A TALE IN TWO COURTS

STATE/DISTRICT OF GRIMM

v.

GRETHEL

The Delaware Law Related Education Center, Inc.
The Delaware Law Related Education Center wishes to acknowledge the assistance of the following people in developing the materials in this lesson:

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Lesson Title: A Tale in Two Courts: Comparing the Two Major Legal Systems

Lesson Author: The Delaware Law Related Education Center, Inc.

Lesson Description: The lesson provides an analysis of the two major legal systems used in the world today. These two systems are the adversary or common law system which is used in most countries which were British Colonies, such as the United States and the system which is based on civil law and is used in most of Europe, Asia, Africa and Latin America. The lesson provides information about the development of these systems and their key characteristics. It helps students compare the two systems using scripted mock trials of the tale of Hansel and Gretel.

Historical Background of the Hansel and Grethel Mock Trials: The Grimm’s Fairy Tales first appeared in 1815 and were revised several times. In the Mock Trials, we used the year 1816 and refer to it as the “Year without a Summer.” During this period the temperature remained cold, the sky was dark and people had trouble growing food. It is thought to have been caused by a volcanic eruption.

Grade Level: 9 - 12

National Standards for Civics and Government: Content Standard III D2: Judicial protection of the rights of individuals. Students should be able to evaluate, take and defend positions on current issues regarding the judicial protection of individual rights. To achieve this standard, students should be able to describe the adversary system and evaluate its advantages and disadvantages.

Delaware Standards: Civic Standards One 9-12a: Students will analyze the ways in which the structure and purpose of different governments around the world reflect differing ideologies, cultures, values and histories.

CCG: Understand how nations interact with each other, how events and issues in other countries can effect citizens in the United States, and how actions and concepts of democracy and individual rights of the United States can affect other people and nations.

Essential Question: What are the differences between the structure of the adversary and inquisitorial legal systems and the way they each reach a decision?

Assessment: Constructed Response: Multiple Choice, Short Answers and Fill in the Blanks

I. You are serving as a witness for a friend in a case in Croatia. Your friend is charged with leaving the scene of an accident and you were in the car.

1. Which of the following things are likely to occur during the trial?
   
a. The defense attorney will object to questions raised by the prosecutor.
b. The judge will function as a referee.
c. There will be citizens on the bench with the judge who ask questions.
d. The prosecutor will forcefully argue his position to the jury.

   Correct response is (c)

2. Who will determine your friend’s guilt?
   
a. The Judge
b. The Judge and the citizen (lay) Judges
c. The Jury

   Correct response is (b.)

II. Which of the following is likely to have an adversary system.
   
a. France
b. Eastern Europe
c. Brazil
d. Most of Canada
Correct answer is (d.)

III. SHORT ANSWER: Why would your choice in II above be likely to have an adversary legal system?

Correct answer is because most of Canada was colonized by England

IV. FILL IN THE BLANKS: Select one of the following: Common Law or Civil Law

1. In the _________________ system, truth is expected to emerge from examination of the evidence and interrogation of the witnesses by the presiding judge.

2. In the _________________ system, truth is expected to emerge from the conflict of opposing view from the defense and the prosecution attorneys.

Correct answers are 1. Civil Law, and 2. Common Law

Objectives: Students will:
1. Learn the key characteristics of the common law/adversary system and the civil law/inquisitorial legal systems.
2. Discuss how the two systems expanded throughout the world.
3. Analyze and compare the different roles played by participants in a trial in both systems.
4. Identify how each system attempts to insure a fair trial.

Prior Knowledge: Some understanding of the American Court system and legal terms would be helpful.

Time to complete: Two 90 minute blocks or four 45 minutes classes

Materials Needed.
Lesson Procedure Steps:

Note to the teacher: A couple of days before the lesson, ask students to pick a role using the Role Selection Sheet. This will give you time to make assignments and give out roles the day before the lesson. You may decide you want to give out the script for the mock trials for students to read. Attached is a diagram of how you should set up the courtroom for each trial.

I. Whole Class Reading and Work in Pairs 15 minutes
   A. Pass out copies of Student Handout One and the Student Handout One Worksheet.
      1. Read the first paragraph of the handout to the class.
      2. Either read the excerpts in Handout One to the class or ask members of the class to read each paragraph.
   B. Ask students to work with another student to answer the questions on the Worksheet.
   C. Review and discuss correct answers.

II. Background on the Legal Systems 10 minutes
   A. Use Overhead I. See if anyone knows the reason. (ANSWER: it is because they were originally a colony of France which has the Civil Law or Inquisitorial System.) If no one knows, set the question aside until you have completed the Background and ask again.
   B. Discuss Overhead II. It is important for students to not confuse the use of these terms. Students familiar with the American legal system might find it particularly confusing to have a type of law, (civil law as in torts and contracts) using the same name as the legal system called Civil Law.
   C. Review Overhead III. Ask if anyone, now, has the answer to Overhead I. If not, explain.
III. Prepare for American Mock Trial. 15 minutes
A. Give out scripts, if students playing roles do not already have them. Have students take their place in the courtroom *(Use the diagram)* Witnesses should sit away from the jury. All the remaining students are to serve as jurors. Give the jurors copies of the **Student Handout Two**. Ask them to fill out the section on the chart for the U.S. as they watch the trial.

B. Review the sequence of witnesses and let students locate their parts in the script, if necessary:
- The judge, the bailiff, the counsel for the defense and the prosecutor - most pages starting on page 26
- Dad - page 27 - 30
- Snow-white Bird - page 31 - 33
- Duck - page 33 - 34
- Bird’s Spokesperson - page 35 - 36
- Hansel - page 36 - 39
- Grethel - page 40 - 43

IV. Enact the American Trial 45 minutes
*Have jury take notes on front side of the Student Handout Two. The Jury should turn in notes for use during next class period, if it is a 45 minute class or hold on to them if it is a 90 minuteBlock.*

V. Jury decision: 15 minutes
A. Ask jury to meet for a few minutes, to elect a foreman and to reach a decision on Grethel’s guilt or innocence. While jury is meeting use **Student Handout Two** to discuss the roles the students played in the Mock Trial. Ask them to predict the jury’s decision
B. Ask the jury to report on their decision, after preparing for Croatian Trial.

BREAK HERE FOR First 90 MINUTE BLOCK

VI. Prepare for Croatian Trial 15 minutes
A. Rearrange the courtroom for the Croatian Trial. *(Use the diagram.)*
B. Give each of the students with a role a copy of the Croatian Trial script, if they do not have one.
C. Explain that in a murder trial in Croatia there are two
professional judges and three lay judges. In a regular criminal trial there would be one professional judge and two lay judges. D. Review the sequence of witnesses and let students locate their part in the script:

- the Judges and the two counsels - most pages starting on page 47
- Grethel - pages 47 -49 and 66 - 68
- Dad - pages 50- 54
- Snow-white Bird – pages 54 -57
- Duck – pages 57 - 59
- Bird’s Spokesperson – page 59 - 62
- Hansel – pages 62 - 66

B. All students without a role should be observers and receive a copy of Student Handout Two. They should fill out the front side of the handout while observing the trial.

