

Lesson Plan Title:	<b>Water Pollution on Trial</b>
Author:	Minnesota Pollution Control Agency; Joshua Burman
Concept Summary:	Elementary students will conduct a mock trial involving water pollution and render a verdict.
Objectives/Standards:	<p>Students will use critical thinking, verbal listening, dramatic reading, and debate persuasion skills to perform most functions of an actual criminal courtroom.</p> <p>Students will gain an understanding of how environmental/water protection laws are applied by government agencies and the general elements of the U.S. legal process, circa 2016.</p>
Lesson Time:	25-50 minutes, dependent on extensions and student reading ability
Student Level:	Grades 3-5
Lesson Class Size	12-30 students 1-3 teachers/adults (2+ preferred)

Materials:	<p>3 tables 5-17+ chairs role-play scripts additional chairs or floor room for all students hand-sized block of smooth wood</p> <p>Optional:     judges robes                   (a high school graduation gown works well)                   gavel                   (may be made cheaply from two wood dowels)                   table tents to identify tables                   U.S. flag</p>
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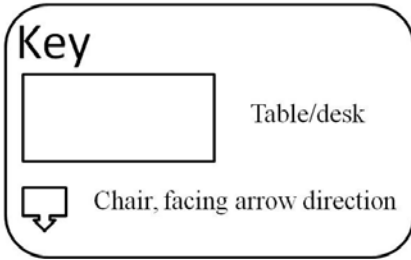
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Pre-Lesson Setup:

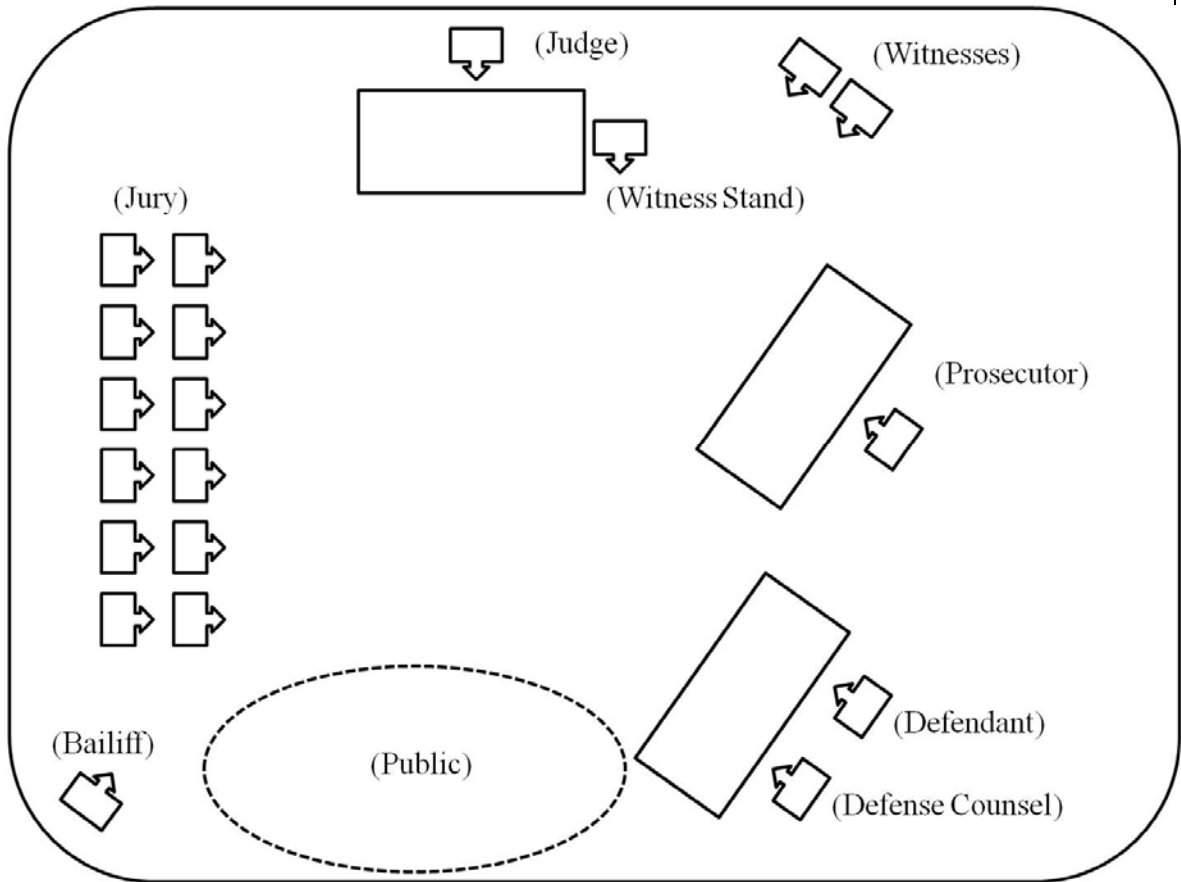
Set up classroom or activity plan area in general courtroom layout. One suggested layout is below. Size of 'Public' area will be determined by the number of students not playing other roles in the activity. Layouts will need to be customized for available activity area.

