

MOCK TRIAL CASE MATERIALS

for the

UTAH LAW RELATED EDUCATION MOCK TRIAL ELEMENTARY PROGRAM



**State of Utah
v.
Mr. Grinch**

Case No. 21cr23-001

Grades 3-6

This case was written and adapted by elementary and middle school teachers for the
Utah Law Related Education Mock Trial Elementary Project

CASE BRIEF:

In Case Number 21cr23-001 the Grinch is accused of "Theft by deception" - Utah Law states ... A person commits theft if they obtain or exercise control over property of another by deception and with a purpose to deprive them thereof.

This mock trial is based on the book *How the Grinch Stole Christmas!* by Dr. Seuss. You will be participating in or observing the scene from the trial, State of Utah vs. Grinch.

THE TRIAL:

BAILIFF: The Ninth District Court of the State of Utah is now in session, the Honorable Judge _____ presiding. Present in the courtroom are: The Defendant, Mr. Grinch; the Defendant's dog, Max; Cindy-Lou Who, victim and witness; Mouse, witness and attorneys (introduce by name); for the State of Utah and attorneys (introduce by name); for Mr. Grinch;

JUDGE: We are here today in the case of the State of Utah vs. Mr. Grinch. Is the prosecution ready with their opening statement?

PROSECUTING ATTORNEY: Yes, Your Honor. Ladies and gentlemen of the jury, the State of Utah will prove that Mr. Grinch committed theft by deception by dressing up as Santa Claus, sliding down the chimneys of every Who family in Who-ville, loading up gifts and toys, Christmas stockings and Christmas tree and taking them away in his sleigh with his dog, Max, dressed up as a reindeer. The evidence will show that the Grinch hated Christmas, that he hated the Christmas singing and the noise. Specifically, Cindy-Lou Who will testify that Mr. Grinch, dressed up as Santa Claus, took all the toys and the Christmas tree up the chimney of her house claiming that he was Santa Claus and that he was going to fix a light on the tree and bring it back. Mr. Grinch took these Christmas toys and Christmas trees to deprive Who-ville of Christmas and he is guilty of theft by deception.

JUDGE: Does the defense want to make an opening statement?

DEFENSE ATTORNEY: Yes, Your Honor. Ladies and gentlemen of the jury, we will show that Mr. Grinch did not intend to deprive Who-ville of Christmas. Mr. Grinch didn't like Christmas in the past because he was never involved in the singing and the gift giving. The evidence will show that Mr. Grinch returned all of the toys, gifts, trees, stockings and Mr. Grinch and all the Whos in Who-ville celebrated Christmas together.

JUDGE: The prosecution may call its first witness.

PROSECUTING ATTORNEY: The State of Utah calls Mr./Ms. Mouse. (Mr./Ms. Mouse comes to the witness stand).

BAILIFF: (To witness) Raise your right hand. Do you swear to tell the truth, the whole truth,

and nothing but the truth?

MOUSE: I do. (Mr./Ms. Mouse sits down).

PROSECUTING ATTORNEY: Mr./Ms. Mouse, can you tell us where you live?

MOUSE: I live in the wall at Cindy-Lou's house.

PROSECUTING ATTORNEY: Can you tell us what you were doing on Christmas Eve at approximately 1:00 a.m. in the morning?

MOUSE: Yes, I had just walked into the living room to grab the cookie crumbs that Santa Claus always leaves behind.

PROSECUTING ATTORNEY: Did you find any crumbs?

MOUSE: Oh, I found only one that was even too small for me.

PROSECUTING ATTORNEY: Did you find or see anything else?

DEFENSE ATTORNEY: I object, the question is compound.

JUDGE: Objection sustained.

PROSECUTING ATTORNEY: I'll rephrase the question. Did you see anything else?

MOUSE: No, everything was missing from the living room. The Christmas tree, stockings, toys and gifts were all gone.

PROSECUTING ATTORNEY: Do you know why they were missing?

MOUSE: Well, I didn't see anything but Cindy-Lou told me who took them.

PROSECUTING ATTORNEY: Who took them?

DEFENSE ATTORNEY: Objection. The question calls for hearsay.

JUDGE: Objection sustained.

PROSECUTING ATTORNEY: I have no further questions at this time.

JUDGE: Does the defense have questions for this witness?

