

**Mock Trial**

# **Jack and the Beanstalk**

**Written by: Heather Gascoigne**

## **The case of break and entry and theft**

**Issue: Is Jack guilty of break and entry and theft?**

## Trial Procedure

1. The case starts when the sheriff calls "Order in the court. All rise." Everyone stands. The judge enters and takes his/her seat. Everyone sits down.
2. The court clerk calls the case "Regina versus \_\_\_\_\_(names of the accused).
3. The Crown and Defense lawyers introduce themselves to the judge.
4. The clerk reads out the charge (the indictment), and asks each of the accused, "How do you plead?"
5. Each of the accused answers "Not guilty."
6. The Crown makes an opening statement to the jury.
7. The Crown calls its first witness.
8. The defense cross-examines this witness.
9. Repeat the last two steps for each witness.
10. The Crown rises and says "That concludes the Crown's case, Your Honour."
11. The defense begins by making a short opening statement to the jury.
12. The defense calls its first witness.
13. The Crown counsel cross-examines this witness.
14. Repeat the last two steps for each witness.
15. Defense and Crown counsels each make a closing statement to the jury. The defense goes first, followed by the Crown.
16. The judge instructs the jury.
17. Jury leaves to decide a verdict.
18. Jury returns.
19. The court clerk asks for the verdict.
20. The judge lets the accused go free if the verdict is "Not guilty." If the verdict is "Guilty," the judge asks one Crown lawyer and one defense lawyer to speak to sentence. The judge then sentences the accused.
21. The court says, "Order in the Court." Everyone stands, the judge leaves and the trial ends.

# IN THE SUPREME COURT OF FAIRY TALE LAND

## R. v. JACK

### Roles

Court Clerk \_\_\_\_\_

Judge \_\_\_\_\_

Crown Counsel

Crown #1 \_\_\_\_\_

Crown #2 \_\_\_\_\_

Crown #3 \_\_\_\_\_

Defence Counsel

Defence #1 \_\_\_\_\_

Defence #2 \_\_\_\_\_

Defence #3 \_\_\_\_\_

Arresting Officer \_\_\_\_\_

Giant's Wife \_\_\_\_\_

Golden Harp \_\_\_\_\_

Jack \_\_\_\_\_

Jack's Mother \_\_\_\_\_

Beanseller \_\_\_\_\_

Court Reporter (non-speaking): \_\_\_\_\_

Sheriff #1 (non-speaking): \_\_\_\_\_

Sheriff #2 (non-speaking): \_\_\_\_\_

Jury (12 members/jury will elect their Foreperson): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Props Needed

- Golden egg
- Gold coin
- Charts
- Beans

## Script

SHERIFF 1: All rise, this court is now in session. His/Her honour Judge \_\_\_\_\_ presiding.

*(Everyone remains standing until the Judge tells them to be seated)*

JUDGE: You may be seated.

COURT CLERK: The case of the Queen versus Jack and the Beanstalk, Your Honour.

JUDGE: Thank-you. Are all parties present?

CROWN COUNSEL 1: (stands and addresses the Judge) Yes, Your Honour. I am \_\_\_\_\_ and these are my learned friends, \_\_\_\_\_ and \_\_\_\_\_. We are acting on behalf of the accused. *(Each lawyer stands as they are being introduced)*

JUDGE: Thank-you. *(Lawyers sit)*

*(Judge addresses the Court Clerk)* Please read the charge.

*(The accused, sheriff 2, the defence lawyers, and the Court Clerk rise)*

COURT CLERK: Jack, you are charged that on, or about, the 15th day of January, 20\_\_, you did unlawfully remove a bag of gold from the castle at the top of the beanstalk, thereby committing theft. How do you plead?

JACK: Not guilty!

COURT CLERK: Your Honour, the accused pleads "not guilty". Secondly, Jack, you are charged that on, or about, the 1st day of February, 20\_\_, you did unlawfully remove a hen that lays golden eggs from the castle at the top of the beanstalk, thereby committing theft. How do you plead?

JACK: Not guilty!

COURT CLERK: Your Honour, the accused pleads "not guilty". Thirdly, Jack, you are charged that on, or about, the 3rd day of February 20\_\_, you did unlawfully enter the castle at the top of the beanstalk, and remove a golden harp, thereby committing break, enter, and theft. How do you plead?

