person is on trial for murder, but a body has not been found, the prosecution must establish a **reasonable probability** that the victim died. Reasonable probability is similar to the civil burden of proof standard of preponderance of the evidence.

To obtain a first-degree murder conviction, the Prosecution must prove that:

1. a human being was unlawfully killed,
2. the defendant perpetrated the killing, and
3. the defendant acted with malice and a specific willful, deliberate, and premeditated intent to kill.

PROBABLE CAUSE AFFIDAVIT

PHILADELPHIA POLICE DEPARTMENT

Incident Number: 2009050148 PHL

DATE: May 10, 2014

Charge(s): 18 Pa.C.S.A. § 2502 Murder

Case: Commonwealth v. Robin Woods

I, the undersigned, do hereby state under oath (affirmation):

1. My name is Detective Sean Williams, Philadelphia Police Department;
2. I am a representative of the Department, which has been investigating the murder of Edna Woods on or about June 27, 2013, in the City of Philadelphia;
3. The Department has received the following information regarding the murder of Edna Woods:
 - On June 27, 2013, at around 4:00AM, I was called to investigate the disappearance of Edna Woods. I spoke with Edna Woods' granddaughter, Robin Woods, who explained that she last saw Edna Woods on June 26, 2013 around 8:00PM before her grandmother went to bed. Robin Woods said that she left the house after her grandmother fell asleep. On June 27, 2013, at around 3:00AM, Robin Woods returned to Edna Woods' home and found a wolf inside. She was attacked by the wolf, but managed to kill it. She claimed that the wolf ate her grandmother.
 - On June 27, 2013, a CSI team collected evidence from Edna Woods' home. The evidence collected included a small amount of the victim's blood found on the victim's bed, a significant amount of blood from the wolf in the kitchen and the backyard, and the wolf itself.
 - On July 15, 2013, a necropsy report completed by the Pennsylvania Game Commission revealed that the wolf had not eaten Edna Woods. None of the victim's blood had been found on the wolf.
 - On May 1, 2014, I was again called to the residence of Edna Woods, where her remains were found in the basement. Her body was wrapped in bloody sheets and plastic, with an iron statue of praying hands, which also had blood, hair and tissue on it. A CSI team collected this evidence from the basement.
 - On May 5, 2014, the CSI team determined that the fingerprints on the iron statue belonged to both the victim and Robin Woods.
4. Based on the aforementioned information, I request that an arrest warrant be issued for Robin Woods, whose residence is 2203 Gulph Road in Valley Forge, PA.

I swear to or affirm the above information upon my knowledge, information, belief, and sign it on May 10, 2014, before Judge H. Wilson, whose office is that of Magisterial District Judge.

Judge H. Wilson, Magistrate D.J.

Issuing Authority Signature and Seal

Det. Sean Williams

Signature of Affiant

Clerk of Courts – Original

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS
V. : PHILADELPHIA COUNTY,
: PENNSYLVANIA
:
ROBIN WOODS, : Docket No.: 019331 CR 2015
Defendant :
:
: Charge: Criminal Homicide

ARRAIGNMENT

I, Robin Woods, have been advised by the District Attorney of Philadelphia County, Pennsylvania that I am charged by Information with Criminal Homicide (18 Pa.C.S.A. §§ 2501 and 2502(a).

I have been advised of my right to have an attorney represent me at all hearings and the trial of these charges.

I have been advised and fully understand that I/my lawyer have/has the right to request discovery or disclosure from the District Attorney within fourteen (14) days of today's date.

I have been advised and I fully understand that I/my lawyer have/has the right to file with the Court any pre-trial application for relief in the form of a single omnibus pre-trial motion within thirty (30) days of today's arraignment date.

I hereby enter a plea of Not Guilty to the above charges and request a trial by Jury. Trial is scheduled for the May - June 2017 Term of Criminal Court.

