



## **Fact Pattern**

**based on the book – The Outsiders by S.E. Hinton**

It is the year 1967. Johnny Cade is a 16 year old who lives with his parents in a small, rundown home by the train tracks. Johnny spends most of his time with a tight group of friends that include Darrel, Sodapop and Ponyboy Curtis, Dallas Winston, Two-bit Matthews, and Steve Randall. This group calls themselves “The Greasers”.

Four months prior to the night of the incident in question, Johnny Cade was attacked by several boys who are members of a rival gang called “The Socs”. Ponyboy and Steve found Johnny lying face down on a local football field and his jean jacket with rust-colored stains a few feet away. Johnny was badly bruised, with a wide gash from his temple to his cheekbone. There were bloodstains on his white t-shirt and on the ground next to him. At the time, Johnny explained to his friends that a group of Socs drove up to him in a blue Mustang while he was searching for a football, and then beat him and threatened him with his life. Johnny reported that one of the boys, Bob Sheldon, wore a ring that he used to increase the intensity of the beating. From that night on, Johnny Cade carried a switchblade for protection.

The night that Bob Sheldon died, Ponyboy Curtis urged Johnny to run away with him. Ponyboy and Johnny ran for several blocks before the blue Mustang, the one Johnny encountered four months ago, pulled up to them at a local playground parking lot. Bob Sheldon and Randy Anderson, both Socs, got out of the car and began to fight Johnny and Ponyboy. Bob Sheldon grabbed Ponyboy and held him underwater at a fountain in the playground; he allowed Ponyboy up for gasps of air only to submerge him back underwater again. Johnny, fearing for Ponyboy’s life, pulled out his switchblade. The next morning, Bob Sheldon was found dead by the fountain with bloodstains all over the ground nearby.

Detective Norcome was called to the scene. He questioned Bob Sheldon’s teacher and mentor, Darren Randolph, who lives in the playground neighborhood. He also questioned Cherry Valance, Bob Sheldon’s girlfriend, who was present during the altercations that led up to the incident in question. Finally, Detective Norcome questioned David Marcus, a passenger in the blue Mustang that evening and an eye witness to the event. In addition, the Detective gathered and interpreted evidence including blood splatters. He also identified and interrogated possible suspects in order to develop a theory based on all of the information gathered. As a result of his investigation, Johnny Cade was charged with the third degree murder of Bob Sheldon. Third-degree murder is defined homicide committed with the intention of causing bodily harm, but not necessarily death. It can also be a killing that results from recklessness or

negligence. A defense to this charge includes self-defense or the defense of another party. To establish this defense, the defendant must show that he or she acted to prevent serious bodily harm or the death of himself or another person. The defendant must use only as much force as a reasonable person would use to put an end to the threat. If the defense is established, it is said to be a justifiable homicide and the defendant will be found not guilty.

## **The State v. Johnny Cade**

Bailiff: All rise. The Court of Room \_\_\_\_\_ is now in session.  
The Honorable Judge \_\_\_\_\_presiding.

Judge: You may be seated. Today we are going to hear the case of The State v. Johnny Cade, a case of third-degree murder. Prosecution, please introduce yourself:

Prosecution: [All prosecution attorneys stand and introduce themselves.] Your Honor, my name is \_\_\_\_\_ and I represent the State. [Each student-prosecutor then introduces themselves.]

Judge: Thank you. Defense counsel, please introduce yourselves.

Defense: [All defense attorneys stand and introduce themselves.] Your Honor, my name is \_\_\_\_\_ and I represent Johnny Cade, the defendant. [Each student-defense attorney then introduces themselves.]

Judge: Prosecution, are you ready to give your Opening Statement?

Prosecution: We are, Your Honor.