DEFENSE ATTORNEY: Yes, Thank you, Your Honor. Mr. Mouse, now when you went out and saw the living room empty, did you see anyone else?

MOUSE: No, I didn't.

DEFENSE ATTORNEY: And have you ever seen the Defendant, Mr. Grinch, before?

MOUSE: No, I haven't.

DEFENSE ATTORNEY: That is all I have, Your Honor.

JUDGE: The witness may leave the stand. (Mouse leaves the stand and joins the other witnesses.)

PROSECUTING ATTORNEY: We now call Cindy-Lou to the stand.

BAILIFF: (To witness) Do you swear to tell the truth, the whole truth, and nothing but the truth?

CINDY-LOU: I do. (Sits down.)

PROSECUTING ATTORNEY: Could you state your full name please?

CINDY-LOU: Cindy-Lou Who.

PROSECUTING ATTORNEY: Where do you live?

CINDY-LOU: I live with my parents, Mr. and Mrs. Who, in the first little house on the square in Who-ville.

PROSECUTING ATTORNEY: Do you remember what happened to you and your family last Christmas?

CINDY-LOU: Yes, I remember very well. All of our Christmas things were taken on Christmas Eve.

PROSECUTING ATTORNEY: Did you see when they were taken?

CINDY-LOU: Yes. I got up to get a cup of cold water in the middle of the night and I saw Santa Claus taking our Christmas tree up the chimney.

PROSECUTING ATTORNEY: Did you see anything else?

CINDY-LOU: No, everything else was gone. He was just taking the Christmas tree up the chimney.

PROSECUTING ATTORNEY: Please be more specific and tell the Court what you mean by "everything."

CINDY-LOU: Presents, Christmas decorations, Christmas books and lights were all gone.

PROSECUTING ATTORNEY: Now you say you saw Santa Claus take the tree up the chimney.

CINDY-LOU: Yes, {pointing} he is the one I saw taking the tree only he's not dresses up as Santa Claus today.

PROSECUTING ATTORNEY: Your Honor, let the record reflect that Cindy-Lou Who has pointed to the Grinch and identified him as the one who was dressed up as Santa Claus and taking the Who's Christmas tree up the chimney on Christmas Eve. OK Cindy-Lou, did Mr. Grinch tell you why he was taking the tree?

CINDY-LOU: Yes, he told me that there was a light on the tree that didn't light on one side and he was taking it to his workshop to fix it. He said he would bring it back.

PROSECUTING ATTORNEY: Your Honor, that's all the questions I have at this time. Your turn, Counselor.

DEFENSE ATTORNEY: Now Cindy-Lou, you said that when you saw Santa Claus, he was taking the tree and there was nothing else in the room. Is that right?

CINDY-LOU: Yeah!

DEFENSE ATTORNEY: And he told you that he was taking the tree to fix one of the lights then he would bring it back. Is that right?

CINDY-LOU: Yes.

DEFENSE ATTORNEY: And you didn't see him take anything else, did you?

CINDY-LOU: No.

DEFENSE ATTORNEY: Did you see your Christmas tree again on Christmas day?

CINDY-LOU: Yes, I did. When we all got up in the morning and there weren't any gifts - we began to sing Christmas carols and before we knew it, the Grinch brought back our Christmas tree and all the toys.

DEFENSE ATTORNEY: I have no further questions.

PROSECUTING ATTORNEY: May I redirect, Your Honor?

JUDGE: Proceed.

PROSECUTING ATTORNEY: Cindy-Lou, is there any question in your mind that it was Mr. Grinch that was dressed up as Santa Claus that night?

CINDY-LOU: No, it was him.

PROSECUTING ATTORNEY: What was he wearing?

CINDY-LOU: He had on a red coat with white fur and red hat just like Santa Claus.

PROSECUTING ATTORNEY: That's all. Thank you. The prosecution rests, Your Honor.

JUDGE: The witness may leave the stand. (Cindy-Lou sits down.) Is the defense ready to

present its case?

DEFENSE ATTORNEY: We are, Your Honor. For the defense we call the Grinch to the witness stand. (Grinch comes to the witness stand.)

BAILIFF: (To witness.) Do you swear to tell the truth, the whole truth, and nothing but the truth?

GRINCH: I do.

