

**Access to Justice: Class in the Courtroom
Webb County Court-at-Law II
Judge Victor Villarreal**

**J. G. Giant versus Yack in the Frijol Stalk: A criminal mock trial script
appropriate for middle school students**

Charges: theft, trespassing, breaking and entering, attempted murder

Participants in Trial

Presiding Judge	Judge Victor Villarreal
Star Witness: J. G. Giant	INSERT
Defendant: Yack	INSERT
Witness: Dumbo Jumbo, the Flying Elephant	INSERT
Witness: Yack's Mother, Yacki	INSERT
Prosecutor	INSERT
Attorney for Defense	INSERT
Bailiff	INSERT

Props

Set of photos for Yack (*To be reviewed by Yack on the witness stand*)

Set of Photos for Yacki (*To be left inside Yacki's blouse*)

Golden maracas, golden egg, golden coins (*To be left on table*)

Bag of jelly beans (*To be removed from judge's sight*)

SCENE

12 student jurors are seated in the jury box in Webb County Court-at-Law II.

Deputy court officers are seated or stand at appropriate stations.

Students comprising the public sit on benches with their teachers.

BAILIFF: All rise.

(Judge enters and sits at his bench.)

BAILIFF: Webb County Court-at-Law II of the State of Texas is now in session.
Judge Victor Villarreal presiding.

JUDGE: Welcome to Webb County Court-at-Law II. Please be seated. *(Bangs gavel)*

(Judge names each school represented and asks its students and teachers to stand and be recognized. They are likely to remain standing until asked to be seated, so be sure to ask them to sit.)

Today we have some very special guests, students from (INSERT NAMES OF SCHOOLS, AND INTRODUCE ONE SCHOOL AT A TIME.). Would the students and their teachers and sponsors please stand and be recognized?

(APPLAUSE)

JUDGE: Please be seated.

(Judge introduces elected and appointed officials and sponsors who are present. He introduces others throughout the trial as they arrive.)

JUDGE: We also have three honor guests who also are sponsors of our mock trial, Senator Judith Zaffirini, Webb County Commissioner John Galo, and Texas Parks and Wildlife Commissioner Anna Galo.

Other honor guests with us today are (INSERT).

Other sponsors who join us are (INSERT).

We also acknowledge the assistance and inspiration of former federal Appellate Judge Ed Prado, now United States Ambassador to Argentina; and (INSERT).

JUDGE: Bailiff!

BAILIFF: The case of J. G. Giant versus Yack in the Frijol Stalk is now ready for trial.

(Judge calls the prosecutor and his/her star witness, the defendant and his attorney, the prosecution's witness, and the defendant's witness. As they are called, they enter from the door opposite the judge's bench, stand before him to be sworn-in, and then sit at their assigned places as the next group is introduced and sworn-in.)

JUDGE: The prosecutor is (NAME), and his/her star witness is J. G. Giant.

(Prosecutor and the star witness walk in. They stand before the judge so the star witness can be sworn-in, and then they take their seats at the prosecutor's table.)

JUDGE: Please raise your right hand. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

STAR WITNESS: I do.

(Star witness and prosecutor sit at the prosecutor's table.)

JUDGE: The defendant, Yack Yuniar, is represented by his attorney, (INSERT).

(Defendant walks in, led by his attorney. They stand before the judge so the defendant can be sworn in, and then they take their seats at the defense table.)

JUDGE: Please raise your right hand. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

DEFENDANT: I do.

(Defendant and his attorney sit at the defense table.)

JUDGE: Another witness for the prosecution is Dumbo, the Flying Elephant.

(Witness walks in. He stands before the judge to be sworn-in, and then sits at assigned place.)

JUDGE: Please raise your right front foot. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

WITNESS: I do.

(Witness sits at assigned seat in front of judge's bench, facing the courtroom.)

JUDGE: The witness for the defense is Yack's mama, Yacki.

(Witness walks in. She stands before the judge to be sworn-in, and then sits at assigned place.)

JUDGE: Please raise your right hand. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

WITNESS: I do.

(Witness sits at assigned seat in front of judge's bench, facing the courtroom.)

JUDGE: I understand the charges against Yack in the Frijol Stalk are theft, trespassing, breaking and entering, and attempted murder. Is everyone ready to proceed?

ATTORNEYS: Yes, Your Honor.

JUDGE: Will the bailiff please swear-in the jury?

(After the 12 jurors are chosen, the bailiff needs to tell them what they will do during the trial and how they will answer during their swearing-in. If they don't stand, raise their right hands, or respond, the bailiff needs to prompt them. If appropriate, the bailiff should allow the deputy bailiff to say some lines.)

BAILIFF OR DEPUTY BAILIFF: Will the jurors please stand and raise your right hands?

(Jurors stand and raise their right hands.)

BAILIFF OR DEPUTY BAILIFF: Do you solemnly swear that you will listen to all the testimony today and decide the issues fairly?

JURORS: I do.

BAILIFF OR DEPUTY BAILIFF: Do you swear that you will not discuss this case with anyone until after you have reached a verdict?

JURORS: I do.

BAILIFF OR DEPUTY BAILIFF: You may be seated.

(Jurors sit.)

JUDGE: Does the prosecution have an opening statement?

PROSECUTOR: Yes, Your Honor. The prosecution will show that Yack is guilty of theft, which is the same as stealing; guilty of trespassing, which means entering property without the owner's permission; guilty of breaking and entering, which is entering a building by force for the purpose of stealing; and guilty of attempted murder, which means trying to kill someone, but failing.

We will prove that this young man broke into the giant's home not once, not twice, but three times. ¡Tres Leches! (*Pronounced in Spanish, trehs, leh-ches*) I mean, ¡tres veces! (*Pronounced in Spanish, veh-sehs*)

Se jambó (*Pronounced in Spanish, hahm-bo*) not only the giant's chicken that laid golden eggs, but also his golden eggs, golden coins, and golden maracas.

When the homeowner ran after him to get his prized golden chicken back, este sangronsito (*Pronounced in Spanish, ehs-teh sahn-grohn-see-toh*) viciously, mercilessly tried to kill him. ¡Bien gacho! (*Pronounced in Spanish, bee-en, gah-choh*)

Ladies and gentlemen of the jury, when you hear the evidence, you most certainly will agree that Yack is guilty of theft, guilty of trespassing, guilty of breaking and entering, and guilty of attempted murder.

Thank you.

JUDGE: Counsel for the defense?

ATTY FOR DEFENSE: Yes, Your Honor. We will show that Yack is innocent of all charges. The prosecutor's argument no vale ni chicle ni dos cacahuates.

(Pronounced in Spanish, noh, vah-leh, knee, chee-kleh, knee, dohs, cah-cah-wah-tehs) It is puro guato! (*Pronounced in Spanish, poo-roh, wah-toh*)

We also will show that this young, over-eager prosecutor anda bien enchilado.

(Pronounced in Spanish, ahn-dah, bee-en, ehn-chee-lah-doh) He wants to unfairly punish this brave hijito (*Pronounced in Spanish, ee-hee-toh*) who risked his life to get back his dead papi's treasures and to protect and feed his widowed mami and

himself. The giant's wife, Jolli White, invited Yack in, so how could that be trespassing or breaking and entering?

