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# Call the Mediator

Alexia's Murder

« J'atteste que ce travail est original, qu'il indique de façon appropriée tous les emprunts, et qu'il fait référence de façon appropriée à chaque source utilisée »

Robin, Loïc, Alexandre, Bikel, Léo

## Alexia's Murder

Name	Function	Student
Jean-Pierre Fouillot	Victim's family	Insalaco Loïc
Master Fevrier	Victim's lawyer	Fevrier Robin
Remi Daval	Guilty's family	Desaint-Denis Alexandre
Master Keumeka	Guilty's lawyer	Keumeka Bikel
Léo	The Host	Guilpain Léo

## Present the case

Jonathann and Alexia live in Gray-la-Ville. They got married in 2015 and lived peacefully until the night of October 30<sup>th</sup>. This night, the two individuals had a quarrel, and the drama took place. Jonathann Daval hit his wife and, as he told at the investigator, he lost control since he strangled Alexia. He panicked when he saw his lifeless wife's body lying on the ground, he decided to dress her up as a jogger, then he placed her in the trunk of the car. He went, the next day, drop off her wife covered by a sheet in the forest of Esmoulins.

Until there it is a marital dispute which went wrong like many families. But for Jonathann it is different since he did not stop. He used the Alexia's phone in order to text Alexia's parents. In this message, he says that she is going to come to see them after her run. Then, he harassed her with message to make others believe that he was worried about his no-return.

Indeed, after the discovery of the lifeless body of Alexia by the police, Jonathann pretended to be the victim to all. He showed him in front of the camera crying then, he was consoled by the Alexia's parents.

Finally, the January 30<sup>th</sup>, three months after the Alexia's murder, Jonathann indicted before, confess to the police. The judgment has not yet been delivered.

This case is the origin of our debate. As said before, the judgment has not yet been delivered, we will debate on the restoration of death penalty on the justice. Some case as Daval family could merit this sentence. That is why, we will try, by different point of views, to answer this question :

### **Should we make the death penalty possible within a judgment in France ?**

We will study the case of Daval family to illustrate the death penalty. However, this type of situation is common in many cases. As a function of the result of this debate, we could applicate this law for other criminal or not.

## 2 supporting documents

### Interview Master Fevrier

- **Léo :** *Hello Master FEVRIER, we learned that Mr DAVAL had confessed for the murder of his wife? What is your reaction to this confession?*
- **Robin :** Hello, indeed, Mr. DAVAL confessed. I find that it intolerable and unacceptable. Mr. DAVAL, the daughter's husband of my clients has denied for 3 months to the justice, the police and the French. My feeling is simple, such an act is punishable.
- **Léo :** *What is the risk of this act?*
- **Robin :** As I said before, according to Article 221-4 of the Penal Code, murder is punishable by imprisonment. Only, I find this punishment is too light for such a barbaric act. I am not the judge, I am the lawyer of the family and I will do my best to have the strongest punishment possible. I think the law needs to be reviewed after seeing such an act. Imprisonment means to give a new chance, to be forgiven after the punishment of the prison.
- **Léo :** *What is the reaction of the family?*
- **Robin :** Of course, Alexia's parents are in shock. After having done everything to comfort Mr. DAVAL for the disappearance of his wife (by putting this term in quotation marks), they learned that his murderer is their son-in-law. They are overwhelmed by the news, they do not believe it.
- **Léo :** *You said no proof can justify Alexia's murder. However, we saw recently in the newspapers that the latest SMS sent by Alexia to her husband was not tender, with insults. Can this question the decision of the court?*
- **Robin :** To be clear with you, everyone has marital problems more or less serious. Yes, in view of the proof on Mr. DAVAL's phone, Alexia's messages were crudes and violent. But that's not a reason to kill someone. Killing is an act that is punishable by law and I will do everything in my power to defend my clients and that justice be done so that my clients can mourn their daughter. Thank you.

### Interview Master Keumeka

- **Leo :** *Hello Mr KEUMEKA and thank you for responding favorably to our invitation for this interview.*
- **Mr KEUMEKA :** Hello and thank you for the invitation. I could not respond unfavorably to an opportunity to present the situation following the position of my client.
- **Leo :** *I remind that you were a major of the Law Society Competition at the age of 20, becoming the youngest lawyer in the history of France, and that you won countless trials that make you today one of the best, if not the best, lawyer of the decade. How to use this experience to defend Mr DAVAL, who confessed to killing his wife?*
- **Mr KEUMEKA :** Thank you for these praises that you have just addressed me, but each trial, each case is a new case totally independent of the previous ones and asks that we treat them with the most serious and humble possible. To answer your question, I did not come here to defend the innocence of my client but to try to mitigate the pain he will receive by presenting the extenuating circumstances.
- **Leo :** *What are these famous circumstances you just talked about?*
- **Mr KEUMEKA :** First, you should know that this murder was not premeditated. It is a succession of acts and unwanted words that led to this tragic end. The deceased victim unfortunately had the habit of dominating Mr DAVAL pejoratively, by insulting him, by disrespecting him, going as far as to question his virility as a man. The recurring realization of these acts, pushing my client into a second state, which may justify a state of momentary madness during which this murder unfortunately took place.
- **Leo :** *Many people say that the defense will try to use self-defense in the trial, do you plan it?*
- **Mr KEUMEKA :** Indeed, self-defense can be used in this case, but we expect to invoke an early self-defense followed by a passing madness. Once again, we do not question the guilt of our client, we just wanted to mitigate the charge against him.

