



Elementary Law

THE PEOPLE VS. DANNY DEFENDANT TRIAL PLAY

BAILIFF: ALL RISE. COURT IS NOW IN SESSION, THE HONORABLE ROBIN SOLOMON, JUDGE OF THE MONTEREY COUNTY SUPERIOR COURT, PRESIDING.

[The judge enters the courtroom and sits down.]

BAILIFF: PLEASE BE SEATED.

JUDGE: THE CLERK WILL NOW SELECT THE JURY. WHEN THE CLERK CALLS YOUR NAME, PLEASE TAKE A SEAT IN THE JURY BOX, BEGINNING WITH THE CHAIR TO THE FAR LEFT IN THE BACK ROW AND ENDING WITH THE CHAIR TO THE FAR RIGHT IN THE FRONT ROW.

[The name of each student who has not been cast for one of the ten trial roles has already been written on a separate piece of paper, and the twelve papers have been placed face down on the clerk's desk. The clerk picks twelve papers at random, calling out the name of the student on each paper when it is selected.]

JUDGE: LADIES AND GENTLEMEN OF THE JURY, YOU WILL NOW HEAR THE CASE OF THE PEOPLE OF THE STATE OF CALIFORNIA VERSUS DANNY DEFENDANT.

MR. DEFENDANT IS ACCUSED OF THEFT. HE IS ACCUSED OF HAVING STOLEN A COOKIE BELONGING TO MS. VICKY VICTIM.

ONE OF THE MOST IMPORTANT DUTIES AS A UNITED STATES CITIZEN IS TO SERVE AS A JUROR. UNDER THE JURY TRIAL SYSTEM. IT IS ORDINARY CITIZENS LIKE YOU WHO DECIDE WHO IS GUILTY OF A CRIME.

BECAUSE THIS IS AN IMPORTANT MATTER, YOU WILL NEED TO PAY CLOSE ATTENTION TO THE EVIDENCE WHICH WILL BE PRESENTED TO YOU BY THE TWO

ATTORNEYS AND TO PAY CLOSE ATTENTION TO THE LEGAL INSTRUCTIONS WHICH I WILL GIVE YOU AT THE END OF THE TRIAL.

THE DISTRICT ATTORNEY IN THIS CASE, MR. PAUL PROSECUTOR, IS THE LAWYER WHO REPRESENTS THE GOVERNMENT: THE PEOPLE OF THE STATE OF CALIFORNIA. THE DEFENSE ATTORNEY, MS. DARINDA DEFENDER, IS THE LAWYER WHO REPRESENTS MR. DEFENDANT. ALTHOUGH THEIR LAST NAMES ARE SIMILAR, MS. DEFENDER AND MR. DEFENDANT ARE NOT RELATED.

MR. DEFENDANT IS PROTECTED BY CERTAIN RIGHTS GIVEN TO HIM, AND TO ALL OF US, BY THE UNITED STATES CONSTITUTION. ONE OF THOSE RIGHTS IS THE PRESUMPTION OF INNOCENCE.

AS MR. DEFENDANT SITS BEFORE YOU TODAY, YOU MUST PRESUME THAT HE IS INNOCENT, AND YOU MUST CONTINUE TO PRESUME THAT HE IS INNOCENT UNLESS AND UNTIL THE DISTRICT ATTORNEY PROVES BEYOND A REASONABLE DOUBT THAT MR. DEFENDANT IS GUILTY OF THEFT.

ANOTHER CONSTITUTIONAL RIGHT MR. DEFENDANT HAS IS THE RIGHT TO REMAIN SILENT. MR. DEFENDANT IS NOT REQUIRED TO TESTIFY ON HIS OWN BEHALF IN THIS TRIAL, ALTHOUGH HE MAY DO SO IF HE SO CHOOSES. IF MR. DEFENDANT DECIDES NOT TO TESTIFY, YOU MAY NOT USE THAT FACT AS A REASON TO BELIEVE THAT HE IS GUILTY.

YOU MUST NOT MAKE UP YOUR MIND ABOUT THIS CASE UNTIL YOU HAVE HEARD ALL OF THE EVIDENCE AND I HAVE INSTRUCTED YOU ON THE LAWS WHICH YOU ARE TO APPLY.

THE JURY WILL NOW RISE, AND THE CLERK WILL ADMINISTER THE OATH.

[Each member of the jury stands up, faces the clerk, and raises his or her right hand. The clerk stands up, faces the jury, and raises his or her own right hand.]

CLERK (To Jury):

PLEASE RAISE YOUR RIGHT HAND. WHEN I HAVE FINISHED READING THE OATH, EACH OF YOU SHOULD ANSWER "I DO".

DO YOU, AND EACH OF YOU, DO SOLEMNLY SWEAR THAT YOU WILL WELL AND TRULY TRY THE CASE NOW PENDING BEFORE THIS COURT, AND A TRUE VERDICT RENDER ACCORDING TO THE EVIDENCE INTRODUCED, SO HELP YOU GOD?

JURY (All together): I DO. *[The jury and clerk sit down.]*

JUDGE: THE DISTRICT ATTORNEY MAY NOW PRESENT HIS OPENING STATEMENT.

PROSECUTOR: THANK YOU, YOUR HONOR.

LADIES AND GENTLEMEN OF THE JURY, MY NAME IS PAUL PROSECUTOR. I AM THE DISTRICT ATTORNEY REPRESENTING THE PEOPLE OF THE STATE OF CALIFORNIA.

THE DEFENDANT, DANNY DEFENDANT, AND THE VICTIM, VICKY VICTIM, ARE BOTH FIFTH GRADE STUDENTS IN MR. TALKSALOT'S CLASS AT MONTEREY COUNTY ELEMENTARY SCHOOL.

THE EVIDENCE WE WILL PRESENT WILL PROVE THAT DURING MORNING RECESS, DANNY DEFENDANT STOLE A FUDGE FARM COOKIE FROM THE LUNCH BOX OF VICKY VICTIM.

RONALD RODENT WILL TESTIFY THAT HE SAW MR. DEFENDANT SITTING AT MR. DEFENDANT'S DESK DURING MORNING RECESS, AND THAT MR. DEFENDANT WAS ALONE IN THE CLASSROOM.

VICKY VICTIM WILL TESTIFY THAT WHEN SHE RETURNED TO HER DESK AFTER MORNING RECESS, SHE DISCOVERED THAT HER COOKIE WAS MISSING FROM HER LUNCH BOX. SHE WILL ALSO TESTIFY THAT SHE SAW COOKIE CRUMBS ON MR. DEFENDANT'S DESK.