It's true that the giant fell when Yack chopped down his own frijol stalk. But he didn't know the giant was on it, and the giant wasn't even hurt, probably because he is so cabezudo. (*Pronounced in Spanish, cah-beh-soo-doh*) How can that be attempted murder?

Ladies and gentlemen of the jury, you most certainly will disappoint the prosecution when you hear the evidence and find Yack in the Frijol Stalk innocent of all charges.

Thank you.

JUDGE: Thank you. The prosecution may call its first witness.

PROSECUTOR: Thank you, Your Honor.

The prosecution calls our star witness, J. G. Giant.

(Star witness takes the witness stand.)

PROSECUTOR: State your name for the record, please.

GIANT: J. G. Giant.

PROSECUTOR: What does "J. G." stand for?

GIANT: Joey George, but my friends call me Jolli Green, Ho, Ho, Ho!
(Pronounced Jolly; singing name like they do in the TV commercial.)

PROSECUTOR: How do you prefer to be addressed?

WITNESS: At my home, 3-9-5 Carne y Huesos Road, Laredo 78040.

PROSECUTOR: No, sir. I mean, how shall I call you?

GIANT: Oh! On my cell, 956....

PROSECUTOR: No, no, no! I mean, what name shall I use for you? Giant? Mr. Giant? J. G.?

GIANT: Oh, I'm sorry! What my friends do, of course! Jolli Green! Ho, Ho, Ho!
(Sounding jolly, singing name like they do in the TV commercial.)

PROSECUTOR: OK, Jolli Green. I'll skip the "ho, ho, ho." Tell us about your experience with Yack in the Frijol Stalk.

GIANT: OK. I came home from eating lunch at my brother's house one day, and I smelled the kid. He must have been playing outside all day. *(Waving his hand in front of his face)* ¡Poo-chee! ¡Dios Mio! *(Pronounced in Spanish, pooooo-chee; dee-ohs, mee-ohw)*

I started singing my favorite song, "Fee-fi-fo-fum, *(Pronounced in English, fee-figh-foe-fum)* I smell the blood of a Laredo-un. Be he alive, and surely not dead, I'll invite him to sit and share my bread." *(Paraphrase of Giant's song)*

Little did I know the stupid little brat—

ATTY FOR DEFENSE: Objection, Your Honor! The witness does not have the expertise to testify about Yack's intelligence, and Yack certainly is not stupid or little.

JUDGE: Sustained. *(Bangs gavel)*

The jury will disregard that statement.

(To witness) Please continue.

GIANT: *(Sarcastically, condescendingly)* OK. I came home, and Yack was hiding in my oven—like he was inviting us to bake him. Talk about duuuh-umb!

I smelled him out, though, and told him, "Hit the road, Yack! And don't you come back, no more, no more, no more, no more! Hit the road, Yack, and don't you come back no more!" *(Singing song, "Hit the Road, Jack" or quoting it. Can be shortened, depending on how much of line sounds best.)*

PROSECUTOR: "What'd you say?" *(Singing from song, "Hit the Road, Jack" or quoting it.)*

GIANT: ¡Se chisquió, *(Pronounced in Spanish, seh, chees-kee-oh)* man, hecho maquina! *(Pronounced in Spanish, eh-cho, mah-kee-nah)* That huerquito mocososo

mentiroso (*Pronounced in Spanish, wehr-kee-toh, moh-coh-soh, mehn-tee-roh-soh*) hit the road so hard and looked so scared, (*Mimicking shaking child*) tiemble y tiemble (*Pronounced in Spanish, tee-em-blee*), I never thought I'd see him again.

PROSECUTOR: Then what happened?

GIANT: My sweet wife, Jolli White Giant, told me I scared him away because of my size—especially my big mouth and teeth. She likes to call me “Osicón!” (*Pronounced in Spanish, o-see-cón*)

PROSECUTOR: How tall are you?

GIANT: 101 feet and 2-and-a-half inches.

PROSECUTOR: Excuse me? You certainly don't look that tall.

GIANT: Well, that's because Lichita in Wunderland gave me and my wife shrinking pills so we could fit in a taxi, and in the courtroom, and not scare the jurors. So today I'm only (*INSERT*) tall.

PROSECUTOR: How nice of Lichita. Please continue your story.

GIANT: The next morning, dear Jolli White was sad and totally aguitada (*Pronounced in Spanish, ah-wee-tah-dah*). She said Yack had stolen our centenarios (*Pronounced in Spanish, sen-ten-ah-ree-os*).

Good thing I had this one in my pocket, (*Holding up a gold coin*) or he would have taken it too.

PROSECUTOR: What is a “centenario”? (*Pronounced in Spanish, sen-ten-ah-ree-oh*)

GIANT: (*Holding up gold coin*) See? It's a solid gold coin, originally worth at least 100 pesos, now worth much more. I inherited lots of them from my grandmother, Nane (*Pronounced in Spanish, Nah-neh*) Pícale Lapansa (*Pronounced in Spanish, Pee-kah-leh, lah-pahn-sah*).

PROSECUTOR: Was that the last time you saw that little pachuco robón (*Pronounced in Spanish, pah-chew-coh; rroh-bon*)?

ATTY FOR DEFENSE: Objection, Your Honor! The prosecutor is being argumentative and insulting.

JUDGE: Sustained. *(Bangs gavel)*

The jury will disregard that insult too.

GIANT: He came back, again and again. ¡Ya gorro! *(Using both hands as if around the rim of a hat; Pronounced in Spanish, rhymes with Zorro)*

The next time he stole my golden maracas, *(Pronounced in Spanish, mah-rah-kahs)* and the third he took my beloved pollita de oro, *(Pronounced in Spanish, poh-yee-tah, deh, ohw-roh)* that laid golden eggs.

PROSECUTOR: *(Handing maracas to giant)* Are these your golden maracas? *(Pronounced in Spanish, mah-rah-kahs)*

GIANT: Yes—and I want them back. *(Dancing in his chair, with his maracas)* I can't dance the cha-cha-cha without them.

PROSECUTOR: *(Taking maracas and leaving them on the table for the rest of the trial.)* How did you mambo without them?

GIANT: No way!

PROSECUTOR: *(Handing the golden eggs to the giant)* And are these the golden eggs that went missing?

GIANT: Yes—and I need them and the pollita back too.

PROSECUTOR: *(Taking eggs and leaving them on the table for the rest of the trial)* How could you support your family without them?

GIANT: I couldn't.

PROSECUTOR: Jolli Green, did you or your wife ever do anything to make Yack mad? ¿Le picaron los ojos, *(Pronounced in Spanish, leh, pee-kah-rohn, los, oh-hohs)* or “por why” would he want to steal your golden treasures?

GIANT: *(Shaking his head)* He's just a mean, greedy, sneaky little kid—typical human.

ATTY FOR DEFENSE: Objection, Your Honor! Character evidence. The witness has no right to continue to insult my client.

JUDGE: Objection sustained. *(Bangs gavel)*

Counselor, please control your client or be prepared to deal with the consequences.

PROSECUTOR: My apologies, Your Honor. We'll do better.

(Addressing giant) When was the last time you saw Yack?