- **Leo :** *What do you say to those who thinks Mr DAVAL deserves a death sentence?*
- **Mr KEUMEKA :** A christian person part of me just want to say that, legalized murder, is taking of another life in this way is inhumane, no-one is entirely good or bad-saintly or evil we are a mixture of both. So when a person commits horrendous and unthinkable crimes against another or others then I believe there is hope of redemption
- **Leo :** *Thank you, Mr KEUMEKA, for coming to see us. A last word for the public who will read us?*
- **Mr KEUMEKA :** Thank you for the invitation. I would begin by sending my heartfelt condolences to the family of Alexia who is going through this painful moment and who will carry this wound for life. To end my speech, I would just like to remind you that Mr DAVAL is not a serial killer, he is a computer scientist, a father who had until then a blank record. Grace, treat him as a human being who has failed, and not as a seasoned murderer.

## Possible options

There are two possible outcomes of our topic.

### 1<sup>st</sup> outcome

Mr DAVAL deserves the death penalty so Master FEVRIER was more convincing than Master KEUMEKA and the law has been reviewed.

In the first case, (where the murderer is sentenced to death) the arguments explained by the lawyer of the family of the victim and the family itself will be more conciliatory than those of the culprit's defense. The family of the victim will finally be able to mourn and close this story. Their lawyer will continue to work tirelessly to defend his clients. Similarly, for the lawyer of the culprit.

#### Family member of Alexia :

- For a murder, a fair penalty must be applied
- The State must protect his members
- He decided on the fate of my daughter, she cannot pursue her life, discover new things
- He deprived my daughter to live
- By equality, we are all in the same human status, nothing is above another
- The comfort of prisons is too important, it does not deserve to be as well housed and fed. Prisoners have TV, laptop, cellphone in their cells, they have visiting rights,...
- Security in jails is not optimal, in fact many escapes occurred
- If the prisoner escapes, he will not serve his sentence and he will be able to resume a new life and kill someone again

#### Family lawyer of the departed :

- It is inconceivable to let him go to jail for such an important act! The imprisonment is a problem for the victim's family who feels that the punishment is not the appropriate sanction
- Do not confuse everything! Even if she spoke him badly, justice must be done. Apply stronger laws than the initial law
- From an economic point of view, an execution costs basically less than a life imprisonment.

- Even if this murder is not premeditated, Mr. DAVAL did everything to hide his act. He is guilty of murder but also of perjury since he lied by hiding his actions to justice

#### **Questions :**

- Do you think that the fact that Alexia spoke badly to her husband is justifiable for her murder?
- How can you defend a criminal?
- What is defense legitimacy?

#### **2<sup>nd</sup> outcome**

Mr DAVAL is afflicted with a term of imprisonment. Truth that Master KEUMEKA was more convincing than Master FEVRIER. The arguments of Master FEVRIER were not convincing enough for the state to readjust the death penalty as Master FEVRIER wanted.

In the second case, the guilty's lawyer will have managed to convince jurors that the murder was not premeditated, and the judge will have decided to put Jonathann in jail for 20 years. The family of murderer will be relieved and will hope Jonathann could obtain a remission of sentence for good behavior.

#### **Family member of Jonathann**

- Jonathan killed her by accident. He didn't premeditate to kill her like serial-killer that's why he doesn't deserve the death penalty
- The jail for few years is the best sanction in comparison to this act.
- He couldn't handle a situation after criticisms he have received from Alexia. Jonathan has suffering a lot about his infertility problem and The Alexia's criticisms have deeply hurt
- He is not a monster, so he mustn't be killed by death penalty. He must have a second chance
- Even if my son has killed her, it is inhumane to use death sentence to punish him
- The death of Alexia was an accident whereas the death penalty is premeditated so everyone who accepts that is considered as murderer. In fact, this act is worse than an accident.



Accused's lawyer :

- Domination of the woman, recurrent insults, impotence, Beginning of self-defense.
- It's a start of self-defense that has turned into a worst-case scenario.
- It was not premeditated, it is an occasional contest.
- Mr DAVAL recognized his guilt, we just advocate extenuating circumstances; Our client is not a serial killer, he had a clean record before this unfortunate tragedy.
- The death penalty or sentence to life would be exaggerated.
- Legalized murder, is taking of another life in this way is inhumane :
- No-one is entirely good or bad-saintly or evil we are a mixture of both. So, when a person commits horrendous and unthinkable crimes against another or others then I believe there is hope of redemption

## Keywords

**To quarrel** : /'kwɒr.əl/ an angry disagreement between two or more people or groups

**An investigator** : /ɪn'ves.tɪ.geɪ.tər/ a person whose job is to examine a crime, problem, statement, etc. in order to discover the truth

**To strangle** : /'stræŋ.gəl/ to kill someone by pressing their throat so that they cannot breathe

**Lifeless** : /'laɪf.ləs/ dead

**To lay** : /leɪ/ to put something in especially a flat or horizontal position, usually carefully or for a particular purpose

**To indict** : /ɪn'daɪt/ If a law court or a grand jury indicts someone, it accuses them officially of a crime

**Son-in-law** : /'sʌn.ɪn.lɔː/ the man who is married to your daughter or son

**Overwhelmed** : /,əv.və'welmt/ to defeat someone or something by using a lot of force

**Proof** : /pruːf/ a fact or piece of information that shows that something exists or is true

**Fair** : /feər/ treating someone in a way that is right or reasonable, or treating a group of people equally and not allowing personal opinions to influence your judgment

**A fate** : /feɪt/ what happens to a particular person or thing, especially something final or negative, such as death or defeat

**To deprive** : /dɪ'praɪv/ to take something, especially something necessary or pleasant, away from someone

**Perjury** : /'pɜː.dʒər.i/ the crime of telling lies in court when you have promised to tell the truth

**To deserve** : /dɪ'zɜːv/ to have earned or to be given something because of the way you have behaved or the qualities you have

**To handle** : /'hæn.dəl/ to deal with, have responsibility for, or be in charge of