May it please the Court. Your Honor and Ladies and Gentlemen of the jury, we are here today to prove, beyond a reasonable doubt, that Johnny Cade is guilty of third-degree murder in the killing of Bob Sheldon. We will prove that the defendant acted to deliberately and intentionally cause serious bodily harm to Bob Sheldon and that those actions ultimately caused his death. We will hear from Mr. Darren Randolph, Bob Sheldon's teacher, who will testify that he saw Bob's body at the scene of the crime. Mr. Randolph will describe how devastated he was to see this young man lying dead on the ground. He will describe Bob Sheldon as a good student who worked hard and helped people. David Marcus, a friend of Bob's, will testify that he witnessed Johnny stab Bob with his pocket knife. Finally, we will hear from Detective Norcome, who will testify that Bob's injuries were caused by Johnny Cade's pocket knife. Furthermore, she will describe the severe cuts Bob sustained which caused his death. Bob Sheldon is dead, and Johnny Cade murdered him and must be punished to the full extent of the law.  
Thank you.

Judge: Defense, are you ready to give your Opening Statement?

Defense: We are, Your Honor.

May it please the Court. Your Honor and Ladies and Gentlemen of the jury, we are here today to prove that Johnny Cade is not guilty of third-degree murder. Although Johnny caused Bob's death, and all untimely deaths are tragic, Johnny had no choice and acted to protect Ponyboy. Randy Anderson will testify that Bob Sheldon started the fight with Johnny and Ponyboy. He will describe how Bob was drunk and looking for a fight. Johnny did what he had to do – protect himself and his friend. This is something any of us would have done. Cherry Valence will testify that Bob Sheldon gets drunk a lot and looks for trouble. She will also describe how Bob was jealous of Johnny and Ponyboy following the previous night at the movies. Finally, Ponyboy Curtis will testify that Bob Sheldon tried to drown him, and will confirm that he would have died if it were not for Johnny Cade's defending him. He will also share the trauma that Johnny Cade experienced from the attack from Bob four months ago.

Bob Sheldon was the attacker and was going to kill Ponyboy. Johnny Cade is not a murderer, but a loyal friend who had to protect his friend. His actions were justified and he must be found not guilty because he acted only to protect the life of another.

Judge: Prosecution, you may call your first witness.

Prosecution: We call Darren Randolph to the stand.

Bailiff: Please raise your right hand. Do you promise to tell the truth, the whole truth, and nothing but the truth?

Darren Randolph: I do.

Bailiff: You may be seated.

Prosecution: What is your name and your occupation?

Darren Randolph: My name is Darren Randolph and I am a teacher.

Prosecution: Please tell us how you knew the deceased, Bob Sheldon.

Darren Randolph: Bob Sheldon was a student in my class. I was his mentor. We talked about how to resolve conflict. Bob and I also frequently talked about college and his future goals.

Prosecution: Please describe what type of student Bob Sheldon was.

Defense: Objection Your Honor. This is not relevant.

Judge: Overruled. I'll allow it, but Prosecutor do not go too far in this direction.

Judge to the witness: You may answer the question.

Darren Randolph: Bob Sheldon was one of my favorite students, and a good one. He always got straight A's and B's. He was not disrespectful; he followed the rules and was a very good athlete.

Prosecution: Do you know if Bob was an aggressive person?

Darren Randolph: He was not aggressive unless someone did something he did not agree with. I would describe Bob as a kid who stood up for himself. He would not fight unless he had to.

Prosecution: What was your reaction when you arrived on the scene of the crime?

Darren Randolph: I was very upset and surprised! I never thought I would see someone, especially Bob, laying there dead. From all our conversations, I believed Bob had a bright future and would be very successful!

Prosecution: We have no further questions for this witness.

Judge: Defense, you may question the witness.

Defense: Isn't it true that you only knew Bob inside of school?

Darren Randolph: Yes, that's correct.

Defense: And, isn't it true that you did not know Bob was a member of the Soc's?

Darren Randolph: That is true. I didn't know Bob was part of a gang.

