

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, STATE OF FLORIDA
CRIMINAL JUSTICE DIVISION

----- X
THE STATE OF FLORIDA :
vs. : Case No.: 01-1523
: Division: I
: KRIS KRINGLE :
----- X

CRIMINAL TRIAL OF SANTA CLAUS

First presented on
December 5, 2006

By
The Goldberg Inn of Court
The Cheatwood Inn of Court
The Jacob Criminal Appellate Inn of Court

At the
Tampa Campus of the Stetson University
College of Law

Tampa, Florida

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Mock Trial for use with Middle School Students

Basic Story:

On January 5, 2006, Mr. Kringle was arrested at the North Pole by Canadian Mounties and extradited to Tampa, Florida for trial. Mr. Claus is charged with armed burglary, and grand theft.

The charges stem from an event shortly after midnight on December 25, 2005, at the home of Eb and Paris "Holiday" Scrooge in Strawberry City, Florida. Mr. Kringle is accused of stealing a Tickle Me Elmo doll, a Razor scooter, a BB gun, and a very valuable baseball signed by Babe Ruth. A very similar scooter and BB gun were recovered nearby at the home of Davey Crackett, who believes they were given to him by Santa. A very similar Tickle Me Elmo doll was found at Sarah Johnson's house along with a silver sleigh bell that may or may not be broken.

The State charged armed burglary because the BB gun is a dangerous weapon and Mr. Kringle armed himself with this weapon during the heist.

Mr. Kringle does not testify but in an earlier statement he had explained that he went to the home to deliver an I-pod to Susie Q. Scrooge, the 13-year-old daughter of Eb and Holliday. He only admits taking the doll, which had a note on it for him to take. He is into recycling now that global warming is making his job more difficult.

The jury receives instructions and a verdict form for the charged offenses and the lesser offense of simple (petit) theft.

This trial may take more than a normal class hour to present. Trials often adjourn, and there is no reason not to adjourn mid-trial with a warning to the jury not to discuss the case with anyone until the end of the proceedings.¹ The end notes provide explanations and discussion items that can be used during or after the trial.

This mock trial will soon have a civil counterpart that can be used to compare and contrast civil and criminal proceedings.

It requires:

8 students to play the role of witnesses.

2 students to play the prosecutor and the Public Defender.

3 students to play court personnel: the clerk, the court reporter, and bailiff.

6 students for the jury (you could use 2 juries if you have 25 students)

19 total students

Santa should be an adult that the students know. Scrooge can also be an adult.

It will be easier and more informative if the Judge, and the lead prosecutor and public defender are adults trained in the law.

You will need four exhibits: the scooter, the Tickle Me Elmo, the BB gun, and a sleigh bell. Photos of first three items may simplify preparations.

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1 *(The jury should already be chosen and placed in the box. The judge*
2 *may choose to swear the jury in the usual manner)*²

3 THE BAILIFF: All Rise. This Court is now in session. The
4 Honorable Jack[ie] R. Frost presiding. All those having business before this
5 Court draw near and you shall be heard. (Bowing head) May God save the
6 United States of America, the State of Florida and this Honorable Court.
7 (Raising head) You may be seated.³

8 THE COURT: Good afternoon, members of the jury. We are here to
9 try the case of the State of Florida v. Kris Kringle. Mr. Kringle is charged
10 with armed burglary and grand theft.

11 It is a treasured right under the freedoms provided by our form of
12 government that a defendant is innocent unless proven guilty. For that
13 reason, we ask that you listen carefully to the testimony. I remind you that
14 what the lawyers say is not evidence. Their remarks are merely to guide
15 you in reviewing the evidence. It is your job, and yours alone, to listen to
16 the evidence and, after I instruct you on the law, to decide whether the
17 defendant is innocent or guilty of the charges brought against him by the
18 State.

19 Are the parties ready? State, you may proceed.⁴

20 (State's Opening Statement)

21 MR. PROSECUTOR: May it please the court. “Not a creature was
22 stirring....” or so the story goes. But someone was stirring shortly after
23 midnight on or about last December 25th at the home of the Scrooge family,
24 the victims in this case.

1 The State’s evidence will show that the Defendant, Kris Kringle, a
2 man of many aliases, unlawfully entered the Scrooge home late at night, at a
3 time when law abiding citizens “are nestled, all snug in their beds.” This
4 entry was made with the intent to steal some of the family’s most prized
5 possessions. Possessions which, the evidence will show, had both sentimental
6 value and great monetary value. The evidence will show that the defendant
7 was not welcome in the Scrooge home. Neither Eb nor Holiday Scrooge, the
8 homeowners, gave the defendant permission to enter; especially during an
9 hour when the whole family was asleep. The Defendant certainly was not
10 welcome to rummage through their closets, taking items for his own purposes.

11 This crime was made even worse because Mr. Kringle took possession
12 of a dangerous weapon, a loaded BB gun, during the course of the burglary.
13 He could easily have shot someone’s eye and blinded them during this
14 burglary!

15 Now some of you may have heard of the Defendant, and we expect
16 him to argue that he did not taken anything and that the similar toys he gave to
17 needy children were donated to him. But the evidence speaks for itself.
18 These items were not “donated,” to a good cause; they were stolen by that
19 bearded man from a family that has every right in this free country not to
20 celebrate Christmas.

21 Armed burglary and grand theft? Mr. Kringle needs to check his list
22 twice, members of the jury. His actions have earned him a place in the
23 naughty column– and in a Florida prison.

24 THE COURT: Thank you. We will now hear from Mr. Kringle's
25 counsel.

(Defense's Opening Statement)

1
2 MR. P.D.: Father Christmas. Pere Noel. Jolly-Old-St.-Nick. Santa
3 Claus. Yes, Mr. Kringle is a man of many names- given by his many
4 admirers-both young and young at heart. Still, there have always been—and
5 there will always be-- mean people who try to tarnish the reputation of this
6 good and generous man. The Attorney for the State of Florida is trying to
7 confuse you about Mr. Kringle's actions and his good intentions.

8 Because, you see, ladies and gentlemen, Mr. Kringle had tough
9 choices to make in these difficult times of global warming and consumer-
10 driven waste. Sure, he could have kept using the earth's precious resources to
11 manufacture new toys while perfectly serviceable ones were tossed away,
12 forgotten, in closets, attics, and in the garbage dump. Or he could, like the
13 song says: "reduce, reuse, and recycle." He merely collected used toys that
14 people donated and cleaned them up to give to other children.