DEFENSE ATTORNEY: Could you tell the ladies and gentlemen of the jury where you live?

GRINCH: I live just north of Who-ville up on the hill.

DEFENSE ATTORNEY: Tell us what Christmas has been like for you the past several years.

GRINCH: Well, the past several years Christmases have been very depressing for me. I have never been part of the Christmas season and the Christmas giving down in Who-ville and it has always been so noisy with all the singing and the kids playing with all their toys. On the **NOISE, NOISE, NOISE, NOISE!** That is what I hate.

DEFENSE ATTORNEY: What did you hate about the noise?

GRINCH: Well, I guess I hated the noise because I wasn't part of it and I thought all the kids were just making a lot of noise with their toys and really didn't understand the spirit of Christmas.

DEFENSE ATTORNEY: Was there anything different about the past Christmas?

GRINCH: Oh yes. This Christmas was very different.

DEFENSE ATTORNEY: How was it different?

GRINCH: (Chuckle) I dressed up as Santa Clause, hitched up an old sleigh to my dog, Max, and went down to Who-ville and gathered up all the toys, presents, Christmas trees and stockings. I did this so I could deliver everything the next day and be part of the Who-ville Christmas. I was so tired of all the Christmas singing and not being part of it.

DEFENSE ATTORNEY: Did you gather up all of the toys and all of the Christmas Trees?

GRINCH: Yes, I did.

DEFENSE ATTORNEY: Why did you take them all?

GRINCH: I wanted to see what the Who's would do with Christmas if they didn't have all of the toys and gifts.

DEFENSE ATTORNEY: So, what happened?

GRINCH: Much to my surprise, Christmas came to Who-ville even without the presents. Everybody started singing and the Christmas joy came even without the toys. I remember it so well because I thought to myself that Christmas doesn't come from a store. Christmas does mean a little bit more.

DEFENSE ATTORNEY: What happened after you took the gifts, tried to stop Christmas, but the singing started anyway?

GRINCH: Well, I just couldn't stand it any longer ... all the singing and all the happiness and I took all of the toys, gifts, trees and stockings down to Who-ville to join in the fun.

DEFENSE ATTORNEY: Did you return each and every toy and each and every Christmas tree to every person and home that you took them from on Christmas Eve?

GRINCH: Yes, I did, just as I'd always intended. I never wanted to steal them.

DEFENSE ATTORNEY: I have no more questions. Your turn.

PROSECUTING ATTORNEY: Isn't it true, Grinch, that you hated Christmas?

GRINCH: Well, I don't know. I hated all the noise, but I think it was because I wasn't part of the fun.

PROSECUTING ATTORNEY: Isn't it true that your heart was two sizes too small?

GRINCH: Well, it might have been, but it grew three sizes this past Christmas morning.

PROSECUTING ATTORNEY: Let me ask you about how you got all these Christmas trees and toys out of Who-ville. How is it that you got into all the houses?

GRINCH: I slid down the chimneys.

PROSECUTING ATTORNEY: You slid down the chimneys just like Santa Claus?

GRINCH: That's right.

PROSECUTING ATTORNEY: And you dressed up like Santa Claus in a red suit and red hat?

GRINCH: Yes.

PROSECUTING ATTORNEY: And you pulled a red sleigh and dressed up your dog like a reindeer?

GRINCH: Yes.

PROSECUTING ATTORNEY: And you did all this to deceive everyone. didn't you?

GRINCH: No, I just wanted to be able to pick up all the presents and things without being suspected of anything. I couldn't do this looking like myself.

PROSECUTING ATTORNEY: Well, isn't it true when you saw Cindy-Lou Who that you lied to her and told her you were taking the tree to fix a light?

GRINCH: Yes, I told her that, but I had to say something so I could get the tree out and get her to go back to bed. I knew it would all work out in the morning when I returned with all the Christmas things.

PROSECUTING ATTORNEY: But you did take all of these things dressed up as Santa Claus, didn't you?

GRINCH: Yes.

PROSECUTING ATTORNEY: Did you give any thought to the disappointment and anxiety you would cause the townspeople in "helping" them better understand Christmas?

GRINCH: Well, I just thought ... I meant no permanent harm ...

PROSECUTING ATTORNEY: No further questions.

