

LEVELED BOOK • X

# The School Versus James Holt



Written by Rus Buyok • Illustrated by Stephen Marchesi

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Eva was nervous for the trial to begin. Just last week, she had watched the mock trial of Goldilocks as the class decided if Goldilocks was guilty of trespassing on the three bears' property. It had been fun to see how a court of law worked when no one was really getting in trouble—but this time it was real. Her friend James, who fidgeted nervously beside her, was accused of stealing an old train engineer's hat that Larry had brought in for show-and-tell. He faced up to a week's worth of detention. James insisted that he was innocent, and she believed him. It was her job to get everyone else to believe him, too.

"Class, as you know, the hat Larry brought in for show-and-tell was stolen from the closet during morning recess yesterday," said Mr. Dawson, their teacher. "The hat was found in James's backpack just after lunch. You all know that if someone steals something in my classroom, he or she automatically gets a week's detention, but James must have been paying attention during our mock trial of Goldilocks last week. He asked for this trial, saying that everyone deserves his or her day in court—and he's right. Like everyone else, he deserves to have his guilt or innocence determined by a jury of his peers through the due process of law. So now it's up to you to participate, listen, and decide whether James is guilty or not guilty of the charge against him. When the trial is over, I will go along with your verdict."



“Let’s quickly review how this trial is going to start. Because I might have to **testify** as a **witness**, I won’t be acting as the judge in this case. Principal Jeffries has agreed to act as our judge to make sure everyone follows the rules.”

Principal Jeffries waved to the class from where she sat at Mr. Dawson’s desk. Her serious look made Eva uneasy.

“First, the bailiff will call the case,” Mr. Dawson continued. “Then, the lawyer for the **prosecution**—that’s Darnell—will give his opening statement. In it, he will present his case against the **defendant**, James, to the jury.

“Next, the lawyer for the **defense**—that’s Eva—will give her opening statement and present James’s side of the case. We’ll talk about what happens next when we get there. If there are no questions, let’s get started. Bailiff?”

Bobby Jenkins, the bailiff, stood up from his chair beside the judge’s desk. Because the bailiff was in charge of security in the courtroom, he wore a large silver badge on his shirt that looked like a police officer’s. He read very carefully from a sheet of paper.

“All rise,” he began. Only Mr. Dawson stood up as the rest of the class looked around at each other. “You’re all supposed to stand up,” Bobby hissed. Everyone did, and he continued. “The superior court of Woods Elementary, fifth grade, Mr. Dawson’s class number 825, the honorable judge Principal Jeffries presiding, is now in session. Please be seated and come to order.”

Everyone sat as Bobby spoke to Principal Jeffries. “This is the case of the School versus James Holt.”

“Thank you, Bailiff,” Principal Jeffries said. “We’ll now hear opening statements from the prosecution and defense.”

Darnell stood up and faced the twelve students who made up the jury.

“Today, I’m going to prove that James really did steal Larry’s hat,” Darnell said. “I have a witness who actually saw James coming out of the classroom during morning recess—the only time the hat could have been stolen. Also, you can’t ignore the fact that the hat was found in James’s backpack! After all this proof, you’ll have to convict James. He stole the hat, and he deserves detention. Thank you.”



The case against James was strong, but something told Eva that he wasn't a thief. She took a deep breath to prepare herself for her opening statement.

"People of the jury," she began, "James is not a thief. Anyone who came in during recess could have put the hat in James's backpack. It is true that James came inside during morning recess, but he never went into the classroom. He just went to the bathroom and went back outside. That's it. This means the witness could not have seen him coming out of the classroom. Also, James asked for this trial. If he were guilty, he would have just taken his punishment. These facts will show that he is innocent. Thank you."

Eva went back to her table with a sigh. James leaned over to her and said, "That sounded really good—but his did, too."

“Tell me about it,” Eva whispered.

“Very good,” Mr. Dawson said, standing up. “Because the defendant, James, is innocent until proven guilty, Darnell has the burden of proof. This means he has to prove to the jury beyond a **reasonable doubt** that James stole the hat. He will do this by presenting **evidence** and by calling witnesses to testify, or tell what they know about the case. His questioning of witnesses is called direct examination. Before witnesses can testify, they have to be sworn in by the bailiff, which means they make a promise to tell the truth. Darnell, call your first witness.”

Eva knew she had to pay close attention here. If Darnell broke the rules of evidence by asking or doing something he wasn’t supposed to, she would have to object.

