

Binder Mock Trial Case

Adopted from Georgia Mock Trial Materials by Tim Hart

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Statement of facts

Chris Binder and Frank Marlow were driving at 1:20 AM on January 21, 2023, having just left Robin Lang's party. Binder was driving the vehicle which belongs to Robin Lang. The car turned off Hopewell Road and entered the Deerfield apartment complex. The window of the vehicle was rolled down and music was playing loudly. Binder claims he saw a group of people and several Skillsville police cars in the parking lot. Binder stopped near the individuals and police cars and yelled out through the vehicle's open window. Binder then drove slowly through the apartment parking lot and exited onto Hopewell Road.

Jim West one of the Skillsville Police officers was at the apartment complex claims that he watched as the vehicle drove through the apartment complex and saw that the driver of the vehicle was Chris Binder. West knew that the rumor around Skillsville was that Binder was a drug dealer and was selling drugs to high school students in the area. Officer West knew that Binder was good friends with Robin Lang and knew that Lang was recently arrested by Skillsville PD for Trafficking Cocaine and fentanyl. West said he heard Binder yelling out the vehicle's open window and said Binder said, "#*% you cops" as he drove out of the apartment complex. West said he completed the call that he was on, got into his police vehicle, and decided to follow Binder.

West will testify that he observed Binder drive through a red light one block from the apartment complex. Both Binder and Frank Marlow, the vehicle's front seat passenger, will both dispute this fact and testify that West's traffic stop lacked any Probable Cause. West conducted a traffic stop on Binder's vehicle West of Bethany Bend and Hopewell Road. Officer West will testify that as he approached the driver's side door, he saw Binder reaching down toward the vehicle's floorboard. West will also testify that he suspected that Binder was attempting to reach for a weapon or conceal illegal items. West will testify that for officer safety reasons he reached through the vehicle's open window and grabbed Binder's arm. West then stated that he opened the vehicle's driver's door and pulled Binder from the vehicle. West will testify that Binder was detained, and Marlow was ordered out of the vehicle's passenger front seat. No weapon was found on either Binder or Marlow. Additional backup units arrived on the scene and held Binder and Marlow.

West then searched Binder's vehicle. West claimed he found a Nike Shoebox under the front floor seat that contained Fentanyl tablets. The shoe box label was for a pair of Nike Air Jordans, size 9 1/2. The box was later sent to the Skillsville crime lab and confirmed the tablets were in fact Fentanyl. A proper chain of custody was maintained from the time the drugs were seized until the time of trial. Binder was arrested for possession of Possession with intent to distribute, Possession of a controlled substance, and failing to obey traffic signals.

Binder maintains that he did nothing to provoke the officer. Binder and Marlow claim that they had just left Lang's apartment where they had been having a party. Binder will testify that he has asked Lang to borrow his vehicle so that he could drive to his friend's apartment to pick him up for the party. Binder stated that his friend lives in the Deerfield apartment complex. Binder will admit yelling from the open car window but stated he was only yelling at a friend who was standing by the stopped police cars. Binder will claim that he was only laughing and yelled at his friend "is that you Rock" as he drove away from the apartments.

Binder will state that he never reached down or under the vehicle's floorboard when he was stopped by officer West. Binder will claim that he did nothing to give officer West probable Cause or cause him to be in fear as he approached the vehicle. Binder will claim that the Nike shoe box was in the vehicle when he borrowed it from Robin Lang. Binder will claim that he did not know that the Nike shoe box contained drugs while he was driving it. Binder will further state that he had never seen the shoe box before or that he had driven Lang's vehicle anytime earlier that day. Binder admitted that he does not like police officers because his father was arrested and beaten up by police several years ago. Binder said his father has filed a civil lawsuit against the police department and the officer and that the case is still pending in court.

Frank Marlow will testify that he was the front-seat passenger the night of the vehicle stop and arrest. Marlow will testify that when he got into the front seat of Lang's vehicle that night, the shoe box was already in the vehicle. Marlow stated he had never seen the Nike shoe box before

and that he had never been in Lang's vehicle before that night. Marlow will testify that he and Binder had just left the party at Lang's apartment and Binder has asked him if he wanted to ride with him to pick up a friend. Marlow said that he did not know who the friend was that they were going to pick up and Binder did not tell him. Marlow will testify that he did hear Binder yell out the window in the apartment complex, and he could not hear what was said because the music was playing too loud in the vehicle, and he was pretty tired.