VII. Enact the Croatian Trial. 45 minutes
A. After the trial is complete, the presiding judge, the other professional judge and the three lay judges should meet away from the rest of the class and decide whether Grethel is guilty. Give them about 5 minutes to reach a decision. They should report the decision to the class.
B. Discuss whether the decision was the same or different from the American Trial.

VIII. Small Groups: Student Handout Two 20 minutes
A. Assign the students to small groups with approximately five students. Each group should have at least one student who participated in the American Trial and one who participated in the Croatian Trial. Also mix up the jurors and observers.
B. Return the Student Handout Two to the students from the previous day’s class, if it was taken.
C. Ask students to discuss the chart and to complete both U.S. and Croatian sides of the chart on the front side.
D. When students have completed the front part of the chart, ask them to look on the back, to discuss the three questions, and to complete the assignment.
E. Discuss the answers with the students. (See sample responses attached)

IX. Collect Handout Two for grading and administer the Assessment. 10 minutes
Assessment:
Comparing the Common Law and Civil Law Legal Systems

Multiple Choice, Short Answers and Fill in the Blanks

I. You are serving as a witness for a friend in a case in Croatia. Your friend is charged with leaving the scene of an accident and you were in the car.

1. Which of the following things are likely to occur during the trial?
   a. The defense attorney will object to questions raised by the prosecutor.
   b. The judge will function as an impartial referee.
   c. There will be citizens on the bench with the judge who ask questions.
   d. The prosecutors will forcefully argue his position to the jury.

2. Who will determine your friend's guilt?
   a. The Judge
   b. The Judge and the citizen Judges
   c. The Jury

II. Which of the following is likely to have an adversary system?
   a. France
   b. Eastern Europe
   c. Brazil
   d. Most of Canada

III. SHORT ANSWER: Explain your choice in Question II above. Why would it be likely to have an adversary legal system?

VI. FILL IN THE BLANKS (choose either the Common Law or the Civil Law system):

1. In the _________________ system, truth is expected to emerge from examination of the evidence and interrogation of the witnesses by the presiding judge.

2. In the _________________ system, truth is expected to emerge from the conflict of opposing view from the defense and the prosecution attorneys.
# A Tale in Two Courts: Hansel and Grethel
## Role Selection Sheet

Student’s Name _______________________________

Please put your 1st and 2nd choices for roles on the sheet. Choose one role in the American Trial and one role in the Croatian Trial. (Pick a 1st and 2nd choice in each trial)

### American Trial

- ___ Dad
- ___ Snow-white Bird
- ___ Duck
- ___ Bailiff
- ___ Prosecutor
- ___ Member of the Jury
- ___ Bird’s Spokesperson
- ___ Hansel
- ___ Grethel
- ___ Judge
- ___ Council for the Defense

### Croatian Trial

- ___ Dad
- ___ Snow-white Bird
- ___ Duck
- ___ Presiding Judge
- ___ Citizen Judges 3, 4 and 5
- ___ Counsel for the Defense
- ___ Bird’s Spokesperson
- ___ Hansel
- ___ Grethel
- ___ Professional Judge 2
- ___ Prosecutor
Diagram of Courtrooms
American Trial System
Courtroom Layout

Judge

Witness

Defense

Prosecution

Other Witnesses

JURY
Croatian Trial System
Courtroom Layout

**Judicial Panel**

Presiding Judge
Professional Judge
Three Lay Judges

**Prosecution**

**Defense**

**Witness**

**Other Witnesses**

**Other Observers**
Student Handouts and Overheads

Student Handout One: The Two Major Legal Systems
The legal system used in the United States was originally developed in Great Britain and was brought to the American Colonies. It is called the “Common Law or Adversarial System.” The other major legal system was developed in continental Europe and grew out of Roman Law. It is called the “Civil Law or Inquisitorial System.” Despite the difference described below, both legal systems used today in America, Europe and most of the rest of the world are committed to the Rule of Law, and to an independent and impartial judiciary.

The following is an excerpt from *Civic Mosaic: Comparing Political Systems Around the World* by Margaret S. Branson, Center for Civic Education and is used with her permission. It will help you understand how these two legal systems differ.

“The common law system is described as an adversary system. It assumes that justice will emerge from the conflict of opposing views. Each side or the adversaries in a civil or criminal trial is expected to press its point of view as forcefully and persuasively as it can. Each side is expected to do all it can to refute the opposition’s witnesses, evidence and arguments. An adversary system assumes that judges will . . . act as referees. Truth will emerge from genuine and spirited controversy . . . (T)he jury’s major function is to serve as a trier of fact. Jurors are expected to be impartial. They are to listen to the evidence presented in a case and to decide who is telling the truth and which party deserves to win.

Civil law systems use what is called an inquisitorial procedure as opposed to an adversary procedure of the common law. Truth is expected to emerge from inquiry into the facts conducted by a judge rather than from the confrontation between defense and prosecution. In common law the judge plays a more passive role. . . In the civil law system, the judge takes the initiative conducting the case. His role is to lead the investigation, examine the evidence and interrogate the witnesses. The right to trial by jury in a criminal case is recognized in both legal systems, but the form and the role of the jury differs. In civil law systems, the jury . . . may take the form of lay advisors who sit on the bench with the judge. . . “

The Common Law System is used in many countries that were formerly part of the British Empire, such as the United States and most of Canada. The exceptions in North America are the Province of Quebec and the state of Louisiana, which use the Civil Law System. The Civil Law System is used in most countries in continental Europe, Asia, Africa and South America.

*Please note: many courts in present day continental Europe would be offended to be described as “Inquisitorial.” That term reminds them of the *Period of the Inquisition* in Europe, when the rights of many individual were violated and people were tortured and killed. They would prefer the term Civil Law System.*
Student Handout One Worksheet

Directions: Review the following statements with an assigned partner. Determine which statements identify characteristics of the Common Law System and which identify characteristics of the Civil Law System. Place a COM on the line if it’s Common Law and a CIV if it’s Civil Law.

1. ____ The judge plays a more passive role and acts as a referee.
2. ____ Truth is expected to emerge from inquiry into the facts.
3. ____ The Jury may take the form of lay advisors who sit on the bench.
4. ____ It assumes justice will emerge from the conflict of opposing views.
5. ____ This system is used in most of the world.
6. ____ Each side is expected to press its point of view.
7. ____ Juries must listen to the evidence and decide who is telling the truth.
8. ____ This system is used in countries such as Britain, America and most of Canada
9. ____ The Judge’s role is to lead the investigation, examine the evidence and interrogate the witnesses.
10. ____ Truth is expected to emerge from genuine and spirited controversy.
Student Handout II

Student's Name

Directions: You have seen and/or participated in the trial of Grethel. Your group should use the chart below to compare the two trials.

