

Criminal Mock Trial

IN THE HIGH COURT OF THE KINGDOM OF LOGRES

BETWEEN

REGINA

AND

ARTHUR OF LOGRES
Accused



(**Issue:** Did Arthur steal the sword in the stone with the intent to deprive its owner of its use?)

CLERK: Order in court, The Honourable Mister/Madam Justice _____
presiding.

[Everyone stands as the judge enters the room.]

JUDGE: You may be seated.

[Everyone sits, except the clerk.]

CLERK: The case of the *Regina versus Arthur*, my Lord/Lady.

[Clerk sits.]

JUDGE: Thank you. Are all parties present?

[Crown stands.]

CROWN: Yes, my Lord/Lady. I am _____ and these are my friends

_____ and _____. We are acting
on behalf the Crown in this matter.

[Please note: this statement can be adjusted depending on the number of
lawyers for each side.]

[Crown sits; defence stands.]

DEFENCE: My Lord/Lady. I am _____ and these are my friends

_____ and _____. We are acting
on behalf of the accused, Arthur of Logres.

[Again, statement can be adjusted depending on number of lawyers.]

[Defence sits.]

JUDGE: Thank you. Arthur, please rise to hear the charge.

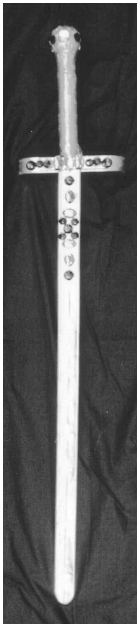
[Clerk, defence and Arthur stand.]

CLERK: Arthur, you are charged that on, or about the first day of January, in the year _____, you did unlawfully remove a sword from the stone in the church square, thereby committing theft. How do you plead?

ARTHUR: Not guilty.

JUDGE: Thank you Madam/Mister Registrar. [Everyone sits.]

Good afternoon, ladies and gentlemen of the jury. I begin with some general comments on our roles in this trial. Throughout these proceedings you will act as the judges of the facts and I will be the judge of the law. Although I may comment on the evidence, as judges of the facts, you are the exclusive judges of the evidence. By the same token, when I tell you what the law is, it is my view of the law that must prevail.



There are two other basic principles that are fundamental to your role as jurors. They are the requirement for proof beyond a reasonable doubt and the presumption of innocence. The requirement for proof beyond a reasonable doubt means that no person accused of an offence can be found guilty unless the Crown proves each and every part or element of that offence beyond a reasonable doubt. Similarly, our system of law requires that an accused person be presumed innocent. Arthur has no obligation to prove that he is not guilty or to explain the evidence offered to you by the Crown. The law presumes he is innocent until you decide otherwise.

Before calling on Crown counsel to give their opening statement I will tell you something about the offence with which Arthur has been charged. The Crown has charged Arthur with theft of property over £1000 sterling. Before you can legally return a guilty verdict on theft of property over £1000 sterling, the Crown must prove each of the following elements beyond a reasonable doubt:

- (1) First, the identity of Arthur as the offender;
- (2) Second, the time and place of the offence;
- (3) Third, that Arthur took the sword;
- (4) Fourth, that the sword was not owned by Arthur when Arthur took it;
- (5) Fifth, that Arthur took the sword wrongfully; and
- (6) Sixth, that Arthur intended to deprive the owner of the sword of his property.

I now call upon the Crown to proceed with their case.

[Crown stands.]

CROWN: (Opening Statement). My Lord/Lady, we intend to prove that Arthur stole the sword in the stone which is the rightful property of the Church of Logres and that he intended to steal the sword knowing that it was not his property. To support our case we intend to call the following witnesses: the Sheriff, the Archbishop and Sir Kay, the accused's brother. We now wish to call our first witness, the Sheriff.

[The Sheriff takes the stand and remains standing while s/he is taking the oath.]

CLERK: Do you swear that the evidence you shall give shall be the truth, the whole truth and nothing but the truth so help you God?

SHERIFF: Yes.

CLERK: State your name and address for the court, please.

SHERIFF: I am Sheriff _____, and I live in Tintagel Castle.

[Sheriff stands to give his/her evidence.]

CROWN: Sheriff, please tell the court what happened on the morning of New Year's Day, January of this year.

SHERIFF: At around 10 a.m. I received a message from the Archbishop to come to the church square to investigate the theft of the sword from the stone.

CROWN: What did you find when you reached the church square?

SHERIFF: I found the stone but there was no sword. Someone had taken it.

CROWN: What happened after you arrived at the square?

SHERIFF: I spoke with the Archbishop. S/he said that someone had stolen the sword. S/he said that the sword and the stone were gifts to the Church. S/he asked me to find out who stole the sword and to bring it back to the Church.

CROWN: How much time passed between when the Archbishop last saw the sword in the stone and when s/he noticed that it was missing.

SHERIFF: Approximately two hours. The Archbishop last saw the sword just after his/her breakfast.

CROWN: What did you do next?

SHERIFF: I first inspected the stone. I noticed that there was a message carved into the side of the stone.

CROWN: What did it say?

SHERIFF: I'm sorry sir but I do not know. I cannot read.

CROWN: What did you do next?