MONTEREY COUNTY DEPUTY SHERIFF, KATHERINE KRUMPKY, HAS BROUGHT THOSE VERY CRUMBS TO COURT TODAY, AND THEY WILL BE IDENTIFIED AS BEING FUDGE FARM COOKIE CRUMBS.

AT THE CONCLUSION OF THIS CASE, YOU WILL BE CONVINCED THAT MR. DEFENDANT STOLE THE COOKIE AND ATE IT, AND I WILL ASK YOU TO RETURN OF VERDICT OF GUILTY.

THANK YOU.

JUDGE: THE DEFENSE ATTORNEY MAY NOW PRESENT HER OPENING STATEMENT.

DEFENDER: THANK YOU, YOUR HONOR.

LADIES AND GENTLEMEN OF THE JURY, MY NAME IS DARINDA DEFENDER. I AM THE ATTORNEY REPRESENTING MR. DANNY DEFENDANT IN THIS CASE.

MY CLIENT HAS BEEN WRONGFULLY ACCUSED. MR. DEFENDANT WILL TESTIFY THAT HE HAD NOTHING WHATSOEVER TO DO WITH THE THEFT OF MS. VICTIM'S COOKIE.

THE PROSECUTOR WILL BE UNABLE TO PROVE THAT MR. DEFENDANT STOLE ANYTHING - BECAUSE HE DID NOT. AND, BECAUSE MR. PROSECUTOR WILL BE UNABLE TO PROVE THAT MY CLIENT IS A THIEF, YOU SHOULD FIND HIM NOT GUILTY OF THIS CRIME.

THANK YOU.

JUDGE: MR. PROSECUTOR, YOU MAY CALL YOUR FIRST WITNESS.

PROSECUTOR: THANK YOU, YOUR HONOR. THE PEOPLE CALL MS. VICKY VICTIM.
[Vicky Victim walks forward and faces the clerk. The clerk stands and raises his or her right hand.]

CLERK: RAISE YOUR RIGHT HAND. *[Vicky does so.]*

DO YOU SOLEMNLY SWEAR THAT THE TESTIMONY YOU WILL GIVE IN THIS CASE SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP

YOU GOD?

V. VICTIM: I DO.

CLERK: STATE YOUR NAME FOR THE RECORD.

V. VICTIM: MY NAME IS VICKY VICTIM.

JUDGE: PLEASE BE SEATED, MS. VICTIM.
[Ms. Victim sits on the witness chair.]

MR. PROSECUTOR, YOU MAY BEGIN YOUR DIRECT EXAMINATION OF THIS WITNESS.

PROSECUTOR: THANK YOU, YOUR HONOR.

MS. VICTIM, WHAT IS YOUR OCCUPATION?

V. VICTIM: I AM A FIFTH GRADE STUDENT AT _____
_____ ELEMENTARY SCHOOL.

PROSECUTOR: WHO IS YOUR TEACHER?

V. VICTIM: MR. TALKSALOT.

PROSECUTOR: DID YOU ATTEND SCHOOL LAST TUESDAY?

V. VICTIM: YES, I DID.

PROSECUTOR: DID YOU BRING A LUNCH BOX TO SCHOOL WITH YOU THAT DAY?

V. VICTIM: YES.

PROSECUTOR: WHAT WAS IN THE LUNCH BOX?

V. VICTIM: A TURKEY SANDWICH ON WHEAT BREAD, AN APPLE, A FUDGE FARM COOKIE AND A THERMOS OF MILK.

PROSECUTOR: WAS THAT YOUR NORMAL LUNCH?

V. VICTIM: YES. THAT'S THE SAME LUNCH I HAVE EVERY DAY.

PROSECUTOR: YOU MUST REALLY LIKE TURKEY SANDWICHES

V. VICTIM: I *HATE* TURKEY SANDWICHES BUT MY MOTHER THINKS THEY'RE GOOD FOR ME.

PROSECUTOR: DO YOU LIKE APPLES AND MILK?

V. VICTIM: I *HATE* APPLES AND MILK BUT MY MOTHER THINKS THEY'RE GOOD FOR ME TOO.

PROSECUTOR: DO YOU LIKE FUDGE FARM COOKIES?

V. VICTIM: I *LOVE* FUDGE FARM COOKIES. I *LIVE MY LIFE* FOR THAT MOMENT AT THE END OF MY LUNCH EVERY DAY WHEN I BITE INTO MY FUDGE FARM COOKIE.

PROSECUTOR: DID YOU EAT A FUDGE FARM COOKIE AFTER YOUR LUNCH LAST TUESDAY?

V. VICTIM: NO. [*Victim dries her eyes with a handkerchief.*]

PROSECUTOR: WHY NOT?

V. VICTIM: BECAUSE THERE WASN'T ONE IN MY LUNCH BOX!

PROSECUTOR: DID YOU NOTICE COOKIE CRUMBS ANYWHERE?

V. VICTIM: YES. ON DANNY DEFENDANT'S DESK!

PROSECUTOR: WHAT DID YOU DO?

V. VICTIM: I TOLD MR. TALKSALOT ABOUT IT. HE CALLED THE SHERIFF'S DEPARTMENT.

PROSECUTOR: I HAVE NO FURTHER QUESTIONS FOR THIS WITNESS, YOUR HONOR.

JUDGE: MS. DEFENDER, DO YOU HAVE ANY CROSS-EXAMINATION FOR THE WITNESS?

DEFENDER: YES, I DO, YOUR HONOR.

MS. VICTIM, DID YOU PACK YOUR OWN LUNCH BOX LAST TUESDAY MORNING?

V. VICTIM: NO.

DEFENDER: SO YOU NEVER SAW A FUDGE FARM COOKIE IN YOUR LUNCH BOX AT ALL LAST TUESDAY, DID YOU?

V. VICTIM: WELL, I GUESS NOT, BUT MY MOTHER *ALWAYS* PACKS ME A FUDGE FARM COOKIE!

DEFENDER: BUT YOU DIDN'T SEE, WITH YOUR OWN EYES, A FUDGE FARM COOKIE IN YOUR LUNCH BOX LAST TUESDAY, DO YOU?