Date: January 26, 2015

Robin Woods
Defendant

Kevin Brown
Attorney for Defendant

D. Ziprisky
Attorney for the Commonwealth

Clerk of Courts – Original

Applicable Law

18 Pa.C.S.A. § 2501. Criminal homicide

(a) **Offense defined.** -- A person is guilty of criminal homicide if he intentionally, knowingly, recklessly or negligently causes the death of another human being.

(b) **Classification.** -- Criminal homicide shall be classified as murder, voluntary manslaughter, or involuntary manslaughter.

18 Pa.C.S.A. § 2502. Murder

(a) **Murder of the first degree.** -- A criminal homicide constitutes murder of the first degree when it is committed by an intentional killing.

(b) **Murder of the second degree.** -- A criminal homicide constitutes murder of the second degree when it is committed while defendant was engaged as a principal or an accomplice in the perpetration of a felony.

(c) **Murder of the third degree.** -- All other kinds of murder shall be murder of the third degree. Murder of the third degree is a felony of the first degree.

COMMONWEALTH OF PENNSYLVANIA	:	IN THE COURT OF COMMON PLEAS
		: PHILADELPHIA COUNTY,
V.		: PENNSYLVANIA
		:
ROBIN WOODS,		: Docket No.: <u>019331 CR 2015</u>
Defendant		: Charge: Criminal Homicide
		:
		:
		: JURY TRIAL DEMANDED

JURY INSTRUCTIONS

Members of the jury, now that you have seen and heard all the evidence and the arguments of the attorneys, it is your duty to find the facts from the evidence in this case. It is also your duty to apply the law that I give you to the facts. Use my explanation of the law as a guide in your decision-making. You must apply my instructions carefully. Each of the instructions is important, and you must apply all of them. Do not substitute or follow your own ideas or opinion about what the law is or ought to be. Apply the law as it is given to you, whether you agree with it or not.

Jury Instruction No. 1 BURDEN OF PROOF

The defendant, Robin Woods, has pleaded not guilty to the offense charged. The Defendant is presumed to be innocent. The burden of proof is on the Commonwealth to prove that Robin Woods is guilty beyond a reasonable doubt. That means that the Commonwealth must prove each and every element of the offense charged beyond a reasonable doubt. This burden stays with the Commonwealth throughout the entire trial. The presumption of innocence means that Robin Woods has no burden or obligation to prove that he or she is not guilty.

A defendant may not be convicted based on suspicion or conjecture, but only on evidence proving guilt beyond a reasonable doubt. A reasonable doubt is a fair doubt based on reason, logic, common sense, or experience. It cannot be based on conjecture, speculation, or hunches. Proof beyond a reasonable doubt does not mean proof beyond all possible doubt or even to a mathematical certainty. It is a doubt that an ordinary reasonable person has, after carefully weighing all of the evidence, that would cause him or her to hesitate to act in matters of importance in his or her own life. It may arise from the evidence, or from the lack of evidence, or from the nature of the evidence.

If you are convinced that the Commonwealth proved each and every element of the offense charged beyond a reasonable doubt, you should return a verdict of guilty for that

offense. However, if you have a reasonable doubt about one or more of the elements of the offense charged, then you must return a verdict of not guilty of that offense.

Jury Instruction No. 2
CRIMINAL HOMICIDE & FIRST DEGREE MURDER DEFINED

The defendant is charged with taking the life of Edna Woods by criminal homicide. A person is guilty of criminal homicide if he intentionally, knowingly, recklessly or negligently causes the death of another human being. Murder is one of the classifications of criminal homicide.

A criminal homicide constitutes murder of the first degree when it is committed by an intentional killing. An intentional killing is defined as a killing by means of poison, or by lying in wait, or by any other kinds of willful, deliberate and premeditated killing. A killing is willful and deliberate if the Defendant consciously decided to kill the victim. It is premeditated if the Defendant possessed a fully formed intent to kill by the time when he acted, even though there need not have been any appreciable amount of time between the time when the Defendant first conceived the idea of killing and the time when he acted. An intentional killing may be found from expressed words used by the Defendant or may be implied from words or conduct of the Defendant. And if you find that the Defendant intentionally used a deadly weapon on a vital part of the victim's body, you may infer from this that the killing was intentional.