Minimum elements include:

- desk/table for Judge
- desks/tables for Defense and Prosecution
- chairs or floor space in separate area for Jury
- chairs or floor space in separate area for
  - chair for Witness Stand
  - chairs or floor space for Public



\*- a U.S. flag to hang or stand behind the judge's desk/table is not required, but lends 'realism'



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<p>Lesson Introduction:</p> <p>Assemble students.</p> <p>Ask students if they believe it should be against the law to pollute Minnesota's lakes, rivers, and streams. Most students will answer in the affirmative.</p> <p>Ask students if they know who in Minnesota enforces the laws to protect lakes, rivers, and streams.</p> <p>Discuss identity and basic role of the Minnesota Pollution Control Agency in enforcing water quality protection laws.</p> <p>Ask students if they believe MPCA should be able to simply fine anyone or any business if the MPCA believes they broke the law and polluted the water. (Example: "By a silent show of hands, how many of you believe an MPCA inspector should be able to say 'You {point to a student here} broke the law by polluting our water, pay me \$500.00?") State that the MPCA cannot do this, but if they believe someone broke the laws and polluted Minnesota's water, must bring them to a special place.</p> <p>Ask students if they know the name of the special place where the state must bring someone they think broke the law to prove it. If needed, cue students by noting that the name starts with 'C'.</p> <p>When students correctly identify a 'Court' as the special place, ask how many watch courtroom shows (rattle off string of current courtroom television shows - circa 2016, you can include at least: People's Court, America's Court with Judge Ross, Cristina's Court, Judge Judy, Judge Faith, Judge Mathis, Judge Rinder, Judge Karen, Justice with Judge Mablean, Justice for All with Judge Cris, Law &amp; Order, Law &amp; Order SVU, Law &amp; Order Criminal Intent; Law &amp; Order UK; Law &amp; Order Los Angeles;).</p> <p>Tell students they will be trying a real case in their own courtroom. You (teacher) do not know how the case will turn out, because they (the students) will be deciding it, not you.</p>	
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## Selecting Student Roles for Activity:

\*Preplan how many jurors you will use for the activity. A 'standard' 12 is recommended, but may be reduced downwards for smaller class sizes. The Jury should not be smaller than 6 students. Set up only enough chairs in the Jury area of the courtroom layout for the Jury number.

\*\*It is critical to choose the Jury first. If other roles are chosen first, not only is the prime importance of the jury to the actual courtroom decision-making de-emphasized, but most students will try to get the individual roles, possibly making it difficult for the teacher to find enough volunteers for an interested Jury. The Judge should always be discussed and chosen last, for parallel reasons.

Ask students who decides in a courtroom whether someone actually broke the law or not. You may receive answers of 'Judge' or 'Jury', dependent on the experience/sophistication of the students. If you receive the response 'Judge', acknowledge the student with a statement such as "The Judge, yes, that is a very commonly what is shown in some TV shows", then redirect the students with a statement such as "But in most real courtrooms it is actually someone else, or really a group of people". When the students correctly identify the 'Jury', ask for {how many you decided} volunteers to serve on the courtroom jury to decide this case. If needed, cue students by noting that the 'special name' for this group of people begins with a 'J'.

\*\*\*To avoid endless counting and recounting, choose volunteers for the Jury by a silent show of hands, then have them move en masse to the Jury chairs. You can then instantly compare the number of chairs with the students occupying them to ensure the correct Jury population.

Next, tell students that in a real courtroom there are usually people who have seen or heard something and will be brought to the courtroom to tell about it. Ask if anyone can identify the 'special name' for such people. If needed, cue students by noting that the 'special name' for these people begins with a 'W'. When the students correctly identify 'Witnesses', ask for 2 volunteers to serve as witnesses. Direct these volunteers to the 'Witness' chairs.

\*\*\*\*Preplan whether you will be using an adult or student Defendant. Using an adult avoids any stigma associated with playing the role, and also any grandstanding/inappropriate acting that may accompany it, however it requires an additional teacher/adult. Students also commonly enjoy seeing their teacher or another authority figure play a negative role. Using a student may allow the students to more closely identify with the Defendant, however, and realize how important the checks-and-balances of the jury system are to protecting the wrongly accused.

Next, note that you cannot have a trial without the person accused of breaking the law. Ask students if they can identify the 'special name' for that person. If needed, cue students by noting that the name begins with a 'D'. When the students correctly identify 'Defense' or 'Defendant', either ask for a volunteer or direct them to choose an adult volunteer, whichever you have decided above. Direct the Defendant to the Defense table.

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Selecting Student Roles for Activity...Continued:

\*\*\*\*\*Preplan whether you will be using adults or students for the Prosecutor and Defense Counsel roles. These roles are critical for the functioning of the courtroom and have the most complex grammar in the scripts.

Discuss with students that the Defendant needs someone to help defend them, called the Defense Attorney or Defense Counsel. Whichever you have decided above, either ask for a volunteer or tell them the identity of the pre-chosen adult Defense Counsel. Direct this person to the Defense table.

Discuss with students that the State and MPCA are represented by one person, called the Prosecuting Attorney or Prosecutor. Whichever you have decided above, either ask for a volunteer or tell them the identity of the pre-chosen adult Prosecutor. Direct this person to the Prosecution table.

Next tell students that there is a person who keeps order in the courtroom, like a court police officer. Discuss that the job of this person is to remove anyone disturbing the court from the courtroom. Ask students if they can identify the 'special name' for that person. Even after cueing that the name starts with the letter 'B', many classes may not correctly identify the name 'Bailiff'. Notify students that any unassigned adults in or near the classroom may function as bailiffs and remove anyone disturbing the students' trial from the courtroom.