V. VICTIM: WELL, MY MOTHER TOLD ME. . .

DEFENDER: JUST A MINUTE, MS. VICTIM. I DIDN'T ASK YOU WHAT YOUR MOTHER TOLD YOU. I ASKED YOU IF YOU KNEW *THROUGH YOUR OWN OBSERVATION* WHETHER THERE WAS A FUDGE FARM COOKIE IN YOUR LUNCH BOX LAST TUESDAY.

V. VICTIM: WELL, NO, BUT CAN'T I TELL YOU WHAT MY MOTHER SAID?

JUDGE: NO, MA'AM, YOU CAN'T. WHAT SOMEONE ELSE TOLD YOU IS CALLED "HEARSAY" AND CANNOT BE REPEATED IN COURT. IF THE LAW ALLOWED YOU TO TESTIFY ABOUT THINGS YOUR MOTHER TOLD YOU, THE JURY WOULD HEAR YOUR MOTHER'S STATEMENTS BUT MS. DEFENDER WOULDN'T BE ABLE TO CROSS-EXAMINE YOUR MOTHER. THAT WOULDN'T BE FAIR.

FOR EXAMPLE, WHEN YOU TESTIFIED DURING YOUR DIRECT EXAMINATION, YOU GAVE THE IMPRESSION THAT YOU KNEW FOR A FACT THAT THERE WAS A FUDGE FARM COOKIE IN YOUR LUNCH BOX. BUT THROUGH MS. DEFENDER'S CROSS-EXAMINATION, THE JURY FOUND OUT THAT YOU NEVER ACTUALLY SAW THE COOKIE.

THAT'S THE REASON THE LAW DOESN'T ALLOW "HEARSAY" STATEMENTS.

DEFENDER: I'LL REPEAT MY LAST QUESTION, MS. VICTIM. ISN'T IT TRUE THAT YOU DON'T KNOW THROUGH YOUR OWN OBSERVATION WHETHER THERE WAS A FUDGE FARM COOKIE IN YOUR LUNCH BOX LAST TUESDAY?

V. VICTIM: THAT'S TRUE. I NEVER SAW A FUDGE FARM COOKIE IN MY LUNCH BOX LAST TUESDAY.

DEFENDER: WHAT FOOD ITEMS DID YOU SEE IN YOUR LUNCH BOX LAST TUESDAY?

V. VICTIM: JUST A TURKEY SANDWICH ON WHEAT BREAD, AN APPLE

AND A THERMOS OF MILK. YUCK!

DEFENDER: WHEN WAS IT THAT YOU NOTICED THAT THERE WAS NO FUDGE FARM COOKIE IN YOUR LUNCH BOX?

V. VICTIM: AS SOON AS OUR MORNING RECESS WAS OVER I OPENED MY LUNCH BOX TO JUST SORT OF TAKE A PEEK AT THE COOKIE. YOU KNOW, WITH LOVE. BUT IT WAS GONE. THAT'S WHEN I NOTICED THE CRUMBS ON DANNY'S DESK AND ASKED MR. TALKSALOT TO CALL THE SHERIFF.

DEFENDER: HOW CLOSE IS DANNY'S DESK TO YOUR DESK?

V. VICTIM: DANNY'S DESK IS JUST TO THE RIGHT OF MY DESK.

DEFENDER: WHERE HAD YOUR LUNCH BOX BEEN DURING RECESS?

V. VICTIM: ON THE FLOOR JUST TO THE RIGHT OF MY DESK.

DEFENDER: I HAVE NO FURTHER QUESTIONS.

JUDGE (To Prosecutor):

DO YOU HAVE ANY RE-DIRECT EXAMINATION FOR THIS WITNESS?

PROSECUTOR: NO, YOUR HONOR.

JUDGE: VERY WELL. MS. VICTIM, YOU MAY STEP DOWN.

V. VICTIM: THANK YOU, YOUR HONOR.
[Vicky Victim leaves the witness stand.]

JUDGE: MR. PROSECUTOR, YOU MAY CALL YOUR NEXT WITNESS.

PROSECUTOR: THE PEOPLE CALL DR. VERONICA VICTIM.

BAILIFF: DR. VERONICA VICTIM, STEP FORWARD, PLEASE!
[Dr. Victim walks forward and faces the clerk. The clerk stands and raises his or her right hand.]

CLERK: RAISE YOUR RIGHT HAND. *[Dr. Victim does so.]*

YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY YOU WILL GIVE IN THIS CASE SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP YOU GOD?

DR. VICTIM: I DO.

CLERK: PLEASE STATE YOUR NAME FOR THE RECORD.

DR. VICTIM: MY NAME IS VERONICA VICTIM.

JUDGE: PLEASE BE SEATED, DR. VICTIM.
[Dr. Victim sits on the witness chair.]

PROSECUTOR: DR. VICTIM, WHAT IS YOUR OCCUPATION?

DR. VICTIM: I AM A MEDICAL DOCTOR.

PROSECUTOR: ARE YOU RELATED TO VICKY VICTIM?

DR. VICTIM: YES, I AM. I AM HER MOTHER.

PROSECUTOR: DID YOU PACK VICKY'S LUNCH LAST TUESDAY MORNING?

DR. VICTIM: I DID.

PROSECUTOR: WHAT DID YOU PACK IN HER LUNCH BOX?

DR. VICTIM: A TURKEY SANDWICH ON WHEAT BREAD, AN APPLE, A FUDGE FARM COOKIE AND A THERMOS OF MILK.

PROSECUTOR: ARE YOU CERTAIN?

DR. VICTIM: YES.

PROSECUTOR: I HAVE NO FURTHER QUESTIONS.

JUDGE: MS. DEFENDER, YOU MAY CROSS-EXAMINE.

DEFENDER: DR. VICTIM, DID ANYTHING UNUSUAL OCCUR AT YOUR HOUSE LAST TUESDAY MORNING?

DR. VICTIM: NOT REALLY.

I DID RECEIVE AN EMERGENCY TELEPHONE CALL FROM THE HOSPITAL REGARDING A PATIENT OF MINE, BUT I WAS ABLE TO HANDLE THE SITUATION OVER THE PHONE.

DEFENDER: ISN'T IT POSSIBLE THAT YOU WERE THINKING ABOUT YOUR PATIENT'S PROBLEM WHILE YOU PACKED VICKY'S

LUNCH?

DR. VICTIM: YES, THAT'S CERTAINLY POSSIBLE.

DEFENDER: AND ISN'T IT ALSO POSSIBLE THAT YOUR CONCERN FOR YOUR PATIENT MADE YOU FORGET TO PUT A FUDGE FARM COOKIE IN VICKY'S LUNCH BOX?