SHERIFF: I went to a nearby tavern that overlooks the church square. People were starting to crowd around a man who seemed to be telling a story. I was surprised to see that many people around because I thought that everyone was at Logres Field watching the Great Tournament. I asked them to quiet down and to tell me if they had seen anyone take the sword from the stone.

CROWN: And what did they tell you?

SHERIFF: The man telling the story told me that he just saw a young boy at Logres Field who had removed the sword from the stone. He said he saw the young boy leave the Field, and head towards Tintagel Castle.

CROWN: What did you do then?

SHERIFF: I immediately went to Tintagel Castle. I found Sir Ector and his two sons, Sir Kay and Arthur at the front gates. Arthur was carrying the sword from the stone.

CROWN: Do you see the boy who was carrying the sword in this room today?

SHERIFF: Yes. It was him. [Points to Arthur in the Prisoner's Box.]

CROWN: Let the record show that the witness is pointing to the accused. Now then sheriff, what did you do after you found Arthur in possession of the sword?

SHERIFF: I arrested Arthur for theft of property worth over £1000 sterling. I then took him to Logres jail. I have brought the sword here as evidence.

CROWN: My Lord/Lady we would like to submit this sword as Exhibit 1 in this trial.

JUDGE: Yes counsel.

[Crown hands the sword to the court clerk.]

CLERK: My Lord/Lady, Exhibit 1, the sword.

[Clerk shows the sword to the Judge and then places it on his or her desk.]

CROWN: Thank you sheriff. No further questions my Lord/Lady.

[Crown sits.]

JUDGE: Does the defence wish to cross-examine this witness?
[Defence stands.]

DEFENCE: Yes my Lord/Lady. Is it true that you did not investigate whether or not the Church was the owner of the sword?

SHERIFF: The Archbishop said the Church was the owner. The Archbishop's word is good enough for me.

DEFENCE: So you never questioned who was the real owner of the sword?

SHERIFF: No.

DEFENCE: Did Arthur ever deny that he took the sword?

SHERIFF: No, he was forthcoming and seemed quite proud that he was able to pull the sword from the stone.

DEFENCE: Have you ever had any dealings with Arthur before?

SHERIFF: No, he has no previous criminal history.

DEFENCE: No further questions my Lord/Lady.
[Defence sits.]

JUDGE: Thank you sheriff. You may step down. You may call your next witness.
[Sheriff leaves the witness box; Crown stands.]

CROWN: We call the Archbishop, my Lord/Lady.
[Archbishop stands and takes the stand and remains standing for the oath.]

CLERK: Do you swear that the evidence you shall give shall be the truth, the whole truth and nothing but the truth, so help you God?

ARCHBISHOP: Of course! I am the Archbishop. I would never lie.

CLERK: State your name and address, please.

ARCHBISHOP: I am Archbishop _____, and I live in the Great Cathedral of Logres.
[Archbishop sits.]

CROWN: Archbishop, what happened on Christmas day?

ARCHBISHOP: Ah, that was a very special day – I had summoned all the nobles to a big Christmas service at the Church.

CROWN: Why did you do so?

ARCHBISHOP: Well, Merlin, the old sorcerer from Wales, came to me before Christmas and told me to hold a special service with all the countries' nobles. He said a miracle would happen. I love miracles! So, naturally, I did what he said.

CROWN: Did a miracle take place?

ARCHBISHOP: Yes. Just as I was about to start my sermon, I heard shouting from outside. Word quickly entered the church that from out of nowhere a sword in a stone appeared in the middle of the church square. When I ran out to see for myself, I saw the most beautiful sword in the largest stone I had ever seen. That is when I remembered what Merlin had said to me. This must have been the miracle he talked about. I was delighted that Merlin gave the Church this beautiful present in front of all the people.

CROWN: Was this an unusual event?

ARCHBISHOP: Well, no, not really. Every Christmas Merlin surprises me with a gift of some kind for the Church. His gifts usually arrive in a very dramatic way.

CROWN: Archbishop _____, what happened on New Year's Day?

ARCHBISHOP: On New Year's Day around 9:30 a.m. I went into the church after my morning walk. I always go on a stroll through the beautiful church gardens after my breakfast. As I entered the church, I turned to admire the Church's most prized possession, the sword in the stone. This had become a habit of mine. I couldn't take my eyes off of it. The stone is big, too big for even the strongest man to pick up. The sword is long and made of gold and silver with jewels placed in the handle. It is valued at £1000 sterling and I never gave anyone permission to take it or to have in his/her possession. This sword belongs to the Church.

CROWN: Was the sword actually in the stone at that time?

ARCHBISHOP: NO! When I realised it was missing I nearly had a heart attack. The Church's most prized possession was gone!

CROWN: What did you do next?

ARCHBISHOP: I sent a message to the Sheriff to find the person who stole my sword.

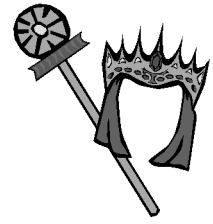
CROWN: Thank you Archbishop. No further questions.

[Crown sits.]

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

[Defence stands.]

DEFENCE: Yes, my Lord/Lady. Archbishop _____, isn't it true that the stone had a plaque on the side?



ARCHBISHOP: I believe it may have.

DEFENCE: And that plaque said, "Whoever pulls this sword out of this stone is the true born King of Logres."