“I’m going to call Jasmine first,” Darnell said.

Jasmine walked up to a chair next to the judge’s desk. Bobby met her there and said, “Raise your right hand.” Jasmine did. “Do you promise to tell the truth?”

“I do,” Jasmine said. She carefully straightened her skirt before she sat down.



Darnell stepped around the desk and asked, “Will you please tell us what happened during recess yesterday morning?”

“Yes,” said Jasmine. “I came inside to get my inhaler and saw James leaving the classroom.”

“Do you think James stole Larry’s hat?”

“Objection!” The word shot out of Eva’s mouth before she really thought about it. Her mind raced as Principal Jeffries looked at her.

“What is your objection, Eva?” she asked.

“Oh,” Eva said. “She can’t tell us what she thinks, right? She didn’t see if he took it or not.”

“He’s asking the witness for an opinion,” Principal Jeffries said. “You’re right. It’s not allowed. Your objection is **sustained**. Darnell, you may continue, but don’t ask for any more opinions.”

Eva felt a smile spread across her face.

"I don't have any more questions," Darnell said.

"Now that Darnell has finished," Mr. Dawson said, "Eva will also have a chance to question the witness, which is called cross-examination."

Eva only had one question for Jasmine, but being in front of her and the whole class made Eva so anxious that she could hardly speak.

"Was anyone else around when you say you saw James leaving the classroom?" Eva asked.

Jasmine thought about it for a moment before replying, "No, I don't think so."

"So no one can say whether or not you're telling the truth. That's all I wanted to know." Eva felt satisfied that she had made a good point.

"I am telling the truth," Jasmine said. "I've never been in trouble. Not once. James has been in trouble plenty of times."

"That's enough," Principal Jeffries said. "You're not allowed to talk out of turn as a witness. You can only answer the questions truthfully. Take your seat, Jasmine."

Jasmine did as she was told.

"I call James as my next witness," Darnell said.

"Objection!" Eva said. This time she felt sure of herself. "As the person accused of the crime, James has the right not to testify if he doesn't want to. So Darnell can't call him as a witness unless I do first."

"That is correct," Principal Jeffries said. "Your objection is sustained. Darnell, call a different witness."

The court turned its attention back to Darnell, who called Mr. Dawson to testify. The bailiff had him promise to tell the truth, which was a funny sight since Mr. Dawson was twice Bobby's size.

"While you were watching recess yesterday, did you let Jasmine and James go inside?" Darnell asked.

"I did. He said he needed to use the restroom, and she needed to get her inhaler. I also let a number of other students—"

"You're only supposed to answer my questions," Darnell said. Mr. Dawson's face twisted a little, and Eva could tell he didn't like the way Darnell was talking to him.

"Objection!" Eva said. "He's not being very nice to the witness."



## People in a Mock Trial

**Judge:** The boss in the courtroom, the judge runs the trial and decides what evidence is allowed.

**Prosecuting Lawyer:** The lawyer who argues the case against the defendant. In a criminal case, the prosecutor represents the interests of the community.

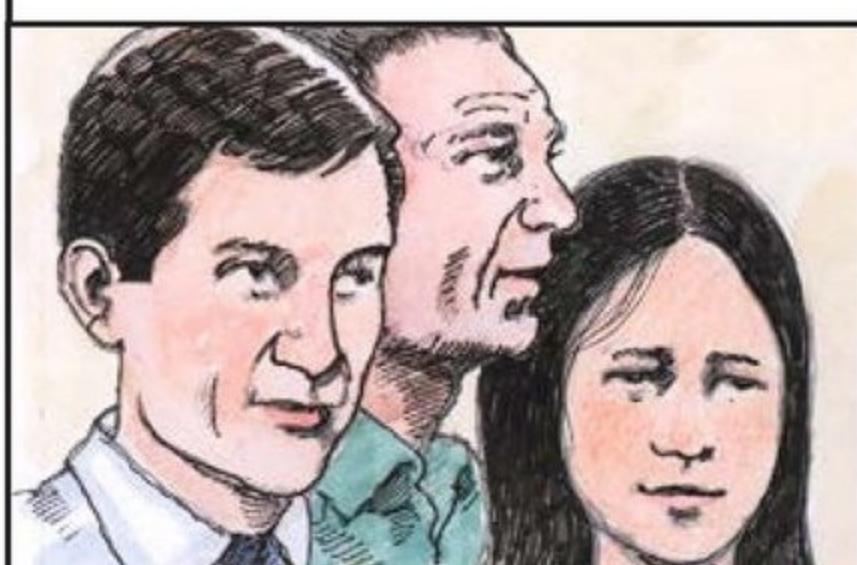


**Defense Lawyer:** The lawyer who argues the case on behalf of the defendant.



**Bailiff:** The person who makes sure everyone stays safe in the courtroom. In mock trials, bailiffs often swear in the witnesses.