GIANT: When he ran away with my golden gallinita, *(Pronounced in Spanish, gah-yee-knee-tah)* I chased him down his frijol stalk. When he hit the ground, he chopped it down with his machete. Like Humpty Dumpty, who sat on a wall, I had a great fall. But, gracias a Dios, my head is so darn thick, it didn't crack.

PROSECUTOR: *(Laughing at his own joke)* In this Laredo heat, Humpty Dumpty would have been cooked immediately, one fried huevo, *(Pronounced in Spanish, weh-voh)* over-easy! The perfect Huevo Ranchero! *(Pronounced in Spanish, weh-voh, rahn-cheh-roh)*

ATTY FOR DEFENSE: Objection, Your Honor! Humpty Dumpty has nothing to do with this case. His crack-up is irrelevant and immaterial, and it's no "yolk." Not funny in any way.

JUDGE: Objection sustained. *(Bangs gavel)*

GIANT: Jolly White says a más wimpy hombre would have died, but not her cabezudo! *(Pronounced in Spanish, cah-beh-soo-doh)* *(Smirking)* Not a scratch or moretón! *(Pronounced in Spanish, moh-reh-tón)*

PROSECUTOR: So you're lucky to be alive?

GIANT: Even though Yack tried to kill me. *(Patting his head)* And thanks to my cabeza de piedra! *(Pronounced in Spanish, cah-beh-zah, de, pee-eh-dra)*

PROSECUTOR: Pass the witness.

JUDGE: Does the defense wish to cross-examine?

ATTY FOR DEFENSE: Yes, Your Honor.

Giant, didn't Yack hear you singing, "Fee-fi-fo-fum, (*Pronounced in English, fee-figh-foe-fum*) I smell the blood of a Laredo-un. Be he alive, or be he dead, I'll grind his bones to make my bread"? (*Paraphrase of Giant's song*)

GIANT: Oh, no, no, no! My older carnal, (*Pronounced in Spanish, kahr-nahl*) B.B. III, sings that version, but I sing, "Be he alive, and surely not dead, I'll invite him to sit and share my bread." (*Paraphrase of Giant's song*)

ATTY FOR DEFENSE: Your older brother, B.B. III? What does B.B. stand for?

GIANT: (*Acting guilty*) Big Bad.

ATTY FOR DEFENSE: Big Bad? As in Big Bad Wolf?

GIANT: (*Acting guilty*) Yes.

ATTY FOR DEFENSE: And did you say, "the third"?

GIANT: (*Growing smaller*) Yes.

ATTY FOR DEFENSE: So your father was Big Bad Giant Junior, and your grandfather was Big Bad Giant Senior?

GIANT: (*Defensively, nervously; squirming in his chair*) Yes, but I'm the good one. I'm the jolly one! Ho, ho, ho!

(*Trying to sound jolly*) I'm not big and bad. No, sir! No, sireee! Ho, ho, ho!

ATTY FOR DEFENSE: Isn't it true, Giant, that boys and girls everywhere are afraid of you because your favorite food is "taquitos de niño"? (*Pronounced in Spanish, tah-kee-tohs, deh, knee-knee-ohs*)

GIANT: Again, you are confusing me with Big Bad Giant III, or maybe even Junior or Senior. I invite children to lunch. I don't eat them for lunch.

ATTY FOR DEFENSE: (*Pretending to hold up a taco with his/her fingers; making sure jury and audience sees fingers.*) Weren't you with your brother and his guests who were seen picking-up "taquitos de niños" and eating them with their fingers?

GIANT: With their fingers? ¡Nombre! (*Pronounced in Spanish, nohm-breh*) They eat the niño's fingers separately—deditos fritos, (*Pronounced in Spanish, deh-dee-*

tohs free-tohs) más o menos like chicken fingers from Wendy's. ¡Que ricos!

(Pronounced in Spanish, ree-cohs)

ATTY FOR DEFENSE: I'm sorry. That's disgusting. ¡Que asco! *(Pronounced in Spanish, ahs-coh)*

Had you ever met the defendant before—Yack Yunion, or Yackito, as we call him?

GIANT: *(Shaking his head)* Nope!

ATTY FOR DEFENSE: Did you ever know or do business with his father, Yack Sr., or Yackote *(Pronounced in Spanish, Yack-o-teh)*, as we called him?

GIANT: Nombre. Nope!

ATTY FOR DEFENSE: What about with his grandfather, Yackotote? *(Pronounced in Spanish, Yack-o-toh-teh, as in Taco Tote)*

GIANT: *(Shaking his head)* Tampoco. Uh-uh. *(Pronounced in Spanish, tahm-poh-coh; rhymes with loco)*

ATTY FOR DEFENSE: Did your father or grandfather do business with Yackote or with Yackotote?

GIANT: *(Shrugging his shoulders)* If they did, I don't know. ¡No se!

ATTY FOR DEFENSE: Didn't your gold coins, golden maracas, and golden chicken once belong to Yackote, and, before that, to Yackotote?

GIANT: How would I know?

ATTY FOR DEFENSE: And weren't they Yack's inheritance, passed down from his grandfather to his father, and from his father to him?

GIANT: Not that I know of. ¿Quien sabe? *(Pronounced in Spanish, kee-en sawh-beh)*

ATTY FOR DEFENSE: So isn't it true that Yack didn't steal anything from you, and that he just took back what your family stole from his?

PROSECUTOR: Objection, Your Honor! The giant is not on trial, and that question is irrelevant and immaterial.

JUDGE: Those are the facts in question, Counselor. Objection overruled. (*Bangs gavel*)

ATTY FOR DEFENSE: For the record, the giant will be on trial, when we sue him!

PROSECUTOR: Objection, Your Honor! He isn't on trial now. Yack is.

JUDGE: Sustained. (*Bangs gavel*)

Please continue.

ATTY FOR DEFENSE: Where did you get those golden goodies?

GIANT: They were all at my house when I moved in after my grandmother, Nane (*Pronounced in Spanish, nah-neh*) Pícale Lapansa, (*Pronounced in Spanish, pee-cah-le; lah-pahn-sah*) died and left everything to me.

ATTY FOR DEFENSE: Do you know where she got them?

GIANT: From my grandfather.

ATTY FOR DEFENSE: And you admit that your grandfather, Big Bad Giant Sr., might have gotten or taken them from Yack Sr.?

GIANT: (*Nervously*) I don't know.

ATTY FOR DEFENSE: Do you deny that's possible?

GIANT: (*Sarcastically, condescendingly; angry*) Mira, baboso/babosa, (*Pronounced in Spanish, mee-rah bah-boh-soh/bah-boh-sah*) I can't deny it if I don't know it.

ATTY FOR DEFENSE: Objection, Your Honor...!

JUDGE: Giant, no matter how big you are, in this courtroom you must be respectful. One more insult like that, and I'll fine you \$500 and hold you in contempt of court.

GIANT: I'm sorry, Judge. I was trying to be polite. That's why I called him/her "baboso/babosa," instead of another word I really wanted to call him/her!

(Addressing attorney for defense; shaking his head) Try harder, please.

(To attorney) Counselor, please proceed.

ATTY FOR DEFENSE: Thank you, Your Honor.

(Addressing giant) You said you ate lunch at your brother's house the day you met Yack. How was it?

GIANT: It was great! Everything was delicious, as usual!

ATTY FOR DEFENSE: What did he serve?