15 Suzie Q. Scrooge sent a written invitation to Mr. Kringle to enter her
16 home. He answered, bringing her the gift she requested. As is the worldwide
17 custom, he entered her home to leave the present under her tree. Someone
18 even enticed him to enter with a snack of milk and cookies. While lawfully in
19 the house, Mr. Kringle admittedly collected a toy that Suzie Q. wanted him to
20 recycle—a Tickle Me Elmo doll. Mr. Kringle sometimes stumbles upon
21 abandoned toys, toys that no little boy or girl loves, and he gives them to
22 better owners. This wasn't theft, ladies and gentlemen, and it surely wasn't
23 burglary. Santa did not enter the Scrooge home as an evil man to take-- he
24 entered out of kindness to give.
25

1 THE COURT: Will all of the witnesses please stand and be sworn?

2 THE CLERK: Do you promise to tell the truth, the whole truth and
3 nothing but the truth?

4 ALL WITNESSES: Yes.⁵

5 THE COURT: State, call your first witness.

6 Ms. PROSECUTOR: The State calls Paris "Holiday" Scrooge.

7 DIRECT EXAMINATION

8 BY MR. PROSECUTOR:

9 Q Please state your name for the record.

10 A Well, everyone has heard of me, but all right. My name is Paris
11 Holiday Inn Scrooge, but everyone calls me Holiday.

12 Q Where do you reside?

13 A I don't understand.

14 Q Where do you live?

15 A Oh, I live at 1134 Dead End Lane.

16 Q Is that in Hillsborough County, Florida?

17 A I don't know where else it would be.

18 Q With whom do you reside, I mean, live?

19 A My family.

20 Q Who is in your family?

21 A Well. my husband, Eb, my two sons, Jocko and Curse, and my
22 daughter, Susie Q.

23 Q Does anyone in your family own a BB gun?

1 A Well, I think so. Seems like I saw something like that around
2 the house once. But honestly, my children have so much stuff, I can't keep track of it
3 all.

4 Q Does anyone in your family own a baseball autographed by Babe
5 Ruth?

6 A Who?

7 Q Are you familiar with Babe Ruth?

8 A Is she in fashion?

9 Q Let me move on. Does your daughter own a Tickle Me Elmo doll?

10 A I think she does. Last I saw it, it was still in a box. That was
11 something we bought a long time ago. I don't think she ever played with it.
12 Honestly, they have so much stuff.

13 Q Does anyone in your family own a Razor scooter:

14 A I'm sorry. I don't know what that is.

15 Q Let me direct your attention to the early morning hours of December
16 25, 2005. Did anything unusual happen at that time?

17 A Well, yes. I'll never forget it. I went downstairs to get a drink of
18 water and I saw this Santa man in our house. He was dressed in Bermuda shorts and
19 a tropical kind of shirt. A total fashion outcast, if you ask me. Anyway, he was so
20 overweight, I felt sorry for him. I can't imagine what he was doing in my house. He
21 was rummaging around in a closet, and I saw him with some of our things, but I
22 really don't remember what. Maybe that Tickle Me Elmo was part of it. I was so
23 shocked, I hardly knew what to do. I decided to confront him about being in my
24 house and going through our things. But as I got up to him, he disappeared. I don't
25 know how. Believe me, that scared me even more.

1 Q And what happened next?

2 A Next? Nothing. I went and told Eb, and he got crazy mad and said all
3 kinds of things were missing from our home and he wouldn't put up with some
4 common burglar pretending to celebrate Christmas by stealing our things, and told me
5 how --

6 MR. P.D.: Objection. Hearsay.

7 Ms. PROSECUTOR: It doesn't go to prove the truth of the matter
8 asserted, Judge.

9 THE COURT: Objection sustained.⁶

10 BY Ms. PROSECUTOR (resuming):

11 Q Without saying what others told you, please explain when you next
12 saw your things.

13 A I didn't. Maybe Eb did. He was so obsessed about not celebrating
14 Christmas. I think Eb called the police and then I went to bed. I was tired and didn't
15 really care if that fat guy took a few things, as long as they weren't mine.

16 Q Did you try to get your things back from Mr. Kringle?

17 A Well, yes, but he disappeared and then next thing I knew I heard a
18 huge "thud" on the roof, and saw that fat guy with two weird little men riding in a red
19 Hybrid with a glowing, cherry-red hood ornament. I heard Mr. Kringle yelling
20 something like, "To all a good flight." Seriously, there is something wrong with that
21 man.

22 Ms. PROSECUTOR: No further questions of this witness.

23 THE COURT: Defense, you may cross examine.

24 CROSS-EXAMINATION⁷

25 BY MR. P.D.:

1 Q You did not see anyone take a baseball, did you?

2 A Now that you mention it, I think I did see the old guy with a baseball,
3 and that was what Eb was most mad about, that baseball. Something about who
4 signed it, but I don't know baseball from basketball. I like to ski.

5 Q You didn't see anyone take a scooter, did you?

6 A Yeah, he had a scooter. Is that what the Razor thing is? I don't know
7 what kind, but he had a scooter. It was used.⁸

8 Q You didn't see my client, Mr. Kringle, take a BB gun, did you?

9 A No. No guns. We don't use guns.

10 Q Now, your daughter, Suzie Q. wanted an Ipod for Christmas, didn't
11 she?

12 A I don't know. We don't celebrate Christmas. Susie Q. wants lots of
13 things. She's thirteen.

14 Q Now, you saw my client, Mr. Kringle disappear before your eyes, did
15 you not?

16 A He did. I can't explain it, but he put his finger on the side of his nose
17 and next thing I knew, he was gone.

18 MR. P.D.: No further questions.

19 THE COURT: The witness may be excused. Call your next witness.

20 THE PROSECUTOR: The State calls Ebenezer Scrooge.

21 BY THE PROSECUTOR:

22 Q Please state your name.

23 A Ebenezer Scrooge.

24 Q Please tell the jury where you live.

1 A I live with my wife, Holiday, and my three children at 1134 Dead End
2 Lane in Strawberry City, Florida.

3 Q Did anything unusual happen in your home during the early morning
4 hours of December 25, 2005?

5 A Yes, it did. I was getting ready to go to bed, when all of a sudden I
6 heard such a clatter, I sprang from the bed, to see what was the matter. Away to the
7 window I flew like a flash, tore open the shutters and threw up the sash.

8 Q And what to your wandering eyes did appear?

9 A Well, a crazy old coot like this Santa character looting through my
10 house and taking my property out of my own home. Bah, Humbug!