**Jury:** Members of the community who listen to the evidence and decide on a verdict.



**Witnesses:** People who tell about the facts of a case after promising to tell the truth.

“He can’t harass the witness,” Principal Jeffries said, “but keeping the answers limited only to the question asked is not harassing. Your objection is **overruled**.”

Eva was disappointed, but she stayed quiet as Darnell continued.

“Tell us about how you found the hat in James’s backpack,” Darnell said.

“During lunch, Larry discovered that he didn’t have his hat. I took him back to the classroom to make sure that he hadn’t misplaced it. We couldn’t find it in the closet, so when everyone returned to class after lunch, I asked if anyone had seen it. When no one answered, I asked that each person look in his or her own belongings. James found the hat in his backpack.”

“Thank you. I don’t have any more questions,” Darnell said.

Questioning her teacher felt odd to Eva, but she had to do it.

“Mr. Dawson, before you were interrupted, you said you let in a number of students. Did any of them ask to go into the classroom?” Eva asked.

“Only Jasmine,” Mr. Dawson replied.

“But any of those students could have taken Larry’s hat.”

“I suppose so,” Mr. Dawson said.

“Thank you. I don’t have any more questions.”

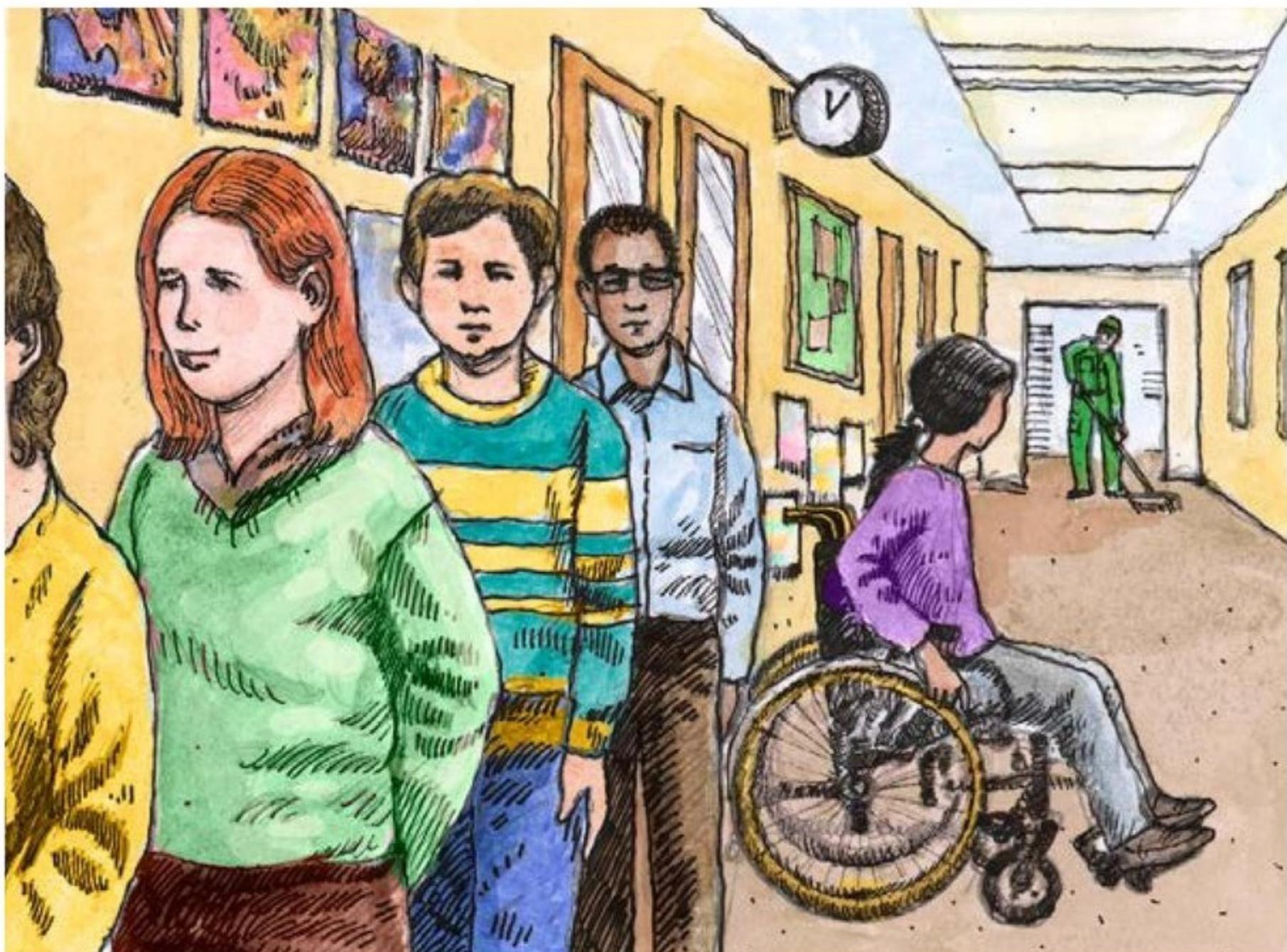
Mr. Dawson took his seat again, and Darnell called Jasmine’s best friend, Haley, to testify. As Darnell began to question Haley, Eva objected. Haley was just telling stories about James that she had heard from other people—she hadn’t actually seen James do any of the things she was describing. The objection was sustained because the stories were hearsay and could not be proven.