JACK: Not guilty!

COURT CLERK: Your Honour, the accused pleads "not guilty". *(All are now seated)*

JUDGE: *(Addresses the crown)* Please proceed with your case.

CROWN COUNSEL 2: *(Opening Statement)* Your Honour, we intend to prove that Jack deliberately climbed the beanstalk three times...that not only did he take the bag of gold, the hen that lays the golden eggs, and the golden harp that sings...but that he intended to take all of these things, thereby committing theft...and that the third time he entered the castle without being invited, thereby also committing break and entry. To support our case we intend to call the following witnesses: the Arresting Officer, the Giant's Wife, and the Golden Harp. We now wish to call our first witness, the Arresting Officer. *(As each witness is called, they approach the stand and remain standing until they have been sworn in)*

COURT CLERK: Take the Bible in your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth so help you God.

ARRESTING OFFICER: I do.

COURT CLERK: State your name and address, please.

ARRESTING OFFICER: I am Officer \_\_\_\_\_ and I live at \_\_\_\_\_.

COURT CLERK: Please be seated. *(The Court Clerk returns to his/her seat)*

CROWN COUNSEL 3: Officer, please tell the court what happened on the evening of February 3, 20\_\_.

ARRESTING OFFICER: I received a call from the castle at the top of the beanstalk, asking me to go right over.

CROWN COUNSEL 3: Who made this call?

ARRESTING OFFICER: The Giant's Wife.

CROWN COUNSEL 3: What did you find when you got up to the castle?

ARRESTING OFFICER: I found the Giant's Wife. She had sent the Giant off for a walk, because he was so angry and she was afraid what he might do.

CROWN COUNSEL 3: What did she report to you at that time?

ARRESTING OFFICER: Well, she said that she had just surprised a young boy in the castle, and that he had grabbed the Golden Harp that sings, and climbed down the beanstalk.

CROWN COUNSEL 3: Is that all she reported?

ARRESTING OFFICER: No. She also reported that this same boy had been up the beanstalk twice before, and each time he left, something had been missing. The first time a bag of gold, the second time a hen that lays golden eggs.

CROWN COUNSEL 3: After taking her report, where did you go next?

ARRESTING OFFICER: I climbed down the beanstalk. It was growing in the garden of a small cottage so I knocked on the door to ask the inhabitants if they had seen anything.

CROWN COUNSEL 3: Who lived in the cottage?

ARRESTING OFFICER: A young boy named Jack and his mother.

CROWN COUNSEL 3: And what did you find when you entered the cottage?

ARRESTING OFFICER: As soon as I entered I saw the Golden Harp standing by the window. In the kitchen I found a hen that lays golden eggs, sitting in a basket on the table. I've brought one of the eggs here as evidence.

CROWN COUNSEL 3: Your Honour, we would like to submit this golden egg as Exhibit A. (*Officer hands the egg to the Crown, who hands it to the Court Clerk, who holds it up for Judge and Jury to see, before placing it on the table.*) Officer, did you find anything else in the cottage?

ARRESTING OFFICER: Yes, I found this gold coin under Jack's bed.

CROWN COUNSEL 3: Your Honour, we would like to submit this gold coin as Exhibit B. (*They go through the same routine as with Exhibit A.*) After finding the Golden Harp, and the hen that lays golden eggs, and the gold coin in the cottage, what did you do next?

ARRESTING OFFICER: I arrested the young boy, Jack. Later on, I went back to the castle and took fingerprints off the inside of the oven door. (*He hands a fingerprint sheet to the Crown*)

CROWN COUNSEL 3: And do these fingerprints match those of the accused?

DEFENCE COUNSEL 1: Your Honour, I object on the grounds that the Crown is leading the witness!

JUDGE: Objection \_\_\_\_\_. (*The Judge will decide whether the objection is (a) sustained, meaning that the Crown counsel must either reword the question or not ask it at all, or (b) overruled, meaning that the Crown counsel can continue asking the question.*)

CROWN COUNSEL 3: I have no objections to re-phrasing my question. Do these fingerprint charts match those of anyone in this court room?

ARRESTING OFFICER: Yes, they match those of the accused, and also those of the Giant's Wife.

CROWN COUNSEL 3: Your Honour, we would like to submit these charts as Exhibit C. (*Takes the charts and hands them to the Court Clerk, who places them by the other two Exhibits.*) No further questions Your Honour. (*sits down*)

JUDGE: Does the Defence wish to cross-examine this witness?