GIANT: *(Excited)* Our family favorite! Taquitos de niño—*(Sounding guilty, trapped)* I mean, uh, uh, uh....

ATTY FOR DEFENSE: *(Sarcastically)* ¿Con salsa, o sin salsa?

No more questions!

JUDGE: You may step down.

(Witness returns to his seat at prosecutor's table.)

(Prosecutor looks down. Shakes his/her head.)

JUDGE: The prosecution may call your next witness.

PROSECUTOR: The prosecution calls Dumbo.

(Witness takes the stand.)

PROSECUTOR: State your full name, please.

DUMBO: Dumbo Jumbo Jr.

PROSECUTOR: What do you do, or where do you work?

DUMBO: I'm Dumbo the Flying Elephant and star in evening shows at Siete Banderas in downtown Laredo. Some customers never see me, though, even when I'm the only elephant in the room.

PROSECUTOR: How did you meet the giants?

DUMBO: I burned my feet while walking by San Agustín Church during the canícula (*Pronounced in Spanish cah-knee-coo-lah*). The next day I was flying over the giants' property and got really tired because my feet were bandaged so heavily.

I landed in a field of delicious wild weeds. The giants found me snacking and said I could come by every day and eat all the weeds I wanted. They said it would save them a lot of work.

PROSECUTOR: And did you accept their invitation?

DUMBO: For all the free weeds I wanted? ¡Claro que sí! (*Pronounced in Spanish, clah-roh, que, see*) I started dropping by for lunch every day, and we became great friends.

PROSECUTOR: Tell us what you know about what happened between Jolli Green Giant and Yack in the Frijol Stalk.

DUMBO: I was snacking on fresh hierbitas (*Pronounced in Spanish, yer-bee-tahs*) one day and heard Giant singing, "Fee-fi-fo-fum, (*Pronounced in English, fee-figh-foe-fum*) I smell the blood of a Laredo-un. Be he alive, and surely not dead, I'll invite him to sit and share my bread."

Later I saw Yack running from Jolli Green's home. He was carrying a bag of centenarios.

PROSECUTOR: What other times did you see Yack?

DUMBO: Another time I saw him running down the frijol stalk with some golden maracas.

The last time I saw him he had the golden chicken and her golden eggs, and he was chopping down his frijol stalk. I thought to myself, "¿Quién se cree, (*Pronounced in Spanish, kee-ehn, seh, creh-eh*) George Washington, chopping down his cherry tree?"

PROSECUTOR: Were you ever afraid of the giants?

DUMBO: At first I was, but they loved me because I saved them a lot of gardening time and money.

PROSECUTOR: Did they ever try to eat you?

DUMBO: *(Laughing)* Oh, no! They don't eat animal meat, especially not gordura grasosa *(Pronounced in Spanish, gore-doo-rah, grah-soh-sah)* or fatty flesh like mine. And, just like most dogs, they really love sucking on bones. In fact, instead of saying, "¡Provecho!" *(Pronounced in Spanish, proh-veh-choh)* in Spanish or "Bon appetit!" in French before meals, they say, "Bone appetit!"

PROSECUTOR: *(Nervously)* Uh, no more questions. Pass the witness.

JUDGE: Does the defense wish to cross-examine?

ATTY FOR DEFENSE: Yes, Your Honor.

Dumbo Jumbo, what other friends or family do you have in Laredo?

DUMBO: *(Sadly)* None.

I have a sister, Mumbo, but she lives in New York City.

ATTY FOR DEFENSE: Did your mother, Mrs. Jumbo, teach you and your sister, Mumbo Jumbo, to be kind to everyone?

DUMBO: *(Smiling proudly)* She sure did!

ATTY FOR DEFENSE: So to honor your mother, you would do anything to help a friend, including Jolli Green, right?

DUMBO: Right.

ATTY FOR DEFENSE: Including lying for him?

PROSECUTOR: Objection, Your Honor! The defense counsel is badgering the witness.

JUDGE: Sustained. *(Bangs gavel)*

The jury will disregard that statement.

ATTY FOR DEFENSE: Sorry, Your Honor.

Dumbo, isn't it true that whatever the giant says, le sigues la onda *(Pronounced in Spanish, leh, see-guess; la; ohn-dah)*, or go with his flow?

DUMBO: Pretty much. Casi siempre. (*Pronounced in Spanish, kah-see, see-ehm-preh*)

ATTY FOR DEFENSE: I thought so.

By the way, we all admire your big ears. What do you use them for?

DUMBO: Mostly to fly, of course!

(*Illustrating with his ears*) But I also flap them to fan myself and keep cool in the summer. Sometimes I spread them to shade my body from the sun or to cover myself when it's cold.

ATTY FOR DEFENSE: Do you need them to hear?

DUMBO: Not really.

ATTY FOR DEFENSE: How do you hear?

DUMBO: Mostly through my feet. You can read about it in "Wikipedia." Sound travels from the bottom of my feet to my toe nails, through my trunk, and, finally, to my ears.

ATTY FOR DEFENSE: Do all elephants hear through their feet?

DUMBO: We do.

ATTY FOR DEFENSE: Now that's a fun fact I'll bet no one in this courtroom knew!

DUMBO: Well, since humans hear through their ears, they wrongly think all animals do. Elephants sure don't.

ATTY FOR DEFENSE: Were your feet bandaged when you visited the giants?

DUMBO: (*Nodding*) Heavily! I just took my bandages off to come to court today so I could hear you.

ATTY FOR DEFENSE: How did bandaging your feet affect your hearing?

DUMBO: I could barely hear.

ATTY FOR DEFENSE: Then how could you have heard the giant singing?

DUMBO: (*Sounding guilty, trapped*) Uh, oh, well, I mean, ¿Come se dice...?
(*Pronounced in Spanish, koh-moh, seh, dee-seh*)

His mouth was moving, and he told me he was singing.

ATTY FOR DEFENSE: Did the giant tell you what he was singing?

DUMBO: He did.

ATTY FOR DEFENSE: And then you agreed to come to court and say that's what you heard?

DUMBO: Well, I figured if that's what he said he was singing, that must be what I heard, especially since I couldn't hear at the time.

ATTY FOR DEFENSE: And you just wanted to help because they are your only friends?

DUMBO: (*Guiltily*) Yes—and because of the free weeds. I saw no harm.

ATTY FOR DEFENSE: Have you ever met Yack in the Frijol Stalk?

DUMBO: I've only seen him running.

ATTY FOR DEFENSE: Do you have any reason to think that he was stealing, instead of just taking back what belonged to his dead father and now should be his?

DUMBO: No reason.

ATTY FOR DEFENSE: Does Yack seem like a nice young man—like someone you might like to be friends with?

DUMBO: (*Excited*) He sure does!

PROSECUTOR: Objection, Your Honor! Character evidence. Counselor is asking Dumbo to make assumptions about Yack's character.

JUDGE: Objection sustained. (*Bangs gavel*)

The jury will disregard the statements about Yack's character.

ATTY FOR DEFENSE: Pass the witness.

JUDGE: You are excused.

(Witness returns to designated seat, whispering apology to giant on way back, but then smiles at and waves “hiddenly” to Yack.)

PROSECUTOR: The prosecution rests, Your Honor.

JUDGE: The defense may call its first witness.