11 Q What did you find missing from your home?

12 A The old man stole my BB gun that I use to keep the neighbor's dog
13 quiet. Ever since, I've been without any sleep from that yapping pup. It was an old
14 Red Ryder model that is a collector's item. Someone offered me \$500 dollars for it
15 once.

16 Q Did Mr. Kringle steal anything else?

17 A Sure. All kinds of stuff. Let's see. He took my Babe Ruth baseball. I
18 paid \$5000 for it on eBay, and it's worth ten times that now. He stole my son's
19 scooter and my daughter's Tickle Me Elmo doll that was in perfect condition.

20 Q I am showing the witness State's Exhibit 1 for identification. Could
21 you please tell the jury what this is?

22 A Sure, this is the scooter that was taken out of our home. I paid \$50 for
23 it at a yard sale.

24 Q I am showing the witness State's Exhibit 2 for identification. Can you
25 please identify this for the jury?

1 A That's my daughter's doll. I'd recognize it anywhere. She loved that
2 thing. We wouldn't let her play with it, though. It cost me 20 bucks. We were
3 hoping it would be worth a lot of money someday.

4 Q I am showing the witness State's Exhibit 3 for identification. Can you
5 please identify this?

6 A That is my BB gun. Can I take that home with me? I need that. The
7 neighbor's dog just won't stop yapping.

8 Ms. PROSECUTOR: Judge, I would like to move State's Exhibits 1,
9 2 and 3 into evidence.)

10 MR. P.D. No objection.

11 THE COURT: So admitted.⁹

12 BY Ms. PROSECUTOR (resuming):

13 Q Did you give your daughter an iPod for Christmas?

14 A Me? I don't believe in Christmas. No trees, no lights, nada. I
15 certainly don't believe in Santa. I bought an iPod from some guy on the street for \$50
16 cash, and gave it to Susie Q at some point. Maybe it was around that time.

17 Q Did you or anyone else in your family ever give Mr. Kringle
18 permission to enter your home?

19 A Are you kidding? Why would I do that? No. I never let that old coot
20 in my home. He shoved his own way in and took my things. I hope he gets what's
21 coming.

22 Ms. PROSECUTOR: No further questions of this witness.

23 THE COURT: Defense, you may cross examine.

24

25

CROSS-EXAMINATION

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BY MR. P.D.:

Q Mr. Scrooge, you don't celebrate Christmas, do you?

A So, what's wrong with that? This is a free country. Does that mean your client can come in my house and take my stuff?

Q You won't let your daughter celebrate Christmas, either, will you?

A No, I won't. Christmas is about giving, and I don't do that. Kids need to learn that life is tough and that they must earn everything in life.

Q In fact you despise the very idea of Santa Claus, don't you?

A Yes, I do. I think all these fat old men could spend their time doing better things like working for a living instead of stealing from others.

Q Now, this Babe Ruth baseball, you paid \$5000 for it?

A No, I never said that. I paid lots more than that.

MR. P.D.: Judge, I request that the court reporter read back Mr. Scrooge's direct testimony regarding what was taken from his home.

THE COURT: Court Reporter, can you find that testimony in your notes? Please read that back to the jury.

THE COURT REPORTER: I will now read to you the testimony of Ebenezer Scrooge. I will start with the question by the Prosecutor.

QUESTION: Did Mr. Kringle steal anything else?

ANSWER: Sure. All kinds of stuff. Let's see. He took my Babe Ruth baseball. I paid \$5000 for it on eBay, and it's worth ten times that now. He stole my son's scooter and my daughter's Tickle Me Elmo doll . that was in perfect condition.

(End of read back.)¹⁰

1 BY MR. P.D. (resuming):

2 Q Did you not tell this jury that you paid \$5000 for the baseball \$5000?

3 A I paid not a dime under \$5,000 for it on eBay. We're talking Babe
4 Ruth, the Big Bambino, the Sultan of Swat.

5 Q And your old BB gun was worth \$500, right?

6 A Sure thing. At least.

7 Q What did you pay for it?

8 A I don't know. Can't remember.

9 Q When did you get that offer of \$500 for the BB gun?

10 A I've had it for about 7 years, so sometime in the last 7 years.

11 Q Do you have any papers showing that you bought the \$5,000 baseball?

12 A No, I don't. He probably took them, too. I don't have any papers
13 now.

14 Q Well, do you have any pictures of it?

15 A No, I don't.

16 Q Did you actually see Mr. Kringle take anything?

17 A Well, no. But he must have swiped the stuff because the things were
18 there the night before and gone after he burglarized my home.

19 MR. P.D.: No further questions.

20 THE COURT: The witness may be excused. Call your next witness.

21 Ms. PROSECUTOR: The State calls Susie Q. Scrooge.

22 BY Ms. PROSECUTOR:

23 Q Please state your name.

24 A Susie Q. Scrooge.

1 Q Do you live with you mother and father on Dead End Lane in
2 Strawberry City?

3 A Yes, I do.

4 Q Do you know what it means to tell the truth?

5 MR. P.D.: Judge, I would stipulate that Ms. Scrooge and all the other
6 child witnesses are mature enough to testify under oath, even though they are
7 minors.¹¹

8 THE COURT: So stipulated. Please proceed.

9

10 BY Ms. PROSECUTOR (resuming):

11 Q Did someone break into your home during the early morning hours of
12 December 25, 2005?

13 A Sure. *(Hesitantly, looking at her father.)*

14 Q Your father's very valuable Babe Ruth baseball was stolen on that
15 evening, was it not?

16 A Sure. *(Hesitantly, looking at her father.)*

17 MR. P.D.: Objection. Leading. Move to strike and to instruct the jury
18 to disregard the last question and answer.

19 THE COURT: Sustained. Members of the jury, you must not
20 consider the last question and answer in deciding this case. Please proceed
21 and don't lead the witness.

22 BY Ms. PROSECUTOR (resuming):

23 Q Yes, your Honor. Susie, did your dad have a baseball signed by Babe
24 Ruth?

25 A Sure.

1 Q When did you last see that baseball?

2 A Sure. *(Hesitantly, looking at her father.)*

3 Q Please answer my question.

4 A Oh, I don't know. I'm sorry. I'm a little nervous.

5 Q Did your brother have a scooter?

6 A Sure.

7 Q When did you last see that scooter?

8 A I saw my brother riding it on Christmas Eve during the day.

9 Q Did you have a doll, a Tickle Me Elmo doll?

10 A Sure.

11 Q How long have you had that doll?

12 A A long time. I don't play with dolls. I like iTunes.

13 Ms. PROSECUTOR: No further questions of this witness.

14 THE COURT: Defense, you may cross examine.

15 CROSS-EXAMINATION

16 BY MR. P.D.

17 Q Susie, you do believe in Christmas, don't you?

18 Ms. PROSECUTOR: Objection. Irrelevant.

19 MR. P.D.: Judge, this line of questioning is relevant to establish
20 consent for my client to enter the Scrooge's home to leave Ms. Scrooge her
21 Christmas gift, an iPod.