DEFENCE COUNSEL 1: Yes, Your Honour. (*Stands*) Officer \_\_\_\_\_, has Jack ever been in trouble with the law before?

ARRESTING OFFICER: No.

DEFENCE COUNSEL 1: Did he and his mother willingly invite you inside their cottage?

ARRESTING OFFICER: Yes.

DEFENCE COUNSEL 1: Doesn't that seem to you that they had nothing to hide?

CROWN COUNSEL 3: Your Honour, I object! Defence is calling for a conclusion on the part of the witness!

JUDGE: Objection \_\_\_\_\_. *(Again the Judge will decide...if the question is allowed, the Officer will simply answer, "I don't know.")*

DEFENCE COUNSEL 1: No further questions, Your Honour.

JUDGE: *(To witness)* You may step down. *(To Crown)* You may call your next witness.

CROWN COUNSEL 1: We call the Giant's Wife, Your Honour. *(Giant's Wife approaches Witness stand and remains standing)*

COURT CLERK: Take the Bible in your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

GIANT'S WIFE: I do.

COURT CLERK: State your name and address, please.

GIANT'S WIFE: I am \_\_\_\_\_, the Giant's Wife, and I live in the castle at the top of the beanstalk.

COURT CLERK: You may be seated.

CROWN COUNSEL 1: Mrs. \_\_\_\_\_, will you tell the court what happened on January 15, 20\_\_?

GIANT'S WIFE: I was preparing the Giant's breakfast when there was a knock at the door. When I opened the door there was a young boy standing there.

CROWN COUNSEL 1: Do you see this same young boy in the court room today?

GIANT'S WIFE: Yes! *(pointing at Jack)*

CROWN COUNSEL 1: May the record show that the witness has identified the accused. Now, Mrs. \_\_\_\_\_, what happened next?

GIANT'S WIFE: He looked hungry so I took pity on him and invited him in for breakfast, but when I heard the Giant coming, I hid him in the oven.

CROWN COUNSEL 1: What happened after breakfast?

GIANT'S WIFE: The Giant fell asleep on the table, counting his bags of gold, while I was doing the dishes, and when I thought to let the boy out of the oven, I discovered that he was gone!

CROWN COUNSEL 1: Was anything else gone?

DEFENCE COUNSEL 2: Your Honour, I object! Crown is leading the witness.

JUDGE: Objection \_\_\_\_\_. *(If the Judge allows the question, the witness will answer "Yes! A bag of gold.")*

CROWN COUNSEL 1: What did you do next?

GIANT'S WIFE: I woke the Giant up and when he discovered that a bag of gold was missing, he became very angry!

CROWN COUNSEL 1: What happened on the 1st day of February, 20\_\_?

GIANT'S WIFE: I was making the Giant's lunch, and there was a knock on the door, and it was the

same boy again.

CROWN COUNSEL 1: Did you let the boy in?

GIANT'S WIFE: Well, first I asked him if he knew anything about the missing bag of gold, and he said he was too hungry to talk about it, so I said he could come in and I'd fix him some lunch.

CROWN COUNSEL 1: That was very kind of you. After lunch, did he tell you anything about the missing bag of gold?

GIANT'S WIFE: I didn't even get a chance to ask him. When the Giant came in for lunch the boy hid in the oven again, and when the Giant fell asleep for his afternoon nap, I opened the oven, but the boy was gone.

CROWN COUNSEL 1: Did you tell the Giant that Jack had been there again?

GIANT'S WIFE: I had to, this time we discovered that the hen that lays golden eggs was missing!

CROWN COUNSEL 1: So what happened two days later on February 3rd, 20\_\_?

GIANT'S WIFE: I went to the well to get water, and when I returned to the Castle, Jack was just running out the front door, with the Giant's Golden Harp under his arm.

CROWN COUNSEL 1: Did you try to stop him?

GIANT'S WIFE: I called him to stop, but by that time he was already climbing down the beanstalk.

CROWN COUNSEL 1: What happened when you told the Giant?

GIANT'S WIFE: He was very angry, and insisted that I call the police!

CROWN COUNSEL 1: Thank-you...no further questions, Your Honour.

JUDGE: Does the Defence wish to cross-examine this witness?