Then tell students that another role in the courtroom is similar to a hall monitor, or a manager. Describe this position's duties as ensuring that all the court's rules and laws are followed and that everyone takes their proper turn. Ask students if they can identify the name of this position. After students correctly identify the sole remaining role as the Judge, ask for a volunteer for this position. Direct this student to the Judge's desk.

\*\*\*\*\*Optional - Preplan the public 'representation' of the non-role students. Divide the current population of Minnesota (circa 2016, approximately 5.5 million) by the estimated remaining number of students. This will allow you to tell each member of the 'Public' how many Minnesotans they represent.

Finally, ask all the remaining students if they believe that they, their parents, their grandparents, their aunts and uncles, or friends could go into almost any courtroom in Minnesota right then and watch a real trial. Affirm that almost all trials are open to the public, and explain that this is for a very important reason - to ensure trials are fair. Discuss that only by allowing the public to watch trials do we have assurance that they are fair and even to everyone. Notify the remaining students that they each represent (if calculated above, insert number here) citizens of Minnesota, and have an important service to perform for those citizens, of making sure their trial is fair. Warn these students that you will be polling each of them following the trial to ask if they believed the trial was fair or unfair and why.

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<p>Running the Trial:</p> <p>Pass out scripts to each individual part:</p> <ul style="list-style-type: none"> <li>- Judge</li> <li>- Prosecutor</li> <li>- Defense Counsel</li> <li>- Defendant</li> <li>- First Witness</li> <li>- Second Witness</li> </ul> <p>Discuss with all individual parts the importance of speaking loudly, clearly, and of trying any unfamiliar words. Assure all roles that they will be assisted with any words they cannot pronounce.</p> <p>Begin the trial by having the Prosecutor (if not yourself) call the court to attention at the beginning of their script. If necessary, explain that everyone (this may need to be emphasized) except the judge stands to show respect for the court.</p> <p>-----</p> <p>---</p> <p>Assist individual roles to read and act out scripts as necessary.</p> <p>-----</p> <p>---</p> <p>After the Jury has deliberated (you may need to caution the Jury to keep their final decision silently to themselves until polled), poll each of the members of the Public on their opinion on the fairness of the trial. You may choose to have some of these students explain their answers.</p> <p>*Poll the public before obtaining the Jury's verdict. This directs attention to the Public and keeps everyone focused due to the natural tension of waiting for the jury's verdict. If the jury's verdict is polled first, regaining the class' attention back to the Public may be very difficult.</p> <p>Individually poll the Jury. Preface by explaining that often in a courtroom, and almost always on television, the jury will elect a foreperson to speak for them and read their group verdict, but that a defendant may instead request that the jury be individually polled, or asked in turn what each of their individual votes is, and that is what you are going to do today. The most direct method is to simply post a blank sheet of paper on the wall, or use a chalkboard, whiteboard, or SmartBoard, as available. Divide the recording space into 'Guilty' and 'Not Guilty' and keep simple tally marks as each member of the Jury is individually polled.</p> <p>*****Optional - The Jury may also be polled by having each member write their verdict on a balloting slip, then folding it and passing it to the Judge for tallying. This method takes significantly more time and requires desks or tables for the Jury members to write on, but may help any students wishing to dissent from the common opinion to retain their independence.</p>	

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<p data-bbox="204 264 493 300">Post-Trial Followup:</p> <p data-bbox="204 342 1354 411">The most common result from this activity is a split verdict. This is actually the preferred result for the teaching purposes of this lesson, however any verdict is equally valid.</p> <p data-bbox="204 453 1370 594">IF THE RESULT IS A UNANIMOUS VERDICT, affirm the verdict and explain that the Defendant would be found Guilty or Not Guilty by the court (in agreement with the result). Ask the students, however, what would have happened if even one juror had decided differently. The continue as below.</p> <p data-bbox="204 636 1419 888">IF THE RESULT IS A SPLIT VERDICT, ask all the students as a whole whether, since the United States is a democracy and commonly majority rules, if the Defendant is either Guilty or Not Guilty (whichever is in the majority). Most students will agree. Point out that actually in a real criminal trial verdicts must be unanimous, meaning the entire Jury agrees, either way, and that the result they reached is called a 'hung jury', and would result in the jury being sent home with the Court's thanks, a completely new jury being selected, and the entire trial starting all over from the beginning.</p> <p data-bbox="204 930 1409 1104">Discuss that the checks-and-balances of the legal system protect the innocent and wrongly accused, but can make it very difficult to enforce the laws protecting Minnesota's lakes, rivers, and streams. Advise the students that even though the MPCA exists in part to enforce these laws, Minnesota's water still need the help of every person, including themselves, to ensure that we have clean water to play, fish in, and drink.</p>	





# Prosecutor

Ln#	Part	Line
01	PROSECUTOR:	<b>All quiet while water pollution court is in session.</b> <b>All rise for the judge.</b>
02	JUDGE:	<i>(tap gavel on block gently)</i> Water pollution court is now in session. You all may be seated. <i>(wait while everybody sits down)</i> You are charged with polluting public water with hazardous waste. How do you plead?
03	DEFENDANT:	<i>(stand up)</i> Not guilty your honor. <i>(sit back down)</i>
04	JUDGE:	The prosecutor may call their first witness.
05	PROSECUTOR:	<b>Your honor, I call the first witness to the stand.</b>
06	FIRST WITNESS:	<i>(walk to the Witness Stand)</i>
07	PROSECUTOR:	<b>Stand and raise your right hand, please.</b> <b>Do you swear to tell the truth, the whole truth, and nothing but the truth?</b>
08	FIRST WITNESS:	I do.
09	PROSECUTOR:	<b>You may be seated.</b> <b>Can you tell us where you were on April 1<sup>st</sup> at about eight pm?</b>
10	FIRST WITNESS:	I was walking my dog on River Street.
11	PROSECUTOR:	<b>Did you see anything unusual while you were walking your dog?</b>
12	FIRST WITNESS:	I saw someone washing a big stack of buckets with a hose in back of the factory on River Street.



