

## **Murder Self Defense Mock Trial Information for Teachers**

This mock trial is based on an actual case in California in the 1850's, and therefore works well when students are studying California history.

**PEOPLE OF THE STATE OF CALIFORNIA**

**VS**

**JAMES CASEY**

COURT: Members of the Jury, James Casey has been charged in a one count information with the crime of murder in violation of Penal Code §187. The information alleges that on or about May 12, 1856, in San Francisco, California, the defendant, James P. Casey, did kill Thomas S. King, in violation of Penal Code §187. To this charge, James Casey, has entered a plea of not guilty.

COURT: District Attorney you may call your first witness.

D.A. Your Honor, the People call Edward McGowan.

**CLERK SWEARS IN THE WITNESS  
AND HAS WITNESS STATE HIS NAME.**

D.A. How are your employed, Mr. McGowan?

McGOWAN: I am employed as an editor for the San Francisco Bulletin newspaper.

D.A. Back in early May, 1856, was an article published in the Bulletin newspaper about the defendant, James Casey?

McGOWAN: Yes, it was.

D.A.: Do you know who wrote that article?

McGOWAN: Thomas King wrote it.

D.A. What did the article say?

McGOWAN: The article accused Casey of rigging his election to the Board of Supervisors by stuffing the ballot box with forged ballots. The article said Casey should be thrown out of office for voter fraud.

D.A. Do you know how Casey reacted to the article?

McGOWAN: I sure do! I was in a meeting with Mr. King the day after the article was in the paper, when Mr. Casey barged in to the meeting. He confronted Mr. King about the article. Mr. King said to Casey, "You don't like the article? Well, what are you going to do about it? Do you want to fight me?" Then Casey got mad and ran out of the office.

D.A. Were you with Mr. King again later that evening on Montgomery Street?

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McGOWAN: I was.

D.A. What did you observe at that time?

McGOWAN: I was walking down Montgomery Street with Mr. King when Mr. Casey approached us. Mr. Casey said to Mr. King, "There's the big liar."

D.A. What did Mr. King do in response to Mr. Casey's statement?

McGOWAN: He pulled out a gun and pointed it right at Casey's head and said, "What did you call me, Casey?"

D.A. What did the defendant, Mr. Casey, do next?

McGOWAN: He pulled out a gun and shot King in the chest. King immediately fell to the ground. He yelled out in agony and shortly thereafter, he died.

D.A. Sir, any doubt in your mind that Casey shot King?

McGOWAN: No doubt.

D.A. Do you see Mr. Casey in court today?

McGOWAN: I do.

D.A. Could you please point him out for the jury?

McGOWAN: He's sitting right there! (*Pointing to defendant*)

D.A. No further questions, Your Honor.

COURT: Defense Counsel, you may cross examine.

DEFENSE  
COUNSEL So the article King wrote accused Mr. Casey of rigging his election to the  
Board of Supervisors?

McGOWAN: It did!

DEFENSE  
COUNSEL: Do you have an opinion as to whether the article was true?

McGOWAN: It was a pack of lies. Casey won that election fair and square.

DEFENSE

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COUNSEL: By the way, Sir, who did Casey run against for that position on the Board of Supervisors?

McGOWAN: He ran against Mr. King's brother, John King.

DEFENSE

COUNSEL: He beat out King's brother?!

McGOWAN: You got it!

DEFENSE

COUNSEL: Now, when you watched the fight, are you positive that King drew his weapon first?

McGOWAN: POSITIVE!

DEFENSE

COUNSEL: No further questions, Your Honor.

COURT: Mr. McGowan you may step down. Any additional witnesses on behalf of the People?

D.A. The prosecution rests.

COURT: Defense Counsel, does the defense wish to call any witnesses?

DEFENSE

COUNSEL: The defense calls the defendant, James Casey.

CLERK SWEARS IN MR. CASEY AND ASKS HIM  
TO STATE HIS NAME

DEFENSE

COUNSEL: Mr. Casey, prior to the incident, how were you employed?

CASEY: I was on the San Francisco Board of Supervisors.

DEFENSE

COUNSEL: When were you elected to that position?

CASEY: The election was in November 1855.

DEFENSE

COUNSEL: Who did you run against?

