Once Upon a Crime

• Did Goldilocks wilfully trespass and destroy the property of the three bears?
• What crime did the wolf commit against the three little pigs? Is the wolf obligated to repair the pigs’ homes?
• Was Peter Pan guilty of kidnapping?

In *Once Upon a Crime*, students use familiar stories to experience what it is like to investigate a crime scene, uncover important facts, weave together an argument supported with evidence and witnesses, and present their findings in a trial that simulates a court hearing. They also learn about other ways of resolving conflict, such as mediation, negotiation, and restorative justice processes. Through these activities, children engage in critical thinking, hone their literacy skills, and learn about the role law plays in their lives and their rights and responsibilities as citizens.

This book offers step-by-step instructions for conducting mock trials based on fairy tales and other multicultural stories. Five complete trial scripts are included for classroom use. Also included are ideas for adapting contemporary stories into civil and criminal trials, and mediation and negotiation activities.

*Once Upon a Crime* complements the authors’ previous book, *Let’s Talk About Law in Elementary School*, which helps teachers integrate law-related ideas and pedagogical approaches into social studies, language arts, and science.

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Preface

This book has been several years in the making. Several years ago, we developed a series of fairytale mock trials for Law Day in Vancouver – an annual event sponsored by the Law Courts and the Law Courts Education Society as a way to inform the public about the workings of the courts and legal system. Our trial of Goldilocks and the Three Bears, performed by elementary students in costume and presided over by a Supreme Court Justice, turned out to be an extremely popular event with children and adults alike. We received scores of letters from teachers, parents, students, and participating judges and lawyers expressing their appreciation for the mock trial experience and suggesting we find some way to bring the experience into classrooms.

Later, as we worked with practising and prospective teachers in the law education courses we offer through the Faculty of Education at Simon Fraser University in Burnaby, BC, we found that mock trials and other conflict resolution activities provided participants with a wonderful opportunity to learn about legal concepts and principles. The stories that formed the basis of these trials were familiar to all: *The Three Little Pigs* and the big bad wolf; *Alice in Wonderland* and the accusatorial Queen; *Hansel and Gretel* and the evil witch. Bringing the suspects from these stories to trial and making them account for their actions enables children to revisit these stories in fresh ways and learn about the legal system at the same time. Many of the teachers from our courses went on to develop and hold mock trials with their own classes. Ultimately, we realized that creating scripts for the trials and providing guidelines for how to hold a mock trial might help teachers use this creative resource more effectively. This book is the result.

This book includes scripts for five storybook mock trials that we have successfully used with elementary students in Grades 2 to 7. This book provides information and guidelines to help teachers prepare and implement the trials in their classrooms. In the first section, we discuss the curriculum connections and examine the many benefits of using this educational strategy with children. We have also included suggestions for how teachers and students can develop their own mock trials using stories of their choosing. In an effort to illustrate the various ways people can resolve conflicts outside of the courts, we've also included a chapter on conflict resolution and restorative justice activities.

We hope that teachers and students will use the resources in this book to hold their own trials and that they will see storybook mock trials as an enjoyable, engaging, and productive way of learning more about law and justice in our society.

Wanda Cassidy and Ruth Yates
Acknowledgments

We would first like to recognize the British Columbia teachers, in training at Simon Fraser University, and in practice throughout the Province, who have participated in, created and used fairy tale mock trials in their classrooms. Both they and their students have inspired the activities that are described here. Heather Gascoigne, Principal at Sir Sandford Fleming Elementary in Vancouver, in particular, was instrumental in creating, developing, and implementing in her classrooms, most of the mock trials presented here. She has been the inspiration for most of the other activities in the book and tireless in her advocacy of student-centred classrooms. Julie Fortin created the humorous version of Hansel and Gretel, and Tannis Calder gave us a whole new way of looking at Dr. Seuss, demonstrating what innovative teachers can do with classic stories. We appreciate the review comments of a number of teachers in Ontario, each of whom piloted at least one of the activities in their classrooms. Their assessments have kept us aware of the special needs of classroom teachers. Barbara Johnston played an extremely important role as she edited the original text. Her close attention to detail and concern for the needs of the teacher implementing the strategies in the classroom has contributed much to the final product. Our thanks to her cannot be captured in this simple acknowledgment. We are grateful to our colleagues at SFU who worked on the manuscript over its many incarnations, especially, Kieran Egan who patiently adapted his brilliant and imaginative educational theories for our specific needs, Meguido and Marah Zola helped us appreciate the legal dimensions of multicultural stories, Dennis Smith who drew the storybook characters, Eileen Mallory and Devi Pabla who input and stored numerous versions of the chapters and trials as they have grown over the years. The original authors of the stories we have used here, as well as the children who have inspired them and us through countless generations, also deserve our praise and thanks.
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Introduction

Just as no one is ever too young to participate in legal debate - "No fair!" "You copied!" "Why can't I?" no one is ever too young to learn about law and justice – not just about the rules and processes which govern society but also, more broadly, the ideas that are at the foundation of our law, its great impact in our lives, and our daily interaction with it.

Conflict is a part of everyday life, and children are always assigning guilt and responsibilities, making and enforcing rules, and questioning and testing the limits of authority. Yet while children have firm notions about what is fair or just, they often do not yet have the communication skills needed to untangle disputes or the analytical skills to understand another person's point of view. The storybook mock trials and conflict resolution activities introduced in this book provide an engaging and safe way for children to develop their understanding of fairness and justice and how these concepts relate to rules and law. Further, the experience of participating in a trial can help children understand more about social responsibility and citizenship.

Storybook mock trials are make-believe trials based on well-known and well-loved stories. Fairytales provide the perfect story form for a trial because they have a simple story structure and because they deal with issues important to children: fairness, justice, good and evil, right and wrong. It's easy and fun for children to participate in the structure of a trial and concentrate on larger issues when the story is a simple but captivating fairytale. For example, everyone knows the story of the three little pigs, but what if we shift perspective and give the poor wolf a fair trial? Perhaps, as Sissi, the Wolf argues in our script, he was suffering from hay fever and accidentally blew down the pigs' houses when he stopped by to welcome them to the neighborhood. Similarly, what would happen if Hansel and Gretel were charged with murder of a helpless old woman and stealing her jewels for their own personal gain? No longer seen as the victims, Hansel and Gretel must defend their actions. This shift in perspective has children look at these classic stories in a new light.

By holding a simulation of a real trial and putting these well-known characters on the stand, children not only learn about law and justice but also discover how to identify with a role, how to articulate a perspective, and how to give a reasoned decision. Through this experience, they enhance their ability to appreciate different points of view, weigh the reliability of evidence, and reflect upon issues of power and social responsibility.

The mock trial also provides an ideal cooperative learning experience. For the event to succeed, students need to work together in small groups, then in larger groups, and finally with the full class for the trial itself. Each student plays a different but important role, and each role fits into the larger scheme, like the pieces of a jigsaw.

As we know, the learning experience is far more powerful when children are emotionally and intellectually engaged. The mock trial provides a framework for students to grapple firsthand with important legal, moral, and ethical issues. The students actually become defense lawyers or prosecution lawyers and have to articulate their line of reasoning, or they become witnesses or members of the jury and have to provide evidence or make a decision about guilt or innocence. As a result, the students have to engage with the evidence and sift through differing perspectives.
In doing so, they experience the depth and richness of learning that comes from being immersed in another world.

**Structure of the Book**

The book is divided into four sections:

- **Section 1** provides the theoretical foundation for mock trials and examines why storybook mock trials provide such a valuable learning experience for children. Chapter 1 illustrates how storybook mock trials and conflict resolution activities fit with prescribed learning outcomes and in chapter 2, education professor Kieran Egan examines why fairytales and other fantasy stories so effectively help children learn about reality.

- **Section 2** contains information on how to go about planning and implementing a scripted mock trial with children. Step-by-step guidelines are included on how to plan and conduct a mock trial, from warm-up role play activities that open the students to the imaginative process to post-trial discussion questions to help children reflect on the experience and outcomes of the trial.

- **Section 3** introduces a number of related activities for upper elementary students. Chapters are included on how students can design and conduct their own criminal trial or civil mock trial based on a story or an event of their choosing, and a chapter that focuses on alternative activities, such as negotiation, mediation, and justice circles that can be used to resolve conflicts in a less adversarial fashion and also bring people together. Also included is an annotated list of story ideas that work well for mock trials and other conflict resolution activities.

- **Section 4** includes five mock trial scripts based on fantasy stories, which teachers will wish to photocopy for students use: Goldilocks and the Three Bears, Alice in Wonderland, The Three Little Pigs, Peter Pan, and Hansel and Gretel.

Fairytales and children's stories provide many opportunities to help children explore legal issues, restore justice, and learn ways to resolve conflicts. The mock trials and conflict resolution activities presented here provide a vehicle for examining these issues and concepts in a highly interactive and productive fashion. This resource will also support teachers' efforts to address the important curricular issues of literacy and social responsibility.
Section 1: Why Do A Storybook Mock Trial?