Defense: You do know about the Socs and the Greasers, correct?

Darren Randolph: I do.

Defense: And you know that the students in both of these gangs go to your school?

Darren Randolph: I do.

Defense: And yet, as Bob's mentor, you never saw Bob hang out with the Soc's?

Darren Randolph: No, I did not.

Defense: You didn't know that Bob had interactions with the police either, right?

Darren Randolph: No, I did not know that.

Defense: And you also didn't know that Bob drank a lot?

Darren Randolph: I was not aware that Bob had a drinking problem.

Defense: We have no further questions for this witness, Your Honor.

Judge: The witness may step down. Prosecution may call their next witness.

Prosecution: We call David Marcus to the stand.

Bailiff: Please raise your right hand. Do you promise to tell the truth, the whole truth and nothing but the truth?

David Marcus: I do.

Bailiff: You may be seated.

Prosecution: Please state your name and your business.

David Marcus: My name is David Marcus and I am a student.

Prosecution: How do you know the Defendant?

David Marcus: We both attend the same school.

Prosecution: Can you tell us what happened on the night of May 7, 1967?

David Marcus: I was hanging out with my friends and sitting in the Mustang. I first saw Ponyboy and Johnny, and then I saw Bob Sheldon get out of the car and start talking to them.

Prosecution: What happened next?

David Marcus: I saw Ponyboy spit on Bob. Bob got upset and started chasing Ponyboy.

Prosecution: What happened next?

David Marcus: Bob was plenty angry. He grabbed Ponyboy and dragged him over to the big fountain in the playground. He started to push Ponyboy's head into the water a few times. I knew Bob. He would never have seriously injured Ponyboy. He was just playing around.

Defense: Objection, Your Honor. The witness cannot know what Bob would do or not do.

Judge: Sustained. The jury will not consider any testimony regarding what the victim would do or not do.

Prosecution: Did you see the Defendant do anything?

David Marcus: Yes, I did. Johnny Cade rushed out of nowhere with a small knife in his hand. He stabbed Bob Sheldon over and over.

Prosecution: We have no further questions for this witness.

Judge: Defense, you may question the witness.

Defense: Isn't it true that Bob was there to start a problem with Johnny and Ponyboy?

David Marcus: (pause) He just wanted to talk to them.

Defense: You knew where they were because you were following them, right?

David Marcus: Well...yes.

Defense: Isn't it true that Bob was furious with Ponyboy and Johnny because a few nights before he saw Johnny and Ponyboy talking to his girlfriend?

David Marcus: Angry...yes.

Defense: Bob was also drinking that night, correct?

David Marcus: Yes.

Defense: So, it is true that Bob was both drunk and angry, right?

David Marcus: I guess so.

Defense: You observed Bob grab Ponyboy and repeatedly submerge him under water, correct?

David Marcus: (pause) Yes.

Defense: And Johnny stepped in when Bob was drowning Ponyboy?

David Marcus: Yes.

Defense: We have no further questions for this witness.

Judge: The witness may step down. Prosecution may call their next witness.

Prosecution: We call Detective Norcome to the stand.

Bailiff: Detective Norcome, do you promise to tell the truth, the whole truth, and nothing but the truth?

Detective: I do.

Bailiff: You may be seated.

Prosecution: Could you please state your name and occupation for the record?



Detective: I am Detective Ellen Norcome and I work for the local police department.

Prosecution: Detective, did you go to the scene of the crime?

Detective: I did.

Prosecution: What evidence did you collect at the scene?

Detective: I saw the body of the victim who had a fatal stab wound in his back. There was also blood on the grass and in the water. No knife was found.

Prosecution: Did you ever find the knife?

Detective: Yes, Bob was taken to the hospital and the knife was obtained there.

Prosecution: Could you describe the victim's body?

Detective: The wound, based on its location, was fatal. There were also several other stab wounds on the body. The Defendant had actually stabbed the deceased several times.