ATTY FOR DEFENSE: The defense calls Yack in the Frijol Stalk.

(Witness takes the witness stand.)

ATTY FOR DEFENSE: Please state your name and age.

YACK: Yack *(Rhymes with “Jack.”)* Yunior. *(Rhymes with “Junior.”)* My mom calls me Yackito. *(Pronounced in Spanish, yak-ee-toh)* I am 12 years old.

ATTY FOR DEFENSE: Tell the jury where you and your family have lived since you were born.

YACK: My father died when I was only 8 years old. It was just after his business partner cheated him.

All of a sudden, my mother and I were so poor we didn’t even have enough to eat. We had to move from a home with marble floors near the country club to a one-room casita with dirt floors by the Rio Grande.

ATTY FOR DEFENSE: How did you and your mother support yourselves after your father died?

The only thing we had left was our vaca preciosa, *(Pronounced in Spanish, vah-cah, preh-see-oh-sah)* Roberta Rodriguez. *(Pronounced in Spanish)*

My mother and I supported ourselves by selling her fresh milk and our homemade butter and cheese and leche quemada *(Pronounced in Spanish, leh-cheh, keh-mah-dah)* candy at the Farmer’s Market at Jarvis Plaza. When Roberta dried-up, we had nothing left—no money, no food, no nothing. We had to sell her to survive.

ATTY FOR DEFENSE: To whom did your family sell her?

YACK: I sold her to a viejita (*Pronounced in Spanish, vee-eh-hee-tah*) for some frijoles mágicos (*Pronounced in Spanish, free-hoe-leh-s, mah-hee-kos*), some magic beans.

ATTY FOR DEFENSE: What did those magic frijoles look like?

YACK: They looked just like my favorite jelly beans, so I assumed they were delicious too.

(Holding up bag of jelly beans so judge, jury, and audience can see it) I brought some for my snack today. I would offer you and the jury some, Judge, but ¡No les quiero hacer la barba! (*Pronounced in Spanish, noh, leh-s, kee-eh-roh, ah-ser, lah, bahr-bah*) I don't want to be accused of bribery.

JUDGE: Wise move.

ATTY FOR DEFENSE: Why did you name your cow "Roberta Rodriguez"?

YACK: (*Grinning*) In honor of Robert Rodriguez of El Rey Network. He made my favorite movie, "Spy Kids," and works with my hero, El Machete. Robert's awesome, and so was our cow.

ATTY FOR DEFENSE: I should have known. Please continue.

YACK: When I got home, my mother was furiosa (*Pronounced in Spanish, foo-ree-o-sah*) that I sold Roberta for magic frijoles, instead of for money or food. She started crying and sent me to bed without dinner. Then she threw the frijoles out the back window.

ATTY FOR DEFENSE: Then what happened?

YACK: In the morning, like magic, there was a humongously (*Pronounced in English, hew-muwhn-gus-ly*) high frijol stalk, loaded with beans. ¡Hijole! ¡Super padre! (*Pronounced in Spanish, ee-hoe-leh, su-per pahd-reh*)

I was so excited! I said, "¡Wáchame, mamá! (*Pronounced in Spanish, wah-cha-meh*) I'm going to climb it and go knock-knock-knocking on heaven's door!"

Then I realized what this meant for us: We had enough beans to eat and to support ourselves for the rest of our lives! We could open an "El Rey de los Frijoles"

(Pronounced in Spanish, ehl, ray, deh, lohs, free-hoe-lehs) restaurant and sell taquitos de frijoles con wienies, *(Pronounced in Spanish, tah-kee-tohs, deh, free-hoe-lehs)* frijoles refritos con patitas de puerco, *(Pronounced free-hoe-lehs, reh-free-tohs, kohn, pah-tee-tahs, deh, pwer-kow)* tortas de frijol con chicharrones *(Pronounced in Spanish, tohr-tahs, deh, free-hohl, kohn, chee-chah-rrohn-ehs)*—the list goes on and on! We could even sell jelly beans and Boston Baked Beans for postre or merienda *(Pronounced in Spanish, pos-treh; meh-ree-en-dah)*!

ATTY FOR DEFENSE: So what did you do?

YACK: I shouted, “Bean me up, Scottie!” Then I climbed and climbed that frijol stalk. I was thinking of how to advertise our new bean business. Maybe with a little poem: “Beans, beans, the magical food. The more you eat them, the better you feel. So let’s have beans at every meal. *(Paraphrasing popular children’s song)*”

Finally, I came to a city high in the sky—Las Nubes *(Pronounced in Spanish, Las Noo-bess)*.

ATTY FOR DEFENSE: Then what?

YACK: I walked and walked and finally saw Mrs. Jolli White Giant, who invited me into her kitchen. When she heard her husband coming home, singing about cooking Laredoans into bread, she made me hide in the oven.

Just when I heard them talking about “taquitos de niño” and “pan de niño,” I realized the oven was on, and I was baking! I ran out, climbed down my frijol stalk, and went home.

ATTY FOR DEFENSE: Did you visit the giant’s home again?

YACK: Several times. Each time the giantess invited me in, and each time I managed to escape when I heard her husband singing about grinding the bones of Laredoans and baking us into bread.

ATTY FOR DEFENSE: *(Picking-up items on the prosecution table, one at a time)* Did you take the golden coins, the golden maracas, and the golden gallina *(Pronounced in Spanish, gah-yee-nah)* that laid golden eggs?

YACK: I did.

ATTY FOR DEFENSE: You admit you stole them from the giants?

YACK: I did not steal them.

ATTY FOR DEFENSE: Please explain yourself, young man.

YACK: They belonged to my father! I just took them back for my mother!

ATTY FOR DEFENSE: What proof do you have they belonged to your father?

YACK: We have pictures of my father and us before he died. Some in our big house with lots of centenarios (*Pronounced in Spanish, sen-ten-ah-ree-os*). He loved to give them to the church and to the Webb County Neighborhood Centers.

ATTY FOR DEFENSE: What about the other golden items?

YACK: My father loved to sing and play his golden maracas with Los Mariachis del Barrio. And he supported us by selling golden eggs laid by the golden chicken, especially for East R. Bunny's annual egg hunts. The pictures prove that—and more. They show him with the giants *babiando* (*Pronounced in Spanish, bah-bee-ahn-doh*)—drooling over them.

ATTY FOR DEFENSE: How did Jolli Green get your father's golden goodies?

YACK: I heard my father was cheated out of them by his big chueco (*Pronounced in Spanish, chweh-koh*) partner in a big chueco business deal.

ATTY FOR DEFENSE: Did you steal anything from the giants?

YACK: ¡No way, José! I just took what was my father's and now my birthright as his first and only son.

ATTY FOR DEFENSE: Did you trespass onto his property or break and enter into his home for any evil purpose?

YACK: ¡Nunca! (*Pronounced in Spanish, noon-kah*) Jolli White Giant invited me in each time, but I left when I got scared those golosos asustosos (*Pronounced in Spanish, goh-loh-sos, ah-sus-toh-sos*) might grind my bones and cook me into their pan de niños. They sounded like giant chupacabras! (*Pronounced in Spanish, chew-pah-cah-brahs*)

ATTY FOR DEFENSE: Did you try to kill the giant?

YACK: Why would I even consider taking on someone so much bigger than I am?