This section focuses on the theoretical issues underlying the value of storybook mock trials as learning experiences for children. Chapter 1 looks at how mock trials meet curricular goals and examines the educational and pedagogical issues involved with teaching using storybook mock trials and conflict resolution activities. In chapter 2, education professor Kieran Egan, examines the role fairytales and other fantasy stories play in helping children learn about reality.
Chapter 1: The Place of Mock Trials in the Curriculum

The use of mock trials and conflict resolution activities in the classroom introduces children to practical experience in problem solving and decision making. By identifying with a character and taking part in analyzing and resolving dilemmas that others face, children learn to become more empathetic, better critical thinkers, and more socially responsible.

Children intuitively understand that someone should listen with an open mind when they have a complaint, that they should be treated fairly, that there are consequences when they have hurt someone else or someone has hurt them. Children expect adults to make fair and reasonable decisions when dealing with such complaints. Their expectations of adults are similar to the expectations adults have of the legal system, which is one of the tools society uses to solve problems that individuals cannot fix themselves. Both adults and children should realize that it is always better to try to solve problems without resorting to the legal system, and that going to court should be the option of last resort. It is important that children learn the skills that will enable them to analyze and resolve their problems successfully and to make good decisions. Mock trials and other conflict resolution activities are designed to teach these particular skills.

Meeting Curricular Goals with Mock Trials

Many fundamental curricular goals can be addressed through students' participation in a mock trial. The mock trial and other conflict resolution activities are particularly suited to the language arts and social studies curricula. The following outcomes have been extracted from various provincial curriculum guides.

Language Arts

- Read, listen, and speak to:
  - explore thoughts ideas, feelings and experiences
  - respond personally and critically to oral, print, and other media
  - manage ideas and information
  - enhance clarity and artistry of communication
  - respect, support, and collaborate with others
  - develop questions
  - clarify meaning
  - think critically
  - build understanding
  - Develop openness to new ideas
  - Apply effective communication skills
• Read widely and experience a variety of children's literature
• Make language choices to enhance meaning and imaginative writing
• Identify, summarize, express, and respond to information, ideas, perspectives and opinions
• Make judgments and draw conclusions on the basis of evidence

Social Studies

• Engage in active inquiry and critical and creative thinking
• Engage in problem-solving and conflict resolution with an awareness of the ethical consequences of decision-making
• Conduct research using varied methods
• Organize, interpret, and present findings, defend opinions
• Communicate ideas and information in an informed, organized, and persuasive manner
• Demonstrate social compassion, fairness, and justice
• Recognize roles, rights, and responsibilities in school and community
• Acquire the skills, knowledge, and values necessary to understand Canada
• Demonstrate a commitment to democratic ideals and principles, including respect for human rights, principles of social justice, equity, freedom, dissent, and differences and willingness to take action for the public good
• Critically analyze and research social issues
• Solve problems and address conflicts in creative, ethical and non-violent ways
• Demonstrate an awareness of the needs, rights and feelings of others
• Be aware of civic and social rights and responsibilities
• Demonstrate an understanding of the Canadian justice system
• Understand the purpose and function of laws
• Relate fiction to real life experiences
• Develop communication skills
• Recognize career opportunities
• Practice social citizenship skills

Assessing Learning

Mock trials and conflict resolution activities address literacy and social responsibility objectives in a powerful way, and they provide a rich source of evaluation data for teachers. Through every step of the process, learning outcomes can be observed, documented, and tested. There are many opportunities for teachers to observe children working independently, cooperating in small groups, and participating in large group discussions and activities. The group process can also involve self-evaluation and peer assessment. Students can submit journals describing their contributions and reflections. Students can then be assessed not only according to how well they meet the expectations of their role but also with regard to their increased understanding of court processes, principles of justice, and the role of different court personnel. In the chart following, some ideas are outlined for academic and social learning.
<table>
<thead>
<tr>
<th>Instructional Strategies</th>
<th>Learning Outcomes</th>
<th>Assessment</th>
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</thead>
<tbody>
<tr>
<td>Story Development</td>
<td>Listen attentively and demonstrate an awareness of the needs, rights, and feelings of others</td>
<td>Recall plot and characters in a story</td>
</tr>
<tr>
<td>1. Reading/listening to a story</td>
<td>Compare thoughts and beliefs to those of others</td>
<td>Identify relevant evidence</td>
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<tr>
<td>2. Analysis of plot and characters</td>
<td>Experience a variety of children's literature</td>
<td>Identify issues in conflict</td>
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<td>3. Awareness of purpose and perspective</td>
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<td>Suggest alternative outcomes</td>
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<td>Warm-Up Activities</td>
<td>Cooperative learning</td>
<td>Participate in group activity</td>
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<tr>
<td>1. Role play feelings</td>
<td>Role taking</td>
<td>Communicate effectively</td>
</tr>
<tr>
<td>2. Oral description of visual observations</td>
<td>Resolving problems</td>
<td>Prepare reasoned arguments</td>
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<tr>
<td>3. Talk through differences</td>
<td>Discussion participation</td>
<td>See a different point of view</td>
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<td>4. Defend a position</td>
<td>Articulating feelings</td>
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<tr>
<td>5. Take opposite positions</td>
<td>Make community connections</td>
<td></td>
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<tr>
<td>Background Information</td>
<td>Discover their place within broader social community</td>
<td>List significant laws</td>
</tr>
<tr>
<td>1. Laws and their enforcement</td>
<td>Acquire background knowledge of the legal system</td>
<td>Identify the role of the courts</td>
</tr>
<tr>
<td>2. Purpose and function of the courts</td>
<td>Understand the role of law in regulating society</td>
<td>Identify court personnel</td>
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<tr>
<td>3. Procedure in a trial</td>
<td>Practice critical thinking</td>
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<td>4. Roles of court personnel</td>
<td>Separate fact from fiction</td>
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</tr>
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<td>Mock Trial Preparation</td>
<td>Co-operative learning</td>
<td>Contribute to group effort</td>
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<tr>
<td>1. Group and collaborative work</td>
<td>Search for supporting facts</td>
<td>Accept a role</td>
</tr>
<tr>
<td>2. Strategy planning</td>
<td>Simulate real life experiences</td>
<td>Prepare role - memorize part</td>
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<td>3. Evidence gathering</td>
<td>Express creativity</td>
<td>Develop an opening statement</td>
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<td>4. Role taking</td>
<td>Develop sense of social responsibility</td>
<td>Prepare questions and appropriate responses</td>
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<tr>
<td>5. Research implementation</td>
<td>Replicate citizen involvement</td>
<td>Make presentation - follow script</td>
</tr>
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<td>6. Developing questions</td>
<td>Build empathy through participation</td>
<td>Organize for trial</td>
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<tr>
<td>7. Presentation preparation</td>
<td>Find a just solution to conflict</td>
<td>Set up classroom/courtroom</td>
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<td>8. Event planning</td>
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<td>9. Facilities management</td>
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<tr>
<td>Mock Trial</td>
<td>Follow instructions</td>
<td>Follow through on group plans</td>
</tr>
<tr>
<td>1. Follow court procedure</td>
<td>Speak in public</td>
<td>Prepared for presentations</td>
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<tr>
<td>2. Oral presentation</td>
<td>Collaborate effectively</td>
<td>Articulate responses</td>
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<tr>
<td>3. Fulfill responsibilities</td>
<td>Assume and sustain a role</td>
<td>Organized evidence</td>
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<tr>
<td>4. Role play</td>
<td>Support a position with evidence</td>
<td>Oral and written summaries</td>
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<tr>
<td>5. Analyze evidence</td>
<td>Clarify and summarize information</td>
<td>Propose viable decision</td>
</tr>
<tr>
<td>6. Summarize information</td>
<td>Make a judgment based on evidence</td>
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<tr>
<td>7. Make a decision based on evidence</td>
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<tr>
<td>Post Trial Activities</td>
<td>Empathize with others</td>
<td>Express personal opinion</td>
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<tr>
<td>1. Debriefing</td>
<td>Summarize what has been learned</td>
<td>Reflect on experience</td>
</tr>
<tr>
<td>2. Analysis of experience</td>
<td>Appreciate other perspectives</td>
<td>Motivated to change attitudes and behaviors</td>
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<tr>
<td>3. Awareness of perspective</td>
<td>Build self-esteem</td>
<td></td>
</tr>
<tr>
<td>4. Assessment of process</td>
<td>Analyze experiences</td>
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For each stage of the mock trial, the instructional strategies are outlined and these are connected to learning outcomes and various assessment opportunities.

**Engaging Children in Learning**

Mock trials and other conflict resolution activities engage children's emotions and promote their social development. These activities provide opportunities for children to identify with different roles, such as the accused, a witness, a lawyer, or a jury member, and to understand different points of view. In a mock trial, students also experience the process of determining relevant facts to support a case, weighing evidence, and assessing arguments; these tasks help children refine their problem-solving skills. Students are also drawn into an analysis of important value questions such as: What is the impact of hurtful behavior? Who is responsible? What is a fair punishment? How is the problem best resolved? How can we all become more socially responsible?