DR. VICTIM: NO, THAT ISN'T POSSIBLE. I'M SURE I PACKED A COOKIE THAT MORNING. I PACK ONE FOR HER EVERY MORNING.

DEFENDER: I HAVE NO FURTHER QUESTIONS, YOUR HONOR.

JUDGE (To Prosecutor):
ANY RE-DIRECT?

PROSECUTOR: NO, YOUR HONOR.

JUDGE: DR. VICTIM, YOU MAY STEP DOWN.

DR. VICTIM (To Judge):
THANK YOU, YOUR HONOR. *[Dr. Victim leaves the witness stand.]*

PROSECUTOR: THE PEOPLE CALL DEPUTY SHERIFF KATHERINE KRUMPKY.
[Deputy Krumpky walks forward and faces the clerk. The clerk stands and raises his or her right hand.]

CLERK: RAISE YOUR RIGHT HAND. *[Deputy Krumpky does so.]*

YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY YOU WILL GIVE IN THIS CASE SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP YOU GOD?

DEPUTY: I DO.

CLERK: PLEASE STATE YOUR NAME FOR THE RECORD.

DEPUTY: DEPUTY SHERIFF KATHERINE KRUMPKY.

JUDGE: PLEASE BE SEATED, DEPUTY KRUMPKY.
[Deputy Krumpky sits on the witness chair.]

DEPUTY: THANK YOU, YOUR HONOR.

PROSECUTOR: WHAT IS YOUR OCCUPATION?

DEPUTY: I AM A DEPUTY WITH THE MONTEREY COUNTY SHERIFF'S DEPARTMENT.

PROSECUTOR: HOW LONG HAVE YOU BEEN SO EMPLOYED?

DEPUTY: I'VE BEEN A DEPUTY SHERIFF FOR ELEVEN YEARS.

PROSECUTOR: DID YOU RECEIVE A CALL FROM _____
_____ ELEMENTARY SCHOOL LAST TUESDAY?

DEPUTY: YES, I RECEIVED A TELEPHONE CALL FROM MR. TALKSALOT TO COME TO THE SCHOOL. I ARRIVED AT THE SCHOOL AT APPROXIMATELY 11:00 A.M.

PROSECUTOR: DID YOU CONDUCT AN INVESTIGATION?

DEPUTY: YES. THERE WAS A REPORTED COOKIE THEFT. I EXAMINED THE SCENE OF THE CRIME.

PROSECUTOR: AND WHAT, IF ANYTHING, DID YOU FIND?

DEPUTY: I FOUND COOKIE CRUMBS ON THE DESK OF DANNY DEFENDANT.

PROSECUTOR: DID YOU COLLECT THOSE CRUMBS?

DEPUTY: YES, I DID. FOLLOWING STANDARD POLICE PROCEDURE, I SCRAPED THE CRUMBS INTO AN EVIDENCE BAG AND LATER PLACED THE BAG IN THE EVIDENCE LOCKER AT THE MONTEREY COUNTY SHERIFF'S OFFICE.

PROSECUTOR: DID YOU BRING THE CRUMBS TO COURT TODAY?

DEPUTY: YES, SIR, I DID.

[Deputy Krumpky hands a plastic baggy containing cookie crumbs to Mr. Prosecutor. Mr. Prosecutor hands the bag to the clerk.]

PROSECUTOR (To Clerk):

MAY I HAVE THIS BAG MARKED FOR IDENTIFICATION AS PEOPLE'S EXHIBIT "1," PLEASE?

[The clerk places an evidence sticker, "People's Exhibit "1," on the bag.]

PROSECUTOR (*To Deputy*):

DEPUTY KRUMPKY, I NOW HAND YOU PEOPLE'S EXHIBIT "1" FOR IDENTIFICATION AND ASK YOU IF YOU RECOGNIZE THIS?.

DEPUTY: YES, I DO. THESE ARE THE CRUMBS I TOOK FROM DANNY DEFENDANT'S DESK LAST TUESDAY.

PROSECUTOR: HOW CAN YOU BE CERTAIN THAT THESE ARE THE SAME CRUMBS?

DEPUTY: I PLACED THE CRUMBS IN THIS BAG MYSELF AND THEN PERSONALLY CARRIED THE BAG TO THE EVIDENCE LOCKER AT THE SHERIFF'S DEPARTMENT, WHERE I LOCKED THE BAG INTO ITS OWN EVIDENCE COMPARTMENT. THIS MORNING I UNLOCKED THE EVIDENCE COMPARTMENT, REMOVED THE BAG, AND BROUGHT IT HERE. THAT IS HOW I CAN BE CERTAIN THAT THE CRUMBS INSIDE THE BAG ARE THE SAME CRUMBS.

PROSECUTOR: YOUR HONOR, I OFFER THESE CRUMBS INTO EVIDENCE AS PEOPLE'S EXHIBIT "1."

JUDGE: ANY OBJECTION, MS. DEFENDER?

DEFENDER: NO OBJECTION.

JUDGE: THE CRUMBS ARE ADMITTED INTO EVIDENCE.

[Mr. Prosecutor hands the crumbs to the clerk.]

PROSECUTOR: NO FURTHER QUESTIONS.

DEFENDER: NO QUESTIONS. *[Deputy Krumpky leaves the witness stand.]*

PROSECUTOR: THE PEOPLE CALL TAMMY TASTER.

BAILIFF: TAMMY TASTER, STEP FORWARD, PLEASE!
[Tammy taster walks forward and faces the clerk. The clerk stands and raises his or her right hand.]

CLERK: RAISE YOUR RIGHT HAND. *[Ms. Taster does so.]*
YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY YOU

WILL GIVE IN THIS CASE SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP YOU GOD?

TASTER: I DO.

CLERK: PLEASE STATE YOUR NAME FOR THE RECORD.

TASTER: MY NAME IS TAMMY TASTER.

JUDGE: PLEASE BE SEATED, MS. TASTER.
[Tammy Taster sits on the witness chair.]

PROSECUTOR: WHAT IS YOUR OCCUPATION?

TASTER: I AM THE OFFICIAL COOKIE TASTER FOR FUDGE FARM COOKIES.

PROSECUTOR: WHAT DOES YOUR JOB REQUIRE YOU TO DO?

TASTER: I TASTE FUDGE FARM COOKIES TO MAKE SURE THEY TASTE GOOD. I HAVE TO TASTE ONE COOKIE OUT OF EACH BATCH THEY MAKE AT THE FUDGE FARM COOKIE FACTORY.