Robin Lang will testify that he was in fact having a party the night of the arrest. Lang stated that Binder approached him at the party and asked if he could borrow his vehicle. Lang will also testify that when he asked Binder why he need to borrow his car, Binder winked at him and stated, "just business bro'." Lang will testify that Binder had the Nike shoe box in his possession when he left the party. Lang stated to police that he did not know what was in the shoe box but suspected "it may be drugs". Lang stated that he had never seen the shoe box before the night of the party. While being interviewed by police the night of Binders' arrest Police noticed that lang was wearing size 9 1/2 Nike Air Jordan. Lang said he had bought them several weeks ago and had thrown the box away. Lang stated that he has never known Marlow to use or sell drugs and that he was a really good guy.

Both Binder and Lang are known to the Skillsville Police department as drug dealers and have suspected that Binder was selling drugs to high school students for some time. Skillsville Police could never get enough evidence to arrest Binder but had recently arrested Lang for Drug possession. Lang had never told police the source of the drugs he was arrested with earlier that year. Police suspected Binder was the source of these drugs that Lang was caught with. Lang pled guilty to the drug charges and is awaiting sentencing on the charges. Police have refused to say if Lang was working as an informant for the Skillsville Police department.

Officer West has been with the Skillsville Police Department for the past 10 years and has a reputation of being an excellent officer. West was not involved in the incident involving Binder's father or the civil suit against the department. Officer West was involved in one use of force complaint last fall at the local high school football game. A student complained that West pushed her out the stadium gate and used foul language as he did so. That complaint was unfounded by the Skillsville Police department.

**IN THE SUPERIOR COURT OF SKILLSVILLE
STATE OF SKILLS**

STATE OF SKILLS

VS

case number 2023-02

CHRIS BINDER

STATEMENT OF STIPULATED FACTS

It is stipulated that for the facts of this case, the following facts have been properly introduced into evidence and may be relied upon by both parties in the presentation of the case.

- A. The Nike shoe box had not been altered since leaving the factory.
- B. That all exhibits included in the case material are authentic and accurate in all respects. No objections to the authenticity of the exhibits will be entertained.
- C. The signatures on all statements and other documents are authentic.
- D. Participants may rely on the information given in the foregoing statement of facts as true and correct. Any further exploration should be avoided.
- E. That the indictment and the charges of the court are accurate in all respects: no objections to the indictment or charge will be entertained.
- F. The Skillsville Police analyzed all substances found in the shoe box and cannot be disputed. No fingerprints were located on the Nike shoe box.
- G. All pertinent Miranda rights were validly waived on all statements. Statements may not be changed or altered.

Prosecution Witness Officer Jim West

EXCERPTS FROM TESTIMONY BEFORE THE GRAND JURY

At approx. 0100 hrs. I was dispatched to the Deerfield Apartments in reference to a domestic disturbance in the parking lot. Upon arrival, I located a woman who claimed her husband had pushed her to the ground during an argument. The husband had left the scene prior to my arrival.

While speaking to the woman in the Deerfield parking lot I noticed a White Jeep Rubicon enter the parking lot. I noticed the driver's side window was rolled down and could hear the music blaring from within the vehicle as it rolled through the parking lot. I could see that there was a front-seat passenger whom I could not identify. The driver of the Jeep Rubicon drove near where I was standing, and I could clearly see the driver of the vehicle. I recognized the driver as Chris Binder. I saw binder lean out the open driver's side window and yell "#*%k you cops" as he drove away. I recognized the Jeep Rubicon belonged to Robin Lang who had recently been arrested by Skillsville Police for drug possession. I had completed my interview in the parking lot with the woman and decided to follow the vehicle as it left the apartment complex.

As I followed the vehicle, I observed it driving through a red light at Bethany Bend and Hopewell Road. I conducted a traffic stop on the vehicle using my overhead lights. I made my approach to the vehicle from the driver's side. As I got close to the vehicle, I could clearly see the driver bending down toward the floorboard and moving around. As I got close to the driver's window the driver began to bend down towards a box under his seat. Fearing the driver was reaching for a weapon I reached into the open window and grabbed his left arm. I opened the car door and quickly removed the driver from the vehicle. As I attempted to place the driver in handcuffs, he attempted to pull away from me. I placed him in handcuffs and advised him that he was being detained. I searched the driver, and no weapon was found on him.