It is sometimes difficult for children to recognize their own mistakes or faulty decision making. By engaging in role play, children are able to work through the mistakes of others and analyze in open and non-threatening ways why certain characters did what they did. Children can also see different and creative ways to resolve the dilemmas posed by the story. Lessons from the fantasy world then can be applied to the real world. Through role play, children also experience how the justice system works and are able to grapple firsthand with important legal and democratic principles such as fairness, impartiality, due process, the right to be heard, the importance of evidence, and the notion that someone is innocent until proven guilty.

There is evidence in the educational literature to show a strong relationship between emotional engagement in learning and attitudinal change. If students experience for themselves the challenge of balancing interests so that adversaries can appreciate each other's position, there is more likelihood of changing attitudes (Damon, 1977 and Manley-Casimir, Cassidy, and LeBaron, 1993). The presentation of differing perspectives and the search for an equitable solution lies at the heart of the mock trial and other conflict resolution activities.

Research also suggests that children learn better from activities which are investigative, hands-on, and provocative (Joyce and Weil, 1996). Engaging children in the process of resolving a problem is more instructive than simply telling them about ways it might be done. Preparing for a mock trial and acting out the various roles provides children with an innovative framework for working through complex relationships.

Studies in pedagogy also suggest that assuming a role enables children to differentiate the perspectives of self and others. This experience enhances their ability to understand another's capabilities, personality attributes, expectations, desires, feelings, motives, potential reactions, and social judgments (Joyce and Weil, 1996). Role play is a form of social cognition intermediate between logical and moral thought. Because it permits children to feel, act and think like characters in stories, role play helps children relate to situations, empathize with story characters, and understand more fully the concepts and topics presented in a story.

Role play is also a valuable tool for enhancing the emotional and moral functioning in children. When children are encouraged to act on sound moral values based on a sense of human dignity, justice, fairness, and equality, they are developing and exercising good citizenship skills. As students simulate scenarios where these values are tested they begin to more fully understand the values presented. Experiential learning can assist students to think independently and collaboratively and thereby become more responsible and participatory citizens (Solomon, 1987).
Of course, a mock trial based on fairytale characters and events is also enjoyable. Children can imagine fantasy characters tangling with danger, threats, and other scary things. They are motivated to untangle the predicaments in which the storybook characters find themselves. Imaginative activities increase children’s language learning because they can use contextual clues to derive the meaning of words, sentences, and paragraphs. Notions of self and self-worth are enhanced by experiences that involve the original, imaginative, and spontaneous interpretation of a character. The chance to play that role in a cooperative setting with other students in a group also strengthens the child’s sense of identity and value (Carlton, and Moore, 1966). Others claim that “creative dramatics or role playing develops the whole child without diminishing the uniqueness of the individual, allowing each child to make a contribution in a risk-free atmosphere” (Miller and Mason, 1983, p. 128). Role play gets children on their feet, relieving boredom and allowing for a fresh start on learning tasks. Role-play activities allows children to make decisions about problems which are real to them, allows them to take responsibility for decision making, asks them to be responsible, and lets them interact with each other so that they are exposed to different points of view and reasoning processes.

The mock trial is also an excellent cooperative learning activity. Each child has a role that fits into the overall scheme of the simulation, like the pieces of a puzzle. If one piece is missing, or if one student fails to do his/her task, the whole puzzle is incomplete. However, because the trial includes many different kinds of roles, all requiring differing skills and abilities, each child can find a role in which he or she excels. A more verbally articulate student might play the lawyer, a student with a flare for dramatics might choose to be a witness, a creative student might choose to be the court artist, and a quieter student might play the sheriff or court reporter. This differentiated model allows every student to succeed individually as well as within the larger group.

References


Chapter 2: Reality, Fantasy, and Mock Trials

Kieran Egan

When children participate in mock trials, there is no doubt they are quickly engaged in the experience. Children can become intensely involved in these trials, and many claim afterward that they thoroughly enjoyed themselves. But are they learning any realistic knowledge and skills? Is a mock trial nothing more than an acted-out fantasy story? This dilemma can become pointed for teachers when they switch the focus of a mock trial from such fantasy characters as the Three Little Pigs, Goldilocks, or Alice in Wonderland to realistic topics close to home, such as who egged the teacher’s car or who stole money from the school secretary’s desk. Trials based on fairytales and other fantasy stories are usually engaging and even exciting for children, while more realistic ones commonly fall flat.

This difference in experience can be puzzling to many teachers; their own educational studies have often emphasized that children are concrete thinkers who will be most readily engaged by, and find most meaningful, realistic material closely connected with their own everyday environments. If the fantasy materials are much more successful in making the activity work, are the children simply engaged by these familiar stories and their characters but not engaged by the law? Are they actually learning anything realistic? Does the fantasy element in mock trials suggest that entertainment has displaced education?

I believe that the fantasy content that seems so important to the success of mock trials does not detract from their educational value. Children’s engagement with the fantasy material does not mean that they are cut off from dealing with reality. Indeed, it is the fantasy content that helps the child to grasp the real issues in a meaningful and tangible way.

The Importance of Context

We value fairytales and fantasy stories so highly because they put us into a context that tells us securely how to feel. For example, by itself, the event “the bear went into the forest” tells us very little. For one thing, we do not know what to feel about it. Is it good or bad, dangerous, or wonderful, that the bear went into the forest? If we learn that the bear was trying to escape from some hunters who wanted its skin, we might feel glad that the bear managed to escape into the forest. On the other hand, if we discover that hunters are lying in wait in the forest to catch the bear, then our emotional response to the event “the bear went into the forest” might rather be pity or fear. Unless, of course, we then learn that the bear has cruelly eaten some children and their father, and the hunters want its skin to warm the destitute widow and her surviving baby through the coming winter.

These examples might not be the makings of a classic story, but the point is that we don’t know how to feel about “the bear went into the forest” until we have reached the end of the story, when we know the total context of the events. Indeed, we know we have reached the end of a
story when we know how to feel about all the events that make it up. That is why computers can’t recognize stories as distinct from other kinds of narratives. Stories are those kinds of narrative that help us frame emotional responses to the elements that make them up. No other form of language, no other narrative, tells us so clearly “how” to feel about the events and elements presented.

The problem with life and with history is that we can never know securely how to feel about them. As new things happen, we continually have to reassess how we feel about past events. Egging a car or stealing money exist in an affective vacuum. Like “the bear went into the forest,” the events of vandalism or theft remain unclear without the context of a story. But we do know how to feel about Goldilocks or about Hansel and Gretel because they exist in the context of an emotion-orienting story.

As adults we commonly separate out for analytic purposes our perception of events, our feelings about them, and our thinking about them. However, in real life we do not perform these three tasks separately; we perceive, feel, and think at the same time. The incessant focus in education on rational thinking has tended to hide the fact that we hardly ever simply “think” about anything without involving our feelings. This fact is perhaps even truer for children, who have not been schooled so long toward purely rational thinking. Their emotions are commonly tied up with thinking.

Consequently, fairytales present children with a particularly welcome environment for understanding thoughts, perceptions, and feelings. A mock trial of Goldilocks for the theft of Baby Bear’s food takes place in the context of a story in which the children’s emotions are already involved. This emotional – and imaginative – grasp on the content of the trial is far from a trivial matter. Without it, children are missing one of the most important tools they have for making sense of an experience. With it, one of the most important tools children have for making sense of experience is being actively deployed.

The emotions evoked by classic fairytales and other fantasy stories include courage and cowardice, security and fear, hope and disappointment, cleverness and stupidity, energy and sloth, and so on. The stories raise the most profound conflicts we experience in life. While the mock trials take place in what seems like a playful setting, the playfulness supplies the protective context within which to address these profound issues. Bruno Bettelheim has discussed in detail the important role the classic fantasy tales can play in the healthy psychological development of children. He compares their role with that of myths in traditional oral cultures. As he writes, “myths and fairy stories both answer the eternal questions: What is the world really like? How am I to live my life in it? How can I be truly myself? The answers given by myth are definite, while the fairy tale is suggestive” (1976, p. 45). The degree of children’s engagement in the stories, and in the mock trials built on them, should indicate that something more important than trivial entertainment is going on.

Arthur Applebee, who has studied children’s understanding of stories extensively, elaborates on how classic fantasy tales deal with reality under the surface level, as it were:

The stories [children] hear help them to acquire expectations about what the world is like – its vocabulary and syntax as well as its people and places – without the distracting pressure of separating the real from the make-believe. And although they will eventually learn that some of this world is only fiction, it is specific characters and specific events which will be rejected; the recurrent patterns of values, the stable expectations about the roles and relationships which are
part of their culture, will remain. It is these underlying patterns, not the witches and giants which give them their concrete form, which makes stories an important agent of socialization, one of many modes through which the young are taught the values and standards of their elders. (1978, pp. 52-53)

The mock trial that uses fantasy story material is nevertheless demonstrating and establishing patterns of expectations and values that help children grasp important features of reality. I think we need not fear that these fantasy-based mock trials are dealing only with trivial and frothy content as far as the children are concerned.

