

The Commonwealth of Virginia vs. Lit R. Bug

Target Level:

High School

SOLs:

Science: Bio.9, ES.2

Government: 12.8

Materials Needed:

Role cards

Copies of the litter laws

Twenty or more students

Time Needed:

Approximately 2 hours or two class periods

** Note: For a Class I misdemeanor, a person issued a summons would appear in General District Court. The judge would hear both sides and make a decision without a jury trial. A jury is used in this simulation to allow all students to participate.*

Background

Virginia state and local laws pertaining to litter are similar in intent, although the wording may differ. See the included Copy Sheet for the state laws regarding roadside litter.

Preparation

1. Copy the Role Cards and affix them to index-type cards or laminate them for durability.

Note: Three copies of each card will be needed for the following roles: defendant, police officer, and expert witness. (One card will be given to each person playing the role, and one card to each of the two attorneys.) Twelve copies of the juror's card will be needed, and the appropriate number of the passenger's role card will need to be determined so that each student has a role.

2. Make four copies of the state laws regarding roadside litter. One copy will be given to the judge, one to each of the two attorneys, and one to the head juror during deliberation.

3. Review basic courtroom procedures with the class. Explain that after the facts are presented, the jury will decide if the defendant is guilty or innocent, and will recommend the penalty according to the appropriate *Code of Virginia*.

Procedure

1. Select students to role play the following:

1 judge, 1 Commonwealth's or district attorney, 1 defense attorney, 1 bailiff, 1 citizen accused of littering, 1 police officer, 1 - 3 passengers in the car with the defendant, 1 expert witness, and 12 jurors*. The rest of the class should be reporters covering the trial. *Suggestion:* You might choose to invite a local judge or attorney to preside over the trial.

2. Have the students read their role cards and assume the identity described. Ensure that the students understand their roles. Give out the additional copies of role cards and codes as needed. If there will be reporters included in the trial, discuss any differences between the types of news media, e.g. television, radio, print, and on-line and the requirements of each reporter. Also, note the difference between "reliable" newspapers and "tabloid-type" papers.

3. When everyone has read their cards and is ready, let the bailiff begin by introducing the judge, "All rise, the Honorable I.M. Law, presiding. Court is now in session." The judge will call the prosecution first to present its case, then the defense attorney. Each attorney can call witnesses to testify. The judge will ask if the other attorney wants to ask question or "cross-examine" the witness(es).

4. While the jury is deliberating in a "private" corner of the "Court Room," have the media polish their reports. Ask the jury to write "guilty" or "not guilty" on a slip of paper when they have reached a conclusion. The head juror will hold the announcement until after the media reports. After the jury reaches their verdict, but before the verdict is announced, the reporters will make their presentations to the group.

Wrap Up/Assessment

Allow students the time to review the *Code of Virginia* and discuss why there are laws pertaining to litter. Do they think the laws are necessary? Would they change them? If so, how? Ask if any of the media reports would have influenced how the jurors voted. Why are juries sequestered?

Extension

The students can present their (45 minute) trial for a local middle school class or school event.

Code of Virginia references for considering roadside litter

Section 33.1-346. Dumping trash on highway or private property

(a) Any person shall be guilty of a Class 1 misdemeanor who dumps or otherwise disposes of trash, garbage, refuse, litter or other unsightly matter on public property, including public highway, right-of-way, property adjacent to such highway or right-of-way, or on private property without the written consent of the owner thereof or his agent.

(b) When any person is arrested for a violation of this section, and the matter alleged to have been illegally dumped or disposed or has been ejected from a motor vehicle, or transported to the disposal site in a motor vehicle, the arresting officer may comply with provisions of *Section 46.2-936* in making such arrest.

(c) When a violation of the provisions of this section has been observed by any person, and matter illegally dumped or disposed of has been ejected or removed from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting or disposing of such matter. However, such presumption shall be rebuttable by competent evidence.

(d) Any person convicted of such violation shall be guilty of a Class I misdemeanor.

(e) The governing bodies of counties, cities and towns are hereby authorized to adopt ordinances not in conflict with the provisions of the section and may repeal, amend or modify such ordinances.

Section 33.1-346.1 Penalties for violation of *Section 33.1346*

Upon conviction of any person for a violation of *Section 33.1346*, the court may suspend the imposition of any sentence on condition that the defendant volunteer his services for such period of time as the court may designate to remove litter from the highway. Any such sums collected shall be paid into the court and forwarded to the State Treasurer for the construction and maintenance of state highways.