Prosecution: You collected evidence and you examined the body. Were you able to conduct any interviews at the scene?

Detective: Unfortunately, not, because everyone fled the scene after the incident. Ponyboy and the Defendant hid, so I was unable to find and question them.

Prosecution: No further questions, Your Honor. The Prosecution rests.

Judge: Defense, you may question this witness.

Defense: Detective Norcome, you never determined if all the blood was Bob's blood, right?

Detective Norcome: That is correct.

Defense: And, at the scene of the crime, there was blood everywhere?

Detective Norcome: Yes.

Defense: So, some of the blood could have been from a person other than Bob Sheldon, correct?

Detective Norcome: Yes, that is possible.

Defense: Some of the blood could have been Johnny Cade's, correct?

Detective Norcome: Correct.

Defense: Johnny could have been defending himself, right?

Detective Norcome: Unlikely, but possible.

Defense: As a detective, part of your job is to conduct interviews?

Detective Norcome: Yes, that's right.

Defense: And, as the lead detective for this case, you didn't find any Greasers or Socs to interview?

Detective Norcome: I was unable to find anyone. They all ran away. The Defendant and Ponyboy Curtis hid for some time. They even tried to change the way they looked.

Defense: You didn't go to their houses or school to conduct interviews?

Detective Norcome: No, I did not.

Defense: You would agree that, if you did interview members of the two gangs, you would have gotten two different points of view, correct?

Detective: That is likely.

Defense: Would you agree then, that Bob Sheldon's state (he had been described as drunk and angry), made him potentially dangerous, especially given his previous encounters with Johnny Cade?

Detective: I would agree.

Defense: Now, would you say without reservation that Bob Sheldon was only trying to scare Ponyboy by pushing his head into the water?

Detective: I am not sure.

Defense: We have no further questions, Your Honor.

Judge: The witness may step down. Call your next witness.

Prosecution: The Prosecution rests, Your Honor.

Judge: Very well. Defense may call their first witness.

Defense: We call Randy Anderson to the stand.

Bailiff: Please raise your right hand. Do you promise to tell the truth, the whole truth, and nothing but the truth?

Randy Anderson: I do.

Bailiff: You may be seated.

Defense: Please state your name and what you do.

Randy Anderson: My name is Randy Anderson and I am a student.

Defense: What can you tell us about Bob?

Randy Anderson: Bob and I were in the same gang and we lived in the same neighborhood. We played sports together. Bob also liked to drink. I hung around with Bob enough to know that he got angry easily, too.

Defense: Can you describe what happened leading up to the incident?

Randy Anderson: Bob saw Cherry with Ponyboy and Johnny. He was furious. He had me drive him to find Ponyboy and Johnny.

Defense: Why did you drive him?

Randy Anderson: I was scared of Bob. When Bob was drunk, he was crazy and I knew what he was capable of!

Defense: Then what happened?

Randy Anderson: Bob and some of the other Socs chased Johnny and Ponyboy. Bob grabbed Ponyboy and started to try to drown him. I froze up and didn't do anything to help because I was afraid. But if it was my friend, I probably would have reacted like Johnny did.

Defense: What happened after that?

Randy Anderson: Johnny Cade knew how aggressive Bob Sheldon could be. He ran at Bob with his knife. Bob screamed and I looked away.

Defense: We have no further questions for this witness.

Judge: Prosecution, you may cross examine the witness.

Prosecution: You and Bob Sheldon were friends, correct?

Randy Anderson: Yes

Prosecution: Isn't it true that the Socs and Greasers did not get along?

Randy Anderson: Well...yes.

Prosecution: You were driving the car the night of the incident, correct?

Randy Anderson: Yes.

Prosecution: Bob Sheldon was in the car, correct?

Randy Anderson: Yes.

Prosecution: You were following Johnny and Ponyboy on Bob Sheldon's orders, is that right?