In addition, the mock trial itself takes the form of a story. It has a beginning in which the conflict is established, a middle in which the conflict is elaborated and complicated, and an end in which the conflict is resolved. That is, the important qualities of any story apply doubly to mock trials. Mock trials rely on the context of a well-known story, and they work out a story within that overall context.

**Fantasy and the Everyday World**

Why are children so readily engaged by fantasy characters, such as talking rabbits, pigs, or bears? If learning does proceed from the local and immediate and gradually expands outward – that “constant expansion of horizons” John Dewey insistently argued for (1916/1966, p. 175) – then children’s fascination with fantasy creatures and unbelievable situations is puzzling. It is inadequate to say that these are the kinds of creatures that are presented to children in stories. The audience plays a major role in determining the kind of story presented to it. If children responded equally enthusiastically to realistic tales, then their storybooks would not be full of talking animals.

Consider how children build up their conceptions of most of the phenomena of their everyday world. We see them constantly forming oppositions like hot/cold, soft/hard, big/little, wet/dry, and so on. Bettelheim suggests this procedure is necessary because children first need to establish frames of reference or contexts in order to come to grips with reality. “Since polarization dominates the child’s mind, it also dominates fairy tales,” he argues (1976, p.9). These polarizing oppositions provide the most general frames of reference for children’s exploration of reality. Think, for example, about how a child begins to develop some conceptual grasp over the temperature continuum. At the beginning, the child necessarily understands only the concepts of “hot” and “cold.” “Hot” simply means “hotter than my body’s temperature,” and “cold” means “colder than my body’s temperature.” Later, the child will mediate between these two concepts and develop the concept of “warm.” As C.K. Ogden states: “When once an opposition is established and its principle understood, then either opposite, or any intermediate term, can be at once defined by opposition or degree” (1967, p. 20).

What has this theoretical point to do with the three little pigs and mock trials? The environment of the child is made up not only of a continuum between the big and the little, the hot and the cold, the soft and the hard, and so on. The child’s world is also made up of discrete, discontinuous things like human and animal, nature and culture, life and death. What happens when you try to make sense of oppositions like human and animal using the procedure that helps you develop a conceptual grasp over the material world? First, you develop concepts that distinguish between people and animals, but then you try to mediate between the oppositions. And what do you get when you mediate between human and animal? Among much else, you get the three lit-
tle pigs. They are animals, but, they are dressed in clothes, they can talk, they want to build safe homes for themselves, and so on.

When a mock trial draws on the story of the three little pigs rather than on three children in the neighborhood, it is tying into that area of intellectual activity most energetically engaged in developing a conceptual grasp over reality. The three little pigs might seem the antithesis of reality, but two realistic things seem to be going on in such fantasy tales. First, the content being dealt with concerns life and death, fear and anxiety, safety and danger, love and hate, and a range of the most powerful emotional material we face as human beings. That children face these emotional challenges within the confines of fantasy stories provides them with insulation against the implications these challenges may have in reality. But one cannot argue that the stories are driven by the most basic emotions and values we humans experience.

The second fact is that the procedure of forming oppositions and mediating between them seems responsible for generating fantasy worlds. Fantasy stories engage children so vividly not because they are removed from reality but because coming to terms with the unreality of the mediating categories is of crucial importance to children as they develop clear conceptions about the range and limits of reality.

Set within the context of an overarching story, each mock trial is based on stark oppositions. The structure of any trial sets up the opposition in the beginning, then elaborates on it. In a mock trial the elaboration involves asserting the opposing positions and trying to make one of the two opposing viewpoints persuasive and the other doubtful. The child engaged in the mock trial is examining the events from one perspective and then the other, and the child is probably finding both positions persuasive at one time or another. Even though the ending of the trial (particularly a criminal trial) has to assert the victory of one position, that convention does not obliterate the different perspectives the child has experienced. While the end is not a mediation — a “warm” from “hot” and “cold,” as it were — in the child’s mind the simplicity of the beginning will already have been through quite complex mediation. One discovery children will commonly make is that, even in the stories that form the basis of mock trials, the truth is rarely as simple as it might at first seem.

It is worth remembering, also, that the contents of children’s fantasy tales are, in significant degree, similar to the contents of the myth stories of the world. Of particular interest here are those half-animal, half-human creatures that are ubiquitous in myths. We know that myths are not some intellectual frothy confection waiting only for rationality to come along and make them redundant. Rather, myths involve subtle intellectual strategies for making sense of the world and experience. While full of what we may consider fantasy content, myths deal very adequately with the real world of their users. Not dissimilarly, children’s engagement with fantasy is not some obvious intellectual defect to be cured immediately but is rather one of the strategies humans use to come to terms with reality.

The Abstract Foundations of Fantasy

As suggested above, if we consider the kinds of emotional categories that underlie most children’s fantasy stories, we find such abstract concepts such as love and hate, anxiety and security, good and bad, courage and cowardice, and so on. In other words, whether the story involves Hansel and Gretel, the three little pigs, Peter Pan, or another fictitious character, dramatic con-
conflict between opposite emotions lie just under the surface of the story. It is as though the story itself exists to articulate and resolve the underlying conflict, which is based on these essential abstractions of life.

Through these abstractions, the concrete content is made meaningful and engaging. The mock trials based on fantasy tales are engaging because underlying the tales, and so underlying the trials, lie the most powerful abstract ideas we ever deal with. Children grasp the surface content of the trials by wrestling with the emotional abstractions beneath them. While it is generally supposed that children easily understand the concrete aspects of their daily lives, the fact is that they access these “realities” through their consideration of the abstractions.

Mock trials have significant educational merit. Not only can children learn the basic elements of legal principles and democratic behavior, but at the same time they also have the opportunity to consider more subtle issues that are at the heart of educational development for their age. The engagement we commonly see when children participate in mock trials is not simply an acting out of a fantasy; it demonstrates in a profound sense an involvement with reality and with issues of deep human significance.

Unlike reality stories, the use of fairytales and fantasies is crucial to the educational success of mock trials and essential to helping focus children’s minds on the content and procedures of the trial.

Moreover, setting the mock trials in the context of fairytales ensures that the emotional orienting power of the story form can help make the content meaningful. The fantasy content does not remove the mock trial from the real world; rather, it provides the means for young children to address important features of reality. The fantasy surface does not prevent realistic learning, and the abstract concepts that figure so prominently in fairytale mock trials give children access to the concrete content that forms the explicit material of the trials. Mock trials are indeed of significant educational value, in part due to the fairytales and fantasy stories on which they are based.

References

Section 2. Guide to the Storybook Mock Trials

There is a vast range of ways to stage a mock trial. Mock trials can be held in a classroom, in the school gym, or in a courtroom or other public setting borrowed for the occasion. Participants can wear elaborate costumes or they can wear a simple sign indicating who they are. It can be staged for the whole school with friends and families invited, or it can involve only the members of the class. Regardless of how a mock trial is staged, there are numerous learning opportunities, and students will have a lot of fun as they prepare for the trial. This section is a companion to the five mock trial scripts and includes information on what students and teachers need to do to stage a mock trial. The storybook mock trials are suitable for Grades 2 to 7, and we've recommended grade levels for each script, as follows:

Goldilocks and the Three Bears: Grades 2 to 3
Three Little Pigs: Grades 3 to 5
Peter Pan: Grades 3 to 5
Alice in Wonderland: Grades 4 to 7
Hansel and Gretel: Grades 5 to 7

The pre-trial activities, group-work preparation, and post-trial activities for the scripted mock trials can be modified to fit any of the elementary school grades.

Chapter 3 provides the following step-by-step directions for getting started.

• Timeline
• Including families
• Warm up activities
• Essential legal information for teachers

Chapter 4 describes how to organize the trial itself.

• Identifying roles and tasks
• Casting
• Planning logistics

Chapter 5 outlines the steps involved in holding the actual trial, and chapter 6 deals with important post-trial activities such as discussion and debriefing sessions.
Chapter 3: Getting Started

As the class starts to prepare for the mock trial, some preliminary activities help familiarize everyone with the kind of work involved and the tasks to come. This chapter includes information about timelines, the importance of involving families in the mock trial preparation, and some ideas for warm-up activities, which can help introduce students to the nature of role-playing and the importance of drawing on their imaginations. This chapter also provides some basic principles of the law, so teachers can introduce the concept of the law to students and explain specific issues as necessary, along with an overview of the storybook mock trial scripts.

Timeline

The actual staging of a trial can take up to two hours. The amount of time a class spends on preparation before the trial depends on how elaborate the trial is. In general, organizing and staging a mock trial takes about 10 hours of class time. To keep up the momentum and to build group cooperation, it is better to organize the mock trial as an intensive experience where students work on it an hour or so every day for two to three weeks, rather than as an intermittent activity that students turn to once a week over several months. Students can do much of their preparation at home, such as making their costumes, and learning their lines.

It is also important to allocate class time after the trial for debriefing and extension activities to allow students to get out of role, reflect on their experiences, and extend their learning into related areas. Post-trial debriefing and activities can take up to two hours.