22 THE COURT: Overruled. Please proceed.

23 BY MR. P.D. (resuming):

24 Q You may answer the question.

25 A Well, yeah. My dad doesn't, but he's a grouch.

1 Q Didn't you write a letter to Santa, asking him to bring you an iPod for
2 Christmas?

3 A Well, I guess. I mean, it was at a slumber party and we were goofing
4 around. I never knew Santa would actually get it, but I'm kinda glad he did. My dad
5 would never give me an iPod. If he did, he certainly wouldn't let me use it. My
6 mom, on the other hand, well, she's another story. She lets me have anything I want.
7 But that's all the time, not for Christmas. I was really happy when I woke up on
8 Christmas and found the iPod. I felt really special.

9 Q Did you have a Christmas tree?

10 A No. Dad wouldn't allow it. *(Pause)* I sort of had a little plant with
11 shiny paper though.

12 MR. P.D. No further questions.

13 Ms. PROSECUTOR: Your honor, may I ask a couple questions on
14 redirect?

15 THE COURT: Yes, but be quick.

16 REDIRECT EXAMINATION¹²

17 BY Ms. PROSECUTOR (resuming):

18 Q Suzie, Did your letter actually tell Mr. Kringle to come inside your
19 home?

20 A Well, not exactly.

21 Q Have you ever even met Mr. Kringle before today?

22 A Well, not exactly.

23 Q Do your parents let you invite grown men that you have never met into
24 your home in the middle of the night?

1 A Well, not exactly. But.... Dad is such a grouch. What he doesn't
2 know won't hurt him.

3 Ms. PROSECUTOR: No further questions.

4 MR. P.D. No further questions.

5 THE COURT: The witness may be excused. Call your next witness.

6 Ms. PROSECUTOR: The State calls Officer Grinch.

7 BY Ms. PROSECUTOR:

8 Q Please state your name.

9 A Officer Grinch.

10 Q What is your occupation?

11 A Police Officer for Strawberry City?

12 Q How long have you been a police officer?

13 A Seems like forever. I came here after I retired from the police force in
14 Whoville.

15 Q Directing your attention to January 5, 2006, were you called out to the
16 Eb Scrooge home in Strawberry City in connection with a burglary and grand theft
17 during the early morning hours of December 25, 2005?

18 A Yes.

19 Q What did you do when you arrived?

20 A I immediately interviewed Mr. Scrooge about what he heard that night.
21 I interviewed Mrs. Scrooge about what she saw that night. I was told that several
22 items were missing, including a valuable signed baseball, a scooter, a BB gun and a
23 Tickle Me Elmo toy.

24 I also interviewed Susie Q. Scrooge.

25 I wrote a detailed report and included all the items allegedly taken

1 from the Scrooge residence. (*Showing jury his "report," which is the script.*) I asked
2 them to give me any papers proving that the Scrooge family owned these items.¹³

3 Mr. Scrooge told me that he had no papers proving ownership because
4 he bought the baseball on e-bay for \$5,000; the scooter at a yard sale for \$50, the
5 Tickle Me Elmo was \$20, and... I can't read the value for the older model BB-gun.

6 Q Did you calculate the value of the items missing?

7 A Yes. Without the paperwork on the missing items, I figured the value
8 of the missing items was a little less than \$100.00.

9 Q Did you question the Scrooge family about who they believed may
10 have wanted to come into their home and take their items?

11 A Yes. Mr. Scrooge had no idea. He told me that Santa was a fake and
12 he never believed in him since he was a child. So, it couldn't be him. He had no
13 other ideas.

14 Q Officer Grinch, did you investigate further?

15 A Yes, several days after the burglary, I investigated neighbors down the
16 street and met with Davey Cratchett. Mr. Cratchett had a worn Razor Scooter that he
17 had received for Christmas, along with a BB gun. He was very excited because he
18 always wanted a scooter. This year, he got his wish. Davey believed that Santa gave
19 him the scooter and the BB gun.

20 Q Did you do any further investigation?

21 A I also interviewed Sarah Johnson, who also lives down the street. She
22 said for Christmas, she received a silver sleigh bell. Her brother got a Polar Express
23 train set and her little sister got a Tickle Me Elmo doll.

24 Q Did you examine these items, officer?

25 A Yes. I saw that the silver sleigh bell did not ring and I believe it was

1 broken. I asked Sarah for the wrapping paper that the gifts came in, but she said that
2 she threw it away after Christmas and she no longer had the boxes.

3 Q Did you conduct any further investigation, officer?

4 A No.

5 Ms. PROSECUTOR: No further questions of this witness.

6 THE COURT: Defense, you may cross examine.

7 CROSS-EXAMINATION

8 BY MR. P.D.

9 Q Officer Grinch, were you able to collect any evidence during your
10 investigation?

11 A Yes. I seized the items from the homes of Davey Cratchett and Sarah
12 Johnson.

13 Q What did you do with these items?

14 A I sent them to the lab for tests.

15 Q What were the results?

16 A The tests came back negative for fingerprints. No fingerprints were
17 lifted from any of the items. But the BB gun would fire a pellet that could put your
18 eye out.

19 Q Isn't it true that neither Mr. Cratchett nor Ms. Johnson saw my client
20 deliver these items?

21 A They did not see Mr. Kringle. They were sleeping when the gifts were
22 delivered.

23 Q You were not able to find any physical evidence linking Mr. Kringle to
24 this crime scene, were you?

1 A Well, cookies and milk were missing from both houses. But, I found
2 no fingerprints or other evidence.

3 Ms. P.D. No further questions.

4 THE COURT: The witness may be excused. Call your next witness.

5 Ms. PROSECUTOR: The State calls Davey Cratchett.

6 BY Ms. PROSECUTOR:

7 Q Please state your name.

8 A Davey Cratchett

9 Q Where do you live?

10 A In Strawberry City.

11 Q Mr. Cratchett, I want to direct your attention to December 25, 2005,
12 Christmas Day. Did you wake up in the morning and find Christmas gifts for you
13 beneath your tree?

14 A Yes.

15 Q What were they?

16 A Well, I got a Razor Scooter and it was something that I always wanted.
17 It was a little bit used but I didn't care. I wanted it so, so bad--and I got my wish.