ARCHBISHOP: Umh. Yes, something to that effect.

DEFENCE: So, according to this message, the person who pulls out the sword owns it?

ARCHBISHOP: No! What are you saying? The sword and the stone belong to the Church. They were gifts from Merlin to the Church!

DEFENCE: But the message shows that the person who can pull the sword from the stone is the rightful King, doesn't it?

ARCHBISHOP: Well, that's one way to look at it.

DEFENCE: Before the sword was stolen - did you observe anyone trying to pull the sword from the stone?

ARCHBISHOP: Why yes, many townspeople and noble men and women attempted to pull out the sword.

DEFENCE: And yet none of these people succeeded did they?

ARCHBISHOP: No, not to my knowledge. Not until Arthur stole the sword on January 1st.

DEFENCE: That is, not until the rightful King pulled the sword from the stone, is that right, Archbishop?

ARCHBISHOP: I don't know what nonsense you are saying. The sword belongs to the Church and it shouldn't have been removed.

DEFENCE: No further questions, my Lord/Lady.

JUDGE: Thank you Archbishop. You may step down. The Crown may call its next witness.

[Defence sits. Archbishop leaves the witness box. Crown stands.]

CROWN: My Lord/Lady, I call Sir Kay

[Sir Kay takes the stand.]



- CLERK: Do you swear that the evidence you shall give shall be the truth, the whole truth and nothing but the truth, so help you God?
- KAY: Uh-huh.
- JUDGE: Sir Kay, please answer clearly so the court will have an accurate record of the proceedings.
- KAY: Yes. I swear.
- CROWN: Sir Kay, what is your relation to the accused and is he in court today?
- KAY: He's my little brother and he is sitting in the accused docket over there. [He points to Arthur, the accused.]
- CROWN: Let the record show, that the witness has identified the accused, Arthur.
- CROWN: Sir Kay, where were you on the 1st of January?
- KAY: At the Great Tournament with Arthur and my sire, Sir Ector.
- CROWN: What happened on the way to the tournament that day?
- KAY: Well, as we were passing through the old Church Square, we came across a large group of noble men and women. They were focusing all their attention on this beautiful large sword that was sticking out of a stone sitting in the square.
- CROWN: What happened after that?
- KAY: We continued to Logres Field. When we arrived, we realised that my brother forgot my sword. He's always doing things like that. He's really irresponsible for his age.
- [Defence stands.]
- DEFENCE: Objection my Lord/Lady! The Crown cannot have witnesses testifying to the character of Arthur. The defence has not made Arthur's character an issue in this trial.
- CROWN: My Lord/Lady, Sir Kay's comments are just an explanation of why Arthur forgot the sword and should be admissible.
- JUDGE: Objection sustained. You are correct, defence counsel. The jury will disregard that last statement. Sir Kay, from now on, please do not offer your opinions on Arthur's character.

[Defence sits.]

CROWN: Sir Kay, what did you do after realizing your sword was missing?

KAY: My sire and I sent Arthur back to the inn to get it.

CROWN: And when did you next see Arthur?

KAY: About an hour or so later. He had returned to Logres Field and was carrying the sword from the stone.

CROWN: Why were you so certain it was that sword?

KAY: Because I got a good look at the sword that morning. I was riding quite a bit ahead of my brother and my sire, and got a chance to stop and take a really good look at it.

CROWN: What happened after your brother showed you the sword?

[Defence stands.]

DEFENCE: My Lord/Lady. The defence anticipates that the witness will now testify about what Arthur may have said to Sir Kay. We object to this testimony as hearsay that should not be admitted.

[Defence sits. Crown stands.]

CROWN: My Lord/Lady, a statement made by the accused to a person not in authority is an exception to the hearsay rule. Arthur is present to dispute or explain any statements he may have made.

JUDGE: That is true. The objection is overruled. Sir Kay, you may answer the question.

KAY: Arthur told me that he couldn't get my sword so he took the sword from the stone. He thought I could use it in the tournament instead of my own.

CROWN: Thank you my Lord/Lady, I have no further questions at this time.

[Crown sits.]

JUDGE: Defence, do you wish to cross-examine the witness?

[Defence stands.]

DEFENCE: Yes, thank you my Lord/Lady. Sir Kay, on your way to the tournament, you arrived at the church square far ahead of your sire and Arthur, is that correct?

KAY: Yes. I already said that.

DEFENCE: You rode ahead that day because you wanted a chance to pull the sword from the stone, didn't you?

KAY: Well, maybe. I wanted to see what all the fuss was about.

DEFENCE: And when you arrived at the church square that day you saw many men and women trying to pull the sword from the stone, didn't you?

KAY: Yes. I just wanted to take a turn.

DEFENCE: But you didn't see any one succeed, correct?

KAY: I'm sorry, I don't follow you.

DEFENCE: You didn't see any one actually pull the sword from the stone, did you?

KAY: Well, no. But I was only there for about five minutes.

DEFENCE: Later that day at Logres Field you told your father that you pulled the sword from the stone, didn't you?

KAY: Well, in the end I told him that Arthur took it.

DEFENCE: But you first told your father that you were the one that pulled out the sword, correct?

KAY: Yes.

DEFENCE: So you lied to him.

KAY: I guess.