Here is a rough guideline of how to organize the time:

- **Week 1**: warm-up role play activities, introducing the idea of law, reading the story organizing groups and role selection.
- **Week 2**: group work, learning parts, preparing props and costumes
- **Week 3**: staging the trial, post-trial discussion and post-trial extension activities

Involving Families

Mock trials are a great way to involve parents in the process of their child's learning. Teachers are encouraged to send a letter home explaining what the class is doing, and the educational benefits of the mock trial. Invite parents to participate. You may find parents who work in an area of the law, and who might act as the judge or a consultant for the mock trial. Parents can also play an important role by helping their children learn their parts and make their costumes. Parents may also want to be involved if the trial is held in the local courthouse or public place. By watching the event, parents can see evidence of their children’s learning and experience firsthand the satisfaction students feel from successfully demonstrating their new skills and knowledge.
Warm-up Role Play Activities

Participating in a mock trial gives students the chance to take on a new role and play a character entirely different than themselves. Students will vary as to the ease with which they can take on different roles, so warm-up exercises are important for those who feel inhibited in some way. These warm-up activities will help students become more comfortable with taking on a new role for the trial and help them appreciate the difference between reality and imagination.

Persuasion

Students work in pairs. Each partner chooses a color and has three minutes to convince their partner of why their color is the best. Partners can use any means of verbal persuasion.

Mirrors/Shadows

Working in pairs, one student initiates the movement and the other student is the mirror and tries to copy the movement. The student who is initiating the movement begins by moving slowly. Both keep eye contact. The exercise is working when the two begin to move as one. Emphasize that cooperation is the aim, not trying to confuse the “mirror.” This activity allows students to practise cooperating and concentrating.

Point of View and Role Reversal

Put students in two lines sitting on chairs facing one another, knee to knee. One side argues the affirmative with the person in front of them. The other line argues the negative. Give each side a couple of minutes to argue their case. Then each person on one side moves over one chair and makes the argument with the next person. This continues for a two more moves. The students then switch sides and argue the other position. It’s best to use silly ideas, such as blue is a better color than green; cats make better pets than dogs; winter is the best time of year. When the activity is over, give students a chance to debrief; they can discuss what the two roles felt like and whether they gained any new perspectives or found new solutions. This activity gives students experience in persuasion and point of view.

Role Play from a Photograph

In small groups, students look through a newspaper or magazine to find a photo that appeals to the group. The group members develop a scenario based on what they think is happening in the photograph. Each student then takes on the role of someone in the photo. Using the photo as a guide, students bring it to life by role playing the situation.

Experts

Students work in small groups so that each student has a chance to become an expert in a particular field. Encourage students to be creative when they think up possible “experts,” such as an expert on wrinkle cream for rhinoceroses, or a wizard who’s an expert on magic spells. The others interview the “experts” to test them on their knowledge of the field and their ability to answer questions. Interviewers could assume the role of television reporters. Working in role, students should try to convince the others of their expertise by answering the questions as authentically as possible.

Making Quick Decisions

Students work in pairs or small groups to solve a conflict. They are given roles or an outline of a situation. In role, they are given a problem or conflict to solve, in which they only have
just a couple of minutes to come up with a solution. At the end of the allotted time, students share their solutions with the entire class. Students share how they reached a decision and how they felt under the pressure of time.

**A Basic Introduction to Law and Legal Procedures (for teachers)**

A teacher does not have to be a lawyer or an expert in law to put on a mock trial. You need to know something about the law and legal procedure before undertaking a mock trial with students. You may also be able to use this information as a handout for older students. A glossary of key legal terms is included in Appendix A. More information on law resources, including legal education organizations and websites, is included in Appendix B.

**Courts**

A court trial is often called a hearing because a judge (or a judge and jury) hears the matter before making a decision. Courts deal with criminal matters where the state (represented by the police, government, and prosecutors) charges an individual for an offence. Courts also hear civil or private matters. When two individuals or groups cannot come to an agreement, they may decide to take their problem to court. Civil law covers all laws that aren’t criminal. (See chapter 8 for more information on civil court trials). All of the scripted storybook trials in this resource deal with criminal matters.

**Criminal Court**

A crime has been committed when a person breaks one of the laws set out in the Criminal Code of Canada. If a person commits a crime, such as stealing, breaking into somebody’s house, or murder, the police lay a charge, and the state follows up on this charge by bringing the accused to court. The state or society brings the accused to court because certain offences are considered a crime against all of us – they contravene our fundamental values and beliefs as a nation. The state is represented by Crown counsel, which is the prosecution. In this book, we use the terms “prosecutor,” or “prosecution team,” rather than “Crown.”

If the prosecution team thinks they have a good case against the accused, they will set up a trial date and prepare a case. The prosecutor is responsible for proving that the accused is guilty beyond a reasonable doubt. The accused usually acquires a lawyer and together they work together to provide the best defense against the accusation.

Because all the powers of the state can be used to prosecute a case against an accused, many safeguards have been established to protect the defendant’s rights. The legal rights set out in sections 7 - 15 of the *Canadian Charter of Rights and Freedoms* are designed to ensure that the state does not abuse its powers. This means that when the police think a crime has been committed there must be reasonable grounds before they can search or seize a suspect. Accused individuals must be informed of the charges against them; they must be able to contact a lawyer and they must be tried within a reasonable time. It is also the accused’s right to be presumed innocent until guilt is proven in a fair hearing.

Before the trial, the prosecution lawyers and the defense lawyers do a lot of work to prepare. They investigate the crime, gather evidence, examine witnesses, write appropriate questions for witnesses, study the relevant law, and prepare their arguments. The prosecution is responsible for proving the case against the accused, so prosecution lawyers must be very thorough in the way
they prepare their evidence and witnesses. The prosecution should also present a clear picture of
the crime and the series of events that led up to the crime. The defense counsel only has to show
that there is reasonable doubt that a crime was committed or that the person accused committed
the crime, so preparation of the defense depends on how much evidence the prosecution has
against the accused. The prosecution has a duty to show the defense counsel what evidence it has
so that the defense can prepare its own case adequately.

Court Procedure

The way a court hearing is conducted (often called court procedure) differs according to
the kind and level of court that is hearing the matter. All of the scripted storybook trials follow
the procedure used in a Canadian Provincial Superior (or Supreme) Court. This is the court that
usually hears serious matters such as crimes where the punishment is more than two years imprison-
ment and civil cases where the damages would be more than $10,000. Depending on the severity
of the crime, a person may have the option to have the case heard by a judge alone or by a
judge and jury. If a judge alone hears the case, the judge decides whether the accused is guilty or
not guilty based on the evidence. The judge then decides on the punishment from a range of sen-
tences set out in the Criminal Code of Canada. A jury is a requirement for the most serious
crimes. When a jury is involved, the jury decides whether the accused is guilty or not guilty and
the judge determines the appropriate sentence.

Legal Terminology

Following are some key terms that are used throughout this discussion of a mock trial,
which the teacher may need to explain to the students. These terms are also included in the gloss-
ary in Appendix A.

Trial: A hearing before a judge, or a judge and jury, to decide if a law has been broken.

Verdict: A finding by the court that a person is guilty or not guilty.

Evidence: The information presented by the lawyers and witnesses during a trial.

Exhibit: An object, such as a fingerprint chart, a piece of cloth, or a letter, which is used
as evidence by lawyers to prove a case.

Sentence: The punishment that a judge orders after an accused person is found guilty
(such as imprisonment or fine).

Discussion of the Idea of Law and Justice

Children often associate the law only with the police, criminals, and jails. Many don't real-
ize that the law touches all aspects of our lives and that police officers and jails are only part of
the legal system. Before starting work on the mock trial, it's helpful to assess students' under-
standing of the law, courts and justice system. Below are some simple activities and discussion ques-
tions which may be used to assess pre-knowledge before introducing the role and function of the
various participants and the purposes of a trial.

Ideas for Activities

These activities help students think about how the law affects them and can lead to a broad-
er discussion about the law and trials.

Have students review a newspaper and circle all items related to law.
Ask students to examine a TV guide and circle all shows related to law, the police, and the courts.

Show a videotape of a television news broadcast and then ask students to identify all stories related to law.

Have students record everything they did that morning from the time they woke up until they arrived at school, and then discuss how each of these activities is influenced by law.

**Ideas for Discussion**

Below are a few ideas for provoking discussion about the law, courts, and trials. These questions can lead to other questions and help students think about the role of courts and the meaning of justice in our society.

- Brainstorm the words that come to mind when you hear the word “law.”
- Brainstorm the words that come to mind when you hear the word “court.”
- Is a law different than a rule?
- What is the role of lawyers in a court?
- Why do we have prosecution lawyers as well as defense lawyers?
- Why are crimes considered to be against all of us in society?
- Why are crimes prosecuted by the state?
- Is it important that an accused obtain a lawyer? Why?
- What does a judge do?
- Why do we have juries? What is the jury’s role?
- What does “innocent until proven guilty” mean?

During this discussion, some of the students may mention law shows on television. Explain that most of these shows are made in the United States, which has a different legal system than Canada.