PROSECUTOR: TOUGH JOB.

TASTER: SOMEBODY HAS TO DO IT.

PROSECUTOR: PLEASE TAKE A TASTE OF PEOPLE'S EXHIBIT "1."

TASTER: *[Tasting]*
YUMMY. THOSE ARE FUDGE FARM COOKIE CRUMBS, ALL RIGHT.

PROSECUTOR: THANK YOU, MS. TASTER.

NO FURTHER QUESTIONS.

JUDGE: YOU MAY CROSS-EXAMINE, MS. DEFENDER.

DEFENDER: MS. TASTER, HOW LONG HAVE YOU WORKED FOR FUDGE FARM COOKIES?

TASTER: FOR THREE WEEKS.

DEFENDER: DID YOU EVER WORK AS A FOOD TASTER BEFORE YOU

BEGAN WORKING FOR FUDGE FARM THREE WEEKS AGO?

TASTER: NO, MA'AM. BEFORE I GOT THE JOB WITH FUDGE FARM, I WAS DAISY DUCK AT DISNEYLAND. BUT THE DAISY DUCK SUIT WAS TOO HOT, SO I QUIT.

DEFENDER: DID THE FUDGE FARM COOKIE COMPANY GIVE YOU ANY SPECIAL TRAINING IN COOKIE TASTING?

TASTER: NO. BUT I'M JUST NATURALLY GOOD AT TASTING FOOD. ESPECIALLY COOKIES. I REALLY KNOW MY COOKIES.

DEFENDER: WELL, LET'S SEE HOW GOOD YOU ARE.
[Ms. Defender hands a plastic baggy containing cookie crumbs to the clerk.]

DEFENDER (To Clerk):

MAY I HAVE THIS BAG MARKED FOR IDENTIFICATION AS DEFENSE EXHIBIT "A," PLEASE?

[The clerk places an evidence sticker, "Defense Exhibit "A," on the bag.]

DEFENDER (To Taster):

I HAVE BROUGHT ALONG A BAGGY FULL OF COOKIE CRUMBS WHICH HAS BEEN MARKED FOR IDENTIFICATION AS DEFENSE EXHIBIT "A." PLEASE TASTE THESE COOKIE CRUMBS AND IDENTIFY THEM FOR THE JURY.

TASTER: MY PLEASURE. *[Taster tastes a cookie crumb.]*

THESE ARE TERRY TUNE SNACKER DOODLE COOKIES. THIS BATCH HAS A LITTLE TOO MUCH SALT, SO IT WAS PROBABLY BAKED IN RENO. THEY SOMETIMES ADD TOO MUCH SALT AT THE RENO FACTORY.

DEFENDER: NO FURTHER QUESTIONS.

TASTER: WOULD YOU LIKE ME TO TASTE ANY OTHERS?

DEFENDER: NO, MS. TASTER, YOU'VE DONE JUST FINE.

JUDGE: WELL, MS. DEFENDER, WHAT WERE THE CRUMBS IN DEFENSE EXHIBIT "A"?

DEFENDER: THEY WERE TERRY TUNE SNACKER DOODLE COOKIES, YOUR HONOR. BAKED IN RENO.

JUDGE: YOU MAY STEP DOWN, MS. TASTER.
[Tammy Taster leaves the witness stand.]

PROSECUTOR: THE PEOPLE CALL RONALD RODENT.

BAILIFF: RONALD RODENT, STEP FORWARD, PLEASE!
[Ronald Rodent walks forward and faces the clerk. The clerk stands and raises his or her right hand.]

CLERK: PLEASE RAISE YOUR RIGHT HAND. *[Mr. Rodent does so.]*

YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY YOU WILL GIVE IN THIS CASE SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP YOU GOD?

RODENT: I DO.

CLERK: PLEASE STATE YOUR NAME FOR THE RECORD.

RODENT: MY NAME IS RONALD RODENT.

JUDGE: PLEASE BE SEATED, MR. RODENT.
[Ronald Rodent sits in the witness chair.]

PROSECUTOR: MR. RODENT, WHAT IS YOUR OCCUPATION?

RODENT: I'M A FIFTH GRADE STUDENT IN MR. TALKSALOT'S CLASS.

PROSECUTOR: MR. RODENT, PLEASE DESCRIBE FOR THE COURT THE EVENTS YOU OBSERVED DURING YOUR MORNING RECESS LAST TUESDAY.

RODENT: WELL, I WAS ON MY WAY TO THE PLAYGROUND WITH MY FRIENDS WHEN I REMEMBERED THAT I HADN'T FED BINKY YET THAT DAY.

PROSECUTOR: WHO IS BINKY?

RODENT: BINKY IS MY PET RAT. MR. TALKSALOT HAD ME BRING HIM TO CLASS LAST WEEK.

PROSECUTOR: SO WHAT DID YOU DO?

RODENT: I TURNED AROUND, WENT BACK TO THE CLASSROOM AND FED BINKY.

PROSECUTOR: AND HOW LONG AFTER RECESS STARTED DID YOU GO BACK INTO THE CLASSROOM?

RODENT: I WENT BACK IN AFTER ONLY ABOUT A MINUTE. I REMEMBERED BINKY BEFORE I EVEN MADE IT TO THE PLAYGROUND.

PROSECUTOR: DID ANYONE GO BACK TO THE CLASSROOM WITH YOU?

RODENT: NO, I WENT BY MYSELF.

PROSECUTOR: WAS THERE ANYBODY IN THE CLASSROOM WHEN YOU ARRIVED THERE?

RODENT: ONLY ONE PERSON. DANNY DEFENDANT.

PROSECUTOR: WHAT WAS HE DOING?

RODENT: WELL, I KNOW THAT HE WAS SITTING AT HIS DESK, BUT I COULDN'T TELL WHAT HE WAS DOING. BINKY'S CAGE WAS AT THE BACK OF THE ROOM, SO ALL I SAW WAS DANNY'S BACK.

PROSECUTOR: DID EITHER OF YOU SAY ANYTHING?

RODENT: NO.

PROSECUTOR: WAS MR. DEFENDANT STILL IN THE CLASSROOM WHEN YOU LEFT IT?

RODENT: YES.

PROSECUTOR: I HAVE NOTHING FURTHER, YOUR HONOR.

JUDGE: WOULD YOU LIKE TO CROSS-EXAMINE THE WITNESS, MS. DEFENDER?

