**It’s Your Witness**

**Statement of Case**Mr. B, a construction worker, was killed in a diner during his lunch hour. Mr. A is accused of the killing. Mrs. C was a witness. Mr. A was arrested, indicted by the grand jury, and charged. The indictment is as follows:

On March 17th, Mr. A did unlawfully, willingly, and with "malice aforethought" kill Mr. B by stabbing him with a knife. The District Attorney, in order to convict Mr. A of murder with malice, must prove the state's case beyond a reasonable doubt, including

1. that there was a killing;
2. that Mr. A did the killing
3. that Mr. A killed Mr. B with a knife; and
4. that Mr. A did the killing with "malice aforethought" (This means that he did so without any legal reason and with an evil intent.)

The Medical Examiner has already testified that she performed an autopsy on Mr. B, who died of a stab wound which could have been caused by a knife. Witness C can testify to the following facts:

1. She heard loud voices that caused her to look up at Mr. A and Mr. B.
2. She heard Mr. B say, "I know you have that knife, Joe," in a loud voice.
3. She saw Mr. A back away and hold up his hands saying, "No, I don't have any knife."
4. Next thing she saw was Mr. B staggering and falling back toward him. She saw blood running out of his stomach from a big gash.
5. After Mr. B fell at his feet, Mrs. C looked up and saw a flash of light in Mr. A's hand.
6. She started toward Mr. A, then turned and ran off. She didn't know what Mr. A did after that.
7. She did not see a knife around anywhere.

**Prosecutors:**
You may ask Mrs. C ten questions to try to prove the four elements of the crime. You may not "lead" the witness. This means you may not ask questions which suggest an answer; for example, "You did see a knife, didn't you?"

**Defense Attorneys:**
Your job is to see that your client gets a fair trial. The state must prove its case "beyond a reasonable doubt." You should try to create a reasonable doubt in the minds of the jurors. You have ten questions to raise this doubt.