Finally, Principal Jeffries called for a recess. Eva definitely needed the break. She had done her best, but she didn’t feel confident. The fact that Mr. Dawson had found the hat in James’s backpack was a strong piece of evidence. Somehow, she needed to prove that James never went into the classroom when the hat was stolen.

At recess, Eva asked James, “Can you think of anyone who can prove that you weren’t in the classroom? Anyone at all?”

James shook his head. “I wish I could.”

Eva nodded and said, “I’m not giving up. I’ll ask around and see if I can find something.”



Eva spent a good part of the recess asking people who had gone inside during yesterday's recess if they were sure they hadn't seen anything. She asked every person she could possibly think of if they had seen or knew anything that might help James. No one knew anything.

As they were going back inside, she spotted the custodian, Mr. Billings, sweeping the floor at the end of the hallway.

"Excuse me," she said as she wheeled herself toward him, "did you happen to be in this hallway around this time yesterday?"



After recess, Eva felt much better about the case. When James asked why she was so happy, she said, "It's a secret." She watched as the bailiff called the court to order, anxious for her turn to call witnesses.

"Does the prosecution have any more witnesses to call?" Principal Jeffries asked Darnell.

"I don't, Your Honor," Darnell replied. "The prosecution rests its case."

"Then does the defense have any witnesses?"

"I do, Principal! I mean Your Honor," Eva said. "I'd like to call James Holt."

James looked at Eva as if he were in trouble and walked up to the desk where Bailiff Bobby made him promise to tell the truth.

"What happened during recess yesterday?" Eva asked.

"I went to the bathroom," James replied.

"Jasmine says that she saw you coming out of the classroom."

"I didn't go in the classroom. She's not telling the truth."

"I am!" Jasmine yelled.



Principal Jeffries rapped her knuckles on the desk. “One more outburst like that and I’ll have the bailiff take you to my office, Jasmine.”

The room quieted, and Eva said she had no more questions. James looked really scared now.

Darnell looked at Eva as he asked James, “Can you think of anyone who might confirm that you only went to the bathroom?”

“No, I can’t,” said James.

“I don’t have any more questions.”

"I'd like to call Mr. Billings, the custodian," Eva said when James took his seat.

A murmur of surprise went through the classroom as Mr. Billings came into the room.

"Objection!" Darnell exclaimed. "I didn't know about this witness, so I didn't have any time to get ready."

"I'd like the prosecution and the defense lawyers to approach the bench," Principal Jeffries said. When Eva and Darnell were both in front of her, she said, "Eva, you know you're supposed to tell the court what witnesses you plan to call."

"I know," Eva replied, "but I just discovered during recess that he has evidence that proves James is innocent."

Principal Jeffries thought about it a moment. "I will let him testify, but it better be justified. The objection is overruled."

"Thank you, Your Honor," Eva said.

When they had returned to their places, Mr. Billings walked up to Billy. After promising to tell the truth, Mr. Billings sat down in the witness chair.