DEFENCE COUNSEL 2: Yes, Your Honour. Mrs. \_\_\_\_\_, why did you hide Jack inside the oven?

GIANT'S WIFE: Because I knew the Giant would be angry with me for letting Jack in...He doesn't like children.

DEFENCE COUNSEL 2: Did you or the Giant actually see Jack take the bag of gold, or the hen that lays golden eggs?

GIANT'S WIFE: No, but...

DEFENCE COUNSEL 2: After the bag of gold and the hen that lays golden eggs disappeared, why didn't you go down the beanstalk and speak to Jack's mother about what had happened?

GIANT'S WIFE: I wasn't sure if Jack had taken them, or why, and I didn't want to cause extra trouble, as they are so poor.

DEFENCE COUNSEL 2: Thank-you. No further questions, Your Honour.

JUDGE: (*To witness*) You may step down.

(*To Crown*) You may call your next witness.



CROWN COUNSEL 2: We call the Golden Harp, Your Honour.

COURT CLERK: Take the Bible in you right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

GOLDEN HARP: I do.

COURT CLERK: State your name and address, please.

GOLDEN HARP: My name is Goldie (*or another name of choice*), and I am the Giant's singing harp. I live in the Castle at the top of the beanstalk.

COURT CLERK: You may be seated.

CROWN COUNSEL 2: Goldie, tell us what happened on the 3rd day of February, 20\_\_.

GOLDEN HARP: I was alone in the Castle. The Giant had gone for a walk and his wife was at the well getting water, when there was a knock at the door.

CROWN COUNSEL 2: Did you open it?

GOLDEN HARP: No, I'm not allowed.

CROWN COUNSEL 2: So what happened?

GOLDEN HARP: After a moment, the door opened and a young boy came in.

CROWN COUNSEL 2: Do you see the same young boy in the courtroom today?

GOLDEN HARP: Yes, it was him! (*She points to the accused.*)

CROWN COUNSEL 2: Let the record show that the accused has been identified. Now Goldie, what happened next?

GOLDEN HARP: I started to call out to the Giant's Wife to warn her that someone was in the Castle, and when he realized I could speak, he grabbed me!

CROWN COUNSEL 2: Did he hurt you?

GOLDEN HARP: No...he said he must take such a wonderful harp to show his mother, and he pulled me by my strings and made me climb down the beanstalk with him.

CROWN COUNSEL 2: Thank-you. No further questions, Your Honour.

JUDGE: Does the Defence wish to cross-examine this witness?

DEFENCE COUNSEL 3: Yes, what happened when you and Jack got to Jack's cottage?

GOLDEN HARP: He took me into meet his mother, and told me that my beautiful singing would cheer her up.

DEFENCE COUNSEL 3: What did she say?

GOLDEN HARP: When he told her what had happened, she told him that he must take me back to the Castle immediately and apologize.

DEFENCE COUNSEL 3: Why didn't he?

GOLDEN HARP: Because, just then Officer \_\_\_\_ came to the door and he ended up arresting Jack.

DEFENCE COUNSEL 3: Thank-you. No further questions, Your Honour.

JUDGE: (*To witness*) You may step down.

(*To Crown*) Do you wish to call any more witnesses?

CROWN COUNSEL 3: No, Your Honour. We rest our case.

JUDGE: (*to Defence*) Would the Defence please begin.

DEFENCE COUNSEL 1: (*Opening Statement*) Your Honour, we submit that Jack has been wrongfully accused on all three charges. Each time he visited the Giant's Wife, she kindly invited him in for something to eat, as she knew how poor and hungry he was. He intended to ask her permission for the items taken, but whenever he left, she was never around. He felt sure, that seeing as she had already been so kind, she wouldn't mind if he took them. It is her fault for telling him such stories about how mean the Giant is to children, that Jack felt he had to run away. And he had every intention of apologizing, but unfortunately he was arrested before he had the opportunity to do so. We will be calling Jack, his mother, and the Beanseller as witnesses.

(*Sheriff 2 escorts Jack to the stand.*)

COURT CLERK: Take the Bible in your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

JACK: I do.

COURT CLERK: State your name and address, please.

JACK: Jack Jones, and I live at the foot of the Beanstalk.

COURT CLERK: You may be seated.

DEFENCE COUNSEL 1: Jack, have you and your mother always lived alone in this cottage?

