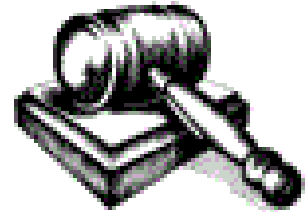


MOCK TRIAL CASE MATERIALS

for the

**UTAH LAW RELATED EDUCATION
MOCK TRIAL ELEMENTARY/MIDDLE SCHOOL PROGRAM**



State of Utah

v.

Sand Witch

Case No. 22cr24-003

Grades 6-7-8

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

CASE BRIEF:

On August 23, 2022, two children, Hansel and Gretel, allegedly disappeared into the gingerbread cottage of one Sand Witch. Witnesses Jackie Rabbit and Earl the Squirrel reported that the children were invited into the cottage by the windows. Squirrel and Rabbit were suspicious as the witch is a known child eater. They sent Darwin Deer, who was tall enough to peep into the candied windows, to further investigate. Deer observed over the following two weeks that Hansel was kept locked in a cage and force fed at regular intervals. Gretel was enslaved for the menial tasks of cooking, cleaning and fattening up her brother. Squirrel, Rabbit and Deer reported to the police that the children escaped one night after a period of two weeks. The police then arrested Ms. Witch on the grounds of kidnapping with intent to eat.

WITNESS LISTING:

HanselProsecution Witness
Gretel Prosecution Witness
Darwin Deer Prosecution Witness

Sand WitchDefendant
Earl Squirrel Defense Witness
Jackie Rabbit Defense Witness

THE TRIAL:

BAILIFF: The 12th District Court of the State of Utah is now in session, the Honorable Judge _____ presiding.

JUDGE: We are here today in the case of State of Utah vs. Sand Witch.

Ladies and gentlemen of the jury, you have been called to serve today in a matter involving Ms. Witch in an alleged incident of aggravated kidnapping. It will be your duty to decide whether Ms. Witch committed this act of kidnapping with the intent to do bodily harm. I believe you will perform your tasks responsibly and well. Thank you for being here.

Counselors, are you ready for your opening statements?

ATTORNEYS: Yes, Your Honor. **(Prosecution and Defense respond)**

PROSECUTING ATTORNEY: Ladies and gentlemen of the jury, we intend to prove, beyond a shadow of a doubt, that Sand Witch was detaining Hansel and Gretel solely for the purpose of cannibalism. She lured the children into her cottage by plastering it with candy, then locked Hansel away like a parakeet and used Gretel as a slave. They were not guests, but future

appetizers and, were it not for their most fortunate escape, Ms. Witch might be guilty of much more than kidnapping.

DEFENSE ATTORNEY: Members of the jury, the woman you see before you is not a kidnapper, but a generous and sensitive lady who opened her cottage and her kitchen to two lost, unprotected children. Hansel and Gretel were well-fed during their stay, and though Gretel worked diligently, it was only because Ms. Witch suffers from acute arthritis and could not manage the household chores alone. Indeed, who knows what evils of a dark and frightening forest the children avoided by being in the care of Ms. Witch. How dare these ungrateful children accuse this kindly woman of kidnapping when they should thank her for her hospitality!

JUDGE: Thank you, Counselors. Is the prosecution ready to present its case?

PROSECUTING ATTORNEY: Yes, Your Honor.

JUDGE: Is the defense ready?

DEFENSE ATTORNEY: Yes, Your Honor.

JUDGE: Normally in a case such as this we would exclude the witnesses and send them out until time to testify, but for educational purposes today, they will be allowed to remain in the courtroom. They will not, however, be allowed to testify to anything they hear in the courtroom.

The prosecution may call its first witness.

PROSECUTING ATTORNEY: Thank you, Your Honor. We would like to call the boy, Hansel, as our first witness. (*Hansel comes to witness chair.*)

BAILIFF: Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

HANSEL: I do.

BAILIFF: You may be seated.

PROSECUTING ATTORNEY: For the record state your name and address.

HANSEL: My name is Hansel, sir. I live at 136 Woodchuck Lane at the edge of the forest.

PROSECUTING ATTORNEY: Do you recall anything unusual about the 23rd of August 2022?

HANSEL: Yes.

PROSECUTING ATTORNEY: Would you please describe that day for us?

HANSEL: Our family went to cut wood in the deep, dark part of the forest.

PROSECUTING ATTORNEY: When you say family, would you name these people please?

HANSEL: There's my dad, Englebert; my Stepmother, Wicked; and Gretel, my sister.