His house was in Las Nubes. (*Pronounced in Spanish, noo-bess*) Its only connection to our home was my giant frijol stalk. When I got away from him, I was scared to death and thought, “What would El Machete do?” Then I grabbed my machete to cut down our connection to him. I never wanted to see that niño-eating giant again. Would you?

ATTY FOR DEFENSE: Did you know he was chasing you down the frijol stalk when you started chopping it down?

YACK: Absolutely not. It was too high for me to see.

ATTY FOR DEFENSE: Would you have cut it down if you knew he was on it?

YACK: No, but I sure would have grabbed my mamasita and run away as fast and as far as we could!

ATTY FOR DEFENSE: Did you at any time consider killing him?

YACK: Never! I just wanted to protect myself and my mother from him and the other child-eating giants.

ATTY FOR DEFENSE: Pass the witness.

JUDGE: Does the prosecution wish to cross-examine?

PROSECUTOR: Yes, Your Honor.

Yack, that is quite a fractured fairy tale you just told us.

ATTY FOR DEFENSE: Objection, Your Honor! The prosecutor is being argumentative.

JUDGE: Sustained. (*Bangs gavel*)

The jury will disregard that statement.

PROSECUTOR: When you supposedly discovered your father’s missing items were at Mr. and Mrs. Giant’s home, did you tell your mother?

YACK: No, sir/ma'am.

PROSECUTOR: Did you tell your teacher?

YACK: No, sir/ma'am.

PROSECUTOR: Did you tell a police officer?

YACK: No, sir/ma'am. Just like the Spy Kids, I handled it myself. They didn't tell their parents or the police.

PROSECUTOR: So you decided to take matters into your own hands and steal them?

ATTY FOR DEFENSE: Objection, Your Honor. The question calls for a legal conclusion. It is up to the jury to determine if Yack is guilty of theft.

JUDGE: Correct, Counselor. The objection is sustained. *(Bangs gavel)*

PROSECUTOR: What proof do you have that the golden centenarios *(Pronounced in Spanish, sen-ten-ah-ree-os)*, golden maracas, and golden chicken and her eggs belonged to your father?

YACK: Pictures. Lots of pictures.

PROSECUTOR: *(Incredulously, sarcastically)* So you said, but I didn't see any.

Can you, by any chance, produce those pictures for us?

YACK: I can. *(Sticking his hand into his shirt and starting to take them out)*

PROSECUTOR: Objection, Your Honor! Those pictures were not introduced into evidence during direct examination, and they shouldn't be brought up now.

ATTY FOR DEFENSE: I deliberately didn't introduce them, Your Honor, because I just knew the prosecutor would object, and I was afraid he would block their admission into the record.

Now he brought them up. He opened the door. And he asked Yack if he could produce those pictures. Yack said he could. Now he should have the opportunity to do so.

PROSECUTOR: I did not ask him to produce the pictures!

ATTY FOR DEFENSE: Yes, you did.

JUDGE: Let's settle this without arguing. Will the deputy court reporter please read back the transcript?

(Deputy court reporter finds the sentence and reads the underlined sentences below. This needs to be arranged in advance.)

DEPUTY COURT REPORTER: “PROSECUTOR: Can you produce those pictures for us? WITNESS: Yes, sir/ma'am.”

JUDGE: Mr. Prosecutor, you did, indeed, open the door. Your objection is overruled. *(Bangs gavel)* The witness will produce the pictures.

YACK: Yes, sir. *(Brings out a stack of pictures from inside his shirt.)* Here they are, along with the picture of the fancy house we used to live in and the one-room casita we've lived in since my father, Yackote, died. There are also pictures of my father and my grandfather, Yackote and Yackotote, with Big Bad Giant Jr. and Sr., the father and grandfather of Jolli Green and Big Bad Giant III.

All the golden items I took back are in lots of photos. You can see the giants *babiando* *(Pronounced in Spanish, bah-bee-ahn-doh)* all over them.

PROSECUTOR: Did I ask you to describe them? No, I did not, and I am not asking that those pictures be admitted into the record.

On another subject, did the jolly giant ever lay a hand on you?

YACK: He was never close enough to touch me.

PROSECUTOR: Just answer “yes” or “no.”

YACK: No.

PROSECUTOR: No further questions, Your Honor.

JUDGE: You are excused, young man.

The defense may call its next witness.

(Witness returns to the defense table.)

ATTY FOR THE DEFENSE: The defense calls Yacki, *(Pronounced in Spanish, Yahk-ee, rhymes with Jackie)* the mother of Yack in the Frijol Stalk.

(Witness takes the stand.)

ATTY FOR DEFENSE: State your name, please.

YACKI: Yacki, widow of Yack Sr., and mother of Yackito, or Yack Yunion.

ATTY FOR DEFENSE: Were you and your husband ever compared to another famous and wealthy couple with similar names?

YACKI: We were. As “Yack and Yacki” we were often compared to former United States President Jack and Jackie Kennedy, parents of Jack Jr., whom we called Jack-ito.

ATTY FOR DEFENSE: And like the Kennedys, when your husband was alive, you gave money to education and to children’s programs and ran for public office?

YACKI: Yes, ma’am. He was a Yack-of-all Trades. We loved to contribute, especially to education, and Yack Sr. was a president too. Depending on what part of Laredo we lived at the time, he served as president of the board of trustees of the United ISD and of the Laredo ISD board.

ATTY FOR DEFENSE: Why did your husband go broke?

YACKI: I only know that one day we were on top of the world, and the next my husband died, leaving us penniless after a disagreement and shenanigans caused by his silent business partner.

¡Puros chanchullos! *(Pronounced in Spanish, poo-rohs, chawn-choo-yos)*. As my mother said, “¡Tenía que haber un cucaracho en el caldo!” *(Pronounced in Spanish, ten-ee-ah, que, ah-behr, un, koo-kah-rah-choh, ehn, el, cah-l-doh)* There must have been a cockroach in the soup!

ATTY FOR DEFENSE: And his silent business partner was?

YACKI: Big Bad Giant Sr.

ATTY FOR DEFENSE: And, for the record, he was Jolli Green Giant's grandfather?

YACKIE: Exactly.

ATTY FOR DEFENSE: Do you believe that Yack stole the golden items from Jolli Green Giant?

YACKI: I know he didn't. Those items belonged to Yackote and Yackotote, and Yackito had every right to get them back for us. There was no other way to get them, since it's impossible to negotiate with those baby-finger-eating giants. And everyone is scared to death of the Big Bad Giants who are famous for eating Laredoans, especially our little ones.

ATTY FOR DEFENSE: Why do you say they eat Laredoans?

YACKI: Before our city leaders cut off ties with Las Nubes, the giants used to bully us. They especially picked on the few of us who don't eat animals and eat only vegetables. We call ourselves vegetarians.

The giants said they didn't eat vegetables and ate only humans. So they called themselves human-itarians (*Rhymes with vegetarians*).

They are evil and think that's funny. I think they're scary.

(Fanning herself) ¡Me dan los poofs! (*Pronounced in Spanish, meh, dahn, lohs, poofs*)

PROSECUTOR: Objection, Your Honor! Hearsay!

ATTY FOR DEFENSE: No, Your Honor. It is not hearsay. Yacki heard that herself.