A person who kills must also act with malice to be guilty of any degree of murder. The word malice has a special legal meaning. It does not mean simply hatred, spite, ill-will, or a grudge. Malice is defined as wickedness of disposition, hardness of heart, wanton conduct, cruelty, recklessness of consequences, an unjustified disregard for the probability of death or great bodily harm, and an extreme indifference to the value of human life. Malice may be either expressed by the Defendant or implied from his words and conduct. When a deadly weapon is intentionally used against a vital part of the human body, malice may be inferred to exist. It must be shown the defendant consciously disregarded an unjustified and extremely high risk that his or her actions might cause death or serious bodily injury.

In order to convict the Defendant of murder of the first degree, the Prosecution must prove beyond a reasonable doubt all of the following elements:

1. The Defendant has killed another human being, and
2. The Defendant had no lawful justification to kill another human being, and
3. The Defendant acted with malice and a specific willful, deliberate, and premeditated intent to kill.

Jury Instruction No. 3
DELIBERATIONS & VERDICT

During deliberation, you will discuss the case among yourselves, but each of you are responsible for making up your own mind regarding this case. It is your duty to talk with each other about the evidence, and to make every reasonable effort you can to reach an unanimous agreement. Your verdict must be unanimous. All of you will have to agree on it or there will be no verdict. Talk with each other, listen carefully and respectfully to each other's views, and keep an open mind as you listen to what your fellow jurors have to say. Do not hesitate to change your mind if you are convinced that other jurors are right and that your original position was wrong. Be fair and impartial in your decision-making. Do not allow sympathy, prejudice, fear, public opinion, race, ethnicity, religion, national ancestry, or gender to influence you.

To find Robin Woods guilty of an offense, every one of you must agree that the Prosecution has overcome the presumption of innocence with evidence that proves each element of that offense beyond a reasonable doubt. To find Robin Woods not guilty, every one of you must agree that the Prosecution has failed to convince you beyond a reasonable doubt.

LIST OF WITNESSES

A **witness** is a person who has knowledge of an event. In most cases, a witness is called to court to testify and give evidence about what they know. The list of witnesses below is a full disclosure of all witnesses that may be asked to testify in court. Each mock trial team will prepare three witnesses for the day of trial. The prosecution and defense teams will determine which witnesses they want to call at trial. Team members are not limited to calling only their side's witnesses. For example, a student attorney on the prosecution's team may call Robin Woods to testify, even though Robin is listed as a defense witness.

For the Prosecution:

Detective Sean Williams
Sam McKenzie
Shannon King

For the Defense:

Robin Woods
Reverend Mel Heath
Gene Strazzella

Prosecution Witness: Statement of Detective Sean Williams

1. My name is Detective Sean Williams and I am 46 years old. I have been a
2. member of the Philadelphia Police Department for the past twenty-three years. I
3. served as a patrol officer for ten years before I was promoted to detective in
4. 2002. Throughout the years I've received advanced training in forensics and
5. crime scene investigation. I even spent some time volunteering as a coroner's
6. aide to learn more about body wounds and the science that underlies forensics.
7. My goal is to eventually become a captain in the department. So, I try to
8. continue learning about criminal investigations as much as I can. I have the most
9. solved cases of any detective in my entire squad. This hasn't come without
10. complaints. I've had some civilian complaints against me recently. But, this isn't
11. uncommon for police officers serving in a large city, like Philadelphia. I began
12. investigating the disappearance of Edna Woods on June 27, 2013. I was called
13. to her residence early that morning at about 4:00AM. When I arrived, the
14. officers on the scene explained to me that a minor had been attacked by a wolf in
15. the house. I found the wolf in the backyard. It was dead. Apparently, the minor
16. managed to kill it. While I was in the backyard, I heard shouting coming from
17. the house. I went inside and saw Robin Woods crying and shouting that the wolf
18. ate Edna Woods. Robin was extremely upset and could barely talk because of all
19. the bawling. I decided to take Robin outside to talk. I asked Robin to tell me
20. what happened. Robin said that she last saw her grandmother at 8:00PM after
21. her grandmother went to bed. She then left the house and returned around
22. 3:00AM. She mentioned that the front door was unlocked, but when she walked
23. in everything else seemed to be in its place. Robin then explained how the wolf
24. ran down the stairs and chased Robin into the kitchen. She described stabbing
25. the wolf with a kitchen knife, which led to the wolf jumping out the kitchen
26. window. She then set the wolf on fire. I was always suspicious of Robin. It
27. made no sense to me how the wolf found its way into her grandmother's house.
28. Also, the wolf was a very large wild animal and nothing in that house was
29. overturned or broken. Well, except the kitchen window. If the wolf chased
30. Robin through the living room, I imagine there would be some overturned
31. furniture or broken knick knacks. But, I had no proof at the time to arrest Robin.
32. My CSI team searched the whole house and collected blood found on Edna
33. Woods' bed, the kitchen, and the backyard. We also took the wolf's body and
34. turned it over to the Pennsylvania Game Commission for them to perform a
35. necropsy on it. As I suspected, the wolf had not eaten Edna Woods. None of her
36. blood or remains had been found in, on or near the wolf's body. If the wolf had
37. eaten Edna Woods, there would have been way more blood and parts of her body
38. in that house. The blood found in Edna Woods' bedroom belonged to her. We
39. continued searching for her, but she was nowhere to be found. On May 1, 2014,
40. I was again called to the residence of Edna Woods. A realtor named Sam

41. McKenzie had found a body in the basement. When I arrived to the house, I
42. went down to the basement. In one end of the basement, behind some barrels
43. and boxes, I saw plastic curtains bundled together in the shape of a body. I put
44. my gloves on and began cutting away the many layers of plastic. Immediately,
45. the smell of decomposing flesh filled the air. Sam ran upstairs and I could hear
46. someone vomiting. The body was badly decomposed but it was wearing pink
47. and white pajamas. There was dried blood visible mostly around the head. On
48. the body's chest, there was an iron statue of praying hands. It had dried blood,
49. hair, and tissue on it. I believed that the statue was the murder weapon, and I had
50. my CSI team collect it as evidence. On May 5, 2014, we determined that the
51. body belonged to Edna Woods. Also, the only fingerprints on the iron statue
52. belonged to both Edna Woods and Robin Woods.