# Prosecutor

- 13 PROSECUTOR: Did the buckets have any labels on them?
- 14 FIRST WITNESS: I think maybe some had yellow labels.
- 15 PROSECUTOR: Where was the water from the washing going?
- 16 FIRST WITNESS: It was going down the storm drain in the parking lot.
- 17 PROSECUTOR: Do you see the person who was holding the hose in this courtroom?
- 18 FIRST WITNESS: The person I saw looks like the person sitting right over there.  
*(point to Defendant)*
- 19 PROSECUTOR: Did you see anyone else in back of the factory that evening?
- 20 FIRST WITNESS: No, no one else.
- 21 PROSECUTOR: Your honor, I have no further questions for this witness.
- 22 JUDGE: Defense counsel, you may now question the witness.
- 23 DEFENSE COUNSEL: Is the sidewalk you were walking on close to the factory?
- 24 FIRST WITNESS: No, the sidewalk is pretty far from the factory.
- 25 DEFENSE COUNSEL: And it was getting pretty dark at eight pm, wasn't it?
- 26 FIRST WITNESS: It was getting dark, but wasn't night yet.
- 27 DEFENSE COUNSEL: So you couldn't see if there was anything in the buckets or really see any labels, could you?
- 28 FIRST WITNESS: No, not really.  
Just the person washing them.
- 29 DEFENSE COUNSEL: Your honor, I have no further questions for this witness.
- 30 JUDGE: The witness may step down.
- 31 FIRST WITNESS: *(walk back to your seat and sit down)*
- 32 JUDGE: The prosecutor may call their second witness.

# Prosecutor

- 33 PROSECUTOR:** Your honor, I call the second witness to the stand.
- 34 SECOND WITNESS:** *(walk to the Witness Stand)*
- 35 PROSECUTOR:** Stand and raise your right hand, please.
- Do you swear to tell the truth, the whole truth, and nothing but the truth?**
- 36 SECOND WITNESS:** I do.
- 37 PROSECUTOR:** You may be seated.
- What is your job?**
- 38 SECOND WITNESS:** I am an inspector with the Minnesota Pollution Control Agency.
- I investigate pollution of lakes, rivers, and streams.
- 39 PROSECUTOR:** Did you inspect the storm drain in the parking lot at the factory on River Street, shown in this picture, in April?
- (hold up photograph of storm drain grate and then show it to Jury)*
- 40 SECOND WITNESS:** I inspected the storm drain on April 2<sup>nd</sup>.
- 41 PROSECUTOR:** Please tell us what you found.
- 42 SECOND WITNESS:** I found that the storm drain contained water and hazardous waste.
- 43 PROSECUTOR:** Where does that storm drain go?
- 44 SECOND WITNESS:** It drains into the river.
- 45 PROSECUTOR:** How is hazardous waste stored at the factory?
- 46 SECOND WITNESS:** It is stored in buckets with yellow labels.
- 47 PROSECUTOR:** Your honor, I have no further questions for this witness.
- 48 JUDGE:** Defense counsel, you may now question the witness.
- 49 DEFENSE COUNSEL:** Did you see the defendant put any hazardous waste into the storm drain?
- 50 SECOND WITNESS:** No, I did not.

# Prosecutor

- 51 DEFENSE COUNSEL: Did you find any hazardous waste on the factory's parking lot?
- 52 SECOND WITNESS: No, when I inspected it on April 2<sup>nd</sup>, it was clean.
- 53 DEFENSE COUNSEL: Is that factory the only one that creates that kind of hazardous waste?
- 54 SECOND WITNESS: No, there are two other factories nearby with the same kind of hazardous waste.
- 55 DEFENSE COUNSEL: Can you tell which factory the hazardous waste in the storm drain came from?
- 56 SECOND WITNESS: No, I can't.
- 57 DEFENSE COUNSEL: I have no further questions for this witness, your honor.
- 58 JUDGE: The witness may step down.
- 59 SECOND WITNESS: *(walk back to your seat and sit down)*
- 60 **PROSECUTOR: The prosecution rests, your honor.**
- 61 JUDGE: Defense counsel, you may call the defendant.
- 62 DEFENSE COUNSEL: Your honor, I call the defendant to the stand.
- 63 DEFENDANT: *(walk to the Witness Stand)*
- 64 DEFENSE COUNSEL: Stand and raise your right hand, please.
- Do you swear to tell the truth, the whole truth, and nothing but the truth?
- 65 DEFENDANT: I do.
- 66 DEFENSE COUNSEL: You may be seated.
- Please tell us where you work and what you do.
- 67 DEFENDANT: I work at the factory on River Street.
- I recycle empty buckets.
- 68 DEFENSE COUNSEL: Can you tell us what happened on April 1<sup>st</sup>?