"Mr. Billings, were you working in the hallway outside this classroom yesterday?" Eva asked.

"I was," he replied.

"Did you see James in the hallway?"

"I did," he replied. "James came in from outside, went to the bathroom, and left."

"Did you see anyone else?"

"The only person I saw go into the classroom was Jasmine. From where I was standing at the end of the hall, I don't think either of them saw me."

"Thank you, Mr. Billings," Eva said. She couldn't help smiling. "I don't have any more questions."

Darnell stood up and looked around as if he wasn't sure what to do. "I don't have any questions," he said and sat back down.

"Does the defense have any more witnesses to call?" Principal Jeffries asked.

"I don't, Your Honor," Eva said. "The defense rests."

"Then we will move on to closing statements."

Mr. Dawson stood up in front of the class. "Who remembers what closing statements are?" he asked.

"When they sum up their case!" someone called.

"You're right," Mr. Dawson said. "It's when the defense and the prosecution go over their case one more time for the jury. Then the jury will go and deliberate, which means they will decide whether James is guilty or not guilty. Whenever you're ready, you can begin, Darnell."

Darnell looked more nervous than he had during the entire trial. He summed up his case by repeating that Larry's hat was found in James's backpack. He made the point three times before he finally sat down.

It was Eva's turn to make her closing statement. First, she reminded the jury that Jasmine was the only person who claimed to have seen James come out of the classroom during recess. Then, she talked about how James said he had only gone to the bathroom and how Mr. Billings had confirmed this. Next, she told them how Mr. Billings had seen Jasmine go into the classroom. Finally, she said that anyone who had gone in the closet during that recess could have put the hat in James's backpack.

When Eva was finished, James looked at her and said, "After that, I'd say I'm not guilty."

"Let's hope the jury thinks the same thing," Eva replied.

Principal Jeffries dismissed the jury, who went into another room to deliberate. During the Goldilocks trial, they had chosen a verdict in the classroom in front of everyone. Because this was a real case, Mr. Dawson had decided that it would be best if the jury deliberated in private. Eva knew the jury took a vote to see what each juror thought. If they didn't all agree on whether the defendant was guilty or not guilty, they would discuss the case until everyone agreed.

In the Goldilocks trial, the jury had deliberated for almost an hour before reaching the decision of guilty. This time, they came back in the room after only a few minutes.

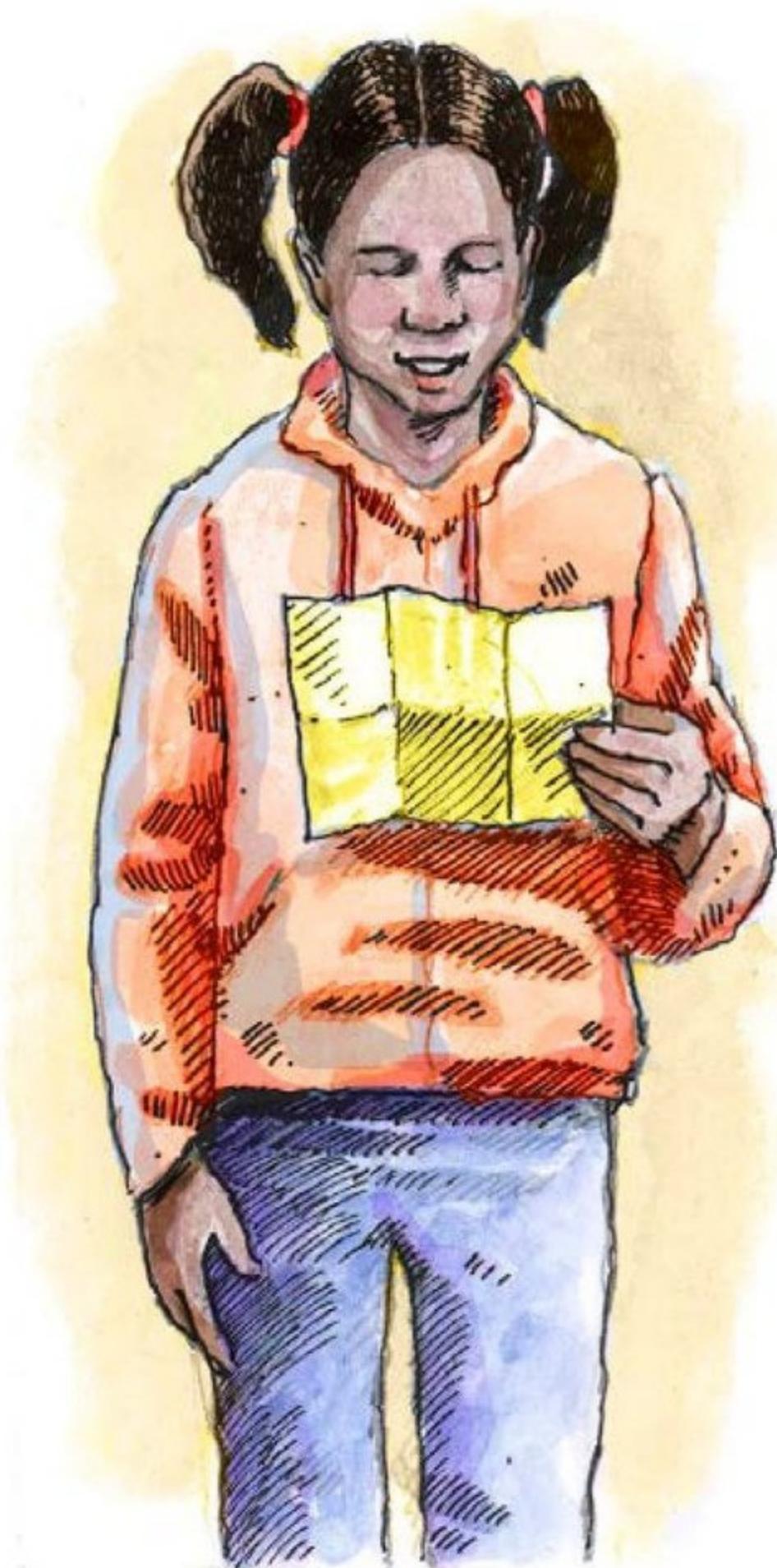
"Has the jury reached a verdict?" Principal Jeffries asked when everyone was settled.