JACK: Ever since my father died.

DEFENCE COUNSEL 1: Have you always been so poor?

JACK: No. We were alright before my father died, but then the Giant took everything we owned for taxes.

DEFENCE COUNSEL 1: Why didn't you or your mother get a job?

JACK: I tried, but no-one would hire me because I've never been to school, and my mother's health is not so good.

DEFENCE COUNSEL 1: Jack, in your own words, tell the court what happened on January \_\_, 20\_\_.

JACK: We had run out of food, so my mother said I'd have to take our cow to market and sell it, so we'd have some money.

DEFENCE COUNSEL 1: Did you sell your cow?

JACK: Yes, but not at the market and not for money.

DEFENCE COUNSEL 1: What do you mean?

JACK: Well, on the way, I met a very nice man, Mr. Beanseller, and he offered to buy my cow in exchange for a box of magic beans.

DEFENCE COUNSEL 1: What happened when you got home?

JACK: My mother was very upset! When I showed her the beans, she threw them out the window, and sent me to bed without any supper.

DEFENCE COUNSEL 1: How did you feel?

JACK: Very sorry for disappointing her...I wanted to make it up to her, somehow.

DEFENCE COUNSEL 1: What happened the next morning?

JACK: When I woke up and looked out the window, I saw a gigantic beanstalk had grown from the beans my mother had thrown out the night before. It had reached right up to the clouds! The beans had been magical!

DEFENCE COUNSEL 1: What did you do?

JACK: I climbed up the beanstalk, and at the top was a beautiful Castle, so I went and knocked on the door.

DEFENCE COUNSEL 1: Why?

JACK: I felt sure that whoever lived there must be very rich, and I thought they might give me money when they heard that my mother and I had no food. I didn't even know the Giant lived there!

DEFENCE COUNSEL 1: What happened when the Giant's Wife opened the door?

JACK: She invited me in for breakfast, and I was so hungry I decided to eat before I asked her.

DEFENCE COUNSEL 1: But you didn't get a chance...what happened?

JACK: Just as I finished eating, she heard the Giant coming. She said he would be angry with her for letting me in, because he didn't like children, so she hid me in the oven.

DEFENCE COUNSEL 1: Did she let you out after breakfast?

JACK: No. The Giant fell asleep at the table, he had tired from counting all his bags of gold, and she was busy doing the dishes.

DEFENCE COUNSEL 1: So, what did you do?

JACK: I sneaked out of the oven, so as not to wake the Giant, and as I tiptoed past him, I decided to take one of the bags of gold.

DEFENCE COUNSEL 1: Jack, did you intend to steal the gold?

JACK: No, not really...I didn't think the Giant would miss it, he had so many bags to count, and I thought his wife wouldn't mind, she's been so kind. Besides, my mom and I really needed it, or

we'd have starved!

DEFENCE COUNSEL 1: What happened when the gold was all gone?

JACK: I decided to go back up the beanstalk to the castle.

DEFENCE COUNSEL 1: Did you intend to steal something?

JACK: No! I was going to explain what had happened to the Giant's Wife. I hoped she'd understand and give me some more gold.

DEFENCE COUNSEL 1: And did you get a chance to explain?

JACK: No...she fed me again, and just as I was going to talk to her, the Giant came along again, and I had to hide in the oven.

DEFENCE COUNSEL 1: Why didn't you tell her when the Giant fell asleep?

JACK: I didn't know where she was. I wanted to take something home for my mother's supper, so I just grabbed a hen. I didn't think she'd mind if that was all I took.

DEFENCE COUNSEL 1: What happened when you got home?

JACK: We discovered that the hen laid golden eggs! We would never have to be hungry again!

DEFENCE COUNSEL 1: What happened the third time you visited the castle?

JACK: No one answered...but I could hear beautiful singing, so I opened the door and went in. I thought that maybe they hadn't heard my knock because of the singing.

DEFENCE COUNSEL 1: What did you find?

JACK: The singing was coming from a beautiful golden harp. No one else was there...so I thought I'd take the harp to show my mom.

DEFENCE COUNSEL 1: Did you intend to steal it?

JACK: No...I was going to bring it right back, but before I could, I was arrested.

DEFENCE COUNSEL 1: Thank-you, Jack...no further questions, Your Honour.