DEFENDER: YES, YOUR HONOR, THANK YOU.

MR. RODENT, HOW LONG WOULD YOU SAY YOU SPENT IN THE CLASSROOM DURING THAT MORNING RECESS?

RODENT: OH, NOT VERY LONG-- JUST LONG ENOUGH TO FEED BINKY. ABOUT TWO OR THREE MINUTES.

DEFENDER: AND WHERE DID YOU SPEND THE REST OF THE MORNING RECESS?

RODENT: ON THE PLAYGROUND.

DEFENDER: HOW LONG WAS MORNING RECESS THAT DAY?

RODENT: FIFTEEN MINUTES, THE SAME AS ALWAYS.

DEFENDER: SO YOU DON'T KNOW WHETHER ANY OTHER STUDENTS WENT INTO MR. TALKSALOT'S CLASSROOM DURING THE MORNING RECESS THAT DAY, DO YOU?

RODENT: I DON'T UNDERSTAND.

DEFENDER: WELL, MR. RODENT, ISN'T IT TRUE THAT SOMEONE ELSE BESIDES MR. DEFENDANT COULD HAVE COME INTO THE CLASSROOM AFTER YOU WENT BACK OUT TO THE PLAYGROUND?

RODENT: WELL, SURE, I GUESS SO.

DEFENDER: YOU WOULDN'T HAVE SEEN THAT OTHER PERSON IN THE CLASSROOM, WOULD YOU?

RODENT: NO.

DEFENDER: AND YOU WOULDN'T HAVE SEEN THAT OTHER PERSON ENTER OR LEAVE THE CLASSROOM, WOULD YOU?

RODENT: NO.

DEFENDER: NOTHING FURTHER, YOUR HONOR.

JUDGE: YOU MAY STEP DOWN, MR. RODENT.
[Ronald Rodent leaves the witness stand.]

JUDGE: MR. PROSECUTOR, YOU MAY CALL YOUR NEXT WITNESS.

PROSECUTOR: THE PEOPLE REST.

JUDGE (To Defender):

YOU MAY CALL YOUR FIRST WITNESS.

DEFENDER: THE DEFENSE CALLS DANNY DEFENDANT TO THE STAND.
[Danny Defendant walks forward and faces the clerk. The clerk

stands and raises his or her right hand.]

- CLERK:** PLEASE RAISE YOUR RIGHT HAND. *[Danny does so.]*
- YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY YOU WILL GIVE IN THIS CASE SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP YOU GOD?
- DEFENDANT:** I DO.
- CLERK:** PLEASE STATE YOUR NAME FOR THE RECORD.
- DEFENDANT:** MY NAME IS DANNY DEFENDANT.
- JUDGE:** PLEASE BE SEATED, MR. DEFENDANT.
[Danny Defendant sits in the witness chair.]
- DEFENDER:** MR. DEFENDANT, WHAT IS YOUR OCCUPATION?
- DEFENDANT:** I AM A FIFTH GRADE STUDENT IN MR. TALKSALOT'S CLASS.
- DEFENDER:** LAST TUESDAY, DID YOU GO INTO MR. TALKSALOT'S CLASSROOM DURING THE MORNING RECESS?
- DEFENDANT:** YES, I DID.
- DEFENDER:** WHY?
- DEFENDANT:** TO STUDY MY SPELLING WORDS. WE WERE GOING TO HAVE A SPELLING TEST TUESDAY AFTERNOON, AND I WANTED TO DO WELL ON IT, SO I LOOKED OVER MY SPELLING LIST A LITTLE BIT DURING MORNING RECESS.
- DEFENDER:** HOW LONG DID YOU STAY IN THE CLASSROOM?
- DEFENDANT:** ONLY FOR ABOUT FIVE MINUTES.
- DEFENDER:** DID YOU SEE RONALD RODENT IN THE ROOM?
- DEFENDANT:** YES. HE CAME IN TO FEED BINKY . I LEFT THE CLASSROOM RIGHT AFTER RONNIE DID.
- DEFENDER:** DID YOU STEAL VICKY VICTIM'S FUDGE FARM COOKIE?
- DEFENDANT:** NO, I DIDN'T.

DEFENDER: HOW DID COOKIE CRUMBS COME TO BE ON YOUR DESK THAT MORNING?

DEFENDANT: I DON'T KNOW.

DEFENDER: NO FURTHER QUESTIONS.

JUDGE (To Prosecutor):

DO YOU HAVE ANY CROSS-EXAMINATION?

PROSECUTOR: YES, YOUR HONOR. THANK YOU.

MR. DEFENDANT, WHY DIDN'T *YOU* REPORT THE FACT THAT THERE WERE COOKIE CRUMBS ON YOUR DESK?

DEFENDANT: I DIDN'T HAVE A CHANCE. BY THE TIME I CAME IN FROM RECESS, VICKY HAD ALREADY TOLD MR. TALKSALOT ABOUT THE CRUMBS, AND HE HAD ALREADY CALLED THE SHERIFF'S DEPARTMENT.

PROSECUTOR: HOW DO YOU SPELL "BENEFIT"?

DEFENDANT: B-E-N-A-F-I-T.

PROSECUTOR: NO. IT'S SPELLED "B-E-N-*E*-F-I-T". "BENEFIT" WAS ONE OF YOUR SPELLING WORDS LAST TUESDAY, WASN'T IT?

DEFENDANT: YES.

PROSECUTOR: WHAT GRADE DID YOU RECEIVE ON YOUR SPELLING TEST LAST TUESDAY?

DEFENDANT: I GOT A "60".

PROSECUTOR: NOTHING FURTHER, YOUR HONOR.

JUDGE (To Defender):

ANY RE-DIRECT?

DEFENDER: YES, THANK YOU, YOUR HONOR.

WHY DIDN'T YOU RECEIVE A BETTER GRADE ON YOUR SPELLING TEST LAST TUESDAY?

DEFENDANT: I DON'T KNOW. PROBABLY BECAUSE I WAS UPSET AT

HAVING BEEN ARRESTED. I WAS AWFULLY EMBARRASSED.

DEFENDER: NOTHING FURTHER, YOUR HONOR.

JUDGE (To Prosecutor):

ANY RE-CROSS?

PROSECUTOR: NO, YOUR HONOR.

JUDGE: YOU MAY STEP DOWN, MR. DEFENDANT.
[Danny Defendant leaves the witness stand.]

DEFENDER: THE DEFENSE RESTS.

