

MODEL JUDICIARY PROGRAM SCRIPT

PROSECUTION

COMMONWEALTH

V.

DEFENDANT

HUNT

COMMONWEALTH v. HUNT

TEAM PARTICIPANTS

Prosecution: Commonwealth of Virginia

Defendant: Johnny Hunt

Prosecution Witnesses

Witness #1 – Peter Thalia, Shazo's Executive Assistant
Witness #2 – Bernie Dawson, Financial Officer, Local 699
Witness #3 – John Tracit, Police Officer (Stipulate)

Defense Witnesses

Witness #1 – Johnny Hunt, Defendant
Witness #2 – Ike Hooper, Barkeep/Janitor of Local 699

2-6 Prosecution Attorneys

2-6 Defense Attorneys

12 Citizen Jurors (6 per school/team)

Court Personnel

Bailiff

Court Clerk

NOTE: Gender of any witness may be changed to accommodate actual student witness portrayal. Corresponding changes in witness first names should be made, and opposing counsel should be notified of name changes.

STANDARD INSTRUCTIONS APPLY

Suggested Time: 57 minutes

COMMONWEALTH OF VIRGINIA v. HUNT

On July 12, 1998, the grand jury of the Circuit Court of the City of Roanoke returned the following indictment:

The Grand Jury of the Circuit Court of the City of Roanoke, upon their oaths present that Johnny Hunt, on the 27th day of February, 1998, in the City of Roanoke, Virginia, feloniously did kill and murder one Joe Shazo in the second degree, in violation of Va. Code § 18.2-32 and against the peace and dignity of the Commonwealth of Virginia.

There was no preliminary hearing because the defendant waived it. At arraignment, the defendant's lawyer entered a plea of "nolo contendere." The judge then entered a not guilty plea for him.

PROSECUTION WITNESSES

PETER THALIA

I am married, and was executive assistant to Joe Shazo in the Amalgamated Brotherhood of Monkey Wrench Drivers. Been with him for five years. We travel around to all the various locals and implement national policy. Shazo kept an office at all locals.

The meeting on the night of February 26, 1998, was a regular Union policy meeting. That one was pretty bad, however. Lots of shouting and carrying on - looked several times if Hunt and Shazo were going to have it out right there. I remember distinctly that Hunt said (with regard to certain manipulations of the Union pension fund), "If you don't watch it, one of these days you're going to end up dead." But old Joe was pretty cool, though, and just told Hunt to stick it in his ear. The meeting calmed down pretty much toward the end, and we got some work done.

Well, we finished up late, and then went to the Local's bar to have a few drinks. I stayed with Mr. Shazo - kind of worried about possible trouble after that meeting. People were spread out, though, and I lost sight of Hunt. He was always a loner, nobody liked him, and I didn't think too much about it.

The next thing that I remember is that Shazo asked me to get him a drink. The bartender was gone, however, and when I returned, so was Mr. Shazo. The next thing I heard was two shots, fired quickly. All of us rushed to where the shots came from - Mr. Shazo's office - and found him dead on the floor. At the same time, I saw Hunt go flying out the front door of the Local. Later he came back.

I don't like that Hunt. Seemed kind of like a weasel to me and I don't trust that kind. And all that about him being threatened and assaulted; I have it on very good authority (through the Union grapevine) that old Hunt faked all that to get publicity. You know the police were never called in on the assault, and I heard that he never even called them about the threats. What a stupid guy, that con is old hat. I'd be willing to bet 10 Large he never was assaulted. I think he saw a good opportunity to kill Mr. Shazo and took it. It was plainly murder to me.

BERNIE DAWSON

I am married and am the financial officer for Local 699 in Lexington, Virginia, handling all receipts.

I was not in the meeting on the night of February 26, 1998. I was at the Local, going over some books. When the meeting busted up, however, I came out and had a few drinks with the boys. I remember everybody talking about how hot the meeting had been, and how mean Hunt had sounded. That was surprising to me, because I thought Hunt was smarter than that.