JUDGE: Does the Crown wish to cross-examine?

CROWN COUNSEL 3: Yes, Your Honour, Jack, you say the reason you went up the beanstalk a second time was to explain why you had taken the bag of gold two weeks previously, and had to ask for more help. I suggest that waiting two weeks to apologize is hard to believe. Rather, I suggest that you went back up to steal again from the Castle!

DEFENCE COUNSEL 2: Your Honour, I object! My client has already explained the circumstances.

JUDGE: Objection sustained.

CROWN COUNSEL 3: Jack, on your third visit to the Castle, why did you open the door and enter when nobody answered your knock? You must have realized you'd be trespassing!

JACK: As the Giant's Wife had let me in two times previously, I didn't think she'd mind if I went in

this time.

CROWN COUNSEL 3: You have said the reason you didn't ask the Giant's Wife for the items you took was because you were afraid of the Giant waking you up, so you ran away as fast as possible. It's hard to believe you were so afraid, when you kept climbing the beanstalk. No further questions, Your Honour.

JUDGE: (to Jack) You may step down.

(to Defence) You may call your next witness.

DEFENCE COUNSEL 2: We call Jack's mother, Mrs. Jones.

COURT CLERK: Take the Bible in your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MOTHER: I do.

COURT CLERK: State your name and address, please.

MOTHER: Mrs. Jones, and I live in the cottage at the foot of the beanstalk with my son, Jack.

DEFENCE COUNSEL 2: Mrs. Jones, you have heard Jack's testimony. Is he a good son?

MOTHER: Yes, he's been a good boy. I was angry with him for foolishly selling our only cow for a handful of beans, but I really sent him to bed without any supper because there was nothing to eat.

DEFENCE COUNSEL 2: Why didn't you make him take the bag of gold and the hen that lays golden eggs back to the castle?

MOTHER: I thought the Giant's Wife had given them to him.

DEFENCE COUNSEL 2: Why would she do that?

MOTHER: I thought that when she'd seen how poor and hungry Jack was, she'd decided to help us out with food and money.

DEFENCE COUNSEL 2: Why did you plan to have Jack take back the golden harp that sings, then?

MOTHER: Because it was so valuable, and wasn't something we needed to survive, like the gold and hen were. However, poor Jack was arrested before he had the opportunity to return it.

DEFENCE COUNSEL 2: Thank-you Mrs. Jones. No further questions, Your Honour.

JUDGE: Does the Crown wish to cross-examine?

CROWN COUNSEL 1: Yes, Your Honour. Mrs. Jones, if you really believed that the Giant's Wife had given Jack the bag of gold, and the hen that lays golden eggs, why didn't you go up the beanstalk to the castle yourself, to say thank-you?

MOTHER: I wish I had, and maybe it wouldn't have come to this, but I had avoided talking to her, ever since the Giant took everything we had to pay our taxes.

CROWN COUNSEL 1: Then why did you believe Jack when he led you to believe that the Giant's

Wife had given him those items?

MOTHER: I thought maybe she was trying to make it up to us, because of what her husband had done.

CROWN COUNSEL 1: No further questions, Your Honour.

JUDGE: *(to witness)* You may step down.

*(to Defence)* You may call your next witness.

DEFENCE COUNSEL 3: We call, Mr. Beanseller, Your Honour.

COURT CLERK: Take the Bible in your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

BEANSELLER: I do.

COURT CLERK: State your name and address, please.

BEANSELLER: Mr. Beanseller, and I live near the market, in the village.

COURT CLERK: You may be seated.

DEFENCE COUNSEL 3: Mr. Beanseller, you've heard Jack's mother say what a good son he has always been. How did you find him.

BEANSELLER: He was a very nice, polite boy.

DEFENCE COUNSEL 3: Why did you take his cow for a handful of beans?

BEANSELLER: Not just a handful of beans! These were magical beans! Why, I've still got some in my pocket here. *(Reaches in and pulls out a package of bean seeds and hands them to the Defence.)*

DEFENCE COUNSEL 3: Your Honour, we would like to submit this package of magical beans as Exhibit D *(hands them to the Clerk, who holds them up for the Judge and jury to see, before putting them on the table beside their other exhibits.)* Mr. Beanseller, did you give Jack the beans so that he'd climb up the beanstalk to the Castle?