18 Q Do you know who gave you the Razor Scooter?

19 A I'm sure it was Santa.

20 Q How can you be so certain?

21 A Because this year, my family couldn't afford to buy Christmas gifts
22 because my little brother Timmy needed an operation and had to go to the hospital.
23 It had to be Santa Claus because who else could it be?

24 Q Did you get any other Christmas gifts?

25 A Yeah, I also got a really cool B-B gun.

1 Ms. PROSECUTOR: No further questions of this witness.

2 THE COURT: Defense, you may cross examine.

3 CROSS-EXAMINATION

4 BY MR. P.D.

5 Q Davey, did you see Santa in your house on Christmas eve?

6 A No.

7 Q Did you see Santa put the scooter and BB-gun under your Christmas
8 tree?

9 A No.

10 Q Did you leave cookies and milk for Santa?

11 A Sure. Oreo Double Stuft Cookies.

12 Q How many?

13 A Four.

14 Q What happened to the cookies?

15 A Santa ate them because only crumbs were left on the plate and the milk
16 was gone.

17 MR. P.D. No further questions.

18 THE COURT: The witness may be excused. Call your next witness.

19 Ms. PROSECUTOR: The State calls Sarah Johnson.

20 BY Ms. PROSECUTOR:

21 Q Would you state your name?

22 A Sarah Johnson

23 Q Where do you live?

24 A I live in Strawberry City.

25 Q How old are you?

1 A 11.

2 Q On Christmas morning, Sarah, did you and your brothers and sisters
3 get presents?

4 A Yes.

5 Q Can you share with us what you received?

6 A My brother got a Polar Express train set from Santa. My baby sister
7 got a Tickle Me Elmo doll and I got a silver sleigh bell. See! [holding up the bell].

8 Q Were all these gifts in working order?

9 A Yes.

10 Q Sarah, were you questioned by Officer Grinch about these gifts?

11 A Yes.

12 Q Were you asked about the packaging that the Christmas gifts were
13 wrapped in?

14 A Yes.

15 Q Did you have the wrapping for these Christmas gifts?

16 A No, my family doesn't keep boxes and old wrapping paper. We throw
17 it away as soon as we take it off.

18 Q Sarah, where did you and your brother and sister get these gifts?

19 A From Santa, of course.

20 Ms. PROSECUTOR: No further questions of this witness.

21 THE COURT: Defense, you may cross examine.

22 CROSS-EXAMINATION

23 BY MR. P.D.

24 Q Sarah, did you actually see Santa deliver the gifts to your house?

25 A No. I was sleeping. I found the gifts when I woke up in the morning.

1 Q Was anything missing from your house?

2 A Yes, a plate of cookies and a glass of milk.

3 Q You say the toys were all in working order?

4 A Yes.

5 Q Can you ring that bell?

6 A Sure (*ringing bell*).

7 Ms. PROSECUTOR: Your Honor, let the record reflect the bell made
8 no sound.

9 THE COURT: The record will reflect that the Prosecutor did not hear
10 the bell.

11 MR. P.D. No further questions.

12 THE COURT: The witness may be excused. Call your next witness.

13 Ms. PROSECUTOR: The State calls Mounty Dudley "Dowha-
14 Diddley" Doright..

15 BY Ms. PROSECUTOR:

16 Q Please state your name for the record

17 A Mounty Dudley "DoWha-Diddley" Doright

18 Q What is your occupation?

19 A I'm a Canadian Mounted Police and I'm based at the North Pole.

20 Q Directing your attention to January 5, 2005, can you tell us how you
21 encountered Mr. Kringle?

22 A On that day, my supervisor ordered me to drive over to Mr. Kringle's
23 workshop. Our office had obtained a warrant to arrest him for armed burglary and
24 grand theft. The charges stemmed from an event after midnight on December 25,
25 2005 at the home of Ed Scrooge in Hillsborough County, Florida.

1 I arrested Mr. Kringle and read him the charges. He agreed to waive
2 extradition from Canada to Tampa. A few days later, I was ordered to drive him to
3 the airport, where he was sent to Tampa to face these criminal charges.¹⁴

4 Q Did you interview Mr. Kringle?

5 A Yes.

6 Q Did you tell him that he did not have to talk to you without an attorney
7 present?

8 A Yes.

9 Q Did Mr. Kringle agree to speak with you and waive his rights?

10 A Yes.¹⁵

11 Q Can you tell us what he told you?

12 A Well, Santa, I mean Mr. Kringle, explained that since global warming,
13 he has given up on reindeer, and is now forced to drive a hybrid car. It is cherry red,
14 with a red hood ornament that glows. It reminds him of Rudolph. Global warming
15 also has slowed down his elves, and sometimes, he recycles toys from children who
16 no longer want them. That is what he said happened here.

17 Santa said he knows that Eb Scrooge doesn't believe in him, but his
18 daughter, Suzie Q. does. Santa said Susie Q. sent him a letter asking him for a video
19 I-pod. He believed he had her permission to enter her house in the usual way -- via
20 the chimney, and deliver the I-pod.

21 Santa said he knew that Eb Scrooge had a BB gun and he was glad
22 someone had taken it because Scrooge was using it to shoot the neighbor's noisy
23 dachshund. He also admitted that he gave a Razor scooter to Davey Cratchett. Santa
24 said he found an Elmo in a shoe box at the Scrooge home. It needed new batteries,
25 and the box had a sign on it saying: "Santa, give this to some younger child."

1 He said it looked like a child's handwriting to him. Santa denied ever seeing a Babe
2 Ruth baseball, but thought he would remember if he had. He says he gets lots of
3 requests every year for Babe Ruth baseballs---mostly from older lawyers.¹⁶

4 Ms. PROSECUTOR: No further questions of this witness.

5 THE COURT: Defense, you may cross examine.

6 CROSS-EXAMINATION

7 BY MR. P.D.

8 Q Did you make any promises to Mr. Kringle to get him to make a
9 statement to you?

10 A No.

11 Q Officer Doright, you said that Mr. Kringle talked to you freely and
12 voluntarily and that he agreed to speak with you?

13 A Yes.

14 Q Did he ask for an attorney?

15 A No.

16 Q Isn't it true that you gave Mr. Kringle numerous Oreo cookies and
17 milk before he agreed to speak with you?

18 A Yes.

19 Q Isn't it true that Mr. Kringle ate two full bags of Oreo Double Stuff
20 cookies and a whole gallon of milk before he spoke with you?