# Prosecutor

- 69 DEFENDANT: My boss told me that there was a stack of buckets for me to take care of in back of the factory.
- He told me to rinse them off so they could be recycled.
- 70 DEFENSE COUNSEL: Did your boss tell you what had been in the buckets?
- 71 DEFENDANT: No, he just said they were ready for me.
- 72 DEFENSE COUNSEL: What did you do?
- 73 DEFENDANT: I did just what my boss told me.
- I took the hose and cleaned off the buckets, then put them in for recycling.
- 74 DEFENSE COUNSEL: Would you ever dump hazardous waste into a river?
- 75 DEFENDANT: No way!
- That would be illegal.
- 76 DEFENSE COUNSEL: Is your boss here today?
- 77 DEFENDANT: No, he died in a traffic accident a few months ago.
- 78 DEFENSE COUNSEL: Are you sure you only did what he told you to do?
- 79 DEFENDANT: Just what he told me. That's all.
- 80 DEFENSE COUNSEL: Your honor, I have no further questions for this witness.
- 81 JUDGE: The prosecutor may now question the witness.
- 82 PROSECUTOR: Where does the storm drain in the factory's parking lot go?**
- 83 DEFENDANT: Well, I never really thought about it, but I guess it goes to the river.
- 84 PROSECUTOR: Where did the water from the buckets go?**
- 85 DEFENDANT: Down the storm drain.
- 86 PROSECUTOR: Did you clean any buckets with a yellow label on them?**

# Prosecutor

- 87 DEFENDANT: Maybe.  
I didn't really notice.
- 88 PROSECUTOR: **You know that dumping hazardous waste into a river is illegal, don't you?**
- 89 DEFENDANT: Yes, like I just said.
- 90 PROSECUTOR: **Wouldn't it be in your best interest, since your boss is not here to defend himself, to say that what you did wrong was his fault?**
- 91 DEFENDANT: I didn't do anything wrong!
- 92 PROSECUTOR: **Your honor, I have no further questions for this witness.**
- 93 JUDGE: The witness may step down.
- 94 DEFENDANT: *(walk back to your seat and sit down)*
- 95 DEFENSE COUNSEL: The defense rests, your honor.
- 96 JUDGE: The prosecutor may now give their closing argument.
- 97 PROSECUTOR: **Ladies and gentlemen of the jury, the defendant would have you believe they did nothing wrong, even though their actions probably polluted our river with hazardous waste.**  
  
**They should have known better than to listen when their boss told them to do something wrong.**  
  
**Polluting water is a crime, ladies and gentlemen, and to protect our water, you must find the defendant guilty as charged.**
- 98 JUDGE: The defense counsel may now give their closing argument.

# Prosecutor

**99** DEFENSE COUNSEL: Ladies and gentlemen of the jury, the defendant is someone just like you; someone who does what they are told.

The defendant's boss is not available, so the defendant is being blamed instead.

The inspector said that the hazardous waste could have come from another factory, not the one where the defendant worked.

The prosecutor has not proved the defendant committed a crime.

To protect an innocent person accused of a crime they didn't commit, you must find the defendant not guilty.

**100** JUDGE:

Jury, to find the defendant guilty, you must have no reasonable doubt that they committed a crime.

Each of you will vote separately.

Jury, you have one minute to quietly discuss the case with each other.



# Defendant

Ln#	Part	Line
01	PROSECUTOR:	All quiet while water pollution court is in session.  All rise for the judge.
02	JUDGE:	<i>(tap gavel on block gently)</i>  Water pollution court is now in session.  You all may be seated.  <i>(wait while everybody sits down)</i>  You are charged with polluting public water with hazardous waste.  How do you plead?
03	<b>DEFENDANT:</b>	<b><i>(stand up)</i></b>  <b>Not guilty your honor.</b>  <b><i>(sit back down)</i></b>
04	JUDGE:	The prosecutor may call their first witness.
05	PROSECUTOR:	Your honor, I call the first witness to the stand.
06	FIRST WITNESS:	<i>(walk to the Witness Stand)</i>
07	PROSECUTOR:	Stand and raise your right hand, please.  Do you swear to tell the truth, the whole truth, and nothing but the truth?
08	FIRST WITNESS:	I do.
09	PROSECUTOR:	You may be seated.  Can you tell us where you were on April 1 <sup>st</sup> at about eight pm?
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11	PROSECUTOR:	Did you see anything unusual while you were walking your dog?
12	FIRST WITNESS:	I saw someone washing a big stack of buckets with a hose in back of the factory on River Street.



# Defendant

- 13 PROSECUTOR: Did the buckets have any labels on them?
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- 26 FIRST WITNESS: It was getting dark, but wasn't night yet.
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- 28 FIRST WITNESS: No, not really.  
Just the person washing them.
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- 30 JUDGE: The witness may step down.
- 31 FIRST WITNESS: *(walk back to your seat and sit down)*
- 32 JUDGE: The prosecutor may call their second witness.