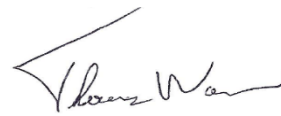
The driver's door was still open, and I looked inside where I had seen him reaching. I observed a Nike Shoebox partially sticking out from under his seat. I told the passenger to step out and walk back to the officers who had arrived on the scene, and he complied. I reached in and picked up the Nike shoe box. Inside the Nike size 9 1/2 shoe box I observed what I believed to be a large number of fentanyl tablets. I advised the driver that he was under arrest for possession of a controlled substance and failing to stop for the red light. I then advised the driver of his Miranda rights.

I sent the suspected fentanyl tablets to the Skillsville crime lab for analysis.

I was aware that the driver Chris Binder's father has a pending lawsuit against the department but that had nothing to do with the traffic violation I observed and the drugs that were discovered.

Verification statement

This is a true transcript of excerpts from the sworn testimony of Officer Jim West, witness, at the Grand Jury proceedings of Skillsville, Skills, reported by Thomas Washburn, Certified Court Reporter, commencing at 1100 hrs. January 23, 2023.



Thomas Washburn, Court Reporter

WITNESS ADDENDUM

I Have reviewed this transcript and I have nothing of significance to add. The material facts are true and correct.



JIM WEST

PROSECUTION WITNESS

ROBIN LANG

Excerpts from testimony before the Grand Jury

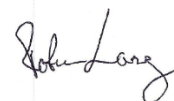
My name is Robin Lang, and I am the owner of the White Jeep Rubicon that was involved in this case. I am 21 years old and employed doing odd jobs around the community. The night of Binder's arrest I was having a party at my apartment with a bunch of my friends when Chris Binder came up to me. Binder ask me if he could take my Jeep to go do some things. I really did not want to lend him my jeep because it's really special to me, but Binder had paid for the stereo system in it, so I said "ok". I gave him the keys to the vehicle and asked him where he was going. Binder kind of winked at me and said, "you know, business". Binder was carrying a Nike shoe box with him when he left my apartment. I also wear Nike shoes, but I don't keep the boxes, I usually throw them away. I did not ask him what was in the box but I kind of knew it was drugs. I know Chris sells drugs and suspect that was where he was going. I know it was dumb of me to lend him my Jeep, but we are good friends. I was arrested last year for selling drugs and am waiting for my sentencing hearing. My lawyer told me to stay out of trouble and not bring attention to myself, so ya it was stupid. So, Binder and Marlow left my apartment driving my Jeep. Marlow is this kid who hangs around with us once in a while and came to my party. I have never known Marlow to use drugs or do anything illegal, so it was weird that he left with Binder. A little while later the cops came to my apartment and seemed to be really mad at me. They had a Nike shoe box with them and asked if I wear Nike shoes. I told them I do and was wearing my size 9 1/2 Air Jordans. They asked me if the box belonged to me and I told them no, these shoes are two months old, and I threw the box away when I got them because I recycle. They asked me about my Jeep and Chris Binder as well. I told them I have nothing to do with whatever Binder was doing and said I would cooperate with them because I did not want to get in any more trouble. I called my attorney the next day and we met with the police for an interview. I agreed to testify against Chris Binder and in exchange, I was sentenced to 5 months probation for my drug charges.

VERIFICATION OF STATEMENT: This is a true transcript of excerpts from the sworn testimony of Robin Lang, witness, at the Grand Jury proceedings of Skillsville, Skills, reported by Thomas Washburn, Certified Court Reporter, commencing at 1300 hrs. January 25, 2023.



Thomas Washburn, Court Reporter

I Have reviewed this transcript and I have nothing of significance to add. The material facts are true and correct.



Robin Lang

DEFENDANT STATEMENT TO THE POLICE

CHRIS BINDER

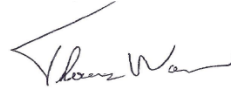
I have known Robin Lang for about 4 or 5 years. Lang is an ok friend, but I always suspected he was up to no good. I mean he owns a badass Jeep, wears expensive clothes, and is always throwing cool parties at his apartment. The guys got no job and has not worked since I have known him. I really was not surprised when I found out he was arrested for selling drugs by Skillsville Police. We were still good friends after that, but I just knew something was not right about the whole thing, I mean where does he get the money for all that stuff?