21 A Yes.

22 Q Isn't it true that Mr. Kringle did not make any statements until after he
23 was given the cookies and milk?

24 A Yes.

1 Q Didn't Mr. Kringle appear to be on a "sugar high" and completely
2 confused after eating two bags of Double Stuff Oreos?

3 A Well, he was always very jolly. I don't know.¹⁷

4 Ms. PROSECUTOR: No further questions. The State rests, Your
5 Honor.

6 THE COURT: Does the defendant wish to testify?

7 MR. P.D.: No. My client elects to exercise his Rights under the Fifth
8 Amendment.

9 THE COURT: Members of the Jury, in this country, any defendant
10 has the right not to testify at trial because it is the State's burden to prove its
11 case beyond a reasonable doubt without forcing a person to testify against
12 themselves. Many defendants exercise this right and you should not form any
13 opinion or base your verdict on Mr. Kringle's decision not to testify in this
14 case.

15 Does the defense wish to present any evidence?

16 MR. P.D. Yes, Your Honor, we call Elvis Elf.

17 DIRECT EXAMINATION

18 BY MR. P.D.

19 Q Please state your name for the record.

20 A I am Elvis Elf.

21 Q Where do you work Mr. Elf?

22 A At the North Pole.

23 Q And for whom do you work?

24 A I work for Santa. I've done it all my life.

25 Q What do you do for Santa?

1 A I'm in charge of the scooter rehab facility. I repair old scooters and
2 Santa takes them and gives the fixed up ones to good children for Christmas. We get
3 lots of used scooters from Goodwill and the Salvation Army.

4 Q I am showing you what has been marked as State's Exhibit 1. Can you
5 tell me what this is?

6 A Well, this looks like one of our scooters. It really does. Looks like
7 something we would have put together. I can tell because of the replaced wheels.
8 That's a sure sign of our work. We use that kind of replacement wheel.

9 Q This is the kind of item that Santa delivers to children for Christmas?

10 A Been doing it forever.

11 MR. P.D.: No further questions of this witness.

12 THE COURT: State, you may cross examine.

13 CROSS-EXAMINATION

14 BY Ms. PROSECUTOR:

15 Q Mr. Elf, you say you make lots of these.

16 A As many as we need in a given year.

17 Q You don't know who owned this particular scooter, do you?

18 A No. I can only say that it looks like, at some point, it was rehabbed by
19 the Santa's crew. Who it ended up with, I don't know.

20 Ms. PROSECUTOR: No further questions of this witness.

21

22 THE COURT: You may be excused. Are there any closing
23 statements by either counsel?

24 MR. PROSECUTOR: Thank you, your Honor.

1 (Mr. Prosecutor presented closing statement to the jury on
2 behalf of the State as follows):

3 He “shook when he laughed, like a bowl full of jelly.” Well, the State
4 isn’t laughing. And neither are the victims. Because that man (indicating) the
5 defendant in this case, deliberately entered into the Scrooge home and made
6 off with the family’s valuable property. These items weren’t abandoned,
7 ladies and gentlemen of the jury, the Tickle Me Elmo was neatly packed away
8 as an investment. The BB gun was regularly used on the neighbor’s noisy
9 dog. The Babe Ruth Baseball—does anyone think that was abandoned?

10 Now, young children can sometimes testify, but every adult, including
11 that man (pointing) knows that children cannot give permission to an
12 unknown man to enter a family’s home in the middle of the night. Even if
13 you decide that Susie Q. allowed Mr. Kringle to enter the home to drop off the
14 I-Pod, he remained in the home to steal property that did not belong to Susie
15 Q.

16 And while he was in that home, Mr. Kringle armed himself with a BB
17 gun. It could cause great bodily harm. Under the law, that means he
18 committed armed burglary because, when you hear the law from the judge,
19 you will learn that he did not need to enter the home with the gun. It is armed
20 burglary if he arms himself with a dangerous weapon that he finds inside the
21 house.

22 Concerning the crime of theft, Mr. Kringle unlawfully took property
23 belonging to others- property valued at over \$5,000 dollars. That act is grand
24 theft. Even if you decide he did not take the baseball, the crime is at least
25 simple theft.

1 The judge is going to tell you that you must follow the law and not
2 make your decisions based on sympathy. Just because his elves are no longer
3 working hard enough to make the needed toys, this man thinks it is OK to
4 steal. Interestingly, he seems to steal from people who don't believe in Santa.
5 He does not respect their right to have their own beliefs.

6 Lofty motivations do not excuse criminal behavior- you are either
7 naughty or you are nice. The nice may remain at liberty among us. And the
8 naughty? (Turning to the defendant) You reap what you sow, Mr. Kringle.
9 (Turning back to the jury) We ask that you drop a lump of coal into Mr.
10 Kringle's stocking- in the form of a verdict of guilt on both crimes.

11 (Mr. P.D. presented closing statement to the jury on behalf of
12 the defendant **Kris Kringle** as follows):

13 Susie Q. believed in Santa. She believes in him still. Her parents may
14 not hear Santa's sleigh bell, but Susie does. She believed so much that she
15 wrote Santa a letter inviting him to her home and asking him to bring her an I-
16 pod. And he did; in the way that he has since before any of our times, by
17 slipping down a chimney or through an unlocked door to leave a gift- and
18 Christmas cheer- behind him. This, ladies and gentlemen, is not burglary.
19 Santa did not enter the Scrooges' home with the intent to steal from them, but
20 with the intent to give Susie Q. a toy that she would actually be allowed to
21 play with. And he was invited to remain in the house to eat the cookies and
22 milk.

23 As a member of the household, Susie Q should have an equal right to
24 welcome guests into the family home. She did so in this case. This lawful
25 entry exposes the State's burglary charge as what it really is, pure "humbug."

1 As for the BB gun, Mr. Kringle never admitted that the gun he gave to
2 Davey came from the Scrooges. For all we know, the owner of that poor little
3 dachshund finally got up the gumption to keep Eb from committing daily acts
4 of animal abuse, crimes to which that prosecutor seems to turn a blind eye. If
5 anyone's eye has been put out, it seems to be the prosecutor who should be
6 pursuing serious crimes of animal abuse.

7 And Mr. Scrooge claims my client stole a Babe Ruth baseball. If that
8 tightwad has a valuable baseball, it would be in a vault downtown at the bank.
9 Come to think of it, if he really has such a ball, maybe that is where it is.