CASEY: I ran against Thomas King's brother, John King.

DEFENSE

COUNSEL: Was it a close election?

CASEY: I won the election by about 100 votes.

DEFENSE

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COUNSEL: Did you stuff the ballot box with fake votes?

CASEY: I swear on a Bible, I would never have done such a thing.

DEFENSE

COUNSEL: Did you read the article written by Thomas King about you in the San Francisco Bulletin?

CASEY: I read that garbage!

DEFENSE

COUNSEL: How did you feel about that article?

CASEY: I was furious! The King family was trying to destroy my political career with these lies. I had worked hard all my life to develop a reputation as an honest and trust worthy public servant.

DEFENSE

COUNSEL: What did you decide to do about it?

CASEY: I decided to go to Mr. King's office to confront him.

DEFENSE

COUNSEL: What happened when you got to Mr. King's office?

CASEY: When I confronted him about the article, he gave me this threatening look



and said, "So, James, if you don't like the article, what are you going to do about it? Do you want to fight me?"

DEFENSE  
COUNSEL: How did you respond to that statement?

CASEY: I was too mad to deal with him at that time, so I left.

DEFENSE  
COUNSEL: Did you see Mr. King later that evening?

CASEY: Right. I was on my way to City Hall for a Board of Supervisors meeting when I ran into Mr. King. I called King a liar and all of a sudden he pulled a gun out. He pointed it right at my head! I was terrified.

DEFENSE  
COUNSEL: So what did you do?

CASEY: What could I do? I took out my gun and shot him! I had to defend myself. I feel terrible about what I had to do.

DEFENSE  
COUNSEL: No further questions.

COURT: Cross examination, District Attorney?

D.A.: Mr. Casey, you moved out to California during the gold rush of 1849, isn't that correct?

CASEY: That's true.

D.A.: Prior to living in California, you were living in New York, weren't you?

CASEY: I was.

D.A.: Didn't you get in trouble back in New York for stealing some money?

CASEY: That was 20 years ago when I was a teenager.

D.A.: Ok. When you read that article in the Bulletin you were furious, weren't you?

CASEY: You better believe it!

D.A.: And then when you went to Mr. King's office and confronted him, how did Mr. King respond?

CASEY: He rudely responded by saying, "What are you gonna do about it? Do you want to fight me?"

D.A.: That made you even madder, didn't it?

CASEY: It sure did!

D.A.: In fact, you were so mad at Mr. King, you decided to go get a loaded gun and look for him, didn't you?

CASEY: No sir, that wasn't the way it happened. I was minding my own business. I was on my way to a Board of Supervisor's meeting.

D.A.: You went out looking for him to gun him down, didn't you?

CASEY: No way! I always carry my gun for protection. This is the Wild West. Everybody carries a gun.

D.A.: Mr. King never fired his gun at you did he?

CASEY: Well, no, but I didn't want to wait around for him to shoot me. Do you blame me?

D.A.: Yes, Mr. Casey, I do blame you. No further questions, Your Honor.

COURT: Mr. Casey, you may step down. Defense Counsel - any additional witnesses?

DEFENSE

COUNSEL: The defense rests.

COURT: We will now hear closing arguments of counsel. District Attorney you may proceed.

D.A.: Members of the jury - the evidence is undisputed that the defendant, Mr. Casey shot Mr. King dead. The evidence shows that Mr. Casey, a former thief, was furious at Mr. King for the article he had written. He was so mad, he went to directly confront Mr. King at his office. When Mr. King taunted Mr. Casey, that got defendant even madder. He decided he would get back at Mr. King so he armed himself with a loaded firearm and goes out looking for Mr. King. What do you think he wanted to do when he found Mr. King? He wanted to gun him down. This isn't self-defense, ladies and gentlemen, this is a cold-blooded murder!

COURT: Defense Counsel, you may proceed with your closing argument.

DEFENSE

COUNSEL: Members of the Jury. My client, Mr. Casey, is not guilty of this charge. Every man has a right to defend himself. It is one of the most basic rights an American citizen has. When Mr. King pulled that gun on him, what choice did Mr. Casey have? He either had to pull out his gun and fire or be killed.

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He did what anyone would have done. Please do the right thing and find him not guilty.

COURT: Final instructions.