PROSECUTING ATTORNEY: Please continue.

HANSEL: We left early in the morning to cut wood. When we came to a place that looked good, our parents left us to eat our crusts of bread and told us they would be back. They were gone for a long time, and it started to get dark. Gretel was frightened...

DEFENSE ATTORNEY: Objection, Your Honor! Calls for a conclusion by the witness.

JUDGE: Overruled. I believe a brother would know if his sister were frightened. Please continue, young man.

HANSEL: Like I said, (*pause*) Gretel was really scared and we decided to look for a way home. We walked for quite a way and saw lots of small animals and heard many strange noises. Finally, we saw a house in the twilight.

PROSECUTING ATTORNEY: Would you describe the house?

HANSEL: Well, it was small. More like a cottage. At first, it looked like it had lots of decorations, but when we got closer, we saw that it was covered with all kinds of candy. It smelled like gingerbread. We were so excited, because we hadn't eaten in a long time.

PROSECUTING ATTORNEY: What did you do then?

HANSEL: Well...we just started to eat it!

PROSECUTING ATTORNEY: Is that when Sand Witch came to lure you into the cottage?

DEFENSE ATTORNEY: Objection, Your Honor. Counsel is leading the witness.

JUDGE: Sustained. Would you please rephrase the question?

PROSECUTING ATTORNEY: I withdraw the question. What happened next, Hansel?

HANSEL: As we were eating, this old lady opened the door and invited us in.

PROSECUTING ATTORNEY: Do you see that old lady in the court room?

HANSEL: Yes.

PROSECUTING ATTORNEY: Would you point her out, please?

HANSEL: There at that table. (*Points to Defense Table*).

PROSECUTING ATTORNEY: Can you tell us what happened next?

HANSEL: She seemed really nice at first. She fed us and put us to bed, but in the morning, I found myself in a locked cage. I couldn't see Gretel anywhere.

PROSECUTING ATTORNEY: Thank you, Hansel. No further questions, Your Honor.

JUDGE: You may cross-examine, Counselor. (*Looks to Defense table*)

DEFENSE ATTORNEY: Hansel, didn't your parents tell you to wait for them?

HANSEL: Yes.

DEFENSE ATTORNEY: Are you in the habit of disobeying your parents?

PROSECUTING ATTORNEY: Objection! Hansel's character is not on trial here.

JUDGE: Sustained.

DEFENSE ATTORNEY: On that cold dark night, did Ms. Witch invite you into her warm cottage?

HANSEL: Yes.

DEFENSE ATTORNEY: Did she sit you by the cozy fire and feed you a delicious dinner?

HANSEL: Yes, but sh.....

DEFENSE ATTORNEY: Just answer the question please.

At any time, while you were in the care of Ms. Witch did you go hungry?

HANSEL: No.

DEFENSE ATTORNEY: Thank you, Hansel. No more questions, Your Honor.

JUDGE: The witness may leave the stand. Prosecution, please call your next witness.

PROSECUTING ATTORNEY: I would like to call my second witness, the young girl, Gretel.

BAILIFF: Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

GRETEL: Yes.

BAILIFF: You may be seated.

PROSECUTING ATTORNEY: When you were in the woods with your brother, Hansel, and it began to get dark, what were your feelings?

GRETEL: I was really scared and started to cry. Hansel said we should look for a way home. I followed him until we found this yummy house in the forest. We started to eat it because we were starving! Then this ugly, old lady invited us in and gave us food and put us to bed.

PROSECUTING ATTORNEY: What happened the next morning on August 24th?

GRETEL: Well, Ms. Witch came in before the sun was even up and yelled, “Get to work!” She gave me a bucket and brush and a list of chores about a mile long. I was nervous, because I couldn’t see Hansel anywhere. Ms. Witch was so mean looking, that I was afraid for him.

PROSECUTING ATTORNEY: Were you given good food to eat during this time?

GRETEL: Oh, some, but mostly I had to cook good stuff for Hansel, because Ms. Witch said I had to get him fat enough to eat.

DEFENSE ATTORNEY: Objection, Your Honor. Hearsay.

JUDGE: Overruled! Let the answer stand.

PROSECUTING ATTORNEY: Now, Gretel, what were the exact words Ms. Witch used when referring to feeding Hansel?

GRETEL: She said, “We need to fatten him up, so he’ll taste better when he’s roasted.”

PROSECUTING ATTORNEY: During this time, were you allowed to see Hansel?

GRETEL: No.

PROSECUTING ATTORNEY: No further questions.