BEANSELLER: Well, I'd heard how poor Jack and his mother were since the Giant took everything they had for taxes, and I kind of hoped if the boy went up there and explained, the Giant's Wife might help them out.

DEFENCE COUNSEL 3: Thank-you. No further questions, Your Honour.

JUDGE: *(To Crown)* Do you wish to cross-examine the witness?

CROWN COUNSEL 2: Yes, Your Honour. Mr. Beanseller, when you say you sold Jack the beans in the hope that he'd climb up the beanstalk, weren't you afraid that he'd run into the Giant?

BEANSELLER: Well...

CROWN COUNSEL 2: And later on, when he all of a sudden had lots of gold to spend in the village, weren't you a little suspicious?

BEANSELLER: No...I guess I thought the Giant's Wife had given it to him.

CROWN COUNSEL 2: Has it occurred to you that if you hadn't sold the magical beans to Jack, none of this would probably have happened?

BEANSELLER: I was only trying to help.

CROWN COUNSEL 2: Thank-you. No further questions, Your Honour.

JUDGE: *(To witness)* You may step down.

DEFENCE COUNSEL 3: We rest our case, Your Honour.

JUDGE: Would the Defence like to give their closing statement?

DEFENCE COUNSEL 2: *(Stands and faces the jury)* Ladies and gentlemen of the jury, it is the duty of the Crown to prove to you beyond a reasonable doubt that Jack not only stole the bag of gold and the golden harp but intended to steal these items from the Castle. I am sure you will agree that the Crown has failed to establish intent. It is our contention that Jack intended to ask the Giant's Wife for these items, and we plead the defence of necessity on the first two charges. Jack and his mother needed money or they would have starved! On the third charge, may I remind you that the Giant's wife had previously invited Jack into the Castle twice before, and he had only meant to take the singing harp to show his mother and would have returned it if he hadn't been arrested. We ask you to find him "not guilty" on all charges. *(Returns to his/her seat.)*

JUDGE: Would the Crown like to give their closing statement?

CROWN COUNSEL 3: *(Stands and faces the jury)* Ladies and gentlemen of the jury, we believe that when Jack took the bag of gold without asking the Giant's Wife for help, he was stealing it. Furthermore, he led his mother to believe that the Giant's Wife had given it to him. That was also dishonest. We also believe that when he went up the beanstalk the next two times, he had every intention of stealing again. Why else would he go back? Surely he didn't think the Giant's Wife would welcome him, after he had stolen from her husband? Is that why he snuck into the Castle a third time, when he knew no-one was there? We ask you not to consider the defence of necessity. The fact that Jack and his mother were poor does not excuse what he did. We feel that he must be taught that it is wrong to take things that don't belong to him. He took advantage of the kindness of the Giant's Wife, and also entered the Castle without being invited. We ask you to find him "Guilty" on all charges. Thank-you. *(Returns to his/her seat.)*

JUDGE: Ladies and gentlemen of the jury, that concludes the evidence to be heard in this matter. It is now time for your deliberations. You must determine whether Jack is guilty or not guilty of committing two counts of theft and one count of theft and break and enter. The Crown must prove beyond a reasonable doubt in order to succeed in their case against Jack.

*(Jury leaves to decide a verdict for all three charges.)*

*(Jury returns.)*

*(If the Judge left while the jury was deliberating, the Court Clerk calls "All Rise" as he/she returns. The judge will instruct everyone to be seated, and then turn to the jury and say...)*

Ladies and Gentlemen of the jury, have you reached your verdict?



Foreperson: (*Standing*) Yes, Your Honour, of the first charge, we find the accused (guilty/not guilty). Of the second charge, we find the accused (guilty/not guilty). Of the third charge, we find the accused (guilty/not guilty).

*(The judge lets the accused go free if the verdict on all three charges is "not guilty")*

JUDGE: Would the Crown please speak to the Sentence.

CROWN COUNSEL 1: (*The Crown will be prepared to suggest a suitable sentence, in their opinion.*)

JUDGE: Thank-you. Would the Defence please speak to the Sentence.

DEFENCE COUNSEL 3: (*The defence will be prepared to suggest a suitable Sentence. In their opinion.*)

JUDGE: (*Sentences the accused.*) This court is now adjourned.

COURT CLERK: All rise, this court is now adjourned. (*Everyone stands while the Judge leaves the courtroom.*)







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