Prosecution Witness: Statement of Sam McKenzie

1. My name is Sam McKenzie, and I am a real estate agent. I help homeowners to
2. sell, buy, or rent their properties. I was contacted by Noel Woods in 2014
3. regarding possibly listing Edna Woods' home for sale. I was told of Edna Woods'
4. disappearance. I also caught the story on the news about her granddaughter,
5. Robin, being attacked by a wolf and single-handedly killing it. That was amazing
6. to me! I couldn't imagine coming home to a wolf in my house. Anyway, I
7. explained to Noel Woods that she wouldn't be able to sell the house, since it was
8. jointly owned by her, Robin Woods, and Edna Woods. The three of them were
9. equal owners of the house. Edna Woods would also have to give her permission
10. to sell the house, unless she was declared dead by a judge or she was actually
11. found dead. Under any of those circumstances, Noel and Robin could sell the
12. house. But, a judge wouldn't be able to declare Edna dead before 2020. I
13. suggested renting part of the house, until Edna either returned home or was
14. found. On April 13, 2014, I met Noel Woods at the house. Robin Woods was
15. also there. Robin was very interested in learning more about how the house could
16. be sold. I spent some time explaining joint tenancy. When two or more people
17. own a property together, they need each other's permission to do certain things,
18. like sell it. If one of those owners dies, then the surviving owners have 100%
19. ownership over the property and can do as they please as long as they agree. But,
20. we didn't know at that time that Edna Woods was dead. So, we had to assume
21. she was alive until we knew otherwise or a court declared her dead. I believed
22. Robin understood what I was saying. Anyway, I toured the whole house,
23. including the basement. I felt that it would be easier to rent the basement because
24. it had it's own exit and entrance and a full bathroom down there. It would be
25. fairly simple to add a kitchen and a bedroom. On April 17, 2014, I returned with
26. my contractor and architect to get some measurements and create a layout for the
27. new basement apartment. Robin Woods met us at the house with the keys to let
28. us in. She didn't come inside with us. On May 1, 2014, my contractor was going
29. to begin working on the renovations. Noel Woods met them there to let them in.
30. He called me and told me that he and his guys had found something suspicious in
31. the basement and they called the police. I arrived at the house before the police
32. did. I went downstairs into the basement. There was a body wrapped in plastic
33. curtains. It definitely was not there before when we visited previously. I asked
34. for Noel Woods, but they told me that she had left to go run errands after she let
35. them in. She was supposed to come back later that evening to lock the doors. I
36. called the police again because they still hadn't arrived to the house. Then, I
37. called Noel and told her what we found. She was very upset. When the police
38. finally arrived and cut open the plastic curtains, I lost it. I ran outside and threw
39. up. I couldn't take the sight of seeing a body in that condition, with all the blood
40. and stench. I feel really bad about what happened to Edna Woods. No one

41. deserves to die like that. People are saying that Robin Woods killed her, but I
42. don't know if that's what happened.

Prosecution Witness: Statement of Shannon King

1. My name is Shannon King and I live at 1325 Hidden Road, next door to Edna
2. Woods. I've lived there my whole life and nothing like this has ever happened on
3. our block. But, I have to admit the quality of the neighborhood is going down.
4. The younger folks act like they don't have any respect for their elders, and the
5. older folks act like they're too scared or too lazy to discipline the younger folks.
6. Edna was not like that. She believed in discipline and raising her granddaughter
7. in the ways of the Lord. Edna would always say, "Train up a child in the way he
8. should go, and when he is old he will not depart from it." I miss her. We would
9. sit out on the porch when the weather was nice and just chit chat about everything
10. from local politics, Christianity, and current events. We did this for years. Edna
11. and her husband bought their house in 1971, I believe. Her husband passed away
12. in the 1980s from cancer. They had a daughter named Noel. She was nice, but
13. she didn't like to stay in one place for long. She was always going out and
14. hanging out on the street corners with some shady young folks. I didn't like it,
15. but it wasn't really my place to say anything since Noel was already an adult at
16. that time. One day, Edna told me that she was going to be a grandmother. She
17. was upset that Noel wasn't married, but she was so excited and thought the baby
18. was such a blessing. Between me and you though, I'm sure she felt like this
19. would make Noel a more stable and responsible adult. But, it didn't. As soon as
20. she gave birth to Robin, Noel left the baby in the care of Edna. So, Edna raised
21. Robin the best she could. She put her in the best school she could afford and also
22. had her in the Church. Robin was a quiet child and she was well-behaved, until
23. she turned 12. That's when she started talking back to her grandmother and not
24. listening like she used to. Edna told me about her always sneaking out the
25. house and how she acted like she wanted to fight Edna. I once had to hold
26. Robin back one time. I thought she was going to strike her own grandmother.
27. It was a few summers ago. I can't remember exactly when. But, I was sitting
28. on the porch and Edna went inside to get something to drink. Not long after, I
29. heard Edna and Robin talking about something but I wasn't really paying
30. attention, until they started raising their voices. Edna was saying, "You better
31. not leave this house. You know you're on punishment." Then she said, "Suck
32. your teeth one more time, Robin!" The next thing I heard was a loud thud as
33. if someone had fell on the floor. I ran into the door and I saw Robin jump up
34. off the floor and start rushing towards her grandmother, like a mad person.
35. Edna had a belt in her hand. I had to stand between Edna and Robin. I was
36. telling both of them to calm down. But, Edna was telling me to let Robin go so
37. she could knock her down again because she thought she was grown.