DEFENCE: No further questions my Lord/Lady.

[Defence sits.]

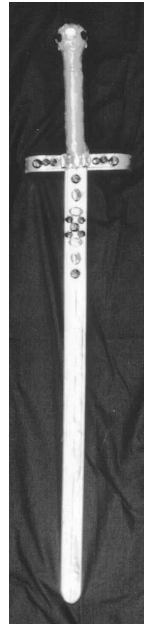
JUDGE: Crown, call your next witness.

[Crown stands.]

CROWN: The Crown rests its case, my Lord/Lady.

JUDGE: I now call upon the defence to make their opening statement and to proceed with their case.

[Defence stands.]



DEFENCE: My Lord/Lady, and ladies and gentlemen of the jury. As my Lordship/Ladyship explained, to be guilty of stealing you must take something that is not yours. Arthur will admit that he took the sword, ladies and gentlemen. But he had a right to do so. The sword belonged to his birth father, King Uther Pendragon, and it rightfully belongs to Arthur as the King's only son.

You will hear testimony today that proves Arthur is the lost son of our beloved last King Uther. That shortly before the King was killed he hid his son to protect him. Merlin the Sorcerer delivered young prince Arthur to a local family. He asked Sir Ector to treat young prince Arthur as one of his own.

To ensure that one day Arthur would rightfully become King, King Uther and Merlin devised a test that only the real future King would pass. Only the rightful new King would be able to pull the sword from the stone.



The evidence you will hear today will cast a reasonable doubt on the Crown's theory. It will show Arthur is the rightful owner of the sword, and the new King of Logres.

My Lord/Lady, I am now prepared to call my first witness.

JUDGE: Proceed.

DEFENCE: I call Arthur of Logres to the witness box.

[Sheriff #2 escorts Arthur to the stand and remains standing to take the oath]

CLERK: Do you swear that the evidence you shall give shall be the truth, the whole truth and nothing but the truth, so help you God?

ARTHUR: I do.

CLERK: State your name and address please.

ARTHUR: Arthur, from the County of Westford in the Kingdom of Logres.

CLERK: You may be seated.

[Arthur sits. Sheriff #2 stands beside the witness box.]

DEFENCE: Arthur, where were you on the 1st day of January?

ARTHUR: I was at the Great Tournament in Logres with my father and my brother Kay.

DEFENCE: Can you describe what occurred the morning of the tournament?

ARTHUR: We woke up early so that my brother could prepare for his match. He's very particular about polishing his armour and sharpening his sword so we all had to get up early to make sure it was done right.

DEFENCE: After your brother finished his preparations that day, what happened next?

ARTHUR: We set out for Logres Field.

DEFENCE: What, if anything, did you see on your way to the field?

ARTHUR: When we arrived at the church square there was a crowd of people. My sire tried to rush me by but I caught a glimpse of what seemed like a sword sticking out of a stone. We didn't stop, so I couldn't get a good look.

DEFENCE: What happened when you arrived at Logres Field?

ARTHUR: Well, my brother started bossing me around, as usual. Just 'cause he's a few years older than I am he thinks he knows everything. Then we realised that Kay didn't have his sword. He was really mad and he blamed me for forgetting it.

DEFENCE: What did you do about the missing sword?

ARTHUR: I rushed back to the inn to get Kay's sword. But the inn was locked and no one was around. I guess everyone was at the tournament.

DEFENCE: So what did you do then?

ARTHUR: I was really scared that my sire would be disappointed in me and that Kay would be angry so I decided to look around to see if I could borrow a sword for Kay to use in the tournament. Then, I remembered the sword in the church square. I ran to the square and jumped right up onto the rock. I was a bit worried that the sword was stuck in the rock but it slid out really easily.

DEFENCE: And then what did you do?

ARTHUR: I quickly got on my horse and galloped back to the tournament to give the sword to Kay.

DEFENCE: Why did you take the sword?

ARTHUR: Well, I didn't really take it. I just borrowed it. We do that kind of thing all the time in my village – you know, helping each other out. I wasn't going to keep the thing... the sword. I just borrowed it so my brother could be in the tournament and then I was going to bring it right back.

DEFENCE: Did you intend to steal the sword?

ARTHUR: No, definitely not!

DEFENCE: Thank you. My Lord/Lady, I have no further questions.

[Defence sits down.]

JUDGE: Crown, do you have any questions for this witness?

[Crown stands.]

CROWN: Yes, my Lord/Lady. Arthur, you admit you took the sword from the stone?

ARTHUR: Yes.

CROWN: And entered church property to do so?

ARTHUR: Yes.

CROWN: Did you know whose sword it was?

ARTHUR: No. But I thought the owner wouldn't mind if I borrowed it.

CROWN: So you didn't think it was yours?

ARTHUR: No.

CROWN: Then, knowing the sword was not yours, you walked onto church property and took it?

ARTHUR: Yes.

CROWN: I have no further questions my Lord/Lady.

[Crown sits.]

JUDGE: Counsel, please call your next witness.

[Defence stands.]

DEFENCE: We call Sir Ector.

[Sir Ector takes the stand and remains standing for the oath]:

CLERK: Do you swear that the evidence you shall give shall be the truth, the whole truth, and nothing but the truth, so help you God?

ECTOR: I do.