# Defendant

- 33 PROSECUTOR: Your honor, I call the second witness to the stand.
- 34 SECOND WITNESS: *(walk to the Witness Stand)*
- 35 PROSECUTOR: Stand and raise your right hand, please.  
Do you swear to tell the truth, the whole truth, and nothing but the truth?
- 36 SECOND WITNESS: I do.
- 37 PROSECUTOR: You may be seated.  
What is your job?
- 38 SECOND WITNESS: I am an inspector with the Minnesota Pollution Control Agency.  
I investigate pollution of lakes, rivers, and streams.
- 39 PROSECUTOR: Did you inspect the storm drain in the parking lot at the factory on River Street, shown in this picture, in April?  
*(hold up photograph of storm drain grate and then show it to Jury)*
- 40 SECOND WITNESS: I inspected the storm drain on April 2<sup>nd</sup>.
- 41 PROSECUTOR: Please tell us what you found.
- 42 SECOND WITNESS: I found that the storm drain contained water and hazardous waste.
- 43 PROSECUTOR: Where does that storm drain go?
- 44 SECOND WITNESS: It drains into the river.
- 45 PROSECUTOR: How is hazardous waste stored at the factory?
- 46 SECOND WITNESS: It is stored in buckets with yellow labels.
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- 48 JUDGE: Defense counsel, you may now question the witness.
- 49 DEFENSE COUNSEL: Did you see the defendant put any hazardous waste into the storm drain?
- 50 SECOND WITNESS: No, I did not.

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- 56 SECOND WITNESS: No, I can't.
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- 58 JUDGE: The witness may step down.
- 59 SECOND WITNESS: (walk back to your seat and sit down)
- 60 PROSECUTOR: The prosecution rests, your honor.
- 61 JUDGE: Defense counsel, you may call the defendant.
- 62 DEFENSE COUNSEL: Your honor, I call the defendant to the stand.
- 63 **DEFENDANT:** (walk to the Witness Stand)
- 64 DEFENSE COUNSEL: Stand and raise your right hand, please.
- Do you swear to tell the truth, the whole truth, and nothing but the truth?
- 65 **DEFENDANT:** **I do.**
- 66 DEFENSE COUNSEL: You may be seated.
- Please tell us where you work and what you do.
- 67 **DEFENDANT:** **I work at the factory on River Street.**
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# Defendant

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**He told me to rinse them off so they could be recycled.**
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- 84 **PROSECUTOR:** Where did the water from the buckets go?
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- 88 PROSECUTOR: You know that dumping hazardous waste into a river is illegal, don't you?
- 89 DEFENDANT: **Yes, like I just said.**
- 90 PROSECUTOR: Wouldn't it be in your best interest, since your boss is not here to defend himself, to say that what you did wrong was his fault?
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- 92 PROSECUTOR: Your honor, I have no further questions for this witness.
- 93 JUDGE: The witness may step down.
- 94 DEFENDANT: **(walk back to your seat and sit down)**
- 95 DEFENSE COUNSEL: The defense rests, your honor.
- 96 JUDGE: The prosecutor may now give their closing argument.
- 97 PROSECUTOR: Ladies and gentlemen of the jury, the defendant would have you believe they did nothing wrong, even though their actions probably polluted our river with hazardous waste.  
  
They should have known better than to listen when their boss told them to do something wrong.  
  
Polluting water is a crime, ladies and gentlemen, and to protect our water, you must find the defendant guilty as charged.
- 98 JUDGE: The defense counsel may now give their closing argument.

# Defendant

**99 DEFENSE COUNSEL:** Ladies and gentlemen of the jury, the defendant is someone just like you; someone who does what they are told.

The defendant's boss is not available, so the defendant is being blamed instead.

The inspector said that the hazardous waste could have come from another factory, not the one where the defendant worked.

The prosecutor has not proved the defendant committed a crime.

To protect an innocent person accused of a crime they didn't commit, you must find the defendant not guilty.

**100 JUDGE:**

Jury, to find the defendant guilty, you must have no reasonable doubt that they committed a crime.

Each of you will vote separately.

Jury, you have one minute to quietly discuss the case with each other.

# Defense Counsel

Ln#	Part	Line
01	PROSECUTOR:	All quiet while water pollution court is in session.  All rise for the judge.
02	JUDGE:	<u>(tap gavel on block gently)</u>  Water pollution court is now in session.  You all may be seated.  <u>(wait while everybody sits down)</u>  You are charged with polluting public water with hazardous waste.  How do you plead?
03	DEFENDANT:	<u>(stand up)</u>  Not guilty your honor.  <u>(sit back down)</u>
04	JUDGE:	The prosecutor may call their first witness.
05	PROSECUTOR:	Your honor, I call the first witness to the stand.
06	FIRST WITNESS:	<u>(walk to the Witness Stand)</u>
07	PROSECUTOR:	Stand and raise your right hand, please.  Do you swear to tell the truth, the whole truth, and nothing but the truth?
08	FIRST WITNESS:	I do.
09	PROSECUTOR:	You may be seated.  Can you tell us where you were on April 1 <sup>st</sup> at about eight pm?
10	FIRST WITNESS:	I was walking my dog on River Street.
11	PROSECUTOR:	Did you see anything unusual while you were walking your dog?
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- 13 PROSECUTOR: Did the buckets have any labels on them?
- 14 FIRST WITNESS: I think maybe some had yellow labels.
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- 18 FIRST WITNESS: The person I saw looks like the person sitting right over there.  
*(point to Defendant)*
- 19 PROSECUTOR: Did you see anyone else in back of the factory that evening?
- 20 FIRST WITNESS: No, no one else.
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- 22 JUDGE: Defense counsel, you may now question the witness.
- 23 **DEFENSE COUNSEL: Is the sidewalk you were walking on close to the factory?**
- 24 FIRST WITNESS: No, the sidewalk is pretty far from the factory.
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- 31 FIRST WITNESS: *(walk back to your seat and sit down)*
- 32 JUDGE: The prosecutor may call their second witness.