38. Meanwhile, Robin was trying to get around me so that she could get at her
39. grandmother. It was very, very shameful the way that Robin was acting. I
40. wrapped my arms around Robin and carried her outside to try to reason with
41. her, but she shoved me out of the way. As a matter of fact, she shoved me so
42. hard that I fell over my seat on the porch. Then, she ran down the block. I
43. couldn't believe how strong she was. There were other incidents like this too. I
44. could hear Edna yelling at Robin on nights when she snuck out of the house.
45. That was happening a lot lately. Edna would always fill me in on what was
46. going on. She said that she was having a hard time taking care of Robin
47. because she was getting older and Robin was getting bigger. She said she
48. wasn't scared of Robin but she knew her limits. I asked her if Robin had ever
49. hit her back and she said no. She said Robin would get mad, but she never hit
50. her. She would usually just run out of the house or stomp upstairs to her room.
51. There was one time that Robin shoved past her though, but she said that Robin
52. apologized for her behavior and Edna, of course, forgave her. It's a shame how
53. my friend died. Those praying hands were a gift from her late husband.
54. Before I retired, I used to own a thrift store. Every weekend, Edna and her
55. husband would come in to see what they could get to furnish their new house.
56. Edna loved the praying hands statue. Her husband convinced her that it was
57. too expensive for their budget, but then he came back and bought it as a
58. surprise for her. He told me he was going to put it near her side of the bed and
59. see how long it took her to notice it.

Defense Witness: Robin Woods

1. I'm so upset about my grandmother's death. I blame myself. Maybe if I hadn't
2. left the house that night, she would still be alive. I can't believe anyone would
3. think I would kill my own grandmother. I know now that I was wrong about the
4. wolf eating her. On that night, that's what I thought because I couldn't find her.
5. But, now I know differently. She was definitely murdered but not by me. I tried
6. to tell the police who I thought killed my grandmother, but they won't listen to
7. me. Nobody will because they think I'm just a bad kid. But, I'm not that bad. I
8. get good grades at school and none of my teachers have ever had anything bad to
9. say about me. But, my grandmother was very strict and spanked me for anything
10. and everything. So, in her opinion, I was probably being bad. That's why I kept
11. leaving the house at night. I just wanted to get away for a bit and have some
12. freedom to do as I please. I really miss my grandmother. I used to think I would
13. be so much happier living away from her. But, when I went to live with my
14. mother, I realized I was wrong. My mother isn't very loving or nurturing, like my
15. grandmother. She stays out late every night and sleeps all day. I don't know
16. where she gets money to pay the bills because she doesn't go to work during the
17. day. I have to cook and clean, in addition to going to school. She complains
18. when I ask her to help me with my homework. She talks negatively about me
19. too. I always hear her on the phone complaining to someone about me living
20. with her. I heard her say that she couldn't wait for me to grow up and be on my
21. own. She was even thinking of putting me up for adoption. One day, she sat
22. down with me and we discussed my grandmother being missing and my
23. grandmother's house. She said that she wanted to sell it so she could have more
24. financial stability. She said it was my fault because she was being sued by the
25. wolf sanctuary and had to pay for her legal defense. She wanted me to agree to
26. sell my grandmother's house. I agreed to do so, but I didn't understand why she
27. even needed my permission. Not long after that, we met with a real estate agent
28. at my grandmother's house. The agent talked about renting the house until my
29. grandmother came back. It would keep the house safe from burglars if there was
30. someone living there. I was concerned about this because all of my stuff and my
31. grandmother's stuff was still in the house, and I didn't want anyone to break in
32. and take it. Once in a while, I go to the house to check on things. Everything is
33. pretty much how it was left on June 27, 2013. Well, the kitchen window has been
34. repaired. But, everything else is the same. Anyway, when my mom and I left
35. that day and went back to her house, she seemed a little upset. She called
36. someone and told them that she wouldn't be able to sell the house. I don't know
37. who she was talking to over the phone. But, it sounded like a man and his tone

