

**Monmouth Regional High School, Tinton Falls, NJ**  
**Final Projects**  
**Mock Trial Scripts, 2004 National Online Youth Summit,**  
**The Future of Capital Punishment**  
**Teacher: Kathy Mihalko**

The Timothy Ring Case

Cast:

- Courtroom Deputy
- Judge: Greg Martin
- Prosecutor: Alfred Fenzel
- Defense Attorney: Greg Clark
- Defendant: Timothy Ring
- Jury Member # 1
- Other Jury Members
- Witness 1: Police officer
- Witness 2: Judy Espinoza (Greenham's former girlfriend)
- Witness 3: Accomplice Harold Greenham
- Witness 4: Accomplice William Elwood Ferguson II

Deputy: Please Rise. The United States District Court of Arizona is now in session, the honorable Judge Stanley Feldman presiding.

Martin: Take your seats please. Is the prosecution ready to begin its opening argument?

Fenzel: Yes, we are your honor. We intend to show to the ladies and gentlemen of the jury that the defendant, Timothy Ring, forcibly and viciously robbed an armored truck stealing \$800,000 and killing its driver, John Magoch.

Martin: Ok, and is the defense ready with its opening argument?

Clark: Yes, your honor. We intend to prove that the murder was carried out by Harold Greenham and William Elwood Ferguson and not my client Timothy Ring.

Martin: The prosecution may call its first witness.

Fenzel: We would like to call the arresting officer up first.

(The officer walks up and stands behind the bench.)

Deputy: Do you swear to tell the truth, the whole truth, and nothing but the truth.

Officer: I do.

Deputy: You may be seated.

(The officer sits.)

Fenzel: Officer could you please recount your story of the events that happened on the day in question.

Officer: When I arrived on the scene I found the armored truck with the dead driver lying inside it. He had a hole in his head but we found no bullet. All the money and checks inside were stolen. The witnesses heard no gunshots but observed these three men fleeing rather quickly in the van and a red pickup truck. After tracking these men down we discovered that Ring had just bought two ATVs and a trailer and ring put \$1,000 down on a new car for his wife.

Fenzel: You presumed this was done with the stolen money.

Officer: Yes, we also found a small arsenal of weapons and rifles including a silencer. We found a paper with the three suspect's initials showing how the money would be divided between the three.

Fenzel: Could the silencer have been used to prevent the witnesses from hearing the gunshot.

Officer: We believe that it was.

Fenzel: I have no further questions.

Martin: Does the defense wish to question further.

Clark: Yes, you honor. First I would like to add that the reason for my client's arsenal as you call it is that he works as a headhunter for the FBI at times. You said you found no bullet to match to one of my suspect's guns.

Officer: That's correct but the wound was consistent with a .22 Caliber pistol which he possesses and has a silencer.

Clark: And even if you did you have no witness to prove that my suspect even fired that gun himself.

Officer: The witnesses did not see.

Clark: No further questions.

(The officer gets up and goes back)

Martin: Will the prosecution call up its next witness.

Fenzel: We would like to call Judy Espinoza up.

(Espinoza walks up and stands behind the bench.)

Deputy: Do you swear to tell the truth, the whole truth, and nothing but the truth.

Espinoza: I do.

Deputy: You may be seated.

(Espinoza sits.)

Fenzel: Can you tell us what you told the investigating officers.

Espinoza: I used to hear Harold talking to a man he called "Tim" on the phone about committing a big robbery. They spoke in a kind of code sometimes so I never fully understood what they were talking about. Harold told me "Tim" was doing a job for the FBI with him. I broke up with him because I was afraid he might do something bad.

Fenzel: Thank you Ms. Espinoza, no further questions.

Martin: Mr. Clark, questions?

Clark: None, your honor.

(Espinoza gets up and goes back to her seat.)

Martin: Mr. Greenham and Mr. Ferguson are not available to testify because of their plea bargains. They are also awaiting their own trials.

Martian: The jury will now go deliberate. If found guilty Timothy Ring will face charges of first-degree murder, armed robbery, first-degree burglary, theft and conspiracy to commit murder -- or in the alternative, conspiracy to commit armed robbery or conspiracy to commit burglary.

(The jury leaves and returns several hours later.)

Jury Member #1: The jury has reached a decision your honor. We find the defendant Mr. Timothy Ring guilty of all charges.

Martian: In that case, Mr. Timothy Ring you are found guilty on all charges. You cannot be sentenced until Mr. Greenham and Mr. Ferguson are tried in a court of law. You will face either life imprisonment with the possibility of parole or death by lethal injection depending on the outcome. Court is adjourned.

Matt S., A.J. O., Ethan S.

Mock Trial Script – Murder of Danielle Van Dam

District Attorney – Paul Pfingst

The Judge – William Mudd

Prosecutor – Jeff Dusek

Defense – Steven Feldman

Damon Van Dam (D. Van Dam) – Prosecution Witness; Father of victim

Crt Deputy: All rise. The United States District Court for the District of California is now in session. The Honorable William Mudd presiding.