JUDGE: That is correct. Your objection is overruled (*Bangs gavel*)

ATTY FOR DEFENSE: Who cut-off connections with the giants?

YACKI: My father-in-law, Yackotote, and other Laredo leaders, cut-off all connections with Las Nubes (*Pronounced in Spanish, Las noo-bess*). They made sure those giants couldn't get to us, ever again.

Then Big Bad Giant Sr. called-in Yackote, supposedly to discuss how to continue their business. Next thing we knew, my husband was dead, and all our golden treasures were gone—our centenarios, our maracas, and our gallinita that laid the golden eggs.

The only thing we had left was our cow. And she was so sad when her BFF, our golden chicken, went missing. I think she dried-up out of loneliness and a broken heart.

ATTY FOR DEFENSE: Now that you have your golden treasures back, are you and Yackito back to living in high style?

YACKI: We are not. We believe in the American system of justice and the rule of law. We are waiting for the judge and jury to decide if Yack was right to take back what was ours.

ATTY FOR DEFENSE: So after living in a mansion, you and your son still share one humble room by the Rio Grande?

YACKI: Yes, we do. It has a dirt floor and an outdoor bathroom. But we're lucky to have a roof over our heads.

ATTY FOR DEFENSE: Do you trust the judge and jury to make the right decision?

YACKI: Yes. And Yack and I will abide by their decision. If they decide he stole, we will give everything back. But we hope they won't.

ATTY FOR DEFENSE: Pass the witness.

JUDGE: Does the prosecution wish to cross-examine?

PROSECUTOR: Yes, Your Honor.

Ma'am, did you give your son permission to break into Jolli Green's home and steal his golden treasures?

YACKI: He didn't break-in. He was invited.

PROSECUTOR: Isn't it true that Yack is a smart aleck who's always talking back?

YACKI: No. If he acts up, I tell him, “Yackety-Yack! Don’t talk back!” and he doesn’t. (*Quoting the song.*)

PROSECUTOR: Did you punish Yack for selling your cow for frijoles májicos, instead of for money or food?

YACKI: I sent him to bed without dinner, but, really, because we had no food. When he came back from the giant’s house the first time, I set new rules.

PROSECUTOR: What were those rules?

YACKI: He couldn’t buy any more beans or anything else from viejitas (*Pronounced in Spanish, vee-eh-hee-tahs*) or anyone else. He couldn’t climb the frijol stalk without a helmet and safety gear—and my permission. He’d have to pay taxes on any beans he sold. And he’d have to give 15 percent of any money earned to charity.

PROSECUTOR: Did you give Yack permission to climb the stalk and visit the giant?

YACKI: No. I didn’t even know when he went.

PROSECUTOR: So what kind of mother are you? If you had taken better care of your son, he wouldn’t be here, would he? Isn’t that negligence?

ATTY FOR DEFENSE: Objection, Your Honor! Yacki....

JUDGE: No need to explain, Counselor. Yacki is not on trial here. Objection sustained. (*Bangs gavel*)

The jury most certainly will disregard the prosecutor’s questions, and the witness will not answer them.

PROSECUTOR: (*Exasperated*) Are you proud of what he did?

YACKI: I am proud, very proud, that like any red-blooded, 12-year-old boy or girl, Yack took charge, just like the Spy Kids. He knew the giants had a reputation for eating niños, but he stood up to them to get back what was taken from his papi.

Would I have approved his doing so? No. I value his life, health, and safety more than his father’s gold.

PROSECUTOR: Are you glad that he did it?

YACKI: Yes, but only because he is safe.

PROSECUTOR: Do you have any pictures of yourself and your husband in the presence of those items?

YACKI: Yes. *(Reaching into her blouse)* Let me show them to you.

PROSECUTOR: No! I did not ask you to show them. And I'm not falling for that trick again. No further questions!

JUDGE: You are excused.

(Witness returns to designated seat.)

ATTY FOR DEFENSE: We have no more witnesses, Your Honor. The defense rests.

JUDGE: Very well. We will now hear closing arguments. Is the prosecutor ready?

PROSECUTOR: *(Rising)* Yes, Your Honor. Thank you.

Ladies and Gentlemen of the jury, you have heard the testimony and have no choice. You have heard from one of Disney's most lovable fantasy figures, Dumbo, the Flying Elephant. He, himself, saw Yack take the golden centenarios *(Pronounced in Spanish, sen-ten-ah-ree-os)*, the golden maracas, and the golden chicken and her golden eggs from the home of the Jolli Green Giant.

Yack stole what clearly was not his. He trespassed onto Jolli Green's property without Jolli Green's permission.

Even if he was right, he should have told his mother, his teacher, or the police. The ends do not justify the means. Instead of reporting what he thought might be a crime, he himself became a criminal.

He's just a sneaky kid, not a Spy Kid. And there is no question about his breaking and entering into the giant's home to steal—not once, not twice, but three times! ¡Tres veces!

As soon as he got the golden loot, he didn't give a hoot about his magic beans. He chopped down his own frijol stalk.

He couldn't have cared less about sending Jolli Green to an early death and leaving Jolli White a lonely widow like his mother. That, clearly, is attempted murder.

You've heard of the Jolli Green Giant. You've probably seen him in a TV commercial singing, (*Singing like the TV commercial*) "Ho, Ho, Ho, Green Giant!" How could you possibly think he would be a danger to Yack in any way—much less even think of grinding his bones into his bread? That is a giant lie—and I don't mean a giant *white* lie!

Please do not be fooled by this young *chapusero* (*Pronounced in Spanish, chah-poo-ser-owh*) and his mother. He is guilty of theft, guilty of trespassing, guilty of breaking and entering, and guilty of attempted murder. He has broken the law and should be taken from his negligent mother and sent to live in the Youth Village with other little criminals.

Thank you.

JUDGE: Counsel for the defense?

ATTY FOR DEFENSE: Thank you, Your Honor.

Ladies and gentlemen of the jury, wow, that was harsh! Talk about a mad dog prosecutor! He certainly means well, but put yourself in Yack's place.

What if you had a rich father who suddenly lost all his money and died, leaving your mother a widow, and you, now 12 years old, fatherless, with only a dried-up old cow to support you?

What if you then found golden treasures that your father lost in a bad business deal that no one could explain?

And what if they were in the home of a giant who had a reputation for eating children like you? Would you stop to negotiate with the beast, or would you simply try to take back your inheritance and run?

Now, what if the only connection to those who would eat you and steal from your family was your very own frijol stalk on your very own property? Wouldn't you

think, ¡dale gas! (*Pronounced in Spanish, dah-leh, gahs*) and chop it down? I think so!

Remember: Yack didn't know the giant was chasing him down the frijol stalk when he chopped it down. The giant crashed to the ground, but survived without a scratch or a moretón. (*Pronounced in Spanish, moh-reh-tohn*) How is that attempted murder, especially since there was no motive?

If you were in Yack's shoes, what would you want the jury to do? You would want the jury to find that you did the right thing, that you should keep what was once your father's and grandfather's and that no one else could claim legitimately.

Ladies and gentlemen of the jury, please, practice the Golden Rule: Treat Yack in the Frijol Stalk the way you would want to be treated if you were in his shoes. Find him not guilty of all charges.

Thank you.