JUDGE: ANY REBUTTAL EVIDENCE BY THE PROSECUTION?

PROSECUTOR: NO, YOUR HONOR.

JUDGE (To Jury):

THE TIME HAS COME FOR THE LAWYERS TO MAKE THEIR CLOSING ARGUMENTS. MR. PROSECUTOR WILL GO FIRST. MS. DEFENDER WILL GO SECOND. MR. PROSECUTOR IS ALLOWED TO MAKE A FINAL CLOSING ARGUMENT BECAUSE HE HAS THE BURDEN OF PROOF.

(To Mr. Prosecutor):

YOU MAY BEGIN, MR. PROSECUTOR.

PROSECUTOR: THANK YOU, YOUR HONOR.

LADIES AND GENTLEMEN OF THE JURY, I THANK YOU FOR THE ATTENTION YOU HAVE PAID TO THIS CASE.

MS. DEFENDER HAS TRIED HER BEST TO DEFEND HER CLIENT IN THIS CASE, BUT HER EFFORTS HAVE FAILED.

MS. DEFENDER TRIED TO CAST DOUBT ON THE FACT THAT THE COOKIE CRUMBS WHICH WERE FOUND ON HER CLIENT'S DESK WERE, IN FACT, FUDGE FARM COOKIE CRUMBS. SHE FAILED BECAUSE MS. TAMMY TASTER TURNED OUT TO BE A VERY GOOD COOKIE TASTER INDEED.

MS. DEFENDER TRIED TO CAST DOUBT ON THE FACT THAT DR. VICTIM HAD PACKED A FUDGE FARM COOKIE IN VICKY VICTIM'S LUNCH BOX LAST TUESDAY, BUT DR. VICTIM TESTIFIED THAT SHE WAS CERTAIN THAT SHE HAD.

IF MR. DEFENDANT HAD ACTUALLY BEEN STUDYING HIS SPELLING WORDS DURING THE MORNING RECESS LAST TUESDAY, DON'T YOU THINK HE WOULD HAVE SCORED BETTER THAN A "60" ON HIS SPELLING TEST? HE WASN'T STUDYING HIS SPELLING WORDS. HE WAS EATING MS. VICTIM'S COOKIE. HE LIED TODAY WHEN HE TESTIFIED THAT HE HADN'T STOLEN IT.

YOU HAVE BEFORE YOU A RATHER SIMPLE MATTER. SOMEONE STOLE VICKY VICTIM'S FUDGE FARM COOKIE. ON WHOSE DESK WERE FUDGE FARM COOKIE CRUMBS FOUND? ON DANNY DEFENDANT'S DESK. AND WHO WAS SEEN IN THE CLASSROOM DURING THE MORNING RECESS LAST TUESDAY? DANNY DEFENDANT WAS SEEN THERE. WAS ANYONE ELSE SEEN IN THE CLASSROOM DURING THE MORNING RECESS LAST TUESDAY? NOT A SINGLE PERSON.

YOU SHOULD FIND DANNY DEFENDANT GUILTY OF THIS CRIME.

THANK YOU.

JUDGE (To Defender):

YOU MAY PROCEED, MS. DEFENDER.

DEFENDER: LADIES AND GENTLEMEN OF THE JURY, THIS CASE IS A VERY IMPORTANT MATTER TO MY CLIENT, AND I THANK YOU ON HIS BEHALF FOR THE ATTENTION YOU HAVE PAID TO THE EVIDENCE WHICH HAS BEEN PRESENTED.

MR. DEFENDANT DIDN'T SCORE BETTER THAN A "60" ON HIS SPELLING TEST BECAUSE HE WAS UPSET AT HAVING BEEN WRONGFULLY ARRESTED.

MR. PROSECUTOR IS RIGHT ABOUT TWO THINGS. HE IS RIGHT WHEN HE SAYS THAT THE COOKIE CRUMBS FOUND ON MR. DEFENDANT'S DESK PROBABLY WERE

FUDGE FARM COOKIE CRUMBS. MS. TAMMY TASTER WAS A CONVINCING WITNESS. AND, DR. VICTIM PROBABLY DID PACK A FUDGE FARM COOKIE IN THE LUNCH BOX LAST TUESDAY.

BUT WHERE IS THE PROOF THAT DANNY DEFENDANT STOLE VICKY VICTIM'S COOKIE? LADIES AND GENTLEMEN OF THE JURY, THERE IS NO SUCH PROOF.

MY CLIENT WAS SEEN ALONE IN MR. TALKSALOT'S CLASSROOM. THAT'S NO CRIME. HE WAS IN THE CLASSROOM FOR ONLY FIVE MINUTES AND THE MORNING RECESS WAS FIFTEEN MINUTES LONG. ANYONE ELSE COULD HAVE GONE INTO THE CLASSROOM DURING THE LAST TEN MINUTES OF RECESS AND STOLEN MS. VICTIM'S COOKIE.

ANYONE ELSE COULD HAVE SAT AT MY CLIENT'S DESK AND EATEN MS. VICTIM'S COOKIE. THE FACT THAT FUDGE FARM COOKIE CRUMBS WERE FOUND ON MY CLIENT'S DESK DOESN'T MEAN THAT HE ATE THE COOKIE.

BECAUSE THERE IS A REASONABLE DOUBT WHETHER MR. DEFENDANT STOLE THE COOKIE, YOU SHOULD FIND HIM NOT GUILTY. YOU SHOULD FIND DANNY DEFENDANT NOT GUILTY OF THE CRIME OF THEFT.

THANK YOU.

PROSECUTOR: I ADMIT THAT NO ONE ACTUALLY SAW MR. DEFENDANT STEAL OR EAT MS. VICTIM'S COOKIE LAST TUESDAY. BUT THERE ARE MANY CASES WHERE NO ONE ACTUALLY SAW THE CRIME COMMITTED. IF THE LAW REQUIRED A JURY TO BE ABSOLUTELY CERTAIN OF A DEFENDANT'S GUILT BEFORE FINDING HIM GUILTY, TOO MANY CRIMES WOULD GO UNPUNISHED. BUT THE LAW DOES NOT REQUIRE PROOF *BEYOND ALL POSSIBLE DOUBT*. THE LAW ONLY REQUIRES THAT I PROVE MY CASE *BEYOND A REASONABLE DOUBT*. I HAVE PROVEN BEYOND A REASONABLE DOUBT THAT DANNY DEFENDANT STOLE THE COOKIE.

I ASK YOU TO FIND DANNY DEFENDANT GUILTY OF

THEFT.