Judge: Please be seated. Is the Assistant United States Attorney ready to proceed with the opening argument?

Prosecutor: Yes, Your Honor. Ladies and gentlemen of the jury, the Government intends to prove that the defendant, David Westerfield, is a pedophile who snatched her from her canopy bed on the night of February 2nd, raped and suffocated her and then dumped her body along a rural road. AT the conclusion of the trial, I will ask you to return a verdict of “Guilty” as charged. Thank you.

Judge: Does the defendant wish to make an opening statement at this time?

Defense: Thank you, Your Honor. The Defense does wish to make an opening statement. Ladies and Gentlemen of the jury, what the prosecution is attempting to do here today is nothing less than shameful. The prosecution says that my client is guilty of committing abduction, rape, and murder. The evidence will prove that my client is innocent. He did not commit any of these charges. At the conclusion of this trial, I will ask you to return the just verdict of “Not Guilty.” Thank you.

The Defense Attorney sits down.

Judge: The Prosecution may call its first witness.

Prosecutor: Your Honor, the Prosecution calls Damon van Dam to the stand.

D. Van Dam: Well, it was a Friday night. Brenda, my wife, went out with her two friends to a bar while I baby-sitted the kids, Danielle, Dylen, and Derek. Before the ladies left we smoked some pot. It wasn't much, but I shouldn't have done it. Well, after the ladies left the boys and I just played video games and ate pizza all night. I drank about three beers. Danielle wrote in her journal and watched us play. At about 10 pm I put each of the kids in their beds and kissed them all good night. I left each of their door open a crack. A little while later, I went to bed, too. Just before two, my wife and her two friends came home with two guys. After about twenty minutes, the guests left. Brenda came to bed after they left, and just before that she put our dog in our eldest son's room. We didn't check on the children. Something woke me up at 3am. The alarm panel said that there was an open door or window somewhere. I decided on that conclusion quickly and mistakenly. I didn't cross my mind that

someone had entered the house. The next morning, Brenda found Danielle's bed empty. When the police came they questioned us. At first, I lied about the marijuana and alcohol. I didn't think it mattered and I didn't want to get in trouble. But after they told me that every detail was crucial, I told them that the ladies and I did smoke pot before they went out and that I had a few beers after they left.

Judge: Mr. Van Dam, you may step down. The prosecution may call its next witness.

Prosecution: Thank you, Your Honor. The Prosecution wishes to call Brenda Van Dam to the witness stand.

B. Van Dam: Your honor, I just want to say that our family is familiar with Mr. Westerfield, because he lives in the neighborhood a few doors down. I've met him several times. A few of my girlfriends and I went to a Dad's Café bar in late January and I met him there. He told me that he was twice divorced with two kids in college. A few days after I saw him there, Danielle and I sold him Girl Scout Cookies. The last time I saw him was that night when Danielle disappeared. My friends and I saw him at the bar. He said, 'Ladies don't buy their own drinks and threw some money on the bar. My friends and I kind of ignored him. I felt guilty, so I said, 'I'm sorry. I hope we're not being rude, but I came here to be with my friends.'" I was not sure if he was still at the bar when we left close to 2 a.m. I discovered a door in the garage open when I returned home. I closed it and after entertaining my friends from the bar, went to bed without checking on my children. The next morning I went into Danielle's room to wake her up. She usually gets up early while I'm making breakfast but she didn't that morning. When I went into her room, she wasn't in the bed. I started looking around the house and looking in the beds and in the closet. But we couldn't find her. That's when I called the police. I said, "My daughter is not in her bed this morning. She's only seven. I don't know where she could be." The operator was calm and sweet. She told me to think positive thoughts and everything will be ok. When the police came, I told them everything I knew, including what happened the night before. I would have told them anything they asked to get Danielle back. The investigators found Danielle's blood, fingerprints, and hair on Westerfield's property.

Prosecution: The prosecution wishes to call medical examiner Brian Blackbourne, the medical examiner, to the stand.

Blackbourne: When I examined the girl's body, I could not determine how she was killed or if she was sexually assaulted. From the amount of decomposition, Danielle seemed to have been dead any where from ten days to six weeks.

Prosecution: Thank you, Dr. Blackbourne. For our next witness we would like to call Karen LeAlcala.

K. LeAlcala: Ladies and gentleman of the jury, I am the crime scene technician. At the scene I found fingerprints and hair in David Westerfield's recreational vehicle the week after his seven year old neighbor Danielle Van Dam disappeared. After some examination, it seemed evident that Mr. Westerfield cleaned his home and vehicles with bleach after abducting Danielle. I also examined computer discs police found hidden in the book cases of Westerfield's home offices and which contain child pornography.