JUDGE: Ladies and gentlemen of the jury, you have heard the evidence in this case. Now it is up to you to decide if Yack is guilty of any or all of these charges. Please use your 10 minutes to consider all of the evidence you heard. Bailiff, please escort the jury to the jury room to consider the verdict.

All rise for the jury. (*Everyone in the courtroom rises as the jury leaves.*)

(*Bailiff leads the jury to the jury room to vote on the verdict. An attorney should be with them in the jury room to answer any questions. Upon arriving at a consensus, they return to the courtroom to announce the verdict.*)

(*During the 10 minutes allowed for the jury to deliberate, the judge convenes the rest of the students as a Court of Public Opinion. If there is time afterward, he engages them in a question-and-answer session.*)

Please be seated.

After we hear the verdict and the trial is adjourned, our elected officials and honor guests will be invited to join the groups of students who will be photographed with the cast at the bench.

First, however, it is my pleasure to convene the students as a Court of Public Opinion. *(Bangs gavel)*

The purpose of our Court of Public Opinion is to ask how you, the public, represented by students here today, believe Yack in the Frijol Stalk is guilty or not guilty.

So I will ask you the same questions that the jury will answer. We will have a voice vote. If I can't tell how the majority feels, then we will have a standing vote. Are you ready?

First, remember that "theft" means the same as stealing. If you agree that Yack did steal from Jolli Green Giant, say, "Yes!"

(Pause)

If you disagree, say, "No!" *(Pause)*

The (Yeses) (Nos) prevail. *(Bangs gavel)*

(If outcome isn't clear from voice vote, ask for the "yes" voters to stand, have staffers ready to count them, and ask them to be seated. Then ask the "no" voters to stand, have staffers count them, and ask them to be seated. Announce results.)

Second, "trespass" means entering someone's property without permission. If you agree that Yack did trespass onto the giant's property, say, "Yes!" *(Pause)*

If you disagree, say, "No!" *(Pause)*

The (Yeses) (Nos) prevail. *(Bangs gavel)*

(If outcome isn't clear from voice vote, ask for the "yes" voters to stand, have staffers ready to count them, and ask them to be seated. Then ask the "no" voters to stand, have staffers count them, and ask them to be seated. Announce results.)

Third, "breaking and entering" means entering someone's property by force and without permission to commit a crime. If you agree that Yack did break and enter into the giant's property, say, "Yes!" *(Pause)*

If you disagree, say, "No!" *(Pause)*

The (Yeses) (Nos) prevail. *(Bangs gavel)*

(If outcome isn't clear from voice vote, ask for the "yes" voters to stand, have staffers ready to count them, and ask them to be seated. Then ask the "no" voters to stand, have staffers count them, and ask them to be seated. Announce results.)

Finally, "attempted murder" means trying to kill someone, but failing. If you agree that Yack did commit attempted murder, say, "Yes!" *(Pause)*

If you disagree, say, "No!" *(Pause)*

The (Yeses) (Nos) prevail. *(Bangs gavel)*

(If outcome isn't clear from voice vote, ask for the "yes" voters to stand, have staffers ready to count them, and ask them to be seated. Then ask the "no" voters to stand, have staffers count them, and ask them to be seated. Announce results.)

So this Court of Public Opinion finds that Yack is guilty of _____ charges, namely, _____; and not guilty of _____ charges, namely, _____. Now let's see why the 12 jurors find.

(If jurors haven't returned, engage in Q&A, as follows.)

While we wait for them, we have time for a question or two. Who has a question?

(Q&A with students. Be sure to repeat each student's question before answering it. Keep answers short to allow more students to ask questions.)

(Staff gives the judge a note that the jury has reached a verdict. Bailiff enters.)

BAILIFF: Your Honor, the jury has reached a verdict.

JUDGE: All rise for the jury. *(Everyone in the courtroom rises as the jury returns to the jury box.)*

JUDGE: You may be seated.

Ms./Mr. Foreperson, have you reached a verdict?

JURY FOREPERSON: Yes, Your Honor, we have.

JUDGE: Will the defendant and his attorney please rise?

Mr./Ms. Foreperson, you may read the verdict.

FOREPERSON: We, the jury, find the defendant, Yack in the Frijol Stalk, _____ of the charge of theft, _____ of the charge of trespassing, _____ of the charge of breaking and entering, and _____ of the charge of attempted murder.

(IF NOT GUILTY:)

JUDGE: The jury has spoken, and the defendant has been found not guilty.

Thank you, boys and girls, for listening carefully and making this important decision.

(IF GUILTY:)

JUDGE: The jury has spoken, and the defendant has been found guilty.

Yack, I sentence you to _____ hours of community service at the Webb County Neighborhood Centers. Your job will be to collect and deliver food, school supplies, and toys to children who go there and their families. You will also spend time studying under the joint supervision of Superintendents Bobby Santos and Dr. Sylvia Rios. As long as you are on the road to getting a college degree, you will not be punished further. If you drop out of school, you will be back in court, facing possible residency in the Youth Village.

(Star witness and defendant react appropriately, based on the jury's verdict. Judge may make an appropriate statement to the defendant, especially if he/she is found guilty. If he/she is found guilty of one charge, but not of another, the judge must respond accordingly.)

JUDGE: Boys and girls, thank you and your teachers for being with us today. We hope you have enjoyed this mock trial as much as you have learned from it.

We are especially grateful to the director of our mock trial, (INSERT).

JUDGE: I know you enjoyed the outstanding performances of (SEE PROGRAM. INSERT CHARACTERS AND THE NAMES OF ACTORS WHO PORTRAYED THEM.)

(Judge introduces cast members, and they stand to be recognized.)

And we are grateful to the author of our mock trial script and your handbook, Senator Judith Zaffirini.

JUDGE: Yack in the Frijol Stalk, Jolli Green Giant, and all the cast will be available to take pictures with you. The honor guests and sponsors who are here also are invited to join us.

Boys and girls, we hope you enjoyed today's mock trial that is part of our Access to Justice: Class in the Courtroom. You saw for yourselves the importance of obeying the law and what can happen when you do not obey the law.

Please come back to visit your Webb County Court-at-Law II and invite your family and friends to do so too.

This court is adjourned. *(Bangs gavel)*

(Judge rises and joins cast, students, and elected officials for photos.)

CAUSE NUMBER 2018-0427-L2

J. G. Giant	§	IN COUNTY COURT-AT-LAW
	§	II
VERSUS	§	
	§	
Yack in the Frijol Stalk	§	WEBB COUNTY, TEXAS

VERDICT

DEFINITIONS

Theft means stealing.

Trespassing means entering property without the owner's permission.

Breaking and entering means entering a building by force to commit a crime.

Attempted murder means trying to kill someone, but failing.

We, the jury, find the defendant, Yack, not guilty _____ or guilty _____ of the offense of **theft**.

We, the jury, find the defendant, Yack, not guilty _____ or guilty _____ of the offense of **trespassing**.

We, the jury, find the defendant, Yack, not guilty _____ or guilty _____ of the offense of **breaking and entering**.

We, the jury, find the defendant, Yack not guilty _____ or guilty _____ of the offense of **attempted murder**.

SIGNED on the (INSERT DATE) day of (INSERT MONTH), 20_____.

FOREPERSON