JUDGE: The defense may cross examine.

DEFENSE ATTORNEY: This good food you were talking about ...did you actually see Hansel eat it?

GRETEL: No

DEFENSE ATTORNEY: In your own home were you given chores to do?

GRETEL: Yes.

DEFENSE ATTORNEY: Did Ms. Witch feed you as much good food as you had at your own home?

GRETEL: Yes, but we were very poor and....

DEFENSE ATTORNEY: Just answer the question.

Do you think it is fair for a person to do chores to pay for their food and a place to sleep?

GRETEL: Yes.

DEFENSE ATTORNEY: No further questions, Your Honor.

JUDGE: Prosecution call your next witness.

PROSECUTING ATTORNEY: We would like to call Darwin Deer.

BAILIFF: Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

DARWIN DEER: Yes.

BAILIFF: You may be seated.

PROSECUTING ATTORNEY: We have established the Ms. Witch lives in a cottage near the edge of the woods. Are you familiar with this cottage, Mr. Deer?

DARWIN DEER: Yes, I am. Most of my friends call me Buck.

PROSECUTING ATTORNEY: Yes. Buck, did you see anything unusual at this cottage on August 24, 2022?

DARWIN DEER: I noticed Ms. Witch had company, and she very seldom has anyone visit her. In fact, I have seen only a few visitors enter cottage, but never leave.

PROSECUTING ATTORNEY: When you say company, does that mean you saw them enter her cottage?

DARWIN DEER: No, I did not.

PROSECUTING ATTORNEY: If you did not see them enter, then did you have an occasion to enter Ms. Witch's cottage yourself?

DARWIN DEER: No, but I am tall enough to see inside her windows.

PROSECUTING ATTORNEY: Did you happen to look through her window on the date in question?

DARWIN DEER: Yes.

PROSECUTING ATTORNEY: Would you please describe to the court what you saw?

DARWIN DEER: Well, I kind of have a sweet tooth, and every once in a while, I like to nibble on Ms. Witch's house. On this particular day, as I was passing the window, I looked in and noticed that Ms. Witch was not alone. She was lying on the couch and there was a young girl cleaning up the kitchen.

PROSECUTING ATTORNEY: Did you hear them talking?

DARWIN DEER: I only heard Ms. Witch. She was yelling at the young girl and bossing her around.

PROSECUTING ATTORNEY: Did you see anyone else?

DARWIN DEER: No, not at the time. However, the next day when I was on the other side of the house I saw a young boy in a cage in the back room.

PROSECUTING ATTORNEY: Thank you, Buck, no further questions.

JUDGE: Defense you may cross-examine.

DEFENSE ATTORNEY: Thank you, Your Honor. Mr. Deer, have you ever been known by any other name?

DARWIN DEER: What do you mean?

DEFENSE ATTORNEY: Isn't it true that you were once known as "White Stag?"

DARWIN DEER: Uh ... Well ... Um ... Yes.

DEFENSE ATTORNEY: Isn't it also true that as White Stag you were arrested on charges of Invasion of Privacy? Or in common terms, as a "peeping Tom?"

DARWIN DEER: Yes, but I was framed!!

DEFENSE ATTORNEY: Only by the window, Sir. Don't pass the buck. Isn't it also true that you were fined for malicious nibbling at the Baker's, who were the former owners of Ms. Witch's cottage?

PROSECUTING ATTORNEY: Objection! Where is this line of questioning leading? It is irrelevant. Mr. Deer is not on trial here!

JUDGE: Sustained. The jury will disregard the defense attorney's outburst.

DEFENSE ATTORNEY: No further questions.

JUDGE: Mr. Prosecutor, do you have any further witnesses?

PROSECUTING ATTORNEY: No, Your Honor. The prosecution rests.

JUDGE: Would the defense call their first witness?

DEFENSE ATTORNEY: The defense calls Mr. Earl Squirrel.

BAILIFF: Please raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth?

EARL SQUIRREL: I do.

BAILIFF: You may be seated.

DEFENSE ATTORNEY: On August 23rd, did you see Hansel and Gretel – the two children at the prosecution table – in your part of the woods?

EARL SQUIRREL: Yes, I did.

DEFENSE ATTORNEY: What were they doing?

VERYL SQUIRREL: When I saw them, they looked as if they were lost. Gretel was crying quite loudly. Hansel kept telling her it was all right and that they would find their way home. I followed them until they reached the cottage of Ms. Witch. They must have been hungry because they began eating her house. Then Ms. Witch came out and invited them in.