CLERK: State your name and address please.

ECTOR: Sir Ector, from the County of Westford in the Kingdom of Logres.

CLERK: You may be seated.

[Ector sits.]

DEFENCE: Please tell the court your relationship to the accused.

ECTOR: I am Arthur's adoptive father.

DEFENCE: How is it that he came to be under your care?

ECTOR: Well, Arthur was brought to us when he was a baby. I remember that time very clearly. It was the middle of the night and both my wife and our little boy Kay were sound asleep when I heard a knock at the door. When I answered the door, Merlin was standing there with a baby in his arms.

DEFENCE: What did he say to you?

[Crown stands.]

CROWN: Objection. That is hearsay evidence and is unreliable. The best evidence of what Merlin said is from Merlin himself who is the next defence witness, my Lord/Lady.

[Crown sits.]

DEFENCE: Sir Ector is testifying to what he actually heard and not to what someone told him. He was present and listening to what Merlin had to say.

JUDGE: Sustained. [Addresses Defence Counsel] Counsel, please refrain from asking the witness to comment on what other people said. You know that hearsay evidence is unreliable. I understand you are planning to call Merlin later. You can save this line of questioning for Merlin.

DEFENCE: Yes, my Lord/Lady. Sir Ector, after talking to Merlin, did you agree to take Arthur and raise him as your son?

ECTOR: Yes. I did. My wife and I tried to give him a good home and we loved him as our own son.

DEFENCE: Turning to more recent events, can you tell me about how you came to be at the Great Tournament on January 1st?

ECTOR: Well, my older son Kay had just been knighted and this tournament was to be his first. We had been planning the trip ever since the tournament was announced.



DEFENCE: Did you intend to bring Arthur with you?

ECTOR: No. I decided at the last minute to let him accompany us. He was desperate to come along and I couldn't bear to disappoint him by leaving him behind.

DEFENCE: Why were you reluctant to have Arthur come with you?

ECTOR: I knew the tournament had been specially arranged by the Archbishop to find the new King of Logres. As the birth-son of King Uther, I knew Arthur would likely be named the new King. I didn't want to lose him. My wife and I are very attached to Arthur.

DEFENCE: Did you ever tell Arthur of his true identity?

ECTOR: No. Perhaps I should have but I thought I was protecting him.

DEFENCE: Now, tell me what happened when you arrived at Logres Field the morning of January 1st.

ECTOR: Shortly after we arrived, Kay realized that Arthur forgot his sword. We sent Arthur back to the inn to get it.

DEFENCE: Did Kay get his sword in time for the tournament?

ECTOR: No. Kay had a sword but it wasn't his; it was the sword from the stone.

DEFENCE: Madam/Mister Registrar, could you please show the witness Exhibit 1. [Clerk holds up the sword for Kay to see. Ector looks at sword.] Is this the sword Kay had?

ECTOR: Yes, that's it.

DEFENCE: What happened next?

ECTOR: I asked Kay how he got the sword. He told me that he pulled it out of the stone and that he believed it meant he would be the new king. I knew this wasn't true. I knew that Arthur had pulled the sword out of the stone.

DEFENCE: How did you know that?

ECTOR: I knew Arthur was the only one who would be able to pull the sword from the stone because I knew that Arthur was to be King.

DEFENCE: Thank you. I have no further questions for this witness my Lord/Lady.
[Defence sits.]

JUDGE: Crown, do you wish to cross-examine this witness?
[Crown stands.]

CROWN: Yes my Lord/Lady, thank you. Good morning Sir Ector. You say that Arthur is not your biological son and that he is the heir to the throne of Logres.

ECTOR: Yes, that is true.

CROWN: Do you agree that this is an unbelievable story? I mean, how often does a sorcerer show up on your doorstep and ask you to raise the future ruler of the kingdom?

ECTOR: I know. I didn't believe it either when it first happened, but it's true.

CROWN: You've testified that you never told Arthur this fairy tale that King Uther is supposedly his birth father?

ECTOR: Yes. Like I said, we have come to love Arthur and to treat him as a son.

CROWN: So, when Arthur took the sword, he could not have believed he had any right to take it?

ECTOR: I suppose. I cannot speak for Arthur.

CROWN: Well, logically if Arthur believed you were his real father then he could not have also believed that he would be the future King, true?

DEFENCE: Objection. The witness cannot testify to what someone else believes or thinks.

CROWN: I'll rephrase the question, my Lord/Lady. Arthur has always called you father and you have never told him otherwise, is that true?

ECTOR: Yes.

CROWN: So, logically, if he called you father, he would have no right to the sword?

ECTOR: I guess so.

CROWN: Thank you Sir Ector. I have no further questions for this witness.

[Crown sits. Defence stands.]

DEFENCE: The defence calls Merlin.
[Merlin enters witness box and remains standing for oath.]

CLERK: Do you swear that the evidence you shall give shall be the truth, the whole truth and nothing but the truth, so help you God?

MERLIN: I do.

CLERK: State your name and address please.

MERLIN: Merlin. I live in a cottage in Logres Forest.

CLERK: You may be seated.

[Merlin sits.]

DEFENCE: Merlin, what is your profession?

MERLIN: I am a sorcerer.

DEFENCE: Is it true that prior to King Uther's death, you were his advisor?

