

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