"We have, Your Honor," said one of the jurors. She unfolded a sheet of yellow paper and read aloud.

"We, the jury in the case of Woods Elementary versus James Holt, find the defendant not guilty of the crime of theft."

A cheer erupted from the classroom. James leaned over and gave Eva a big hug and said, "I owe you one. Thank you!"

When the noise had died down, Eva heard Jasmine say, "So he doesn't get detention? Mr. Dawson found the hat in that secret pocket inside James's backpack. He should get in trouble."





"How did you know that the hat was in the secret pocket?" Mr. Dawson asked.

Jasmine turned bright red and looked scared. "He—he ruined my dress!" she said. "He spilled juice on it during lunch last week and never even apologized. I just wanted him to get in trouble for something, so I put the hat in his backpack."

Principal Jeffries stood up from behind the desk and said, "I think we'd better take a trip down to my office, Jasmine."

Jasmine nodded, and Principal Jeffries walked with her out of the room.

"Well, that's about enough excitement for this morning. I hope nothing else goes missing for a long time," Mr. Dawson said. "Let's get this room in order before the lunch bell rings."

## Glossary

<b>defendant</b> ( <i>n.</i> )	a person or group that is accused of wrongdoing in a court of law (p. 5)
<b>defense</b> ( <i>n.</i> )	an individual or team that defends the accused in a court of law (p. 5)
<b>due process</b> ( <i>n.</i> )	the right of a citizen to a fair trial in a court of law (p. 4)
<b>evidence</b> ( <i>n.</i> )	something that supports a theory or claim (p. 8)
<b>overruled</b> ( <i>v.</i> )	decided against (p. 13)
<b>prosecution</b> ( <i>n.</i> )	a group that brings or pursues criminal charges against another person or group (p. 5)
<b>reasonable doubt</b> ( <i>adj.</i> )	a sensible uncertainty as to the guilt of a defendant in a criminal trial (p. 8)
<b>sustained</b> ( <i>v.</i> )	supported (p. 9)
<b>testify</b> ( <i>v.</i> )	to answer questions while under oath in a court of law (p. 5)
<b>trial</b> ( <i>n.</i> )	a legal process by which a person or group accused of wrongdoing is found innocent or guilty in a court of law (p. 3)
<b>verdict</b> ( <i>n.</i> )	the decision reached by a judge or jury in a court of law (p. 4)
<b>witness</b> ( <i>n.</i> )	a person who answers questions while under oath in a court of law (p. 5)

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