Anyway, I went to his apartment last Friday because he told me he was throwing another one of his cool parties. I do not have a car, so my mom's dropped me off at about 10 PM. There were a lot of people at the party already and I saw Frank Marlow there. I and Frank were hanging out by ourselves and I decided to go pick up another friend of mine. I had only met this guy recently and only know him as "rock". Rock lives at the Deerfield Apartments but I am not sure which apartment he lives in. I thought I would drive through the complex and see if I could spot him hanging outside. I needed a car, so I asked Lang if I could borrow his Jeep. Lang has loaned me his Jeep in the past so I thought it would be cool with him. I asked Lang if I could borrow his Jeep and he asked me where I was going. I told him I was going to pick up Rock at the Deerfield apartments. Lang said sure and threw me the keys. Marlow saw me leaving and asked if he could come along. I wanted someone to keep me company and pick some tunes out on the radio, so I said "sure". When I got into the Jeep, I did not notice the Nike shoe box and really did not even know it was there until the cops found it. It's not mine and I have never seen it before.

We drove to the Deerfield apartment complex and drove through the parking lot. Marlow had the music blasting, so I had the window rolled down. He was playing some WAP music that sounded like crap. Anyway, I saw a bunch of people near some cops and yelled out the window because I thought I saw Rock. I yelled, "hey Rock is that you". I looked again and didn't see him, so I drove out of the complex. I was driving down Hopewell and crossed Bethany bend when I saw the cop cars flashing lights behind me. I pulled the Jeep over to the side of the road and stopped. Then this cop comes up and for no reason pulls me out of the car. I mean what the hell, he just grabs my arm, Opens the car door, and the next thing I know I am in handcuffs.

When the cop stopped me, my arm was hanging outside the window so when he was coming up, I moved it inside, but that is all I did. He said I was reaching for a gun; I don't even own a gun WTF. The cop put me in the back of his police car and went back to the Jeep. Next thing I know he comes back and tells me "Now I got you," you #\$\$@!ing dooper". The cop shows me a Nike shoe box with drugs in it and tells me it's mine. I never saw that shoe box before. I was taken to jail, and my mom's bailed me out the next morning. I tried calling Lang, but he would not even talk to me.

VERIFICATION OF STATEMENT: This is a true transcript of excerpts from the sworn testimony of Chris Binder, witness, at the Grand Jury proceedings of Skillsville, Skills, reported by Thomas Washburn, Certified Court Reporter, commencing at 0900 hrs. January 27, 2023.

A handwritten signature in cursive script, appearing to read "Thomas Washburn".

Thomas Washburn, Court Reporter

I Have reviewed this transcript and I have nothing of significance to add. The material facts are true and correct.

A handwritten signature in cursive script, appearing to read "Chris Binder".

Chris Binder

DEFENSE WITNESS

FRANK MARLOW

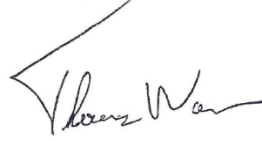
Excerpts from testimony before the Grand Jury

My name is Frank Marlow and I live in Skillsville, Skills. On Friday night January 2, 2020, I was at a party at Robin Lang's apartment. Lang has always been nice to me and lets me hang out at his parties. I saw Chris Binder at the party, and we hung out together, listening to music and talking. The party slowed down a little bit and I went out the front door to get some fresh air. A few minutes later Binder came out and said he was going for a ride and asked me if I wanted to go. I told him "Sure" and started walking towards the parking lot. Binder told me we were taking Lang's Jeep which I had seen parked outside when I got to the party. I walked to the Jeep and Binder came out a few minutes later. I was standing by the Jeep's passenger door and heard the door locks pop open. Binder was still walking towards the Jeep, so I got in. There was a Nike shoe box on the passenger seat so I moved it onto the floor so I could sit down. Binder then walked up and got into the driver's side.

We drove around for a little bit then went to the Deerfield Apartments. Binder told me he was looking for a friend of his that lived there. As we drove slowly through the parking lot Binder leaned out the window and yelled something out the window, but I am not sure what. There was a cool song playing on the radio and I could not hear it. I was looking at the crowd of people and saw a cop looking at us. I didn't think anything of it, and we drove out of the parking lot onto Hopewell Road. We just passed Cambridge High School when we noticed that a cop was pulling us over. We didn't do anything wrong, so I thought it was weird, but you know how cops are around here. I know we went through a traffic light at the intersection, but I was changing the radio station and did not see the lights at the time.

Next thing I know the cop walks up to the car and yanks Chris from the car. He's yelling at Chris not to move, or he will bust him up. I don't even know how the car door was opened so fast. I looked back and saw the cop searching Chris and then putting him in handcuffs. I saw some more cop cars pull up and one of them started walking back toward the Jeep. Dude, I about crapped my pants when he yelled at me to get out of the Jeep. I did what he told me and sat by the hood of his police car. The cop then searched the Jeep and walked back with the Nike shoe box in his hand. He asked me if the shoe box was mine and I told him "Hell no". I saw him talking to Chris and pulled out what looked like drugs from the shoe box. The cops let me go and I took off and walked home. A few days later I heard that Chris was arrested for drug possession. They said he ran a red light, but I don't know anything about that.