# Defense Counsel

- 33 PROSECUTOR: Your honor, I call the second witness to the stand.
- 34 SECOND WITNESS: *(walk to the Witness Stand)*
- 35 PROSECUTOR: Stand and raise your right hand, please.  
Do you swear to tell the truth, the whole truth, and nothing but the truth?
- 36 SECOND WITNESS: I do.
- 37 PROSECUTOR: You may be seated.  
What is your job?
- 38 SECOND WITNESS: I am an inspector with the Minnesota Pollution Control Agency.  
I investigate pollution of lakes, rivers, and streams.
- 39 PROSECUTOR: Did you inspect the storm drain in the parking lot at the factory on River Street, shown in this picture, in April?  
*(hold up photograph of storm drain grate and then show it to Jury)*
- 40 SECOND WITNESS: I inspected the storm drain on April 2<sup>nd</sup>.
- 41 PROSECUTOR: Please tell us what you found.
- 42 SECOND WITNESS: I found that the storm drain contained water and hazardous waste.
- 43 PROSECUTOR: Where does that storm drain go?
- 44 SECOND WITNESS: It drains into the river.
- 45 PROSECUTOR: How is hazardous waste stored at the factory?
- 46 SECOND WITNESS: It is stored in buckets with yellow labels.
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- 48 JUDGE: Defense counsel, you may now question the witness.
- 49 **DEFENSE COUNSEL: Did you see the defendant put any hazardous waste into the storm drain?**
- 50 SECOND WITNESS: No, I did not.

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- 51 **DEFENSE COUNSEL: Did you find any hazardous waste on the factory's parking lot?**
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- 62 **DEFENSE COUNSEL: Your honor, I call the defendant to the stand.**
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Each of you will vote separately.

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# Judge

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05	PROSECUTOR:	Your honor, I call the first witness to the stand.
06	FIRST WITNESS:	<u>(walk to the Witness Stand)</u>
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# Judge

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To protect an innocent person accused of a crime they didn't commit, you must find the defendant not guilty.

**100 JUDGE:** **Jury, to find the defendant guilty, you must have no reasonable doubt that they committed a crime.**

**Each of you will vote separately.**

**Jury, you have one minute to quietly discuss the case with each other.**

# First Witness

Ln#	Part	Line
01	PROSECUTOR:	All quiet while water pollution court is in session.  All rise for the judge.
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04	JUDGE:	The prosecutor may call their first witness.
05	PROSECUTOR:	Your honor, I call the first witness to the stand.
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# First Witness

- 33** PROSECUTOR: Your honor, I call the second witness to the stand.
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07	PROSECUTOR:	Stand and raise your right hand, please.  Do you swear to tell the truth, the whole truth, and nothing but the truth?
08	FIRST WITNESS:	I do.
09	PROSECUTOR:	You may be seated.  Can you tell us where you were on April 1 <sup>st</sup> at about eight pm?
10	FIRST WITNESS:	I was walking my dog on River Street.
11	PROSECUTOR:	Did you see anything unusual while you were walking your dog?
12	FIRST WITNESS:	I saw someone washing a big stack of buckets with a hose in back of the factory on River Street.



# Second Witness

- 13 PROSECUTOR: Did the buckets have any labels on them?
- 14 FIRST WITNESS: I think maybe some had yellow labels.
- 15 PROSECUTOR: Where was the water from the washing going?
- 16 FIRST WITNESS: It was going down the storm drain in the parking lot.
- 17 PROSECUTOR: Do you see the person who was holding the hose in this courtroom?
- 18 FIRST WITNESS: The person I saw looks like the person sitting right over there.  
*(point to Defendant)*
- 19 PROSECUTOR: Did you see anyone else in back of the factory that evening?
- 20 FIRST WITNESS: No, no one else.
- 21 PROSECUTOR: Your honor, I have no further questions for this witness.
- 22 JUDGE: Defense counsel, you may now question the witness.
- 23 DEFENSE COUNSEL: Is the sidewalk you were walking on close to the factory?
- 24 FIRST WITNESS: No, the sidewalk is pretty far from the factory.
- 25 DEFENSE COUNSEL: And it was getting pretty dark at eight pm, wasn't it?
- 26 FIRST WITNESS: It was getting dark, but wasn't night yet.
- 27 DEFENSE COUNSEL: So you couldn't see if there was anything in the buckets or really see any labels, could you?
- 28 FIRST WITNESS: No, not really.  
Just the person washing them.
- 29 DEFENSE COUNSEL: Your honor, I have no further questions for this witness.
- 30 JUDGE: The witness may step down.
- 31 FIRST WITNESS: *(walk back to your seat and sit down)*
- 32 JUDGE: The prosecutor may call their second witness.