In each trial - who did what?

<table>
<thead>
<tr>
<th>Role</th>
<th>Croatia</th>
<th>U.S.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prosecuting Attorney</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Defense Attorney</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Judge</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Citizen judge (Croatia only)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jury (US only)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Witnesses</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
How was the decision on guilt or innocence reached in each system?

<table>
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</tr>
</thead>
<tbody>
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<td></td>
<td></td>
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</tbody>
</table>

Who Kept Out Unfair Information?

<table>
<thead>
<tr>
<th>Croatia</th>
<th>U.S.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

What do you consider to be the advantages and disadvantages of each system?

<table>
<thead>
<tr>
<th>Croatia</th>
<th>U.S.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Question:

Can anyone guess why Quebec and the State of Louisiana use the Civil Law/Inquisitorial System?
Don’t be confused by the term “Civil Law”

In the American Adversary Legal System, we talk about criminal law and civil law, but we are talking about types of law. In the Adversary (Common Law) System, civil law regulates legal actions between individuals. This civil law included things like torts, negligence, contracts and intellectual property.

In this activity, the “Civil Law System” refers to one of the two prominent legal systems in the world. It has a different structure and a different set of legal procedures from the American Adversary System.
A Brief History of the Two Legal Systems

$ Black’s Law Dictionary describes the Civil Law System as, “The civil law of Rome. . . originally administered in the Roman Empire and still in effect in continental Europe and most of the rest of the world.”

$ You might consider this written code of Rome as an outgrowth of the first legal code written in about 1792 B.C. in Babylon - now Iraq- by Hammurabi.

$ After the fall of the Roman Empire, most of Europe reverted to a largely unwritten system of “folk law” based on customs and moral law.

$ During the Middle Ages in Europe - beginning in about the 11th Century- there developed a new written system of both church and government laws, with professional lawyers, judges and law schools.

$ Starting with the Magna Carta in 1215 and other events in 16th Century, the Kings of England were forced to grant certain rights to citizens which led to the creation of the Common Law or Adversary System. This system was transplanted to America with the colonists.
**ANSWER SHEET FOR**

**Student Handout One Worksheet**

**Directions:** Review the following statements with an assigned partner. Determine which statements identify characteristics of the Common Law System and which identify characteristics of the Civil Law System. Place a COM on the line if it’s Common Law and a CIV if it’s Civil Law.

1. **COM** The judge plays a more passive role and acts as a referee.
2. **CIV** Truth is expected to emerge from inquiry into the facts.
3. **CIV** The Jury may take the form of lay advisors who sit on the bench.
4. **COM** It assumes justice will emerge from the conflict of opposing views.
5. **CIV** This system is used in most of the world.
6. **COM** Each side is expected to press its point of view.
7. **COM** Juries must listen to the evidence and decide who is telling the truth.
8. **COM** This system is used in countries such as Britain, America and most of Canada.
9. **CIV** The Judge’s role is to lead the investigation, examine the evidence and interrogate the witnesses.
10. **COM** Truth is expected to emerge from genuine and spirited controversy.
ANSWER SHEET: Student Handout II

Student's Name

Directions: You have seen and/or participated in the trial of Grethel. Your group should use the chart below to compare the two trials.

**In each trial - who did what?**

<table>
<thead>
<tr>
<th>Role</th>
<th>Croatia</th>
<th>U.S.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prosecuting Attorney</td>
<td>Burden of proving the states case</td>
<td>Burden of proving the states case, Argues State’s Case, tries to prevent unfavorable evidence from being considered,</td>
</tr>
<tr>
<td></td>
<td>Presents State’s Case and asks witnesses questions</td>
<td></td>
</tr>
<tr>
<td>Defense Attorney</td>
<td>Presents Defendant’s Case and asks witnesses question</td>
<td>Argues Defendant’s Case and tries to prevent unfavorable evidence from being considered, challenges other side</td>
</tr>
<tr>
<td>Judge</td>
<td>Decides facts in the case, decides guilt or innocence in case, Initiates questioning of witnesses, examines the evidence, prevents unfair questions,</td>
<td>Acts as referee between two attorneys, insures proper procedures and decorum maintained, determine whether a question or evidence is allowed, instructs the jury on law.</td>
</tr>
<tr>
<td>Citizen (lay) judge (Croatia only)</td>
<td>Asks questions of witnesses, helps Judge decide guilt or innocence in case.</td>
<td></td>
</tr>
<tr>
<td>Jury (US only)</td>
<td></td>
<td>Decides facts in the case, decides guilt or innocence in case, must be unanimous in a criminal trial</td>
</tr>
<tr>
<td>Witnesses</td>
<td>Present Testimony</td>
<td>Present Testimony</td>
</tr>
</tbody>
</table>
### How was the decision on guilt or innocence reached in each system?

<table>
<thead>
<tr>
<th>Croatia</th>
<th>U.S.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decided by Presiding Judge and (lay) Citizen Judges</td>
<td>Decided by Jury</td>
</tr>
</tbody>
</table>

### Who Kept Out Unfair Information?

<table>
<thead>
<tr>
<th>Croatia</th>
<th>U.S.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Presiding Judge</td>
<td>Attorneys, through their objections and the rulings of the Judge</td>
</tr>
</tbody>
</table>

### What do you consider to be the advantages and disadvantages of each system?

<table>
<thead>
<tr>
<th>Croatia</th>
<th>U.S.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>EXAMPLES:</strong></td>
<td><strong>EXAMPLES:</strong></td>
</tr>
<tr>
<td><strong>Advantage:</strong></td>
<td><strong>Advantage:</strong></td>
</tr>
<tr>
<td>Judge in control of what gets heard as evidence.</td>
<td>Judge seen as referee and inures proper procedures are followed by both sides. Advises Jury on the law</td>
</tr>
<tr>
<td>Judge able to search for what happened</td>
<td>Jury of 12 makes decision</td>
</tr>
<tr>
<td><strong>Disadvantages:</strong></td>
<td><strong>Disadvantages:</strong></td>
</tr>
<tr>
<td>Lay judges not random choice of people and number is fewer. Trial depends on knowledge and skill of the Judge</td>
<td>Attorneys may not be equally knowledgeable and skillful. If no objections, improper evidence may get in trial. Outcome may depend on ability of attorney to influence the jury.</td>
</tr>
</tbody>
</table>
THE TWO TRIALS
AMERICAN MOCK TRIAL

STATE OF GRIMM

v.