38. didn't sound too friendly. My mom told the person that she could only rent the
39. house because my grandmother's body hadn't been found. Then, she offered to
40. give the person on the phone all of the money from the rent, until she repaid
41. everything. The person on the phone was yelling so loudly that I could hear him
42. say, "No, I want my money in full. You promised me you would be able to sell
43. the house and get my money. Now, I did my part. You're going to sell that house.
44. Come see me now." Then, they hung up. I pretended as if I didn't hear the
45. conversation. My mom told me she had to go somewhere and left the house. I
46. don't have any proof, but I feel like my mom and the man on the phone know
47. something about my grandmother and her disappearance.

Defense Witness: Reverend Mel Heath

1. My name is Reverend Mel Heath and I am a pastor at St. Marks. I am so shocked
2. that they arrested Robin Woods for Edna's murder. I do not believe for one
3. second that Robin would ever be capable of murder. She is such a good, young
4. girl. She has been a member of this church since she was born. Her grandmother
5. always brought her to Sunday school. Everyone at church really loved Edna and
6. her spirit. So, we felt like it was our duty to make sure that Robin was okay. We
7. were genuinely concerned about her. Edna had told me on numerous occasions
8. that her daughter, Noel, was very immature for her age and needed to grow up.
9. Noel used to come to church here too when she was younger. But, Noel was
10. never interested in church or any of our youth programs. When Noel was a
11. teenager, she started hanging around with the wrong crowd – fast money, drugs,
12. crime. Edna was so worried about her and started confiding in me. Not long
13. after, she became pregnant with Robin. Edna agreed to care for Robin while Noel
14. tried to get her life together. But, Noel didn't have any desire to change. She still
15. hangs around with the same crowd. I know this for a fact. Edna told me that
16. Noel was pressuring her lately to sell her house and move into a smaller
17. apartment. When I asked why, she said that Noel felt it would lessen her
18. expenses, since Robin would be going to high school soon. But, Edna felt like it
19. was because she owed money to somebody. I asked Edna if she thought Noel
20. was involved in something illegal she couldn't handle. Edna never confirmed or
21. denied it, but she asked me to pray for Noel. But, as for Robin, Edna never had
22. any real trouble with her. She was getting a bit rebellious sneaking out of the
23. house at night, but she could be doing worse things. Robin was one of our most
24. dedicated volunteers in our soup kitchen to help feed the homeless on Saturday
25. mornings. Even after her grandmother went missing, she still continued to
26. volunteer. I've had a few conversations with Robin about her grandmother in the
27. soup kitchen. I know she misses her a lot and it's difficult for her having to live
28. with her mother. She went from a stable environment to one that is not as
29. nurturing. I feel really bad for her.

