

How to Write a Prosecution Opening Statement for Mock Trial

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.]

SUMMARIZE EACH WITNESS:

Ladies and gentlemen of the jury, the prosecution will call three witnesses to the stand. We will call officer so and so who will explain that he was on duty in Springfield on the night of the robbery, and responded to the 7-11 and observed the defendant fleeing from the scene with a bag in his hand. We will call the store clerk who was on duty, and she will testify that she recognized the defendant as the robber even though he had a bandana covering most of his face. Lastly we will call a government psychologist who will testify that he did a mental health assessment of the defendant. The psychologist will testify that the defendant was definitely not insane at the time of the commission of the crime.

or

Ladies and gentlemen of the jury, the prosecution will call four witnesses to the stand. We will call Mr. Smith who will testify that he was at his residence when the defendant attacked him without provocation while he sat with his family in the tavern. We will call the ER nurse who will testify that the victim sustained four fractured ribs and a broken nose as a result of this unprovoked attack. We will also call the defendant's roommate who will testify that the defendant bragged about what he did after he returned home that evening. [A couple of examples are provided above, but you will need to summarize for yourself what each witness is going to testify to. A lengthier opening statement will provide a lot of details as to what each witness will say. Refer to the time limitations in your mock trial packet and adjust your summary accordingly.]

Anticipate the defense theories:

A good prosecution opening statement will try to anticipate the points that the defense will raise in their opening. Remember that the prosecution has to give their opening statement first so you will have to guess a little as to what the defense will say. Often times a prosecutor will state something along the lines of “Ladies and gentlemen, the defense may argue that the defendant acted in self-defense, however, the witnesses will all state that it was the defendant who approached the victim and began attacking him.” Or the prosecution will state: “Ladies and gentlemen, the defendant may argue that the defendant was temporarily insane at the time of the fight. However, we will show that the defendant was merely intoxicated when the fight broke out, and not of the witnesses will describe unusual behavior.”

CONCLUSION:

At the conclusion of the case we would ask you to find the defendant guilty, that the state has not met its burden of proof. Thank you.