GRETHEL
Mock Trial Script

I. American Court System Script
(Note: Any time a lawyer addresses the judge, or speaks to the judge, as when asking the witness questions or stating an objection, the lawyer should stand to show respect for the Court.)

Bailiff: All rise, the Court is now in session, the Honorable Judge_________ (say Judge’s last name) presiding.

Judge: Please be seated. Today’s case is that of the State of Grimm versus Grethel. Grethel is being prosecuted by the State for the murder of Ms. Sweet-Tooth Witch. It is the prosecution’s burden to establish this crime beyond a reasonable doubt. Now, are there any opening statements?

Counsel for the State, Prosecutor: Yes, Your Honor. May it please the court? My name is _______ (enter actor’s name) and I represent the State in this case. We will show that Grethel knew her family was having financial troubles, so she and her brother, Hansel, set out to rob an elderly woman, Ms. Witch. In order to carry out this plan of robbing the elderly woman of her jewels, Grethel shoved the elderly woman into an oven, closed it, and let her burn to death. If you find that Grethel set out with the intent to kill Ms. Witch, or in the alternative, that Grethel set out to steal the jewels from the elderly woman and killed her in the process, then you are obligated to find her guilty of first degree murder. As the judge mentioned, it is our job to establish beyond a reasonable doubt that Grethel did in fact commit this crime, so please listen carefully to the evidence we present during this trial. Thank you for your attention.

Judge: Does the attorney for Grethel have an opening statement?

Counsel for the Defendant, Grethel: Your Honor, may it please the Court? My name is __________ (enter actor’s name) and I represent the Defendant, Grethel, in this case. We intend to show that Grethel and her brother were cast out into the treacherous woods, which lay behind their parent’s house in Deep Famine Woods, by their father and stepmother. Because these woods were so treacherous, they were not able to find their way home. In fact, they were left there to die. While they were attempting
to find their way back to their father’s house, they were lead to this old woman’s cottage. The woman was a witch. She put Hansel in a cage and required Grethel to cook food for him in order to fatten him up so that the witch could eat him. On the day that her brother was supposed to be cooked, the witch asked Grethel to climb into the stove to see if it was hot. Grethel, realizing that the witch was trying to kill her too, asked how she was supposed to climb in the oven. When the witch bent over to show her how easy it was to fit in the oven, Grethel pushed her in and rescued her brother from the cage. On their way out of the house, they noticed shiny balls that reminded them of the pebbles they used to find their way home once before, so they took some for good luck. These young children did not know the value of these pearls, so they could not have intended to steal them. We will show you that when Grethel pushed the witch into the oven she was defending the life of her brother, and possibly her own life. The judge will explain to you that not all killings are unlawful, and in fact, a person with a reasonable fear for his or her own safety or the safety of a third person by reason of the conduct of another may take reasonable steps to defend himself or herself. Where deadly force is threatened, a person may kill to defend herself or a third party. Therefore, if you find that Grethel’s actions were reasonable under the circumstances, then you cannot find her guilty of first degree murder.

Judge: The Prosecution may call its first witness.

Prosecutor: Your Honor, I call Grethel’s Dad to the stand.

Dad: (Walks to the witness chair to be sworn in.)

Bailiff: Please raise your right hand. (Dad remains standing and raises his right hand.) Do you swear or affirm that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth?

Dad: I do.

Judge: Please be seated. (Dad sits down.)

Prosecutor: Please state your name.

Dad: My name is Mr. Woodcutter, but my children call me Dad.

Prosecutor: Where do you live?

Dad: I live in Deep Famine Woods.
Prosecutor: Please describe these woods for us.

Dad: Well, I live in a location called Deep Famine Woods, and the woods that sit behind my house are very dense. Many people characterize these woods as treacherous because anyone who goes too far into the woods always finds lots of trouble.

Prosecutor: You mentioned you have children. Do you see your daughter in the courtroom today?

Dad: Yes, I do.

Prosecutor: Could you please point her out to the Court?

Dad: *(While pointing to Grethel)* That’s my daughter, Grethel, sitting at that table over there.

Prosecutor: I’d like the record to reflect that Mr. Woodcutter has identified the Defendant, Grethel. Let’s move on to March 17, 1816, the date of your first woodcutting trip with your children. Could you tell me what happened that day?

Dad: Well, my wife and I took the kids out into the woods with us that day and we left them near a fire while we went to chop wood. When we got back to the fire the children were asleep and would not wake up, so we went home and we were going to return for them later.

Prosecutor: Did you return for them later?

Dad: Well, . . . you see, we had been suffering a terrible famine, so my wife and I were very tired from chopping wood all day and not having anything to eat when we were finished, and so we fell fast asleep. To our surprise, when we awoke, the children were home.

Prosecutor: They made their way through the treacherous woods alone?

Counsel for Defendant: *(Stand up)* Objection, asked and answer, Your Honor.

Judge: I’ll allow it.

Counsel for Defendant: *(Sit down)*
Dad: Well, they were at our door when we woke, so I guess so.

Prosecutor: And just to clarify, during this famine how much food did you have for your family?

Counsel for Defendant: *(Stand up)* Objection to the relevance of this question?

Prosecutor: Your Honor, it goes to establishing the motive that the children knew their family needed money.

Judge: Overruled.

Counsel for Defendant: *(Sit down)*

Prosecutor: Thank you, Your Honor. How much food did your family have?

Dad: We had enough food for one slice of bread per person per day on good days. But that wasn’t going to last very long.

Prosecutor: No further questions, Your Honor.

Judge: Defense counsel would you like to question Mr. Woodcutter?

Counsel for Defendant: Yes, Your Honor. Thank you. Why, on March 17, 1816, did you lead your young children out into the woods and leave them there?

Dad: It wasn’t my idea.

Counsel for Defendant: Whose idea was it?

Dad: Well, my wife said… *(Being cut off by the Prosecutor)*

Prosecutor: Objection, Your Honor. This is hearsay.

Counsel for Defendant: Your Honor, Mr. Woodcutter’s wife is deceased. This witness is clearly unavailable and it goes to her state of mind.

Judge: Mr. Woodcutter, you may proceed. Please answer the question.
Dad: My wife told me that if we didn’t get rid of the children we would all starve to death. I began to realize that she was right. I thought the children would meet an easy death in the woods. (Looking at Grethel) I’m so sorry, Honey.

Counsel for Defendant: Mr. Woodcutter, didn’t you frequently have to stop and wait for your son to catch up with you when you walked into the woods?

Dad: Yes, he was saying goodbye to his white cat.

Counsel for Defendant: Do you have a white cat?

Dad: Well, no we don’t.

Counsel for Defense: Was your son trying to remember his way home?

Prosecutor: Objection, calls for speculation, Your Honor. He can’t know what his son was thinking.

Judge: Sustained.

Counsel for Defense: Did your son return home?