**Reading the Story**

Most students will probably be familiar with the stories on which the scripted mock trials are based. However, since there is sometimes more than one version of the storyline, the teacher may want to read the story again to the students or have them read it themselves so they’re reminded of the plot, characters, setting, mood, theme, and problem or conflict in the story. Once the students have read the story, the teacher can review the facts, characters, and issues and work with the class to identify the dilemmas. These dilemmas can then be related to law and the criminal mock trial, so students see the connections.

**About the Storybook Mock Trials**

The following are brief summaries of the five stories and the criminal charges on which each trial is based.
Goldilocks and the Three Bears Mock Trial

Her Majesty the Queen v. Goldilocks

By Wanda Cassidy

Recommended for Grades 2 to 3
Case for the Prosecution

That Goldilocks deliberately stole food belonging to the three Bears, and broke a chair belonging to Baby Bear.

Case for the Defence

That Goldilocks ate the Bears' food only because she had been lost in the woods for two days and was extremely hungry and thirsty. That when she found the Bears' house, she did not think Baby Bear would mind her eating his porridge as he had shared food with her before. The Defence disputes the Prosecution's theory that Goldilocks broke Baby Bear's chair, instead stating that it was already broken or that it was broken in some other way.

Trial Roles

Judge (best played by an adult)
Prosecution Lawyers 1, 2, and 3
Defence Lawyers 1, 2, and 3

Prosecution Witnesses:
Corporal Fox
Papa Bear
Mama Bear

Defence Witnesses:
Baby Bear
Goldilocks

Officers of the Court:
Court Clerk
Court Reporter
Sheriffs 1 and 2

Members of the Jury (8, 10, or 12 members), one of whom is appointed Foreperson

Members of the Media:
Print journalists
Television reporters
Court artist

Suggestions for Costumes, Props, and Exhibits

Costumes
Judge Gown
Prosecution Lawyers Black gowns
Defence Lawyers Black gowns
Court Clerk Black gown
Court Reporter       Black gown
Sheriffs 1 and 2     Brown hats and jackets
Corporal Fox         Fox costume or RCMP uniform (red tunic, brown hat)
Goldilocks           Long blonde hair
Papa Bear            Brown fur costume with face paint, neck tie
Mama Bear            Same as above; also apron/skirt
Baby Bear            Same as above; could also wear a bib and carry a stuffed toy
Court Artist         Smock and beret; could carry paper and coloring pencils
Members of the Media Name tags or press identification attached to hats or jackets, or worn around the neck; could carry pens, notebooks, and cameras
Members of the Jury  Forest animal costumes (with ears, tails, and face paint) or dressed as other inhabitants of Storybook Village

Props

Indictment Easel to hold fingerprint chart

Exhibits

Exhibit 1:          Porridge bowl
Exhibit 2:          Broken chair
Exhibit 3:          Goldilocks' fingerprint chart
Exhibit 4:          Fingerprints lifted from chair and porridge bowl

Procedure

Entering the Courtroom

1. The teacher welcomes the guests and reviews the intent and format of the trial, and the role of the audience.
2. The Prosecution and Defence lawyers arrive and sit at their tables.
3. The witnesses and media arrive and sit in the area reserved for them.
4. Sheriff 1 enters the courtroom with Goldilocks. He/she seats Goldilocks in the prisoner's box, then sits nearby.
5. The Court Clerk and Court Reporter arrive and take their places.
6. Sheriff 2 calls the court to order, and asks everyone to stand.
7. The Judge and Jury enter the courtroom, accompanied by Sheriff 2 and take their places. After the Judge and Jury are seated down, the public sits down and the trial is ready to begin.

**Trial Procedure**

1. The Court Clerk stands and reads the indictment.
2. The Prosecution and Defence lawyers introduce themselves to the Judge.
3. Prosecution makes an opening statement to the Jury, presenting what they intend to prove and listing their witnesses: Corporal Fox, Papa Bear, and Mama Bear.
4. Prosecution calls Corporal Fox to the stand.
5. Defence cross-examines Corporal Fox.
6. Prosecution calls Papa Bear to the stand.
7. Defence cross-examines Papa Bear.
8. Prosecution calls Mama Bear to the stand.
9. Defence cross-examines Mama Bear.
10. Prosecution rises and says to the Judge that the Prosecution's case is concluded.
11. Defence makes a short opening statement to the Jury, outlining their defence and listing their witnesses: Baby Bear and Goldilocks.
12. Defence calls Baby Bear to the stand.
13. Prosecution cross-examines Baby Bear.
14. Defence calls Goldilocks to the stand.
15. Defence says that their case is concluded.
17. Defence makes a closing statement to the Judge and Jury.
18. Prosecution makes a closing statement to the Judge and Jury.
19. The Judge makes a brief statement to the Jury, reviewing the charges and instructs them to go to the Jury room to decide their verdict.
20. Sheriff 2 says “Order in the court. All rise.”
21. The Judge and the Jury exit the courtroom.
22. The Jury discusses the trial.
23. Sheriff 2 says, “Order in the court. All rise.”
24. The Judge and Jury return to the courtroom, accompanied by Sheriff 2.
25. The Judge asks the Jury for the verdict.
26. The Foreperson reads out the verdict of guilty or not guilty for each charge. If Goldilocks is found guilty of either charge, the Judge will impose an appropriate sentence. Otherwise, the Judge tells Goldilocks that she is free to go.
27. The Court Clerk adjourns the court.
Trial Script

Sheriff 2: Order in the court. All rise.

(Everyone stands as the Jury and then the Judge enter the courtroom, accompanied by Sheriff 2.)

Court Clerk: This court is now in session. Mr./Madam Justice ~~~~ presiding.

Judge: You may be seated.

(All participants sit. Sheriff 1 is seated by Goldilocks; Sheriff 2 sits between the Judge and Jury.)

Are all parties present?

Prosecution 1: (Stands and addresses the Judge) Yes, My Lord/My Lady. In the case of Her Majesty the Queen against Goldilocks, I am __________, and with me are __________ and __________, acting on behalf of the Prosecution.

(Each member of the Prosecution stands as he/she is introduced; all sit after introductions are finished.)

Defence 1: (Stands and addresses the Judge.) My Lord/My Lady, I am __________, and with me are __________ and __________, acting on behalf of the accused, Goldilocks.

(Each member of the Defence stands as he/she is introduced; all sit after introductions are finished.)

Judge: Thank you.

(To Court Clerk) Please read the charges.

Court Clerk: (Stands) Will the defendant please rise?

(Goldilocks and Sheriff 1 stand.)

(Reading from the indictment)
Goldilocks, you stand charged that on or about February 1, 20~~~, at Storybook Meadows, in the Province/Territory of ~~~~, you did commit theft of a value not exceeding $5 000 by willfully stealing porridge, the property of the three Bears, contrary to section 334(b) of the Criminal Code of Canada. How do you plead?

Goldilocks: Not guilty, My Lord/My Lady.

Court Clerk: Goldilocks, you stand charged that on or about February 1, 20~~~, at Storybook Meadows, in the Province/Territory of ~~~~, you did commit mischief by willfully damaging a chair belonging to Baby Bear, contrary to section 430(1) of The Criminal Code of Canada.
How do you plead?

Goldilocks: Not guilty, My Lord/My Lady.

Court Clerk: My Lord/My Lady, the accused pleads not guilty to both charges.

Judge: Thank you. You may be seated.

(*Those standing now sit down.*)

Prosecution 1: My Lord/My Lady, the Prosecution is ready to begin.

(*Opening statement*) My Lord/My Lady, we intend to prove that Goldilocks deliberately stole and ate the Bears' food and broke Baby Bear's chair. To support our case, we will be calling Corporal Fox, Papa Bear, and Mama Bear to the stand. I now wish to call Corporal Fox.

(*Corporal Fox enters the witness stand. Usually, all witnesses remain standing only until they have been sworn in, but Corporal Fox remains standing throughout his/her testimony.*)

Court Clerk: (Approaches the witness stand) Do you swear to tell the truth, the whole truth, and nothing but the truth?

Cpl. Fox: I do.

Court Clerk: State your name and address, please.

Cpl. Fox: My name is Corporal Francis/Frances Fox and I live at 63 Grassy Hole, Storybook Village.

Court Clerk: Thank you.

(*The Court Clerk returns to his/her seat.*)

Prosecution 1: Corporal Fox, how long have you been a member of the police force?

Cpl. Fox: I have been a member of the Storybook Village police force since 20〜〜.

Prosecution 1: Tell me what happened on February 1st of this year.

Cpl. Fox: I received a telephone call from Papa Bear who lives in Storybook Meadows. I went to Mr. Bear's address and met him and Mama Bear and Baby Bear. Papa Bear showed me three bowls of porridge and a broken chair. He told me that their beds had also been disturbed, as if someone had slept in them, and that he saw a young girl running away from the house.

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Prosecution 1: Can you describe the condition of the porridge bowls and the chair?
Cpl. Fox: The porridge in the smallest bowl was almost gone and the chair was broken.

Prosecution 1: What did you do with that porridge bowl and that chair?
Cpl. Fox: I put the bowl in a plastic bag and put it and the chair in my car.

