

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff.

vs.

BRAD STEVENS, Defendant.

TYPE OF CASE

Criminal
Assault with a Deadly Weapon
Defense: Self-Defense
Jury Trial
Circuit Court [State Court]

NATURE OF THE LEGAL CLAIMS

The prosecution has charged the defendant with the crime of assault with a deadly weapon. The defendant asserts that he acted in self-defense.

SUMMARY OF FACTS

Defendant Brad Stevens and Martinn Mann argued over who had the right to play the Frogger video game at Melanie's Video Arcade. The argument led to some pushing between them and to Stevens falling and injuring his hand. Sometime later, Stevens struck Mann with a piece of wood, knocking him to the floor, and then ran out. Stevens was apprehended by the store manager and returned to the scene. Stevens claims he thought Mann was about to attack him with a knife. Mann says he had only his black wallet in his hand, which he had just removed from his pocket.

LIST OF MATERIALS

Pretrial Order, p. 1
Statement of Martin Mann [Prosecution's Witness], p. 2
Statement of Richard Cervantes [Prosecution's Witness], p. 3
Statement of Connie Cook [Prosecution's Witness], p. 4
Statement of Brad Stevens [Defendant], p. 5
Statement of Tanya Morgan [Defense Witness], p. 6
Statement of Jaclyn Bardie [Defense Witness], p. 7
Exhibit 1 - Diagram of Melanie's Video Arcade, p. 8

COMMENTS AND SUGGESTIONS

The issues in this case are similar to People v Green. The main difference is that the defendant in Green inflicted a gunshot wound and more serious crimes were charged. Also there are three witnesses on each side here. There are two on each side in Green.

Note the names are not gender neutral. Obviously they can be changed. This was the first mock trial for the Michigan Tournament — it was borrowed from elsewhere.

**STATE OF MICHIGAN
IN THE EIGHTY-THIRD CIRCUIT COURT**

**PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff.**

vs.

No. 83-0992

**BRAD STEVENS,
Defendant.**

_____ /

PRETRIAL ORDER

1. The defendant is charged with the crime of Assault with a Deadly Weapon. That crime is defined as the intentional use of force against another person committed with an object used in a way likely to cause death or serious bodily harm.

2. The defense of Self-Defense provides that: A person may use as much force against another person as he or she reasonably believes is necessary to prevent the immediate use of unlawful force against himself.

3. The prosecution has the burden of proof on both of the above issues. The defendant should not be convicted unless there is evidence which proves beyond a reasonable doubt that the defendant committed the crime charged. If there is any evidence* that the defendant was acting in self-defense, he should not be convicted unless the prosecution proves beyond a reasonable doubt that the defendant did not act in self-defense as defined in paragraph 2.

*In light of the witness' statements it seems clear there will be such evidence.

Dated: _____

IVAN BLOCH, Circuit Judge

STATEMENT OF MARTINN MANN [PROSECUTION WITNESS]

I, Martinn Mann, state:

My name is Martinn Mann. I'm a student at Westdale High School. On June 4, at nearly 8 p.m., my date, Connie Cook, and I went to Melanie's Video Arcade. I came across the Frogger machine. At the time the machine was not being use.

I put two quarters in the machine --- one for each of us and we began to play. Just after I lost the first of five frogs, I noticed Brad Stevens and Tanya Morgan several feet to my left. In an angry voice, Brad said "Beat it! Go play Pac Man, this is my machine !"

I pointed to a nearby game and said, "There's your game, Jackass; go play Donkey Kong," but Brad wouldn't move out of the way. Finally I pushed him away, not very hard and without intending to push him down or harm him. Brad must have tripped because he fell on the floor. I then turned toward Brad and said something to the effect that Brad should go away and leave me alone. I can't remember my exact words because I was upset at the time, but I did not threaten Brad or imply that I meant to hurt him then or later.

I finished my game and though I wanted to continue playing, I agreed with Connie's suggestion that we leave and go to her house. Eager to spend some time alone with Connie, I hurried through the Arcade towards the front door. I did not know that Brad was still on the premises and was not even thinking about the incident with Brad by that time.

When I was about 15 feet from the door, I pulled out my black wallet to see if I had enough money to buy a pizza to take to Connie's house. I was still looking in my wallet when I got to within two steps of the door.

The next thing I remember was waking up in a bed in the County Hospital.

Dated: _____

Martinn Mann