Dad: They did find their way home on their own.

Counsel for Defendant: On April 5, 1816, did you attempt to leave them in the woods a second time?

Dad: It seemed like the famine was ending, but then it became much worse, so a few weeks after we left them in the woods, I believe it was April 5, 1816, we led them out into the woods again.

Counsel for Defendant: Did they find their way home that time?

Dad: It wasn’t until April 19, 1816 when my children returned home.

Counsel for Defendant: I have no further questions, Your Honor.

Judge: Mr. Woodcutter, you may be excused. Please return to your seat.
Prosecutor: For my next witness, the state calls Snow-white Bird to the stand.

Snow-white Bird: (Walks to the Bailiff.)

Bailiff: Please raise your right wing. (Snow-white Bird raises right wing.) Do you swear or affirm that the testimony that you give today is the truth and nothing but the truth?

Snow-white Bird: I do. (Sits down.)

Prosecutor: Please state your name.

Snow-white Bird: Snow-white Bird.

Prosecutor: Where do you live?

Snow-white Bird: I live in the woods that are really treacherous. I think the place is called Deep Famine Woods.

Prosecutor: What happened on April 5, 1816, the Year without a Summer?

Snow-white Bird: Oh, it was a year without a summer. There was a horrible widespread famine throughout Europe that year. Anyhow, that day in particular, I was flying about when I noticed two children wandering about in the woods.

Prosecutor: What happened when you saw these children?

Snow-white Bird: Well, they looked very skinny and hungry. I also noticed that they looked like they were lost.

Counsel for Defense: Objection, Your Honor. How can Mr./Ms. Bird know what state the children were in?

Prosecutor: Your Honor, Mr/Ms. Bird is just stating what she observed.

Judge: Sustained. Let’s stick to your actual observations, Ms. Bird.

Prosecutor: After you saw the skinny children what did you do?
Snow-white Bird: I didn’t think the children noticed me, so I began to sing them a song.

Prosecutor: Why did you do that?

Snow-white Bird: They were very close to Ms. Sweet-Tooth Witch’s house, and she always gave me food, so I thought she would feed the children.

Prosecutor: And the children followed you to her house, didn’t they?

Counsel for Defense: Objection, he is leading the witness.

Prosecutor: I’ll rephrase. What did the children do next?

Snow-white Bird: They followed me all the way to Ms. Sweet-Tooth Witch’s house.

Prosecutor: Did you see what happened when they arrived?

Snow-white Bird: Yes. Ms. Sweet-Tooth Witch took them inside and led them to a table topped with milk, and pancakes with sugar, apples, and nuts.

Prosecutor: No further questions, Your Honor.

Judge: Does the defense have any questions for this witness?

Counsel for Defendant: Yes. Thank you, Your Honor. Ms./ Mr. Bird, is this the first time you led children to Ms. Witch’s house?

Prosecutor: Objection, relevance.

Counsel for Defendant: I will make the connection, Your Honor.

Judge: I’ll allow it, so long as there is a connection.

Snow-white Bird: No.

Counsel for Defendant: And how many times have you lead children to Ms. Witch’s house?
Snow-white Bird: Prior to this time, five times.

Counsel for Defendant: You never saw any of those children leave, did you?

Snow-white Bird: No, but I wasn’t there all… (being cut-off by attorney)

Counsel for Defendant: Your Honor, would you please direct the witness to limit her/his answer to a simple yes or no is sufficient.

Judge: Yes or no, Mr./ Ms. Bird?

Snow-white Bird: No.

Counsel for Defendant: I have no further questions for this witness, Your Honor.

Judge: Snow-white Bird, you may step down and return to your seat. (Snow-white Bird returns to his seat.) Any other witnesses, Mr./ Ms. - _______ (insert last name of attorney for the State.)

Prosecutor: Yes, one more, Your Honor. I call Mr./Ms. Duck to the stand.

Duck: (Raises and walks to the stand.)

Bailiff: Please raise your right wing. (Duck raises his right wing.) Do you swear or affirm that the evidence that you are about to give is the truth, the whole truth, and nothing but the truth?

Duck: I do. (Sits down.)

Prosecutor: Please state your name.

Duck: Mr./ Ms. Duck.

Prosecutor: Where do you live?

Duck: I reside on the river in Deep Famine Woods.

Prosecutor: What did you observe on April 19, 1816?
Duck: I was approached by two young children who needed help getting across the river.

Prosecutor: Do you see one of those children in the courtroom today?

Duck: Yes, she is sitting over there. (Points to Grethel.)

Prosecutor: I’d like the record to reflect Mr. Duck has identified the Defendant, Grethel. Mr./ Ms. Duck, did you help the children get across the river?

Duck: Yes, I did.

Prosecutor: Please tell us about that.

Duck: Well, you see, I am just a little duck, so I had to take them one at a time.

Prosecutor: And what, if anything, did you see when you carried the children across the river?

Duck: I saw their pockets and hands filled with expensive jewels.

Counsel for Defendant: Objection, Your Honor. This witness is not an expert on fine jewels.

Judge: Mr./ Ms. Duck please limit your response to your actual knowledge.

Duck: Very well, Your Honor. I observed both children with pockets full of white stones.

Prosecutor: I have no further questions for this witness.

Judge: Mr./Ms. __________ (Enter name of attorney for Defendant), do you have any questions for this witness?

Counsel for Defendant: No, Your Honor. We do not.

Judge: Thank you, Mr./ Ms. Duck. You may take your seat.
Prosecutor: The State rests, Your Honor.

Judge: Very well. Mr./Ms. ________ (Enter name of attorney for Defendant), please call your first witness.

Counsel for Defendant: Thank you, Your Honor. I call the spokesperson of the birds to the stand.

Birds’ Spokesperson: Rise and walk to the stand.

Bailiff: Please raise your right wing. (Birds’ Spokesperson raises his/her right wing.) Do you swear or affirm that the evidence that you are about to give is the truth, the whole truth, and nothing but the truth?

Birds’ Spokesperson: I do. (Sit down.)

Counsel for Defendant: Please state your name for the record.

Birds’ Spokesperson: I am the spokesperson for the group known as The Birds.

Counsel for Defendant: Where do you live?

Birds’ Spokesperson: We all live in these treacherous woods called Deep Famine Woods.

Counsel for Defendant: What happened on April 5, 1816?

Birds’ Spokesperson: That day we had a lot of luck. We noticed little white specs on the ground.

Counsel for Defendant: What did these white specs turn out to be?

Birds’ Spokesperson: They were pieces of white bread, so we ate until our stomachs were full.

Counsel for Defendant: Did you leave any bread behind?

Birds’ Spokesperson: No, we were quite hungry. We ate all of the bread and didn’t leave a crumb.
Counsel of Defendant: At any other time did you find anything on this path?