Anyway, I had a couple, enough to be feeling good, and was walking back to my office - to get there, I had to pass Mr. Shazo's office. I thought it was funny that the bartender was there, along with Mr. Shazo, and what looked to be Hunt asleep at the desk. I started to walk on by, but my curiosity got the better of me and I returned. I saw Mr. Shazo shaking Hunt by the coat lapels, as if he wanted to wake him up. He shook him twice, by the lapels, bending over him in front. Nothing happened, except I thought I heard Hunt mumble something. I couldn't make it out, though. Then Shazo shook Hunt really hard, hard enough to rattle Hunt's teeth. Hunt seemed to jump, and the next I knew there was a gun in his hand. Shots were fired, two I think, and I hit the floor.

Just before I hit the ground, though, I had my eyes on Hunt. It seemed to me, although everything was moving so fast, that he had a smile on his face. I can't be sure, but it looked that way. Anyway, Shazo hit the floor, dragging Hunt down. Hunt then jumped up, threw his gun down on the floor and ran out of the room. I immediately called the police and they came.

I had heard about a week or so before the fracas that Hunt felt like Shazo was behind all of Hunt's troubles, even the threat, and the assault, which I'd heard about. I overheard this from two of my coworkers in the factory where I'm wrench foreman. I didn't tell anybody, though, because these rumors are everywhere, but I did know Hunt was under a lot of strain from the Union.

PATROLMAN JOHN TRACIT

(May Stipulate)

I responded in my patrol car to a radio call to investigate a killing. The call was to proceed to Local 699, and it came in about 2:45 a.m. I immediately proceeded to that location, and was directed to what was referred to as the office of a Mr. Joe Shazo. Just as I arrived, a man ran out of Shazo's office. I didn't get a good look at him, but he was about 6' and thin.

A body was lying on the floor of the office, which body later was positively identified as Joe Shazo. There were no signs of struggle other than an overturned chair. The person was definitely dead, all vital signs were missing. On the floor near the body I found a .38 caliber snub-nose revolver. Later investigation indicated it belonged to a Mr. Johnny Hunt, and that it had been fired twice. My investigation also revealed a long, freshly-made cigar burn in the top of the desk present in the room. I also found what appeared to be the scuff marks of shoes on top of the desk. The deceased had been shot twice in the region of the heart, and death had been instantaneous.

Subsequent investigation revealed that Hunt's license to own and carry that particular weapon had expired, in violation of Virginia Code § 18.2-308. Mr. Hunt has no previous police record, and is known to me as one of the more honest officials in the Virginia labor movement. This is, of course, just my opinion.

I later took a statement from the defendant after he had been charged. I gave him the Miranda warnings. At first he told me that he killed Shazo because he had it coming to him. Later, he said he wanted to change his statement, that he didn't remember anything that happened. I did not get a written statement.

DEFENSE WITNESSES

JOHNNY HUNT

I am married with three kids. I am 5'6" tall and I weigh 195. I've been working in this Amalgamated Brotherhood of Monkey Wrench Drivers, Local 699, since I was 16; always been active in Union politics. Union elections for the Local were held in November, 1997, and I ran for president.

It was a rough election. I was in the lead, and I guess somebody didn't like it. Two weeks before the date of the election, I was attacked about 12:30 a.m. while walking home. It was awful, scared the you-know-what out of me. Tried to strangle me with a rope, and when I pulled my gun, the attacker fired. I finally got hit with a lead pipe and they split. I didn't tell the police about that at the time, though. What good would it have done? They'd never catch those men.

Anyway, I've been nervous ever since. Soon after the assault, I won the election. Then the threats started coming, anonymous, over the phone and in the mail. All of them said that I was going to get it if I didn't resign, or that if I didn't get it, my family would. This time I told the police, but you know how good they are, and anyway, I've had so many run-ins with those flatfeet, I knew they wouldn't help. (I've never been convicted of anything, though, too smart for them.) So I started carrying my gun everywhere, even when I sleep. I must admit, though, that those threats kept me wound tighter than a drum. It's not just me, it's the wife and kids. I haven't been sleeping too well and I'm always tired. My wife has told me several times that I've screamed in my sleep and tried to hit her, acting like I was being attacked.