Defense Witness: Gene Strazzella

1. My name is Gene Strazzella and I am the principal at Robin Woods' school, St.
2. Marks. Robin has attended my school since Kindergarten. She is a straight-A
3. student with perfect attendance. She is always receiving awards, and I believe
4. that she will receive a full scholarship to the high school of her choice. None of
5. her teachers have anything negative to report about her. She does not have a
6. discipline record. One time, she was in a fight close to school grounds. She was
7. jumped about two blocks away from the school. She fought back and then ran
8. back to the school for help. We have a zero tolerance policy for violence and we
9. normally suspend students that fight on or near the school's campus. But, in this
10. case, the circumstances did not warrant it. Robin said she was walking home to
11. her grandmother's house and some people she didn't know pulled up in a car.
12. One of the women in the car said that they knew her mother, Noel Woods, and
13. were looking for her. Robin told her that she hadn't seen her mother in months.
14. She said that two women and a man got out of the car, and the man asked when
15. she would see her mother again. Robin said that she didn't know. The man then
16. told her that when she saw her mother again she can tell her that E was looking
17. for her, and then one of the woman punched Robin in the face. She said she tried
18. fighting back as the others started hitting her too. She somehow managed to
19. eventually run away. She was bruised and bleeding when she came into my
20. office. We called the police and filed a report. We're glad she was safe and came
21. looking for us to help. Her grandmother, Edna, was very upset when she arrived
22. at the school. She explained to me that her daughter, Noel, sometimes got mixed
23. up with the wrong people and she was trying to help her, but Noel was an adult so
24. she couldn't force her to get the help she needed.

Exhibit A: Praying Hands Statue



Exhibit B: Grandmother's Bedroom



Exhibit C: Blood on Grandmother's Bed



Exhibit D: Robin Woods' Diary Entries

April 17, 2013: She's so mean! Why can't I do what I want to do! I can't watch what I want on tv. I can't go to bed when I want. I can't hang out with my friends. I can't wait until I turn 18 and move out of her house. I just feel like screaming. I want to go running in the woods and howl. I love howling with the wolves. There's this one wolf that I really like. It's so friendly and even licked my hands once. I wish I could have a pet. But, of course, my grandmother won't let me.

May 3, 2013: I saw my friend, Casey, on the way home from school. He's so nice. I feel sorry for him because he has nowhere to live. We're going to meet up later at the wolf sanctuary. My grandmother is getting on my nerves. She saw Casey at the house and yelled at me for like an hour about me being too young to have a boyfriend. I don't even want a boyfriend. I just want to move out of this house and be on my own, like Casey. Casey is so lucky that his family is dead and it's just him.

June 25, 2013: I am so excited! Tomorrow can't come soon enough. FREEDOM! I just need to make sure I act normally and that I don't forget anything.

June 29, 2013: Adults are so dumb and will believe anything. I'm so over this. I can't believe I have to go live with my mom. She doesn't even want me. I wanted to live on my own like Casey.

Exhibit E: Autopsy Report

OFFICE OF THE MEDICAL EXAMINER

DATE & HOUR AUTOPSY PERFORMED:

05/03/2014; 8:15AM by

Simone Wright, M.D.
123 University Avenue
Philadelphia, PA 19104

FULL AUTOPSY PERFORMED

SUMMARY REPORT OF AUTOPSY

Name:

Edna Margaret Woods

Coroner's Case #:

2014-136

Date of Birth:

03/25/1943

Age:

71

Race:

Black

Sex:

Female

Date of Death:

06/27/2013

Body Identified By:

Noel Woods, daughter of the deceased

Case#:

00P234-62F-2014

Investigative Agency:

Philadelphia Police Department

EVIDENCE COLLECTED

1. One pink and white sleeveless pajama shirt, size Large
2. One pink and white long pajama pants, size Large
3. One silver bracelet
4. Samples of Blood (type O+), Bile, and Tissue (heart, lung, brain, kidney, liver, spleen.)
5. One postmortem CT scan.
6. One postmortem MRI.
7. One praying hands statute. (blood, tissue, and fingerprints swabbed for identification.)

OPINION

Time of Death: Approximately between 9:00PM on and 11:00PM on June 26, 2013.

Immediate Cause of Death: Blunt force trauma to the top and back of the skull.

Manner of Death: Homicide

Remarks: The body for autopsy is that of a 64 inch, 175lb, normally developed, well nourished, elderly black female, appearing consistent with the given age of 71. No major physical abnormalities are present. Tissue samples taken from the body and the praying hands statue are a direct match. There are large dents and cracks in the skull suggesting that the statue was used to inflict these injuries.