[Crown stands.]

CROWN: Objection my Lord/Lady. Defence counsel is well aware that s/he cannot testify himself/herself and should not be asking leading questions of his/her own witness.

[Crown sits.]

JUDGE: Objection sustained. Defence counsel, you will refrain from putting words in the witness' mouth by asking leading questions.

DEFENCE: Yes my Lord/Lady. I will rephrase the question. Merlin. What, if any, was your relationship to King Uther before his death?

MERLIN: I was his advisor. In fact, I helped the King make all his important decisions. He often used my magic to improve life in his Kingdom and to assist his subjects.

DEFENCE: When King Uther died, did he have any children?

MERLIN: Just one. A boy named Arthur. Unfortunately, the King was forced to send the boy away because the King knew Arthur's life was in danger. I gave Arthur to Sir Ector and his wife, just after he was born. I knew Sir Ector could be trusted. I told him that someday Arthur would be the King of Logres and that when the time came for Arthur to claim his throne I would arrange a special test so that all the people in the land would know that Arthur was the rightful king.

DEFENCE: Did you arrange for that test?

MERLIN: Yes. It is the sword in the stone. When King Uther was dying, he told his Queen his plan and she then explained it to me. He said....

[Crown stands.]



CROWN: My Lord/Lady...I object to this on the ground that this is hearsay evidence.

[Crown sits.]

DEFENCE: This is an exception to the hearsay rule my Lord/Lady. King Uther and his Queen are dead and there is no possible way to hear this evidence directly from King Uther or the Queen. Merlin should be allowed to tell us what the Queen was told as King Uther was making a dying declaration which would be admissible.

JUDGE: Objection overruled. I agree with defence counsel. Merlin, please continue where you left off.

MERLIN: Well, when King Uther was dying he explained that his most prized possession was his sword and that he wanted his son to have the sword. He told the Queen his plan and she told me. I was to watch over Arthur and the Kingdom. When I felt Arthur was ready to be King I would insert the sword into the stone and place a spell over both so that only the son of King Uther would be able to remove the sword.

DEFENCE: Did you give the Church the sword and the stone for Christmas?

MERLIN: No! This was intended to be a test and not a gift to the Church.

DEFENCE: Thank you Merlin. That's all I have for this witness, my Lord/Lady.

[Defence sits.]

JUDGE: Crown, do you have any questions for this witness?

[Crown stands.]

CROWN: Yes my Lord/Lady. Isn't it true, Merlin, that you were banished from the capital of Logres to live in a cottage in the woods?

MERLIN: Well, that whole thing happened because of a bunch of lies and falsehoods told by my enemies... You see. . .

CROWN: Please simply answer the questions that I ask. If I need you to elaborate on your answer, I will ask you to do so. You were banished from the capital to the woods, correct Merlin?

MERLIN: Yes.

CROWN: You were banished for using your magic to control another person's mind weren't you?

MERLIN: I never...

CROWN: Please answer "yes" or "no." Was that the reason for your banishment?

MERLIN: Yes. Officially.

CROWN: Is it correct that in a court of law you were found to have used your magic for an illegal purpose - to win the Logres Lottery? That you put a spell on the person drawing the numbers so that your numbers would be picked making you one of the richest men in Logres?

MERLIN: Yes. That's what the court found. But there's more to the story...

CROWN: You lost your job as the Royal Sorcerer and Advisor as a result, didn't you?

MERLIN: Yes.

CROWN: Isn't it true Merlin that you used your magic in this case, the case of Regina v. Arthur, for an illegal purpose - to make Sir Ector and his family believe that Arthur is not really their biological son but the son of the late King?

MERLIN: No.

CROWN: Isn't it true that you have made this whole story up so that Arthur as King could order your return to the capital of Logres and give you your job back as Royal Sorcerer?

MERLIN: No. Absolutely not!

CROWN: No more questions my Lord/Lady.

[Crown sits. Defence stands.]

DEFENCE: Re-direct my Lord/Lady?

JUDGE: Certainly counsel.

[Defence stands.]

DEFENCE: Merlin, why did you use your powers to win the lottery?

MERLIN: I used them because someone had fixed the lottery so that they would win the money. They didn't have magical powers so they bribed the person selecting the numbers. They were going to use this money for evil purposes. I used my magic for good not evil, as I am bound to do by the Code of Sorcerers.

DEFENCE: What happened to the money?



MERLIN: I gave it to charity. They built a new orphanage with the money I won. I did not keep it for myself. I am not allowed to use my magic for my personal gain. It is against the Sorcerer's Code and I would lose my license to practice as a Sorcerer.

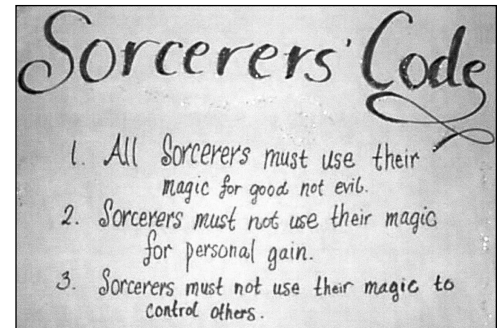
DEFENCE: Is this the Sorcerer's Code you were referring to? [Shows the Code to Merlin.]