Randy Anderson: I guess so.

Prosecution: Yes or no?

Randy Anderson: Yes.

Prosecution: Isn't it true that you fought against the Greasers with Bob a few times this past year?

Randy: Yes.

Prosecution: Isn't it true that you are only testifying for the Defense so you won't get in trouble for aiding Bob?

Defense: Objection, Your Honor. Defense is badgering the witness.

Judge: The objection is sustained. The Defense should rephrase the question or ask another question.

Prosecution: You are testifying on behalf of the Defense, correct?

Randy Anderson: Yes.

Prosecution: Bob Sheldon is dead, correct?

Randy Anderson: Yes.

Prosecution: Bob Sheldon is dead because Johnny Cade stabbed him to death, correct?

Randy Anderson: (pause) Yes.

Prosecution: We have no further questions for this witness.

Judge: The witness may step down. Defense, you may call your next witness.

Defense: We call Cherry Valance to the stand.

Bailiff: Ms. Valance, please raise your right hand. Do you promise to tell the truth, the whole truth, and nothing but the truth?

Cherry Valance: I do.

Bailiff: You may be seated.

Defense: State your name and business.

Cherry Valance: I'm Cherry Valance. I'm a student at the high school.

Defense: How do you know Johnny Cade?

Cherry Valance: We went to school together, but we didn't know each other that well until one night at the movies. We got to know each other better that night, and I thought he was nice. Johnny and some of his friends walked Marcia and me home.

Defense: Did anything happen then?

Cherry Valance: On the way home, Bob Sheldon saw Johnny and Ponyboy with me and he got really mad. They almost got into a fight, but I got Bob to leave with me. Bob was still real mad at Johnny.

Defense: Did Bob get jealous and angry a lot?

Cherry Valance: Bob gets drunk a lot, and often gets angry when he drinks. I wasn't surprised that he was trying to fight Johnny and Ponyboy that night.

Defense: We have no further questions for this witness.

Judge: Prosecution, you may cross-examine the witness.

Prosecution: Ms. Valance, you were very aware of the fact that the Socs and Greasers had a long-standing rivalry, correct?

Cherry: Yes.

Prosecution: We have no further questions, Your Honor.

Judge: The witness may step down. Defense, you may call your next witness.

Defense: We call Ponyboy Curtis to the stand.

Bailiff: Please raise your right hand. Do you promise to tell the truth, the whole truth, and nothing but the truth?

Ponyboy: I do.

Bailiff: You may be seated.

Defense: State your name and business.

Ponyboy: I am Ponyboy Curtis, and I am a student at the high school.

Defense: Did you know Bob Sheldon?

Ponyboy: Yeah, he's in the Socs gang. They're a rival gang. The Socs start fights with us all the time.

Defense: What were those fights like?

Ponyboy: A few months ago, Bob Sheldon and a bunch of Socs jumped Johnny and beat him up real bad. Johnny was never the same after that – he was always scared of everything. Then one night, I was leaving the movies alone and a group of Socs jumped me. My brothers and other Greasers had to rescue me. The next night, Johnny and I were walking Cherry Valance and her friend Marcia home, and Bob Sheldon and Randy Anderson tried to get in a fight with us.

Defense: Did anything happen that night?

Ponyboy: Not that night. But Johnny and I were in the park the next day, and all of a sudden, Bob Sheldon and his friends confronted us. We started to argue, and soon Bob Sheldon grabbed me and started dunking me in the fountain. I was helpless, and I was sure I was going to be drowned.

Defense: Did you make it out alive?

Ponyboy: Yes, but only because Johnny stabbed Bob. At that point, I could escape. I would have drowned if Johnny didn't do something right then!

Defense: The Defense has no further questions. The Defense rests.

Judge: Prosecution, you may cross-examine the witness.

Prosecution: Isn't it true that before the fight broke out, you spit in Bob's face?

Ponyboy: I did...