Birds’ Spokesperson: A few weeks before we found the bread, I think it was March 17, 1816, we found pebbles, but they aren’t good for eating.

Counsel for Defendant: No further questions.

Judge: Mr./Ms. ________ (insert last name of attorney for the State), do you have any questions for this witness.

Prosecutor: Yes, Your Honor, thank you. Birds’ Spokesperson, did you see who left his bread?

Birds’ Spokesperson: No.

Prosecutor: Did you find bread on any other day?

Counsel for Defendant: Objection, asked and answered.

Prosecutor: I’ll rephrase. Other than March 17th and April 5th, the days you saw the pebbles and ate the bread, was there ever any other white specs of any kind on the path?

Birds’ Spokesperson: No.

Prosecutor: I have no further questions for this witness.

Judge: Birds’ Spokesperson, you may step down and take your seats. Mr./Ms. ________ (Enter name of attorney for Defendant), please call your next witness.

Counsel for Defendant: We call Hansel to the stand.

Hansel: (Walk to the stand.)

Bailiff: Please raise your right hand. (Hansel raises his right hand.) Do you swear or affirm that the evidence that you are about to give is the truth, the whole truth, and nothing but the truth?

Hansel: I do. (Sits down.)
Counsel for Defendant: Please state your name for the record.

Hansel: Hansel Woodcutter.

Counsel for Defendant: Where do you live?

Hansel: I live in Deep Famine Woods with my dad.

Counsel for Defendant: What happened on March 17, 1816, the first time your parents led you into the treacherous woods?

Hansel: Grethel and I heard their plan the night before… (Cut-off by Prosecutor)

Prosecutor: Objection! Hearsay.

Counsel for Defendant: Your Honor, Hansel has not testified as to what he heard only that he did hear something.

Judge: (to Hansel) Limit your answer to your own actions, so far your answer is fine. Objection overruled.

Counsel for Defendant: Please continue Hansel.

Hansel: Well, Grethel was scared and crying so I told her not to cry and that I would help her. I ran off and gathered pebbles that were outside our door.

Counsel for Defendant: Why did you do that?

Hansel: I took the pebbles so that I could mark our path. That way we could find our way back home.

Counsel for Defendant: Did you find your way back home?

Hansel: Yes. When the moon came out, we could see the shiny white pebbles and we followed them home.

Counsel for Defendant: What happened on April 5, 1816, the next time you were led out into the treacherous woods?
Hansel: I couldn’t get any pebbles because the door was locked, so I broke the piece of bread I was given into little pieces in order to mark the path.

Counsel for Defendant: Did this plan work?

Hansel: No, the bread was gone.

Counsel for Defendant: What did you do next?

Hansel: Grethel and I were scared. We tried to find our way home, but we were lost. Then we heard this beautiful song being sung by a snow-white bird, so we followed it. It led us to a house made of gingerbread.

Counsel for Defendant: What happened when you got to the house?

Hansel: Well we were so hungry, so we began to eat pieces of the house. Then an old lady came outside and took us in and fed us.

Counsel for Defendant: Tell us about this lady.

Hansel: She turned out to be a witch. The second day we were there she locked me in a cage and she made my sister, Grethel, help her make meals to feed me so that I would get fat, so that she could eat me!

Counsel for Defendant: Did she tell you how fat she wanted you to be?

Hansel: No.

Counsel for Defendant: How did she determine how fat your were?

Hansel: Each day after she fed me, she would check to see how fat I was getting. She made me stick out my finger and she’d feel it. The witch couldn’t see very well, so I started sticking out this chicken bone that my sister and I had saved from one of my meals, so she’d think I was staying skinny. Then she would have to feed me longer, instead of cooking me.

Counsel for Defendant: How long were you kept in the cage?

Hansel: I was in there for days.

Counsel for Defendant: How did you get out?
Hansel: On the morning that the witch was preparing to eat me, Grethel ran to the cage and let me out. I think it was April 19, 1816 when we made our escape.

Counsel for Defendant: I have no further questions.

Judge: Mr./ Ms. ________ (insert last name of attorney for the State), do you have any questions for this witness.

Prosecutor: Yes, thank you. Hansel, you said the witch couldn’t see very well, so why didn’t you sneak out during the day?

Hansel: The witch had me locked in a cage and she had my sister by her side all day. She always knew right where we were. We couldn’t run away.

Prosecutor: Isn’t it true that you took white jewels with you when you ran out of Ms. Sweet-Tooth Witch’s house?

Hansel: Yes. I thought they looked like… (Cut-off by Prosecutor)

Prosecutor: Your Honor, please direct the witness to keep answer to a simple yes or no.

Judge: Yes or no, Hansel?

Hansel: (With is head down.) Yes.

Prosecutor: I have no further questions, Your Honor.

Judge: Hansel, you may step down and take your seat. Mr./Ms. ________ (Enter name of attorney for Defendant), please call your next witness.

Counsel for Defendant: For my final witness, I call Grethel to the stand.

Grethel: (Walk to the stand.)

Bailiff: Please raise your right hand. (Grethel raises her right hand.) Do you swear or affirm that the evidence that you are about to give is the truth, the whole truth, and nothing but the truth?
Grethel: I do. (Sits down.)

Counsel for Defendant: Please state your name for the record.

Grethel: Grethel Woodcutter.

Counsel for Defendant: Where do you live?


Counsel for Defendant: What happened on April 19, 1816?

Grethel: That was the morning my brother and I left the witch’s house. That morning she told me that… (Being cut-off by the Prosecutor)

Prosecutor: Objection. Hearsay.

Counsel for Defendant: Your Honor, this witness is unavailable and it goes to my client’s state of mind.

Judge: Overruled. Grethel, you may answer.

Grethel: She told me that she was going to cook and eat my brother, Hansel, and that I had to get her water and help her with the meal.

Counsel for Defendant: How did this make you feel?

Grethel: I was scared and very sad. I thought if we had never found this old witch at least we would have died together in the woods.

Counsel for Defendant: Why did you believe the witch?

Grethel: Well, the second day we were at her house she locked my brother in a cage and made him stay there the rest of the time.

Counsel for Defendant: Did she do anything else?

Grethel: Yes, she told me...

Prosecutor: Objection, hearsay.
Counsel for Defendant: Your Honor, you have already ruled on this matter.

Judge: That’s correct. Overruled.

Grethel: She made me help her feed my brother. She said she was fattening him up to eat him. We tried to trick her by holding out a chicken bone instead of his finger.

Counsel for Defendant: Tell us more about the day the witch was preparing to eat your little brother.

Grethel: Well after we had the water on the stovetop, the witch turned on the oven. She asked me to climb inside to check the temperature.

Counsel for Defendant: Did you climb inside?

Grethel: No, I realized that she actually going to kill me too, so I told her I didn’t know how to climb in the oven.