MERLIN: Yes that's it.

DEFENCE: My Lord/Lady, I would like to enter the Code as Exhibit 2 in this trial.

JUDGE: So ordered.

DEFENCE: Thank you Merlin. I have no further questions.



[Defence sits.]

JUDGE: Thank you Merlin, you may step down. [To the Defence] Does that conclude the case for the Defence?

[Defence stands.]

DEFENCE: Yes my Lord/Lady.

[Defence sits.]

JUDGE: Thank you counsel. Are you prepared to begin closing statements?

[Crown and Defence stand]

CROWN: Yes my Lord/Lady.

DEFENCE: We are my Lord/Lady.

[Crown and defence sit.]

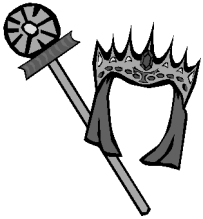
JUDGE: All right then, you may begin counsel.

[Defence stands.]

DEFENCE: My Lord/Lady, and ladies and gentlemen of the jury. At the beginning of our case we told you that Arthur had committed no crime. As the birth-son of King Uther, Arthur is the rightful owner of the sword. As rightful owner, he cannot be found guilty of stealing his own sword. Even if he was unaware of his birthright, Arthur has testified here that he only borrowed the sword to help out his brother and that he was planning to return it.

You have heard both Sir Ector and Merlin the Sorcerer's testimony today. Their testimony supports only one conclusion. Late one night, King Uther asked his trusted advisor, Merlin the Sorcerer, to take the King's son Arthur to safety. Merlin took young Arthur and placed him in the trusted care of Sir Ector. In order to protect the kingdom, King Uther and Merlin also devised a special test that only the rightful future King of Logres would pass. This test was the sword and the stone.

Sir Ector and Merlin's testimonies support each other, ladies and gentlemen. As my Lord/Lady will soon direct you, you ultimately must decide whether or not their testimony should be believed. It is the defence's submission that on the evidence you have heard today you may come to only one reasonable conclusion: that these men are telling the truth and that Arthur is the rightful future King of Logres.



The Crown may try to discredit these witnesses by telling you that Merlin is trying some magical mind-altering techniques to regain his job and his right to live in the capital of Logres but the Crown has provided no support for that conclusion. Such a spell exists only in the minds of my friends, the Crown lawyers. Merlin's story should and can be trusted. He has explained his previous conviction – that he only uses his magic for good, and never ever for his own gain. He has told you that for a sorcerer to use his magic for personal gain is a fundamental violation of the Sorcerer's Code and that he would have lost his licence for such bad conduct. If Merlin really was using his magic for selfish reasons, he could have created a much simpler plan to regain his job and his right to live in the city. Merlin and Sir Ector have told you the truth today, ladies and gentlemen.

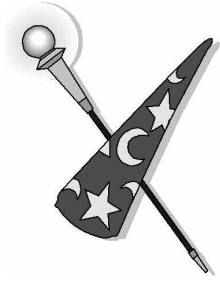
Lastly, consider that over 100 men and women attempted to pull the sword from the stone before Arthur. Arthur was the only one who actually succeeded. The plaque on the stone reads: "Whoever pulls this sword out of this stone is the true born King of Logres." Arthur is the rightful King of Logres and the true owner of the sword. No doubt should be left in your minds on that point.

But even if it is not clear, ladies and gentlemen and even if you doubt a little that Arthur may not be the rightful King, you must still acquit. As my Lordship/Ladyship will explain, the Crown is responsible for proving beyond a reasonable doubt that Arthur is guilty of theft. The Crown is responsible for meeting this burden of proof and for making you believe beyond a reasonable doubt that Arthur did not have the right to take that sword. It is the defence's position that the Crown clearly has not made out its case.

On all the evidence you have heard today you should come to only one conclusion: Arthur committed no theft. He is the rightful owner of that sword, which once belonged to his father King Uther. Arthur is innocent of any crime and he should be crowned the rightful King of Logres. Thank you.

JUDGE: Crown, you may proceed.

CROWN: Thank you my Lord/Lady. Ladies and gentlemen of the jury, it is the Crown's respectful submission that we have clearly met our case. That on the evidence you have heard today, Arthur beyond a reasonable doubt is guilty of theft of over £1000 sterling.



Arthur's entire defence rests on the testimony of Merlin the Sorcerer, a man who has been convicted of using his magic to manipulate people's minds and of using his magic to get what he wants. Merlin has not denied using his magic to manipulate people's thoughts and actions. Instead, he simply attempts to explain these actions away. But the fact remains, ladies and gentlemen, that Merlin has used his magic to get what he wanted, what he saw as best. And that is exactly what he has done in the case before you today. Merlin has been banished from the kingdom now for over ten years and he is tired of living in the forest – so he created a detailed plan to win back his job and his life in the capital of Logres. To do so, he brainwashed Sir Ector. He actually convinced him that his own son Arthur was really the birth-son of our beloved King Uther. As triers of fact, ladies and gentlemen, it is you who ultimately must accept or reject his story. It is quite a story as it is – something closer to a fable or fairy tale than the truth.