Prosecutor: Thank you, the prosecution wishes to call DNA analyst Annette Peer to

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the stand.

A. Peer: Your Honor, I examined the blood stains found on the carpet of Westerfield's motor home and jacket. They both match the genetic profile of Danielle Van Dam. There is only one in 670 quadrillion chance the blood on the jacket came from someone else and 130 quadrillion chance that the carpet stain was not Danielle's.

Prosecution: Thank you, Ms. Peer. Your Honor, we have no further witnesses.

Judge: Does the Defense wish to call a witness to the stand?

Defense: Yes, Your Honor. We would like to call Neal Haskell to the stand.

N. Haskell: Your honor, I have evidence that shows that David Westerfield could not have dumped the body in the time frame the prosecution gives. I am an entomologist, a person who studies the age of flies and maggots on a body to determine the time and sometimes the cause of death. All the bugs that I have studied show that the body had to be dumped sometime between February 12th and February 25th. This means that David Westerfield was under police surveillance at that period of time and could not have dumped the body along the roadside.

Defense: Your honor, the defense calls its next witness, Denise Kemal

D. Kemal: You honor, I am here to testify that on the night of the February 1st, the last night Danielle was seen alive, I was smoking marijuana in the Van Dam's garage with Mrs. Van Dam and after that we left to go to a local bar and restaurant.

Defense: Your honor, the defense calls its next witness, Ryan Tyrol.

R. Tyrol: Your honor, I am here to testify to the nature of the mother the night the daughter disappeared. I was at the bar with a friend when we saw Mrs. Van Dam approach us. When you get an invitation like that its not like everyday, so I took it kind of seriously. She walked up to us and invited us back to her house for sex.

Defense: You honor, the defense calls its next witness, Patricia LePage

P. LePage: You honor, I am here to testify about Mrs. Van Dam's contact with Mr. Westerfield the night of the abduction. Mrs. Van Dam was rubbing her hip bones and bosom against Mr. Westerfield while they danced. If I had to describe it, I would say that they danced like the people danced in "Dirty Dancing". Mrs. Van Dam was definitely all over the place, and all of her actions were rather frisky.

Defense: You honor, the defense calls its next witness, Marcus Lawson.

M. Lawson: Your honor, the child pornography might belong to the son of David Westerfield, Neal. The screen name used to view these sites is DNWest. Westerfields son's full name is David Neal Westerfield. Coincidence? Other child pornography has also been found on his son's computer in his college dorm.

Defense: You honor, the defense calls its next witness, Janet Roehrs.

J. Roehrs: Your honor, I am here to testify about the nature of David's departure and to clear up any vague points on the trip. The trip was absolutely normal, I have seen

him pull up and pack that RV, then leave the same day. Also, David might not have packed the sand buggies if his adult son was not present with him. I have known David for a long time. We even have a standing invitation to use his home pool. He is a nice man and I can't possibly see him committing this crime.

Defense: Thank you your honor, this concludes our defense.

Judge: Now, for the closing arguments. Prosecution?

Prosecution: Ladies and Gentlemen of the jury, I don't need to beg and plead for you to give me the verdict that I want to hear. The evidence speaks for itself. Hair and fibers samples were both found on Danielle van Damn and in David Westerfield's trailer. Her hair was everywhere, her DNA found proved to be hers. We have also shown you the state of mind that David Westerfield was in after being danced with quite provocatively for a good period of time. We have shown you the sick intuitions of Westerfield and the numerous examples of child pornography on his computer. Danielle van Dam's fingerprints were found on closets in Westerfield's trailer. Excuse me for feeling this way but isn't this wrong? Isn't this immoral? Isn't this every parents nightmare? I think that if this man gets away with such a horrendous crime, our society is simply worse off. Please, ladies and gentleman of the jury, lets not make the wrong decision. Let's realize what is at stake and punish the man who is responsible for this innocent girl's tragic death. Thank you.

Judge: Defense?

Defense: Ladies and Gentlemen of the jury, let me remind you of something. We have had numerous witnesses come in and testify that the dumping of the body occurred a good 2 weeks after the killing had supposedly occurred. We have shown that Danielle van Dam received scratches from the family dog, and not necessarily from the defendant. We had a frequent RV user come in and testify that it is common to take the routes that Westerfield take, and it is also common to have the curtains closed in your RV. We have also had a witness testify that when Westerfield arrived at a campsite in Coronado Cays, he did not come from the direction of the Van Damn home. What do all of these facts mean? Well, ladies and gentlemen of the jury, this creates a reasonable doubt. And with reasonable doubt, by law, you must render a verdict of not guilty. Thank you.

Jury leaves, deliberates, and returns.

Jury: We the jury, find the defendant, guilty as charged. As well, we recommend a sentence of death.

Nisha R, Diego R, Gina C, Sean W - Monmouth Regional High School