DEFENSE ATTORNEY: Did the children go in willingly?

EARL SQUIRREL: Yes, they were smiling. I think they were relieved to see someone.

DEFENSE ATTORNEY: Did you see anyone or anything after that?

EARL SQUIRREL: I just saw the girl emptying a bucket outside.

DEFENSE ATTORNEY: Did she try to run away.

EARL SQUIRREL: No

DEFENSE ATTORNEY: No further questions.

JUDGE: Counselor, you may cross-examine.

PROSECUTING ATTORNEY: We have no questions at this time, Your Honor.

JUDGE: Defense, please call your next witness.

DEFENSE ATTORNEY: We call Jackie Rabbit to the stand.

BAILIFF: Please raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth?

JACKIE RABBIT: I do.

BAILIFF: You may be seated.

DEFENSE ATTORNEY: Is it true that you live in a small burrow in the yard of Ms. Witch?

JACKIE RABBIT: Yes, I have lived there for about three years.

DEFENSE ATTORNEY: Would you describe your relationship to Ms. Witch?

JACKIE RABBIT: She allows me to live in her yard for free. Every now and then she leaves vegetables near my burrow.

DEFENSE ATTORNEY: In your opinion, is Ms. Witch a kind person?

JACKIE RABBIT: Yes: She's the nicest neighbor I ever had.

DEFENSE ATTORNEY: No further questions.

JUDGE: Prosecution, you may cross-examine the witness.

PROSECUTING ATTORNEY: You stated that Ms. Witch was the nicest neighbor you have ever had. Have you ever had any other neighbors?

JACKIE RABBIT: No

PROSECUTING ATTORNEY: In fact, isn't it true that you have no contact with any other humans.

JACKIE RABBIT: That's right. I don't need to.

PROSCUTING ATTORNEY: Do you ever go in to visit the witch?

JACKIE RABBIT: No, I stay pretty much to myself.

PROSECUTING ATTORNEY: Then isn't it true that you have never seen anyone at the witch's house, including Hansel and Gretel?

JACKIE RABBIT: That is true.

PROSECUTING ATTORNEY: If you don't have any contact with humans, then I don't see that you have very much information to give us about this case. Your Honor, I have no further questions.

JUDGE: Call the next defense witness.

DEFENSE ATTORNEY: The Defense calls Ms. Sand Witch.

BAILIFF: Please raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth?

WITCH: I do.

BAILIFF: You may be seated.

DEFENSE ATTORNEY: What did you do before you lived in the forest?

WITCH: As a university graduate, I worked in the city as a food's consultant for a large hotel chain. But I didn't like the stressful way of city life. As soon as I got a house, I moved to the deep, dark, part of the enchanted forest. I made the previous owners as offer they couldn't refuse. Soon I moved into my gingerbread cottage.

DEFENSE ATTORNEY: Do you like living alone?

WITCH: Well, I don't really feel alone, because I have all the wonderful animals in the forest. And occasionally I do have a visitor or two.

DEFENSE ATTORNEY: You mentioned you had visitors. Did you have visitors on August 23rd of last year?

WITCH: Yes.

DEFENSE ATTORNEY: Are they in the courtroom?

WITCH: Yes. The young boy and girl at the table (*Witch waves says, "Hi"*).

DEFENSE ATTORNEY: What time did they come?

WITCH: I'm not sure, but it was very late.

DEFENSE ATTORNEY: Were they alone?

WITCH: Yes. In fact, I asked them if they were lost, and they said they were. They told me they were looking for their mother and father.

DEFENSE ATTORNEY: What happened the next morning?

WITCH: Gretel said that she felt like she should do some chores to help pay for the meal I gave them. So, I told her that my eyes were not as good as they used to be, and I could use some help cleaning.

DEFENSE ATTORNEY: Was Hansel able to help?

WITCH: Hansel had a very high fever, so I made him comfortable in the back room and kept him from Gretel and me so we wouldn't get sick. He was delirious and kept trying to get out of bed. I was worried about him.

DEFENSE ATTORNEY: Now we heard testimony from Mr. Deer that you had Hansel in a cage. Would you explain this?

WITCH: Well, I certainly wouldn't call it a cage! There were protective sides on the bed and I pulled them all the way up so he wouldn't fall out.

DEFENSE ATTORNEY: Did you feed the child?

WITCH: Oh yes ... in fact, I felt I should save the best food for Hansel because he needed to regain his strength.

DEFENSE ATTORNEY: Did this pattern continue until they left?