Section 1X.2-11 Punishment for conviction of misdemeanor

(a) For Class I misdemeanors, confinement in jail for not more than 12 months and a fine of not more than twenty-five hundred dollars, either or both.

Role Cards

I. (Ivan or Irene) M. Law, Presiding Judge:

You will ask the Commonwealth's attorney to begin by reading the charges against the defendant. Once the charges are read, you will ask the defendant to plead "guilty or not guilty." During the trial, you will keep order in the court and maintain a neutral appearance. No indication can be made of how you will decide the outcome of this case until all of the evidence is presented and the jury makes a decision. After the evidence is presented, you will outline to the jury what penalties can be assigned to a person found guilty.

I. (Irwin or Ivanna) B. Blue, Police Officer:

On the 10th of last month at 4:30 p.m., you were following a blue Toyota Tercel driving down Rt. 683. You observed the defendant throw something out of the car window. You pulled the car over and asked the driver to step out. When you asked about the incident, the defendant became defensive and stated "it was just an apple core; it really doesn't matter". Upon investigating the scene, you located the apple core on the roadside and made the appropriate notes. You followed all of the correct procedures when stopping the defendant and issuing a citation for littering.

D. (Daniel or Diana) Fence, Defense Attorney:

Your client was observed throwing an apple core from a car window. You are trying to call all of the passengers in the car to testify. You are hoping they can justify why your client should be found innocent or, at the least, receive a minimal penalty. The case against your client was observed by a police officer (I. B. Blue). All proper procedures were followed in stopping, arresting, and charging your client for littering.

Bailiff:

You will call the court to order and introduce Judge I. M. Law.

U. (Ulysses or Ursa) B. Guilty, Defendant:

You are accused of throwing an apple core from your car window. You were observed doing this by Officer I. B. Blue. You are trying to talk yourself out of a large fine and possible jail time. Use whatever excuses you can imagine. Examples: I was trying to put it in the car trash bag and the wind blew it out of the window, my young nephew threw it out of the window, etc.

U. R. (Robert or Roberta) Mine, Commonwealth's Attorney:

You will present the case against the defendant and try to get the jury to find him or her guilty. Furthermore, you want the defendant (U. B. Guilty) to receive the maximum penalty. You will need to have the facts from the police officer (I. B. Blue) and your expert witness (Annie Moll or Noel Ital) so that you will be able to effectively question them.

Passenger:

You were in the car with U. (Ulysses or Ursa) B. Guilty. You witnessed that he/she threw the apple core out of the window. You are trying to help your friend make excuses to get off. Be inventive, but don't lie - perjury can get you jail time.

Juror:

You will listen to all of the evidence and vote whether you feel the defendant is guilty or innocent. If the jury finds the defendant guilty, a penalty will also need to be decided and recommended to the judge. Do not allow friendship to affect your decision in this important issue.

Television Reporter:

You must listen to all of the evidence and write a script that can be presented in 30 seconds on the local news. After the testimony is presented, you plan to interview all of the parties. Remember that your competitive stations are likely to also be covering the story and that ratings are everything. A good story may help you get a promotion to news anchor.

Annie Moll or Noel Itall, Expert Witness:

You were called by the Commonwealth's attorney. You will explain how discarding food along roadsides attracts animals to the area. If the apple core is actually on the road, then any animal living nearby that tries to eat it, is at risk for getting hit by a car. Remind the jury that in order for the animals to be in the area that the apple core was thrown, all habitat requirements for that animal must be met. In visiting the site, you noted that all habitat conditions were met for the following animals: mice, voles, raccoons, squirrels, and possums. Some of the predators that might feed on these animals are hawks and owls. One would expect to find these animals also in the area; so they, too, are at risk.

Newspaper Reporter:

You will listen to all of the evidence and write a front page story for tomorrow morning's paper. You are also trying to get a new job at a well known newspaper that pays double what you are making now. A good story will increase your chances of landing a new job. To do this, you will take very careful notes and include as much detail as possible in your story.

Tabloid Reporter:

U. B. Guilty is the most promising athlete in the state and is being recruited by at least 15 colleges. This story is of national interest, especially if he/she is found guilty and given jail time. You need to write a story that will tell it all. However, tabloid reporters are not allowed in court. No one can know who you are; besides, you don't want the competition to scoop you. Be as creative as possible, but don't actually lie. Exaggerations are completely acceptable.