**Prosecution**

**THE INTRODUCTION**

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

**THE THEME:**

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

**Defense**

**THE INTRODUCTION:**

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

**THE THEME:**

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