THANK YOU.

JUDGE:

LADIES AND GENTLEMEN OF THE JURY, YOU HAVE HEARD ALL OF THE EVIDENCE, AND NOW IT IS MY DUTY TO INSTRUCT YOU ON THE LAW THAT APPLIES TO THIS CASE. YOU MUST FOLLOW THE LAW AS I STATE IT TO YOU, WHETHER OR NOT YOU AGREE WITH THE LAW.

FIRST, YOU MUST DETERMINE THE FACTS FROM THE EVIDENCE RECEIVED IN THE TRIAL AND NOT FROM ANY OTHER SOURCE. SECOND, YOU MUST APPLY THE LAW TO THOSE FACTS. YOUR DECISION, CALLED A “VERDICT,” WHICH MUST BE BASED ON THE FACTS AND THE LAW.

EVERY PERSON WHO STEALS THE PROPERTY OF ANOTHER IS GUILTY OF THE CRIME OF THEFT.

THE DEFENDANT IS PRESUMED TO BE INNOCENT. YOU MUST NOT BE SWAYED BY PITY FOR THE DEFENDANT OR BY PREJUDICE AGAINST HIM. YOU MUST NOT BE BIASED AGAINST THE DEFENDANT BECAUSE HE HAS BEEN ARRESTED, CHARGED WITH A CRIME, AND BROUGHT TO TRIAL. NONE OF THESE CIRCUMSTANCES IS EVIDENCE OF GUILT.

THE PROSECUTION HAS THE BURDEN OF PROVING THE DEFENDANT GUILTY BEYOND A REASONABLE DOUBT. REASONABLE DOUBT IS DEFINED AS FOLLOWS: IT IS NOT A MERE POSSIBLE DOUBT, BECAUSE EVERYTHING RELATING TO HUMAN AFFAIRS IS OPEN TO SOME POSSIBLE OR IMAGINARY DOUBT. REASONABLE DOUBT MEANS THAT YOU, AS JURORS, ARE NOT CONVINCED THAT THE DEFENDANT IS GUILTY OF THE CRIME.

IF YOU ARE CONVINCED BEYOND A REASONABLE DOUBT THAT DANNY DEFENDANT STOLE VICKY VICTIM’S COOKIE, I HEREBY INSTRUCT YOU TO FIND HIM GUILTY OF THE CRIME OF THEFT. IF YOU ARE NOT CONVINCED BEYOND A REASONABLE DOUBT THAT DANNY DEFENDANT STOLE VICKY VICTIM’S COOKIE, I HEREBY INSTRUCT YOU TO FIND HIM NOT GUILTY OF THE CRIME OF THEFT.

ALL TWELVE JURORS MUST AGREE WITH THE DECISION. WHEN YOU ARE ALL IN AGREEMENT, CHECK THE PROPER BOX ON THE VERDICT FORM MY CLERK WILL GIVE YOU. THEN CALL THE BAILIFF TO REPORT YOUR VERDICT.

THE CLERK WILL NOW SWEAR IN THE BAILIFF.
[The clerk and bailiff both stand and raise their right hands.]

CLERK (To Bailiff):

YOU DO SOLEMNLY SWEAR THAT YOU WILL KEEP THIS JURY TOGETHER IN A PRIVATE PLACE; THAT YOU WILL ALLOW NO PERSON TO COMMUNICATE WITH THEM, EXCEPT BY ORDER OF THE COURT; AND THAT YOU WILL RETURN THEM INTO COURT WHEN THEY HAVE SO AGREED, OR WHEN ORDERED BY THE COURT, SO HELP YOU GOD?

BAILIFF: I DO.

[Although in a real trial the bailiff would now take the jury to a room to decide the case, in this trial the jury will remain in the jury box and will decide the case among themselves with everyone in the courtroom watching and listening quietly.]

Jurors should speak loudly enough so that everyone in the courtroom can hear.

The jury checks the appropriate box on the verdict form, then gives the verdict form to the bailiff. The bailiff gives the verdict form to the judge, who reads it silently. The judge gives the form to the clerk.

Mr. Defendant and Ms. Defender stand and face the clerk. The clerk reads the verdict form out loud.]

JUDGE (If the verdict is “not guilty”):

MR. DEFENDANT, YOU ARE FREE TO GO.

LADIES AND GENTLEMEN OF THE JURY, SERVICE ON A JURY IS AN IMPORTANT JOB, AND YOU HAVE PERFORMED YOUR JOB WELL. THANK YOU.

COURT IS ADJOURNED.

JUDGE (If the verdict is “guilty”):

MR. DEFENDANT, YOU HAVE BEEN FOUND GUILTY OF

THE CRIME OF THEFT.

YOU WILL BE INTERVIEWED BY A PROBATION OFFICER, WHO WILL PREPARE A REPORT WHICH I WILL USE TO ASSIST ME IN DECIDING HOW TO PUNISH YOU FOR YOUR CRIME. YOU MUST RETURN TO THIS COURTROOM AT 8:30 A.M THREE WEEKS FROM TODAY TO RECEIVE YOUR PUNISHMENT.

LADIES AND GENTLEMEN OF THE JURY, SERVICE ON A JURY IS AN IMPORTANT JOB, AND YOU HAVE PERFORMED YOUR JOB WELL. THANK YOU .

COURT IS ADJOURNED.

JUDGE *(If the jury is unable to reach a verdict):*

I DECLARE A MISTRIAL IN THIS CASE.

THE RECORD WILL REFLECT THE FACT THAT THE JURY HAS BEEN DELIBERATING FOR FOUR DAYS AND HAS STATED THAT IT WILL BE UNABLE TO REACH A VERDICT.

THE MONTEREY COUNTY DISTRICT ATTORNEY'S OFFICE WILL NOW DECIDE WHETHER TO HAVE MR. DEFENDANT STAND TRIAL AGAIN BEFORE ANOTHER JURY, OR TO REQUEST DISMISSAL OF THE CHARGE AGAINST HIM.

LADIES AND GENTLEMEN OF THE JURY, SERVICE ON A JURY IS AN IMPORTANT JOB, AND YOU HAVE WORKED HARD TO REACH A VERDICT IN THIS CASE. I KNOW IT HAS NOT BEEN EASY. ALTHOUGH YOU HAVE NOT BEEN ABLE TO CONCLUDE THIS CASE, I THANK YOU FOR THE EFFORTS YOU HAVE MADE.

COURT IS ADJOURNED.