Counsel for Defendant: What happened next?

Grethel: The witch was mad. She said that the opening was plenty big enough for me to fit inside. She bent down to show me how to get in the oven.

Counsel for Defendant: What did you do next?

Grethel: When she was bent over, I realized it was either her or me, so I pushed her in and shut the door. Then I ran to let my brother out of the cage.

Counsel for Defendant: What happened then?

Grethel: My brother and I hugged each other and cried. We realized that we weren’t going to die after all.

Counsel for Defendant: Then what happened?

Grethel: We wanted to try to find our way home. We knew the witch had white pebbles in buckets all over the house, so we gathered as many of them up as we could and we headed home.
Counsel for Defendant: Why did you take the jewels?

Grethel: I didn’t know they were jewels. They just looked like the grandest pebbles I ever saw, and the pebbles helped us find our way home the first time, so we thought they’d be good luck for this trip home.

Counsel for Defendant: Did you find your way home?

Grethel: Yes, we did. Our dad was so happy.

Counsel for Defendant: No further questions, Your Honor.

Judge: Mr./ Ms. ________ (insert last name of attorney for the State), do you have any questions for this witness.

Prosecutor: Yes, thank you, Your Honor. Grethel, when did you notice these white jewels?

Grethel: We saw the jewels as soon as we entered the house. The witch had buckets of them all over.

Prosecutor: And these jewels interested you when you first saw them?

Grethel: Well, I thought they were pebbles, but yes, they interested me.

Prosecutor: Isn’t it true that you knew your family was in financial difficulty?

Grethel: Yes, but everyone was.

Prosecutor: And in fact, you only had a piece of bread to eat per day.

Grethel: That’s correct.

Prosecutor: I bet you could buy a lot of bread with those jewels you took.

Counsel for Defendant: Objection!

Prosecutor: I’ll withdrawal my last question.

Judge: (Looking at the jury) The jury will disregard the prosecutor’s last statement. (Turning towards the attorney) Please proceed.
Prosecutor: How long were you in Ms. Sweet-Tooth Witch’s house?

Grethel: It had to be weeks. Probably close to two weeks. Yes, it was two weeks- April 5th until April 19, 1816.

Prosecutor: How long were you in the woods before you found Ms. Sweet-Tooth Witch’s house?

Grethel: We were in the woods for thirteen hours.

Prosecutor: So you had plenty of time to think of way to help your family out of the famine, didn’t you?

Counsel for Defendant: Objection!

Judge: I’ll allow it.

Grethel: I was just trying to find my way home. I wasn’t thinking about anything else.

Prosecutor: Weren’t you thinking of how hungry you were?

Grethel: Well, yes.

Prosecutor: I have no further questions.

Counsel for Defendant: Our case rests, Your Honor.

Judge: Grethel, you may step down and take your seat. Mr./Ms. __________ (Enter name of attorney for Prosecution), are you prepared to give a closing statement?

Prosecutor: I am, Your Honor.

Judge: You may proceed.

Prosecutor: Ladies and gentlemen of the jury, you have just heard evidence that establishes the State’s case. You heard Grethel’s dad testify that their family was suffering from financial difficulties. Grethel had a desire to save her family, and would steal to help her dad. Ms. Snow-white Bird told you that she led the children to Ms. Sweet-Tooth Witch’s house and watched her take good care of the children. In fact, Grethel, herself,
admitted that she was at Ms. Witch’s house for a period of two weeks. That gave Grethel plenty of time to form the intent to steal the jewels. Grethel even stated that she noticed the jewels as soon as she entered the house. Mr./Ms. Duck told you that he saw the children fleeing from the area with the jewels.

In order to find Grethel guilty, you do not need to find that she intended to kill Ms. Sweet-Tooth. If you find that Grethel had an intent to steal the jewels, and in order to accomplish this goal she killed the witch, then you can find her guilty of murder. Thank you for your time and attention.

Judge:  Mr./Ms. __________ (Enter name of attorney for Defendant), are you prepared to give a closing statement?

Counsel for Defendant:  Yes, thank you, Your Honor.  (Turning to the jury) Good afternoon ladies and gentlemen of the jury. Thank you for your patience and for listening to the evidence. I would like to have your attention for just a few more moments. A person is not guilty of murder if she reasonably fears that her own life is in danger or the life of a third person. Grethel had spent two weeks with a witch who was using Grethel to help her fatten up her own brother. The witch told the children that she intended to cook and eat him. Grethel, for two weeks, watched her brother who was locked in a cage get examined for “thickness” by the witch. Then the day came when the witch asked her to climb in the hot oven to see if it was hot enough. It is a miracle that Grethel didn’t start screaming, but instead kept her cool and decided to save her own life and the life of her brother. Grethel did not enter the house with intent to steal jewels. She and Hansel were taken in by the witch and fed. They did not know the value of the jewels they took with them when they left. They took the jewels because they reminded them of the pebbles that led them home the first night they were left in the woods. Grethel should be considered a hero, not a murderer, she not only saved her life, but her brother’s as well.

Judge:  Members of the jury, thank you for your time and attention. At this time I will restate the law to you. You will then retire into the jury deliberation room. This is where you will remain until you reach a unanimous verdict. If you have questions about the law, you may give them to the bailiff who will direct the questions to me. The law states that in order for someone to be found guilty of first degree murder that person must have formed an intent to kill a person before taking such action that led to such person’s death. A person can also be found guilty for first degree felony murder, if the person entered the dwelling of another with the intent to steal and killed another in the process of the stealing. A
defendant may claim that they were acting in self-defense or defense of a third person, as the defendant claims in this case, if a reasonable person would fear that their life or the life of another was in imminent danger. Please take your time when considering all of the evidence. You may now retire to the jury room.
CROATIAN MOCK TRIAL

DISTRICT OF GRIMM

v.

GRETHEL
II. Croatian Mock Trial Script

Because this is a murder trial, there will be five people on the judicial panel: the Presiding Judge, a second professional Judge and three citizen (lay) Judges. Other criminal trials would have only a panel of three with one Presiding Judge and two citizen (lay) Judges.

(Note: Any time a lawyer addresses the judge, or speaks to the judge, as when asking the witness questions or stating an objection, the lawyer should stand to show respect for the Court.)

Presiding Judge: Good morning. The Prosecution filed the indictment against Grethel Woodcutter for the offense of murder. The panel of judges presiding on this case consists of (lady or gentlemen) judges, (enter name of judges), and a professional judge (enter name). My name is (insert name of the judge). Do the attorneys have any objections to the composition of the bench?

Prosecutor: (Stand up) No, Your Honor. (Sit down)

Presiding Judge: (To defense counsel) And do you?