JUDGE: The witness may leave the stand. (Grinch sits down.)

DEFENSE ATTORNEY: We call Max, the dog. (Max comes to the stand.)

BAILIFF: (To witness.) Do you swear to tell the truth, the whole truth, and nothing but the truth?

MAX: I do. {Sits down.}

DEFENSE ATTORNEY: Could you tell us your name and who your owner is?

MAX: My name is Max and I am the Grinch's dog.

DEFENSE ATTORNEY: Did you help the Grinch gather up the Christmas toys and things on Christmas Eve?

MAX: Yes, I did.

DEFENSE ATTORNEY: What did the Grinch intend to do with the toys?

PROSECUTING ATTORNEY: Objection. Max cannot read his owner's mind. Besides Mr. Grinch has already given personal testimony as to his intention.

JUDGE: Sustained.

DEFENSE ATTORNEY: What did you and Grinch do with the toys on Christmas morning?

MAX: We took them back down to Who-ville after all of the singing began and everyone realized that Christmas meant more than the presents, toys and the trees.

PROSECUTING ATTORNEY: So, you assisted Mr. Grinch in taking all of the toys and the trees?

MAX: Yes, I did.

PROSECUTING ATTORNEY: And your testimony is that you took all of these back the next day?

MAX: Yes, we did.

PROSECUTING ATTORNEY: When you took all of these things, Grinch was dressed up and disguised as Santa Claus was, he not?

MAX: Yeah, yeah.

PROSECUTING ATTORNEY: And he put antlers on your head so you would look like a reindeer, didn't he?

MAX: Yes.

PROSECUTING ATTORNEY: So as far as you know, anyone seeing you would have thought you were Santa Claus and his reindeer, isn't that, right?

MAX: Well, they were pretty poor disguises...

PROSECUTING ATTORNEY: No further questions of this witness, Your Honor.

DEFENSE ATTORNEY: May I redirect this witness, Your Honor?

JUDGE: Proceed.

DEFENSE: Thank you. After Mr. Grinch put the antlers on your head Max, did he take them off after you returned home?

MAX: No, he didn't ... he left them on all night until we took everything back the next day.

DEFENSE ATTORNEY: Why did you leave the antlers on all night?

MAX: Well, I don't know but I had them on when we returned to Who-ville with the sleigh.

DEFENSE ATTORNEY: No further questions. The defense rests, Your Honor.

JUDGE: The witness may leave the stand. (Max sits down.) Let us proceed with the closing arguments.

PROSECUTING ATTORNEY: Mr. Grinch hated Christmas. He hated the noise. He hated the singing, the presents. He hated everything that Christmas was about. So, he disguised himself, dressed up as Santa Claus, disguised his dog as a reindeer and traveled to town in a sleigh. He slid down the chimneys of every house and packed up and took away every Christmas stocking,

toy and tree and left only a crumb too small for even a mouse. He took these items not only to deprive every Who in Who-ville of the toys, gifts, and trees, but to deprive them of Christmas altogether. He is therefore guilty of theft by deception.

DEFENSE ATTORNEY: Mr. Grinch didn't hate Christmas. He hated the fact that he was not part of Christmas in Who-ville. It is true that he dressed up as Santa Claus and went down in a sleigh to gather up all the Christmas toys, trees, and gifts. He wanted to be a part of the Who-ville Christmas and he was going to return these things on Christmas morning once everyone in Who-ville was awake. The evidence has shown that *all* of these items were returned by the Grinch. He then participated in the Christmas festivities. When the Who's woke up on Christmas morning without any Christmas trees and gifts, then both Mr. Grinch and the Whos in Who-ville learned that Christmas meant much more than the material aspects. Mr. Grinch returned in his Santa suit with the sleigh and with Max as a reindeer. You see ladies and gentlemen; Mr. Grinch never took the antlers from Max's head because he *always* intended to return the items in the morning. He is not guilty of theft by deception. He is only guilty of wanting to be a part of Christmas.

JUDGE: Ladies and gentlemen of the jury, it is your job to decide if Mr. Grinch is guilty. Remember that theft by deception requires that a person obtain or exercise control over property of another by deception and with a purpose to deprive him thereof.

JURY: (Goes out to make a decision.) (Comes back in.)

JURY FOREMAN: We find the Defendant, Grinch, _____.