



Supreme Court of Appeals State of West Virginia

News

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Hung jury, not guilty verdicts in Wayne, Kanawha students' mock trials

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WAYNE, W.Va. – Prichard Elementary Fifth Grader Zach Ramey jumped up in shock and waved his arms in fake anger, first at his defense attorneys and then at jurors, when he learned he was “convicted” of first-degree murder in a mock trial on Wednesday, Feb. 25.

But moments later he was jumping in joy. After the guilty verdict was announced, Twenty-Fourth Judicial Circuit (Wayne County) Judge Darrell Pratt explained the procedure of polling jurors to make sure a verdict is unanimous. When Judge Pratt asked the second student juror if guilty was her verdict, she said “No. We did not agree on it.”

“Students, that’s a hung jury right there,” Judge Pratt told the courtroom full of fifth-graders gathered for a West Virginia Law Adventure field trip to the Wayne County Courthouse. That meant Ramey would have to be retried. He was free – for now.

Judge Pratt told the students they had done such a good job writing their murder trial script -- prosecutors presenting arguments proving guilt and defense attorneys presenting reasonable doubt -- that the verdict could have gone either way, just like in the real world. “Very few cases are clear-cut,” he said.

But very few cases end in hung juries. That has happened only once in Wayne County in his memory, he said. Real-world jurors spend hours and sometimes days discussing evidence before they render a verdict, and that verdict must be unanimous. Judge Pratt explained why that is so important, especially in cases where someone’s liberty is at stake.

The Prichard Elementary fifth graders spent much more time preparing for court than the jury of Ramey’s peers did deliberating. The student jurors argued longer over which of four candidates would be their foreman than they did over the verdict.

By comparison, the dozen fifth-graders who wrote the script worked on it during their lunch hours and after school for about two months, said teacher Brenda Hatten. They were so motivated that snow days did not deter or hamper their efforts, or those of their attorney helper, Matt Deerfield, a law clerk to Twenty-Fourth Judicial Circuit Judge James H. Young, Jr.

Student witnesses Lynndsey Cassell and Kendra Fischer said they enjoyed the writing process. “We get to see it first-hand, get to see the build-up of the case, and we get to make it better,” Fischer said.

“It was a lot of work. The students really enjoyed it,” Mrs. Hatten said. It was the first time she has used the West Virginia Law Adventure program, a civics education project of the Supreme Court of Appeals of West Virginia.

In West Virginia Law Adventure, the Young Lawyers Section of the West Virginia State Bar drafts three criminal scenarios from which classes choose. The young lawyers also judge the trial scripts in several grade categories. Each participating class must act out its script in front of a judicial officer – a magistrate, family court judge, or circuit judge – before sending in its entry. The winning classes visit the Supreme Court of Appeals of West Virginia in the spring. Travel expenses are partially paid for by a grant from the West Virginia Bar Foundation.

Judge Pratt said he had not previously hosted a mock trial of elementary students, but was impressed. The fifth graders did as well or better as middle school and high school students who have held mock trials in his courtroom, he said.

He took time throughout the trial to explain procedures the students had left out of their script. After the mock trial was over he told the students about other hearings that would have been held in their case if it had been a real one.

Also Wednesday, Stonewall Jackson Middle School students present a mock trial in front of Thirteenth Judicial Circuit (Kanawha County) Judge Louis H. “Duke” Bloom. Like the Prichard Elementary students, their case focused on two workers who got into a fight that ended with one hitting the other over the head with a board. Later, the defendant was accused of going to the victim’s home and cutting a vehicle’s brake lines in retaliation for the fight. Both mock trials included detailed testimony about brake lines and other evidence, which the students came up with on their own.

The student jurors in the trial written by sixth- and seventh-grade students of Heather Mottesheard found the defendant in their case not guilty. The Stonewall Jackson students have been working on the script since September.

Students in both Wayne and Kanawha counties were treated to tours of the courthouses while there. Judge Bloom put his student visitors in a prisoner holding cell while the jury deliberated.

West Virginia Law Adventure is one of several civics projects of the Supreme Court of Appeals of West Virginia. Others include Marble Monday trivia on Twitter @WVcourts, Robes to Schools, and LAWS (Legal Advancement of West Virginia Students).

To learn more about the Court’s civics projects, visit <http://www.courtswv.gov/public-resources/student-resources/index.html> or contact Kandi Greter, Public Education Coordinator, at 304-340-2755 or kandi.greter@courtswv.gov.

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