Oh well, I went to a policy meeting at the Local in Lexington, a regular meeting, on February 26, 1998. The jerk Shazo was there. We never had gotten along - argued quite a few times in the past. But we never got to the point of violence, at least I didn't. Our disputes were always about what was good for the Union, and that's it. I admit I thought he was a real jerk, but I never intended to kill him.

The meeting lasted until about 1:30 a.m., and was pretty hot. I remember Joe and I shouted at each other several times. I was really tired, though, and I don't remember what all was said. I did not make any threat to Joe Shazo that I can remember, although I do think I said he was crazy or stupid, something like that. Anyway, after it was over, we all had some drinks in the Local I had three martinis, and, man did they knock me out. I was so tired I just had to sit down, so about 2:15 a.m. (I think) I wandered into that plush office that Shazo keeps at all locals. I got in his favorite chair, and just to rag him a little, put my feet right square in the middle of his desk, on top of his briefcase. I don't remember whether I had a cigar or not.

The next thing I remember is being attacked. Somebody had jerked me up by my suit lapels, and I felt like I was being strangled. I didn't have time to think or even look, I knew I'd be dead if I didn't react. So I ducked and fired twice, I didn't know it was Shazo. If I had, I never would have fired. But after all those threats, and no sleep, I was sure that somebody was trying to kill me. I didn't even know where I was. But I never intended to kill Shazo. I ran because I still didn't know where I was, or even what I had done. But after I got outside, I came to my senses and came back. The only thing I told Officer Tracit was that I didn't remember what happened.

IKE HOOPER

I work as a cleaning person and barkeep around Local 699. Married, and got three kids. Ordinarily, I don't mess with the Union men at all, that's a good way to get hurt. Mr. Hunt's always been good to me, though, always giving me tips and asking about my kids. He is sure enough a nice guy.

Anyway, I was tending bar on the early morning of February 26, 1998. Those meetings are held kind of regular, and all the men get drinks afterwards. This one let out about 1:30 a.m., and I served them all drinks. Mr. Hunt had some martinis, I don't remember how many. Mr. Shazo, now, he had a bunch of scotch. Always did like to

drink, but this night he really outdid himself. Apparently he'd had something to drink during the meeting, cause he seemed about right when I started serving.

Things quieted down about 2:00 a.m., though, and the men scattered around in groups, talking. Mr. Hunt had seemed tired, I remember that. So I went looking for him to see if he needed something. I found him in that nice office that Mr. Shazo uses.

Well, Mr. Hunt was asleep, and from his snoring I could tell he was sleeping hard. He had his feet on the desk, and had let his cigar burn a hole in the top of that antique desk that Mr. Shazo liked so much. I called his name a few times to wake him up, cause I knew there'd be trouble if Mr. Shazo saw that burn and Hunt's feet on the desk. But I couldn't get him to wake up, so I started to go shake him. But before I could get to Mr. Hunt, Mr. Shazo came into the room. Man, was he mad! He said, "look at that worthless S.O.B. I'm gonna wake him up!" And he grabbed Mr. Hunt by the coat lapels, and shook him. He shook him kinda hard twice, but Mr. Hunt didn't wake up, although he did mumble something I couldn't make out. Then Mr. Shazo shook him really hard, and before I knew it, Mr. Hunt had drawn a gun and fired twice. Mr. Shazo fell over, and dragged Mr. Hunt with him.

After that, Mr. Hunt acted like he didn't know what he had done for a couple of seconds. Then he acted really scared, throwing down his gun and running out of the room. About 15 minutes later he came back, but wouldn't say nothing to anybody.

I don't think Mr. Hunt intended to kill him. Hell, in my opinion, if somebody was shaking me like that, out of a deep sleep, I'd have come up firing too. Mr. Hunt had told me about all the threats held been getting after his election, and I know he was under a lot of strain.