Prosecution 1: Is this the same bowl and the same chair?
Cpl. Fox: Yes.

Prosecution 1: My Lord/My Lady, we submit these items as Exhibits 1 and 2.

(The Court Clerk labels the plastic bag containing the bowl "Exhibit 1" and the chair "Exhibit 2," then shows them to the Jury before showing them to the Judge.)

Now Corporal Fox, what did you do after you put the bowl and chair in your car?
Cpl. Fox: I searched the woods and soon found a little blonde girl asleep under a tree. She looked like the little girl the Bears told me about so I arrested her and took her to the police station.

Prosecution 1: Do you see the same little girl in the courtroom today?
Cpl. Fox: Yes. (He/she points to Goldilocks.)

Prosecution 1: Let the record show that Corporal Fox has identified the defendant, Goldilocks, as the girl he found in the woods and arrested.

Corporal Fox, what did you do when you got to the police station?
Cpl. Fox: I took Goldilocks' fingerprints. I also took the fingerprints off the porridge bowl and chair.

Prosecution 1: Are these the fingerprint charts?

(Shows Exhibits 3 and 4 first to Corporal Fox and then to the Defence.)
Cpl. Fox: Yes.

Prosecution 1: My Lord/My Lady, we submit these as Exhibits 3 and 4. Will the Court Clerk please label these.

(The Court Clerk labels Goldilocks' fingerprint chart as "Exhibit 3," and the lifted fingerprints as "Exhibit 4." He/she then shows the exhibits to the Jury before showing them to the Judge.)
And were the fingerprints taken from Goldilocks and those on the chair and bowl the same?

Cpl. Fox: Yes.

Prosecution 1: Thank you. I have no further questions.

Judge: Does the Defence wish to cross-examine the witness?

Defence 1: Thank you, My Lord/My Lady.

Cpl. Fox: Corporal Fox, was Goldilocks a big girl or a little girl?

Defence 1: She was about the size of Baby Bear.

Cpl. Fox: Was she thin or fat?

Defence 1: She was thin.

Cpl. Fox: What did she say to you when you found her in the woods?

Defence 1: She said it was good to have some porridge in her tummy because she had been very hungry.

Cpl. Fox: What did her clothes look like?

Defence 1: They were torn and messy.

Cpl. Fox: Did she say anything to you during the ride down to the police station?

Defence 1: She was mostly crying and didn’t say much except that it was so good to have some food in her tummy. She also asked me to help her find her home because she was lost.

Cpl. Fox: Thank you. No more questions.

Judge: You may be excused, Corporal Fox.

(To Prosecution) You may call your next witness.

(Corporal Fox returns to his/her seat in the courtroom.)

Prosecution 2: My Lord/My Lady, I call Papa Bear to the stand.

(Papa Bear enters the witness stand.)

Court Clerk: (Approaches the witness stand) Do you swear to tell the truth, the whole truth, and nothing but the truth?

Papa Bear: I do.

Court Clerk: Please state your name and address.

Papa Bear: My name is Papa Bear and I live at Honeysuckle Cottage, in Storybook Meadows.
Court Clerk: Thank you. You may be seated.

*(Papa Bear sits down in the witness stand. The Court Clerk returns to his/her seat.)*

Prosecution 2: What happened on the morning of February 1st?

Papa Bear: Mama Bear, Baby Bear, and I sat down for breakfast but our porridge was too, too hot so we took a short walk in the woods so that our porridge would have time to cool down.

Prosecution 2: What did you find when you got back to your house?

Papa Bear: When we sat down for breakfast, I noticed that some porridge had been eaten from my bowl and Mama Bear’s bowl. Baby Bear’s porridge was almost all gone.

Prosecution 2: What did you do then?

Papa Bear: I said, “Somebody has been eating my porridge. I wonder who it is.” So I looked around and then noticed that Baby Bear’s chair was broken.

Prosecution 2: Was the chair broken before you left?

Papa Bear: Oh, no. At least, I don’t think so.

Prosecution 2: What did you do then?

Papa Bear: We checked all over the house and then went upstairs.

Prosecution 2: What did you see upstairs?

Papa Bear: I noticed that somebody had been sleeping in my bed. It was all messy. Then I saw a little blonde haired girl jump out of the window and run away.

Prosecution 2: Do you see this same little girl in the courtroom today?

Papa Bear: Yes. *(He points to Goldilocks.)*

Prosecution 2: What did you do then?

Papa Bear: I was angry so I phoned the police.

Prosecution 2: No more questions, thank you.
Judge: Does the Defence wish to cross-examine?

Defence 2: Yes, My Lord/My Lady.

(To Papa Bear) Did you see Goldilocks eat the porridge?

Papa Bear: No.

Defence 2: Did you see her break the chair?

Papa Bear: Well, no, but ... she must have ... 

Defence 2: Have you met Goldilocks before?

Papa Bear: No.

Defence 2: Had you heard of Goldilocks before you saw her that day?

Papa Bear: Yes. She sometimes plays with my son, Baby Bear.

Defence 2: Thank you. No more questions.

Judge: You may step down.

(To Prosecution) You may call your next witness.

(Papa Bear returns to his seat in the courtroom.)

Prosecution 3: I call Mama Bear to the stand.

(Mama Bear enters the witness stand.)

Court Clerk: (Approaches the witness stand) Do you swear to tell the truth, the whole truth, and nothing but the truth?

Mama Bear: I do.

Court Clerk: Please give your name and address.


Court Clerk: Thank you. You may be seated.

(Mama Bear sits down in the witness stand. The Court Clerk returns to his/her seat.)

Prosecution 3: Had you or Papa Bear or Baby Bear eaten any porridge before going out on the morning of February 1st?

Mama Bear: No. We didn’t eat any because it was just too hot right then.

Prosecution 3: Were the beds made that morning?

Mama Bear: Yes. I saw Papa Bear and Baby Bear do it.

Prosecution 3: Has Goldilocks ever eaten your food before?
Mama Bear: Yes. One day a few weeks ago, I made a big picnic lunch for Baby Bear. I watched Baby Bear take the lunch into the woods and when he was about to eat it Goldilocks came along and ate some too.

Prosecution 3: No further questions.

Judge: Does the Defence wish to cross-examine the witness?

Defence 3: Yes, My Lord/My Lady.

Mama Bear, do you like Goldilocks?

Mama Bear: I have never met her.

Defence 3: Has Baby Bear shared part of his lunch with Goldilocks any other time than that one day?

Mama Bear: Well, I’ve seen them eat his lunch on maybe three or four occasions.

Defence 3: Do you leave your door unlocked when you leave the house?

Mama Bear: Oh, yes.

Defence 3: Have any other animals or people ever come into your house when you’ve been away?

Mama Bear: Well, a couple of times we’ve had to chase out a badger, a raccoon, and a deer.

Defence 3: Could one of these animals have eaten the food and broken the chair?

Mama Bear: Oh, no. It’s definitely Goldilocks.

Defence 3: Why do you say so?

Mama Bear: Because she’s always eating Baby Bear’s food and I’m tired of having her do that.

Defence 3: But you didn’t actually see Goldilocks eat the porridge or break the chair, did you?

Mama Bear: Well, no …

Defence 3: No more questions.

Judge: Mama Bear, you may step down.

(Mama Bear returns to her seat in the courtroom.)

Prosecution 1: We rest our case and have no further witnesses, My Lord/My Lady.

Judge: (To Defence) The Defence may present its case.

Defence 1: (Opening statement) My Lord/My Lady, we wish to show that no direct evidence exists to prove that Goldilocks broke the chair, and although she admits to eating the food, she did it because she was starving and she did not think the Bears would mind. The Defence will call Baby Bear and Goldilocks to the stand. I first call Baby Bear to the stand.

(Baby Bear enters the witness stand.)
Court Clerk: (Approaches the witness stand) Do you swear to tell the truth, the whole truth, and nothing but the truth?

Baby Bear: I do.

Court Clerk: State your name and address, please.

Baby Bear: My name is Baby Bear and I live in Honeysuckle Cottage, Storybook Meadows.

Court Clerk: Thank you. You may be seated.

(Baby Bear sits down in the witness stand. The Court Clerk returns to his/her seat.)

Defence 1: Baby Bear, how do you know Goldilocks?

Baby Bear: I met her in the woods a few months ago. Her house isn't too far away. We've played together a number of times before.

Defence 1: Do you like Goldilocks?

Baby Bear: Oh, yes. She's quite a bit of fun – sometimes.

Defence 1: What do you mean sometimes?

Baby Bear: Well, she's sometimes hungry and sad.

Defence 1: No further questions, My Lord/My Lady.

Judge: Does the Prosecution wish to cross-examine the witness?

Prosecution 1: Yes, My Lord/My Lady.

Baby Bear, during these times you met Goldilocks, did she ever take any food without asking you?

Baby Bear: Well, once she took an apple and hid it in her coat. When I asked her why she took it, she said she was sorry, but she took it for her mother, who was hungry too.

Prosecution 1: Baby Bear, do you know it is wrong to take something that doesn't belong to you?

Baby Bear: Yes.