Consider the Crown's evidence, ladies and gentlemen. It is clear that Arthur took the sword. He testified today that he took it. Not for one moment, however, did he think he had a right to the sword. Arthur knew nothing of Merlin's fable and how his father had been misled. He did not believe he had a right to the sword. But yet he took it. And he didn't stop to ask permission, or to tell any one. He took it and ran away from the scene of the crime. These are the actions of a thief, ladies and gentlemen, not a future king.

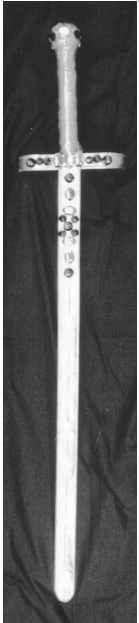
Thank you.

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 Arthur is guilty or not guilty of theft of property over £1000 sterling. As you may recall from the beginning of these proceedings, I outlined each of the elements that the Crown must prove beyond a reasonable doubt in order to succeed in their case against Arthur. I now will take a few moments to discuss each of these elements and the evidence relating to the charge against Arthur.

You should have little difficulty deciding whether the Crown has met the first three elements. Identity, time and place all seem clear. The sheriff identified the accused today. You also heard witnesses testify that the theft occurred on January 1, in the church square, as described in the indictment. The third ingredient the Crown must prove is that Arthur took the sword. You will recall the evidence of Arthur in which he admitted that he took the sword.

The fourth and fifth ingredients that the Crown must prove is that the sword was not owned by Arthur when he took it and that he took it wrongfully. The ownership of the sword is a major issue in this case. In deciding this issue, you should consider the following evidence:

- the Archbishop claims that the sword in the stone was a gift to the Church from Merlin.
- Arthur testified that he only intended to borrow the sword and return it to its rightful owner
- Merlin has testified that he did not give the sword to the Church.
- Both Sir Ector and Merlin have told you the sword belonged to Arthur's birth father, the deceased King Uther, and passes to Arthur as his only heir.



The sixth ingredient is that Arthur intended to deprive the owner of the sword of his property. You will recall:

- that Arthur claims he only meant to borrow the sword and that he intended to bring it back. No other evidence, however, supports this claim.
- that Arthur ran up to the stone and quickly pulled the sword out. He didn't stop and ask any one if he could take it.
- that Sir Ector and Merlin have stated that it is Arthur, as the only son of King Uther, who is the rightful owner of the sword.

I remind you that the Crown must prove each of these elements beyond a reasonable doubt. You must return a verdict of not guilty of the offence of theft if the Crown has not proven each of these elements beyond a reasonable doubt. You may retire to the Jury Room for deliberations. When you reach a unanimous verdict, just inform the sheriff. S/he will tell me that you are ready to return to the courtroom for the purpose of announcing your verdict.

[Jury leaves the courtroom for deliberations. Defence, Crown and Arthur stand out of respect for the jury. Sheriff #2 directs the jury to Jury Room.]

JUDGE: Thank you counsel. We will now adjourn until the jury returns with their verdict.

CLERK: Order in court. This court stands adjourned for the verdict of the Jury [All rise while the Judge leaves the courtroom]

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CLERK: Order in Court. [Judge enters courtroom. Everyone stands.]

JUDGE: You may be seated. Madam/Mister Registrar, has the jury reached a verdict?

CLERK: They have my Lord/Lady.

JUDGE: Sheriff, please bring the jury in.

[Defence, Crown and Arthur stand as sheriff #2 directs jury to their seats. Everyone can be seated after the jury sit.]

CLERK: Mr./Madam Foreperson, have you reached a verdict? [Foreperson stands.]

FOREPERSON: Yes, we have.

CLERK: Do you find Arthur guilty or not guilty of the offence of theft of property over £1000 sterling?

FOREPERSON: Guilty/not guilty

CLERK: Members of the jury, hearken to your verdict as the court does record it. You find the accused _____ not guilty/guilty. This is your verdict, so say you all. Please stand to confirm your verdict. [All members of the jury stand]

JUDGE: Ladies and gentlemen of the jury, we thank you for acting as jurors in this matter. Both society and the law benefit from your contribution. In return, I hope you have found it to be an interesting and rewarding experience. Arthur, [if the verdict is not guilty] you are free to go, Long live the King. [if the verdict is guilty.] you have been found guilty of the offence of theft of property over £1000 sterling and a sentencing hearing will be held now.

Crown, do you have a submission on the appropriate sentence?

CROWN: Yes, my Lord/Lady, I do. This is Arthur's first offence and he actually admitted to taking the sword. I suggest that the appropriate sentence in this case is a conditional discharge with a period of six months probation and 200 hours of community work.

JUDGE: Defence, do you have anything to say?

DEFENCE: Yes, my Lord/Lady. Arthur comes from a good family and has never done anything like this before so I submit that an absolute discharge is more appropriate. He would not have a criminal record that would spoil his future. He has gone through a criminal trial, which has been very traumatic for him. He has found out that his parents are not really his parents. He has suffered enough, in my submission.

JUDGE: Arthur, please stand. You have been found guilty of a serious criminal offence and must not take these proceedings lightly. However, you have been straightforward and have never been in trouble before. In this case, I feel that your rehabilitation or chance to become a responsible citizen is more of a concern than the protection of the public and hereby order an absolute discharge.

CLERK: This court stands adjourned. Order in court. [All rise as the judge exits the courtroom.]