VERIFICATION OF STATEMENT: This is a true transcript of excerpts from the sworn testimony of Frank Marlow, witness, at the Grand Jury proceedings of Skillsville, Skills, reported by Thomas Washburn, Certified Court Reporter, commencing at 1100 hrs. January 27, 2023.



Thomas Washburn, Court Reporter

I Have reviewed this transcript and I have nothing of significance to add. The material facts are true and correct.



Frank Mar



Skillsville Police Department

Internal Affairs Complaint Investigation report

Complainant: Clair Watkins

Officer; Jim West

Date: September 30, 2019

The Skillsville Police Departments Internal Affairs was given a complaint form that was completed by Clair Sharma. The complainant alleged a use of force violation against a Skillsville Police Officer that occurred on September 21, 2019 at the Cambridge High School Football stadium. The following statement was taken by Internal Affairs Officers from Clair Sharma at the Skillsville Police Department.

My name is Clair Sharma and I go to Cambridge High School. Last Friday night I was at the Cambridge High School football game hanging out with some friends. I was hanging out by the front gate because the game was almost over, and I was meeting my friends there. I had a cup of Coke in my hand that I had bought earlier that night but really didn't drink much of it. I was gonna leave soon so I dumped my Coke cup and ice on the ground by the gate. Then this cop walks up to me and told me that 'someone now has to clean that up'. I told him "I don't care" and started to walk away. The same cop then grabs my arm and told me that he was kicking me out of the stadium. I told the cop he was an ass and said I was leaving anyway. As I was walking towards the gate, he said I was not walking fast enough. He then grabbed my arm and pushed me out the front gate. He asked me what my name was and said he was going to see to it that I would not be allowed to come to any other football games.

Clair Sharma

Clair S.



SKILLSVILLE Police Department

Internal Affairs Complaint Investigation

Memorandum of findings

To: Skillsville Chief of Police

Ref: Officer Jim West

At your request, the Skillsville Police Departments Internal Affairs Division conducted an internal Affairs investigation into the Alleged use of Force allegation made against Officer Jim West. The interview was conducted at the Skillsville Police department's Internal Affairs Office. The complainant, Clair Sharma was present during the interview.

After the interview was conducted Internal Affairs officers responded to Cambridge High School for further investigation. Officers were able to obtain a recording of the alleged incident and viewed the tape with Division commanders.

The tape was of clear quality and had no audio attached to it. The tape of the incident showed the Complainant Clair Sharma drop a cup containing liquid onto the ground near the front gate as she has stated. The tape showed Officer West contacting the female approx. 10 seconds after the cup was dropped on the ground. Officer West can be seen talking to the female and motioning toward the front gate with his hand. The female can be seen slowly walking towards the gate and stopping numerous times. Officer West can be seen pointing toward the gate and the female pointing her finger at Officer West's face. Officer West then places his hand on the female's shoulder and leads her towards the front gate which she exits on her own.

Internal Affairs officers determined that there was no unnecessary use of force used by Officer West against the female student. Officers may at times be required to place their hands on subjects who refuse to follow commands. It is the findings of this department that no violation has occurred.

Officer West was cautioned about the use of force involving students while working at High School football games by his Patrol Sargent. No other action is required.

Criminal Indictment



State of Skills

V.

In the Circuit Court of Skillsville

Defendant Chris Binder

The Grand Jury of said county charges that, on or about the day of January 21, 2023 in the county of Skills, the above-named defendant: Has been indicted for the following charges.

Count 1: possession of controlled substance with intent to distribute

Count 2: Possession of controlled substance (Fentanyl)

Count 3: Failing to stop for a traffic signal.

Grand jury findings:

We the members of the Grand Jury do find that the driver Chris Binder was in control of the vehicle as the driver when stopped by police officers. That a Nike Shoebox containing Controlled substances was found within the front seat floorboard of the vehicle. That the Controlled substance is against Skills law to possess. That the shoe box belongs to Defendant Chris Binder.

Against the Peace and Dignity of the State of Skills

District Attorney:

A handwritten signature in black ink, appearing to read 'Chris Meyer', is written over a horizontal line.

Chris Meyer, Prosecutor County of Skills

Skillsville Police Department



Photograph Evidence: Nike Shoebox found in Suspects' vehicle.