Prosecution 1: Did you give Goldilocks permission to eat your porridge on the morning of February 1st?

Baby Bear: No.

Prosecution 1: Was your chair broken before you left that morning?

Baby Bear: I don't think so, but I hadn't sat on it since the day before.
Prosecution 1: But didn't you sit on it before you decided the porridge was too hot?

Baby Bear: Oh, yes, you must be right. I forgot.

Prosecution 1: No further questions.

Judge: You may step down, Baby Bear.

(To Prosecution) You may call your next witness.

(Baby Bear returns to his seat in the courtroom.)

Defence 2: My Lord/My Lady, I call Goldilocks to the stand.

(Goldilocks enters the witness stand.)

Court Clerk: (Approaches the witness stand) Do you swear to tell the truth, the whole truth, and nothing but the truth?

Goldilocks: I do.

Court Clerk: Please state your name and address.

Goldilocks: My name is Goldilocks. I live in Tree House 1 on Park Lane in Storybook Meadows.

Court Clerk: Thank you. You may be seated.

(Goldilocks sits down in the witness stand. The Court Clerk returns to his/her seat.)

Defence 2: Goldilocks, who lives with you in your tree house?

Goldilocks: My mom.

Defence 2: Do you have enough food to eat at home?

Goldilocks: No. Sometimes I am very, very hungry. My mother's job doesn't pay very much, so sometimes we don't have enough money to buy groceries.

Defence 2: Do you know that it is wrong to steal?

Goldilocks: Yes, I do. I try to be a good girl.

Defence 2: Can you describe what you were doing just before Corporal Fox found you and arrested you in Storybook Meadows on February 1st of this year?

Goldilocks: Well, in the morning the day before, I went into the woods to gather some berries for my mom and me to eat. I went in a new direction though, and I got really, really lost. I was lost for a long, long time and I even slept overnight in a hollowed out tree. The next morning I found a house and I knew it was Baby Bear's house since I had seen it before.
Defence 2: What did you do then?

Goldilocks: Well, I went to the door and knocked, but nobody came to the door.

Defence 2: So, what did you do?

Goldilocks: The door was open so I went in. I smelled this wonderful porridge. I didn't think that the Bears would mind too much if I had a small taste of it, since Baby Bear had given me a sandwich and an apple before, and I was, oh, so hungry and tired.

Defence 2: And then what did you do?

Goldilocks: I tried a bit of porridge from a big bowl, then a bit from a smaller bowl, and when I got to the smallest bowl, I ate up all the porridge.

Defence 2: Did you leave the house then?

Goldilocks: No, I didn't, because I was still so tired and I didn't know how long it would take me to find my way home. I thought I'd better sit down since I was so tired. So I sat in a big chair, then a medium-sized chair, but they were both too big. When I tried the smallest chair, it was perfect, except the seat fell out.

Defence 2: Was it broken before you sat on it?

Goldilocks: I don't know, it could have been. I was too tired to notice.

Defence 2: What did you do then?

Goldilocks: I was so tired and I couldn't sleep on the chair so I went upstairs and tried all the beds till one was oh, so comfy, and I went to sleep.

Defence 2: What do you remember next?

Goldilocks: I woke up suddenly when I heard a lot of noise and I got so scared – I leaped up and jumped out the window and ran and ran until I fell down. Then I must have fallen asleep.

Defence 2: Then what?

Goldilocks: I woke up to see this police officer looking sternly at me and I started to cry.

Defence 2: No further questions, My Lord/My Lady.

Judge: Does the Prosecution wish to cross-examine the witness?
Prosecution 2: Yes, My Lord/My Lady.

Goldilocks, if you were as hungry as you say you were, why did you not finish the first bowl of porridge that you started eating?

Goldilocks: It just was too hot. It burned my tongue.

Prosecution 2: What about the second bowl?

Goldilocks: I guess it was too hot too.

Prosecution 2: If you were as hungry as you say you were, why did you only eat Baby Bear's porridge?

Goldilocks: I don't know. I don't remember. Maybe it tasted better.

Prosecution 2: Goldilocks, why didn't you wait for the Bears to come home instead of stealing their food?

Defence 2: *(Stands)* Objection, My Lord/My Lady. It has not been proven that Goldilocks stole the food.

Judge: Objection sustained. Please rephrase the question.

Prosecution 2: Goldilocks, why didn't you wait for the Bears to come home before you ate their food?

Goldilocks: I felt so hungry and tired.

Prosecution 2: When you got to the house, why didn't you telephone your mother and tell her that you were safe and ask her to come and get you rather than eat the Bears' food and sit on their chairs and sleep in their beds?

Goldilocks: We are so poor – we don't have a telephone. I couldn't call my mommy.

Prosecution 2: Thank you. No further questions.

Judge: You may step down, Goldilocks.

*(Goldilocks returns to her seat in the courtroom.)*

*(To Defence)* Do you wish to call any further witnesses?

Defence: No, My Lord/My Lady. We rest our case.

Judge: *(To Defence)* Thank you. You may now give your closing statement to the Jury.

Defence: Thank you, My Lord/My Lady.

*(Closing statement)* Ladies and gentleman of the Jury, Goldilocks does admit that she ate the porridge belonging to the three Bears, but it was only out of necessity. She had been wandering lost in the woods since the previous day, had not eaten, and was very hungry - so hungry she felt weak and sick. She knew Baby Bear would have let her eat his porridge if he had been there, because he had shared his food with her before. I ask the Jury to find Goldilocks not guilty of theft because of the defence of necessity.
Concerning the second charge of mischief, there is absolutely no direct evidence to show Goldilocks broke Baby Bear’s chair. It could have been one of the Bears, another animal who entered the house, or it could have been broken before that day. Or it might simply have been an accident. Goldilocks must be found not guilty of willful damage.

Judge:

(To Defence) Thank you.

Is the Prosecution ready to deliver its closing statement to the Jury?

Prosecution 2: Yes, thank you, My Lord/My Lady.

(Closing statement) Ladies and gentlemen of the Jury, Goldilocks admitted to committing a crime: she admitted she ate the Bear family’s porridge and she knew she was eating food that was not hers. Even though Baby Bear may have shared his food with Goldilocks in the past, this does not mean that she was welcome to come into their house at any time to help herself to a meal. The Bears had not invited her to eat the food. In fact, they were expecting to eat it themselves after they returned home. Goldilocks’ defence of necessity should not apply in this case: we know that she was not as hungry as she says she was because she did not finish the first bowl of porridge or the second bowl. I ask for a guilty verdict to the charge of theft.

Although Goldilocks denies the second charge of mischief, it has not been shown that there was anyone else in the house who could have broken Baby Bear’s chair. Papa Bear stated that the chair was not broken before they left that morning. We know that Goldilocks used the chair, and whether she broke it out of carelessness or mischief, it fits with her disrespectful attitude towards other people’s property. Can you think of any law-abiding person who would walk into someone else’s house, help themselves to their food, and sleep in their beds? Goldilocks must also be found guilty of mischief and wilful damage.

Judge:

(To Prosecution) Thank you.

(To Jury) As members of the Jury, you will have to make a decision of whether Goldilocks is guilty or not guilty for two charges.

Goldilocks stands charged that she:

‘Did commit a theft of a value not exceeding $5 000 by willfully stealing porridge, the property of the three Bears, contrary to section 334(b) of The Criminal Code of Canada. “Did commit mischief by willfully damaging a chair belonging to Baby Bear, contrary to section 430(1) of The Criminal Code of Canada.

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Think about what the witnesses and lawyers said during the trial. Your job is to carefully weigh the evidence from the both the prosecution and defence and their witnesses and come to a decision. You need to decide which witnesses are more believable and which argument is most plausible. You will then vote on each charge. For this trial, your Jury is only required to reach a majority decision.

You now have 15 minutes to discuss the case. When you return, I will ask your Foreperson your verdict.

Sheriff 2: Order in the court. All rise.

(Everyone stands.)

Court Clerk: Court will now adjourn for 15 minutes.

(The Judge and Jury leave the courtroom, followed by Sheriff 2.)

(When the Judge and Jury are ready to return, approximately 15 minutes later, Sheriff 2 enters the courtroom and calls the court to order.)

Sheriff 2: Order in the court. All rise.

(Everyone stands as the Jury and then the Judge enter the courtroom and are seated.)

Court Clerk: Court is now resumed. Please be seated.

(All participants sit.)

Judge: Mr./Madam Foreperson, have you reached a verdict?

Foreperson: (Stands) Yes, My Lord/My Lady.

Court Clerk: (Stands) Will the defendant please rise?

(Goldilocks and Sheriff 1 stand.)

Judge: (To Foreperson) You may read the verdict.

Foreperson: We find the accused, Goldilocks guilty/not guilty of the charge of theft under $5 000, and guilty/not guilty of the charge of mischief by willful damage.

Judge: Thank you.

(The Judge then passes sentence if Goldilocks is found guilty of any of the charges, or acquits Goldilocks if she is found not guilty of both charges.)

Sheriff 1: (Standing) All rise.

(All participants stand.)

Court Clerk: This court is now adjourned.