10 The scooter is just one of thousands that kind people have donated to
11 Mr. Kringle. The Tickle Me Elmo was Susie Q. Strange, but did any of you
12 hear her say that she thought my client stole her doll? Remember, Mr.
13 Kringle has no burden to prove anything in this case. The State must prove its
14 case beyond a reasonable doubt, and I submit that there are doubts throughout
15 the State's case

16 Santa's actions, far from being criminal, herald an era of greater
17 environmental awareness and global responsibility. Mr. Kringle's actions are
18 not criminal- they are the acts of a generous and kind heart, something Mr.
19 Scrooge's clearly biased testimony reflects that he knows nothing about.

20 Yes, Susie Q, there really is a Santa Claus. "He exists as certainly as
21 love and generosity and devotion exist." That is what we seek today,
22 members of the jury. We ask that you apply the law fairly and equally. In
23 this country the law is not a tyrant; it was written with a generous spirit.
24 Judge this man in the spirit of a generous law.¹⁸ We ask that you find Kris
25 Kringle, not guilty on both charges.

JURY INSTRUCTIONS¹⁹

1
2 **THE COURT:** Ladies and gentlemen of the jury, I will now instruct
3 you on the law that you must follow in deciding this case.

4 The defendant has been accused of armed burglary and grand theft.
5 To prove the crime of burglary, the State must prove beyond a reasonable
6 doubt the following three elements:

- 7 1. The defendant entered the Scrooge's home,
- 8 2. He entered or remained in the home without the permission of Mr.
9 Scrooge or anyone properly authorized to act for him, and
- 10 3. That the defendant entered the home with the intent to steal
11 something inside the home.

12 If you find that, during any burglary, the defendant armed himself with
13 a dangerous weapon, you should find the defendant guilty of armed burglary.
14 A dangerous weapon is any weapon that can cause great bodily harm.²⁰

15 Now, to prove the second crime, grand theft, the State must prove
16 beyond a reasonable doubt the following two elements:

- 17 1. The defendant knowingly and unlawfully took the property of the
18 Scrooges.
- 19 2. The property was worth \$5000 or more.

20 If you find that the defendant knowingly and unlawfully took the
21 property of the Scrooges but that it was worth less than \$5000, you should
22 find the defendant guilty of simple theft.²¹

23 When you go to the jury room, quickly select a foreperson to lead your
24 discussions. You should fill out the verdict form, and the foreperson should
25 sign it.

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Your verdict must be unanimous; that is you must all agree on your verdict. You cannot base your decision on sympathy for anyone. You must follow the law as I have explained it to you. Even if you do not like the laws that must be applied, you must use them. For two centuries we have lived by the constitution and the law. No juror has the right to violate rules we all share.

Please signal me when you have reached a verdict.

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THE STATE OF FLORIDA

vs.

KRIS KRINGLE

Case No. 01-1523

Division: I

Verdict

We, the jury, find:

1. On the charge of burglary, we find the defendant

- Guilty
- Not Guilty

If you find the defendant guilty, please answer this question:

Did the defendant arm himself with a dangerous weapon during the burglary?

- Yes
- No

2. On the charge of theft, we find the defendant

- Guilty of Grand Theft *(property value of \$5000 or more)*
- Guilty of Simple Theft *(property value less than \$5000)*
- Not Guilty

So say we all this 5th day of December 2006.

Foreperson

¹ A typical instruction to the jury if you take a break would be: “We are now going to take a break in this trial. During the break, you, the jurors, must not talk about the case among yourselves or with other people. You should not let anyone try to influence your decision during this break.”

² This is a good place to explain that juries used to have 12 members and now usually have 6. We still use 12 jurors in cases where the death penalty may be imposed.

If you swear the jury, you can use this oath: “Do you solemnly affirm that you will well and truly try the issues between the State of Florida and the defendant and render a true verdict according to the law and the evidence?”

³ The students might like to know that the bailiff is in charge of security in the courtroom. He or she also escorts the jury to and from the jury room and helps with their needs. He is normally a law enforcement officer, often employed by a sheriff, and is not employed directly by the judge.

⁴ The prosecutor goes first because the State has the burden both to present proof that the defendant is guilty and to persuade the jury that the defendant is guilty. That burden is high; we say the State must prove its case beyond a reasonable doubt. Because the State has this burden, its lawyer—the prosecutor or state attorney—has the privilege of arguing first and presenting evidence first.

⁵ In most trials, the witnesses are sworn one by one as each is called to testify. In this make believe trial, we have sworn them all together just to save time. Sometimes real judges will swear all of the witnesses at the same time for a short trial that is being tried without a jury.

⁶ The law tries to make certain that juries hear only that evidence which relates to the case and only evidence that is good enough to possibly be relied upon by a jury to convict the defendant. Lawyers object primarily to keep out testimony that does not relate to the case or that is unreliable. “Hearsay” is a complicated topic, but generally judges don’t allow witnesses to tell the jury about what other people say if the jury is supposed to accept the statement as true. Those other people are supposed to take the stand and tell the jury themselves. When the judge says, “sustained,” she means that she agrees with the lawyer that the jury should not rely on this testimony. If the judge says, “overruled,” she means that she disagrees with the lawyer and that the jury should consider the testimony.

⁷ Once the prosecutor is finished asking questions, the defendant’s lawyer is entitled to ask questions. The Constitution of the United States guarantees that defendants in criminal cases can “confront” their accusers. Cross-examination is one of the best ways to confront a witness.

⁸ In this make believe trial, the witness sometimes gives an answer that does not help the client of the lawyer asking the question. The students should understand that real lawyers rarely do this. Normally, the lawyers have investigated the case before

trial and they know what the witnesses are expected to say. A good lawyer rarely asks a question that she does not know how the witness will answer.

⁹ This part of the trial demonstrates how courts handle things we call “physical evidence.” Unless the parties to the lawsuit agree in advance, normally a witness must identify each item of evidence and be able to explain who has had it and where it has been kept since the time of the alleged crime. We call this explanation, “chain of custody.” The judge makes a formal ruling either allowing the jury to consider the item as evidence or prohibiting them from doing so. In this case, Sarah Johnson displays a bell that is never placed in evidence. That would not normally occur in a real trial.

¹⁰ This is a good place to talk about court reporters. This script was actually prepared by an experience court reporter. It looks a lot like the real “transcripts” that are prepared after a trial so that appellate courts and the public can know exactly what happened at the trial. Court reporters receive a lot of training so that they can accurately taken down every word during a trial and then re-create those words in a written transcript. As this “read-back” demonstrates, sometimes the court reporters help the jury by repeating testimony. More often, their work helps the appellate courts review the trial to make certain that it was fair and that the law was properly applied. Without the court reporter, the appellate court would not know what had actually gone on in the trial court. Today, court reporters are sometimes replaced with microphones and computerized recording devices that record all of the sounds in the courtroom. These high tech devices still are not as good as a well-trained human court reporter!