Prosecution: You ran away from the scene of the crime after Bob Sheldon was stabbed, right?

Ponyboy: Yes.

Prosecution: Immediately after the fight, you fled town, correct?

Ponyboy: I did, I was afraid.

Prosecution: And you also cut and dyed your hair to change your appearance, correct?

Ponyboy: Yes.

Prosecution: We have no further questions.

Judge: The witness may step down. Defense, Call your next witness.

Defense: The Defense rests, Your Honor

Judge: OK - Defense give your closing statement.

Defense: We are, Your Honor.

Your Honor, and Ladies and Gentlemen of the jury, today we heard testimony that proves that Johnny Cade is not guilty of third-degree Murder. Think about the circumstances that Johnny Cade was facing. His friend was being drowned by Bob Sheldon. He could have walked away, but Johnny is a loyal person who could not see his friend hurt or killed! Each of you on the jury should put yourself in Johnny Cade's position. An aggressive, intoxicated Bob Sheldon was drowning Ponyboy Curtis. We heard Ponyboy tell us that he was sure Bob Sheldon intended to drown him and that he was helpless, facing impending death. Without Johnny Cade's assistance, Ponyboy Curtis surely would have died that night.



Johnny Cade is really a hero who saved his friend's life. The death of Bob Sheldon was a justifiable homicide, and therefore Johnny Cade must be found not guilty.

Thank you.

Judge: Prosecution, are you ready to present your Closing Argument?

Prosecution: We are, Your Honor.

Your Honor, and Ladies and Gentlemen of the jury, today we have heard testimony that proves, beyond a reasonable doubt, that Johnny Cade murdered Bob Sheldon. Yes, Bob Sheldon had a bad temper. He also drank too much. But neither of these facts gives Johnny Cade the right to take Bob Sheldon's life. As his teacher and mentor Darren Randolph shared, Bob Sheldon was a good, hard-working young man with a bright future. Furthermore, we need to consider what Johnny Cade did after he murdered Bob Sheldon. He tried to run away and hide from the authorities. That is something only a guilty person would do. Johnny Cade must be found guilty of third-degree murder for justice to be duly served.

Thank You.

Judge's Instructions to the Jury:

Ladies and Gentlemen of the jury, you are the only judges of whether the witnesses are believable. As you decide this case, you should pay attention to how the witnesses looked and acted when they were testifying, to what they said, and to whether different witnesses said things that were the opposite of one another. You should pay attention to all the evidence that shows the witness is credible, and you should pay attention to whether a witness might have reason to say what he/she did even though it might not be the truth. You should also ask yourself whether a witness actually saw the things he/she testified to and whether he/she seems to have a good memory about what he/she saw. Finally, you should remember that two people who see something happen may see or hear it differently, and sometimes people do not remember things correctly and may make an honest mistake. When witnesses disagree with each other, you should decide whether they disagree on something important or on something that is unimportant. You should decide whether the disagreement is because one person made a mistake or because someone told a lie.

Third-degree murder is defined homicide committed with the intention of causing bodily harm, but not necessarily death. It can also be a killing that results from recklessness or negligence. If you conclude that the defendant either did not cause the death of the victim, or alternatively did not act with the intent to cause serious bodily harm or act recklessly, you must find the defendant not guilty. If you conclude that the defendant caused the death of the victim and intended to cause bodily harm, you must consider the defense raised. A defense to this charge includes self-defense or the defense of another party. To establish this defense, the defendant must show that he or she acted to prevent serious bodily harm or the death of himself or another person. The defendant must use only as much force as a reasonable person would use to put an end to the threat. If the defense is established, it is said to be a justifiable homicide and the defendant will be found not guilty. If you conclude beyond a reasonable doubt that the defendant caused the victim's death, but are not persuaded that the death was due to defending himself or another, then you must find him guilty.

The jury may leave the Courtroom now to deliberate.