WITCH: Yes. In fact, I was very hurt when they treated me so harshly and ran away, after all I had done for them.

DEFENSE ATTORNEY: No further questions.

JUDGE: Prosecution you may cross-examine witness.

PROSECUTING ATTORNEY: Is it true that in the past few years you have been questioned about the disappearance of several young children?

DEFENSE ATTORNEY: Objection! The prosecution is trying to discredit the witness. There were never any charges brought against Ms. Witch.

JUDGE: Sustained.

PROSECUTING ATTORNEY: You moved to this area six years ago. Correct?

WITCH: Yes.

PROSECUTING ATTORNEY: Were you aware that during the six years you have lived here, there have been seven missing children?

DEFENSE ATTORNEY: Objection!!

JUDGE: Sustained. No foundation has been laid. You will be held in contempt if you continue that line of questioning.

PROSECUTING ATTORNEY: How many days were the children there?

WITCH: Oh, about a fortnight.

PROSECUTING ATTORNEY: That would be about fourteen days?

WITCH: Yes.

PROSECUTING ATTORNEY: During this time did you try to find or contact their parents?

WITCH: How could I? I don't see very well. I couldn't leave them. No one else came by.

PROSECUTING ATTORNEY: You testified that the children ran away. Why do you think they would do that after you had been so kind to them?

WITCH: I guess they were homesick.

PROSECUTING ATTORNEY: Or perhaps they felt threatened?

DEFENSE ATTORNEY: Objection.

PROSECUTING ATTORNEY: I withdraw the question, Your Honor.

PROSECUTING ATTORNEY: You testified that you kept Hansel in this “bed” so he wouldn’t hurt himself. Was he sick the whole two weeks?

WITCH: He started to feel a little better.

PROSECUTING ATTORNEY: Why wouldn’t you let Gretel see him?

WITCH: I was just making sure that she didn’t get sick.

PROSECUTING ATTORNEY: If Hansel was so sick, how did he have the strength to run away?

WITCH: I don’t know.

PROSECUTING ATTORNEY: No further questions, Your Honor.

DEFENSE ATTORNEY: The defense rests, Your Honor.

CLOSING ARGUMENTS:

JUDGE: Very well, the prosecution may proceed with its closing argument.

PROSECUTING ATTORNEY: Ladies and gentlemen of the jury, you have heard the evidence. Hansel and Gretel, two innocent, young children were lured into Ms. Witch’s cottage. They were hungry and frightened. Sand Witch was an adult. Hansel and Gretel felt she would protect them from the evils of the forest. Through the testimonies of Hansel, Gretel and Darwin Deer, we have proven that she intended to eat Hansel. People do not put children in cages because they are ill and keep them from their loved ones as an act of kindness. If she were so kind, why would they want to escape? Ask yourself, “Why didn’t Ms. Witch make an attempt to find their parents?” If you weigh the evidence, you must find her guilty of kidnapping.

JUDGE: The defense may proceed with its closing argument.

DEFENSE ATTORNEY: Ladies and gentlemen of the jury, from the evidence you have heard you cannot possibly find Ms. Witch guilty of anything ... except maybe human concern. You have heard the testimony of two young children, who disobeyed their parents, trespassed on an old woman’s property, and lied because they were afraid, they would get in trouble with their parents. The other witness the prosecution called was Darwin Deer, who gathered his information by committing the crime of “window-peeping.” Ms. Witch was only doing what she felt necessary for the safety of the children. Hansel was very ill, and Gretel was a great help to Ms. Witch. Ms. Witch rewarded Gretel with food and lodging. The prosecution has failed to prove anything contrary. Search your hearts and you will see that Ms. Witch is not guilty.

PRESIDING JUDGE FINAL REMINDERS and PROCEDURES TO JURY:

JUDGE: Ladies and gentlemen of the jury, it is your job to decide if Ms. Witch is guilty or if she is not guilty. **Remember:** Kidnapping is detaining someone against their will. To find Ms. Witch guilty, we must be convinced beyond a reasonable doubt, that Ms. Witch detained Hansel and Gretel against their wills. If you are not so convinced you must find her not guilty.

JURY: *(Members of the jury exit the courtroom to make a decision. When decision is made the jury will reenter the courtroom with their decision).*

BAILIFF: *(Will take the decision and gives it to the judge, and the judge reads the decision and returns it to the bailiff. Then the bailiff takes it to the foreman of the jury, and Judge instructs the foreman to read the verdict).*

JURY FOREMAN: We find the Defendant, Ms. Witch _____.