¹¹ Children are not always allowed to testify. They must demonstrate that they are old enough and mature enough to know right from wrong and fact from fiction. (That would be a big challenge in this trial!) Sometimes the lawyers ask many questions trying to determine whether a child can testify. This is particularly true for younger children in elementary school or younger. Middle school children are almost always allowed to testify, but as Susie Q. demonstrates, sometimes they can be distracted by their parents or so nervous that they don’t give very complete answers. Adults sometimes are not allowed to testify if they are mentally ill or senile or have other problems that keep them from being good witnesses. We say that such a witness is “incompetent” to testify or that they are “incapacitated.”

¹² This is the only example of redirect testimony in the make believe trial. In real trials, sometimes the judge lets the lawyer go back and forth several times asking questions to the witness. This allows the lawyers to try to get an accurate and precise answer to a question. Here, the prosecutor wants to demonstrate that Susie Q. really is not allowed by her parents to give “permission” to Mr. Kringle to enter the family home while everyone is asleep. A person cannot be guilty of burglary if he or she enters a building with permission—unless the person stays in the building after the reason for the visit has finished. For example, if you go into a bank during normal business hours, you are not committing burglary. However, if you hide in the bathroom when you enter and wait until the bank is closed to come out, you have stayed beyond your permission and may be guilty of burglary.

¹³ Most witnesses do not testify using notes. Police officers are involved in so many cases that they learn to write down detailed information at the time of the arrest or investigation. Usually they read these notes just before they testify to help them remember. Lawyers say that the police officer is “refreshing his recollection” by using notes in this fashion .

¹⁴ This is a good example of how law enforcement officers help one another all over the earth, and especially inside the United States. A judge in Florida can issue a formal arrest warrant, and a law enforcement officer outside Florida can arrest the suspect by relying on the Florida warrant. Santa was “extradited” to Florida, which is a formal process by which a defendant is moved from where he or she is arrested to where he or she will be tried. Sometimes a defendant “fights” extradition because the defendant has some reason to believe that he or she should not be forced to go along way from home to face a trial. In this case, Santa is extradited from a foreign country. It is more common for other countries to refuse to send their citizens to the United States for trial. Would you want the United States to send you to Iran or Syria or some country that did not like the U.S. to face a criminal trial under the rules of that country?

¹⁵ In the United States, because of the rights contained in our Constitution, police must warn a person that he or she has a right to a lawyer and does not need to talk to the police as soon as the person is taken into custody or arrested by the police. We call this a Miranda warning because this rule was created by the United States Supreme Court in a case involving a defendant named Miranda. Not every country gives its people these rights. Frankly, the authors doubt that the North Pole is under the authority or “jurisdiction” of the Canadian Royal Police—but it makes the story more fun.

¹⁶ Earlier, in endnote 6, we explained that juries are not usually allowed to consider “hearsay,” or statements made by other people outside the courtroom. An exception is made for a statement made by the defendant, especially a statement made to the police after the defendant has received a Miranda warning. Thus, in real cases, it is common to have a police officer explain what the defendant told him—even though the defendant chooses to “take the Fifth” and exercise his or her right not to testify during the trial. The Fifth Amendment prevents the State from forcing you to testify at your own criminal trial, but it does not prevent the State from using out-of-court statements that you make voluntarily.

¹⁷ Police are not allowed to use improper tactics to get a statement from a person. Although they can mislead the person a little, they cannot drug a person, or beat them, or tell them that they will take away their children if they don’t confess to the crime. Usually, the lawyers challenge an “involuntary” statement before the trial at a hearing conducted only by the judge. In this case, the defense lawyer is suggesting that the police “drugged” Santa with Oreos. Do you think the jury will agree with this argument? What if this was a real case and the police convinced a teenager to talk by giving him lots and lots of M&Ms?

¹⁸ Although juries are told by judges that they must follow the law, not all juries actually obey that instruction. Sometimes the jury feels sorry for the defendant and does not convict him even though they actually believe he committed the crime. This is called a “jury pardon.” Lawyers are not supposed to argue that the jury should disobey the law, but sometimes they come close to that argument. The lawyer here by talking about a “generous” law is hoping that the jury will acquit Santa even if it decides he took the scooter and BB gun without permission. This involves an idea that lawyers call “criminal intent.” Sometimes prosecutors do not charge a person with a crime even though he or she technically may have committed the crime because the person has an explanation of why they committed the crime and committed it without a bad motive, in other words, without criminal intent.

¹⁹ Judges always tell the jury about the law just before they go to the jury room to “deliberate” or decide the case. In the past, judges read the law to the jury once and expected all of the jurors to understand it and obey it. Now, most judges give each juror a copy of the instructions to take with them to the jury room so the jurors can read the instructions again as they are deciding the case. You make want to make one or more copies of these instructions to give to the jury. They can be printed on a single double-side page.

Judges do not normally make up these instructions. In Florida, we have committees that work hard to create standard instructions that are then approved by the Supreme Court of Florida. The instructions are changed when the law changes or when someone creates a better way to explain the law to the jury. These instructions are much simpler than the instructions used in a real case, but a lot of the language comes from the real standard instructions.

²⁰ In Florida, using a weapon—especially a real gun—increases the punishment for a crime. It usually makes no difference whether a criminal comes to the scene of the crime with a weapon or if the criminal finds a weapon at the scene. If Santa had taken a .22 rifle or a handgun in this story, he would be sentenced to 3 years in prison even if he did not threaten anyone with the gun. By the way, a BB gun really can be a deadly weapon. There are lots of people in prison who are serving longer sentences for robbery or burglary because they used a BB gun during the crime. Lots of BB guns look like more dangerous weapons. If you point a BB gun at a police officer, it is likely that he or she will think it is a real firearm, and it is likely that the police officer will shoot you in self-defense. Police officers are trained that, if they must fire their weapon, they should shoot to kill. Guns, even BB guns, should be treated with great caution and respect.

²¹ Sometimes juries are given the option of convicting a defendant of a “lesser-included” offense. The crime of theft is divided into several different crimes depending upon how much is stolen. This make believe case pretends that a “lesser” offense of theft occurs below \$5000, so that the jury could convict Santa of a lesser theft if they decide that Scrooge is lying about the baseball. In real life, if you steal more than \$100 from a home, you are in big trouble.