# Second Witness

- 33 PROSECUTOR: Your honor, I call the second witness to the stand.
- 34 SECOND WITNESS: *(walk to the Witness Stand)*
- 35 PROSECUTOR: Stand and raise your right hand, please.  
Do you swear to tell the truth, the whole truth, and nothing but the truth?
- 36 SECOND WITNESS: **I do.**
- 37 PROSECUTOR: You may be seated.  
What is your job?
- 38 SECOND WITNESS: **I am an inspector with the Minnesota Pollution Control Agency.  
I investigate pollution of lakes, rivers, and streams.**
- 39 PROSECUTOR: Did you inspect the storm drain in the parking lot at the factory on River Street, shown in this picture, in April?  
*(hold up photograph of storm drain grate and then show it to Jury)*
- 40 SECOND WITNESS: **I inspected the storm drain on April 2<sup>nd</sup>.**
- 41 PROSECUTOR: Please tell us what you found.
- 42 SECOND WITNESS: **I found that the storm drain contained water and hazardous waste.**
- 43 PROSECUTOR: Where does that storm drain go?
- 44 SECOND WITNESS: **It drains into the river.**
- 45 PROSECUTOR: How is hazardous waste stored at the factory?
- 46 SECOND WITNESS: **It is stored in buckets with yellow labels.**
- 47 PROSECUTOR: Your honor, I have no further questions for this witness.
- 48 JUDGE: Defense counsel, you may now question the witness.
- 49 DEFENSE COUNSEL: Did you see the defendant put any hazardous waste into the storm drain?
- 50 SECOND WITNESS: **No, I did not.**

# Second Witness

51 DEFENSE COUNSEL: Did you find any hazardous waste on the factory's parking lot?

52 SECOND WITNESS: **No, when I inspected it on April 2<sup>nd</sup>, it was clean.**

53 DEFENSE COUNSEL: Is that factory the only one that creates that kind of hazardous waste?

54 SECOND WITNESS: **No, there are two other factories nearby with the same kind of hazardous waste.**

55 DEFENSE COUNSEL: Can you tell which factory the hazardous waste in the storm drain came from?

56 SECOND WITNESS: **No, I can't.**

57 DEFENSE COUNSEL: I have no further questions for this witness, your honor.

58 JUDGE: The witness may step down.

59 SECOND WITNESS: *(walk back to your seat and sit down)*

60 PROSECUTOR: The prosecution rests, your honor.

61 JUDGE: Defense counsel, you may call the defendant.

62 DEFENSE COUNSEL: Your honor, I call the defendant to the stand.

63 DEFENDANT: *(walk to the Witness Stand)*

64 DEFENSE COUNSEL: Stand and raise your right hand, please.

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

65 DEFENDANT: I do.

66 DEFENSE COUNSEL: You may be seated.

Please tell us where you work and what you do.

67 DEFENDANT: I work at the factory on River Street.

I recycle empty buckets.

68 DEFENSE COUNSEL: Can you tell us what happened on April 1<sup>st</sup>?



## Second Witness

- 69** DEFENDANT: My boss told me that there was a stack of buckets for me to take care of in back of the factory.
- He told me to rinse them off so they could be recycled.
- 70** DEFENSE COUNSEL: Did your boss tell you what had been in the buckets?
- 71** DEFENDANT: No, he just said they were ready for me.
- 72** DEFENSE COUNSEL: What did you do?
- 73** DEFENDANT: I did just what my boss told me.
- I took the hose and cleaned off the buckets, then put them in for recycling.
- 74** DEFENSE COUNSEL: Would you ever dump hazardous waste into a river?
- 75** DEFENDANT: No way!
- That would be illegal.
- 76** DEFENSE COUNSEL: Is your boss here today?
- 77** DEFENDANT: No, he died in a traffic accident a few months ago.
- 78** DEFENSE COUNSEL: Are you sure you only did what he told you to do?
- 79** DEFENDANT: Just what he told me. That's all.
- 80** DEFENSE COUNSEL: Your honor, I have no further questions for this witness.
- 81** JUDGE: The prosecutor may now question the witness.
- 82** PROSECUTOR: Where does the storm drain in the factory's parking lot go?
- 83** DEFENDANT: Well, I never really thought about it, but I guess it goes to the river.
- 84** PROSECUTOR: Where did the water from the buckets go?
- 85** DEFENDANT: Down the storm drain.
- 86** PROSECUTOR: Did you clean any buckets with a yellow label on them?





# Second Witness

- 87 DEFENDANT: Maybe.  
I didn't really notice.
- 88 PROSECUTOR: You know that dumping hazardous waste into a river is illegal, don't you?
- 89 DEFENDANT: Yes, like I just said.
- 90 PROSECUTOR: Wouldn't it be in your best interest, since your boss is not here to defend himself, to say that what you did wrong was his fault?
- 91 DEFENDANT: I didn't do anything wrong!
- 92 PROSECUTOR: Your honor, I have no further questions for this witness.
- 93 JUDGE: The witness may step down.
- 94 DEFENDANT: (walk back to your seat and sit down)
- 95 DEFENSE COUNSEL: The defense rests, your honor.
- 96 JUDGE: The prosecutor may now give their closing argument.
- 97 PROSECUTOR: Ladies and gentlemen of the jury, the defendant would have you believe they did nothing wrong, even though their actions probably polluted our river with hazardous waste.  
  
They should have known better than to listen when their boss told them to do something wrong.  
  
Polluting water is a crime, ladies and gentlemen, and to protect our water, you must find the defendant guilty as charged.
- 98 JUDGE: The defense counsel may now give their closing argument.



# Second Witness

**99** DEFENSE COUNSEL: Ladies and gentlemen of the jury, the defendant is someone just like you; someone who does what they are told.

The defendant's boss is not available, so the defendant is being blamed instead.

The inspector said that the hazardous waste could have come from another factory, not the one where the defendant worked.

The prosecutor has not proved the defendant committed a crime.

To protect an innocent person accused of a crime they didn't commit, you must find the defendant not guilty.

**100** JUDGE:

Jury, to find the defendant guilty, you must have no reasonable doubt that they committed a crime.

Each of you will vote separately.

Jury, you have one minute to quietly discuss the case with each other.