Counsel for Defendant: (Stand up) No, Your Honor. (Sit down)

Presiding Judge: The Court is rendering the ruling that today’s public trial shall be held because all legal prerequisites are fulfilled. We shall also have to determine which persons are here, - so is the defendant is here?

Defendant: (Raise hand)

Presiding Judge: And Mr. Woodcutter is here? Please raise you hand so I can see you. And Snow-white Bird is here? Thank you. And Mr./ Ms. Duck is here? Thank you. And the Birds’ Spokesperson is here? Thank you. And Hansel Woodcutter is here? Thank you. So everyone is here. So now, we will first have to determine the identity of the accused person, so will the Defendant come and sit here? Thank you. Will you tell us your name and surname?

Defendant: Grethel Woodcutter.

Presiding Judge: Do you have any nickname?
Grethel: No.

Presiding Judge: What is the name of your father? What is your mother’s name?

Grethel: Mr. Woodcutter, and I have no mother.

Presiding Judge: Date and place of birth? Address? Nationality?


Presiding Judge: What is your occupation?

Grethel: I am just a little girl who lives with her dad in Deep Famine Woods.

Presiding Judge: Do you have any assets?

Grethel: No.

Presiding Judge: Are you married? Do you have children?

Grethel: No.

Presiding Judge: What is your educational background?

Grethel: My dad teaches me things at home.

Presiding Judge: Do you serve in the army?

Grethel: No.

Presiding Judge: Do you have any decoration from the military?

Grethel: No.

Presiding Judge: Thank you, you may sit down. The witnesses shall now be removed from the court room. We will proceed with the trial. The public trial begins with the reading of the indictment.

Prosecutor: I’ll be reading the indictment.
Presiding Judge: The Defendant will stand. Proceed.

Prosecutor: The indictment v. Grethel Woodcutter. Grethel’s family was having financial troubles, so she sought out an elderly woman so that she could steal her jewels and her family could be rich. On April 19, 1816, while attempting to steal this woman’s jewels, she pushed the elderly women into the stove, killing her. Therefore, she committed the crime of murder as proscribed by Article 90 of the Croatian Criminal Code.

Presiding Judge: Thank you, you may sit down. (To Defendant) Do you understand the charge?

Grethel: Yes, Your Honor.

Presiding Judge: You have heard and understand the charge against you. You will have an opportunity to be heard on all incriminating facts and evidence and to present all facts and evidence favorable to you. You do not need to testify or answer any questions. You have the right to defend yourself in person or to be assisted by a defense counsel. Since you have a defense counsel, I assume you will defend yourself with the presence of defense counsel, is that correct?

Grethel: Yes, Your Honor.

Presiding Judge: Now we are at the part of the trial where you are to enter your plea. Under Croatian law, there are three types of pleas. First, you can say that you are guilty. Second, you can say that you are not guilty. Or you may remain silent. If you remain silent, we will assume that you are pleading not guilty. Your plea is not evidence. It just determines the course of the trial. If you plead guilty, you will be questioned at the beginning of the trial. If you pleading not guilty, you will be questioned at the end of the trial. Do you understand that?

Grethel: Yes, Your Honor.

Presiding Judge: What is your plea?

Grethel: Not guilty.

Presiding Judge: Let the record will show that the Defendant has pleaded not guilty. Thank you.
Presiding Judge: Now we will hear the proposal of the evidence and we will hear first from the Prosecution. So please tell us what evidence you will present and for what purpose this evidence is being presented.

Prosecution: The Prosecution will be calling three witnesses: Mr. Woodcutter in order to establish that the Woodcutter’s were having financial difficulties; Snow-white Bird to show that Grethel did arrive at Ms. Sweet-Tooth Witch’s house and that Ms. Witch treated her well; and finally, Mr./Ms. Duck to establish that Grethel was fleeing from the crime scene with the stolen goods.

Presiding Judge: Thank you. Will the defense please?

Counsel for Defense: Yes, Your Honor. We also have three witnesses: The Bird’s Spokesperson to show that the children took steps to find their way home by leaving bread to mark their path; Hansel will tell us that he tried to find his way home but ended up at the witch’s house and she was going to eat him; and finally, Grethel will tell us that it was not her intent to kill the witch, but the witch was going to kill her so she acted in self-defense in order to save herself and her brother; therefore, she is not guilty of murder.

Presiding Judge: Are you opposing any evidence offered by the Prosecution?

Counsel for Defense: No, Your Honor.

Presiding Judge: (To Prosecutor) Do you agree to the evidence offered by the Defense?

Prosecutor: We agree, Your Honor.

Presiding Judge: Thank you very much. The Court is ready for ruling the prepared evidence is accepted for presentation. We are now transferring to the presentation of evidence and first we will hear from the Prosecution witness- (To Prosecutor) Who would you like to call?

Prosecutor: We would like to call Mr. Woodcutter first.

Presiding Judge: (To the witness) Please approach the witness chair.

Dad: (Walks up to the table facing the panel of judges and takes a seat.)
Presiding Judge: What is your name and sir name?

Dad: Mr. Woodcutter.

Presiding Judge: Father’s name?

Dad: Mr. Woodcutter, Senior.

Presiding Judge: Date, month, and year of birth.

Dad: I was born on June 13, 1784 in Chris, Grimm.

Presiding Judge: What is your occupation and residence? And relation to the Defendant.

Dad: I am a woodcutter. I live in Deep Famine Woods. She is my daughter.

Presiding Judge: As a close Relative of the defendant, you are not required to testify. Do you want to continue?

Dad: Yes, your honor.

Presiding Judge: You shall be heard as a witness and you have a duty to tell the truth and to present everything known to you relating to the case. Making a false testimony is a criminal offense. You are not under duty to answer particular questions if it is likely that the answer would expose you or your close relatives to serious disgrace, considerable damage or criminal prosecution. Do you understand that?

Dad: I understand.

Presiding Judge: You may proceed.

Prosecutor: Mr. Woodcutter, was your family in financial trouble when your children disappeared?

Dad: Yes, the whole area was suffering from the famine. It was known as the year without a summer.

Prosecutor: How much food did your children get to eat a day?

Dad: On good days, they would each get a slice of bread.
Prosecutor: Why did you leave your children in the woods?

Dad: I had no way to feed them. I thought they would be better off.

Prosecutor: Did you hope someone would take them in?

Presiding Judge: Mr./Ms. ________ (Insert name of the Prosecutor), your questioning, in regards to this witness, should serve only as a means to discover why Miss Woodcutter ended up where she did and why she may have committed the crimes alleged, not to remind the father of his negligence. Mr. Woodcutter, you do not have to answer that question.

Prosecutor: Thank you, Mr. Woodcutter. Thank you, Your Honor. I have no further questions.

Presiding Judge: Thank you. (Turns to Counsel for Defense)

Counsel for Defendant: Thank you, Your Honor. (Turn to witness) How old are your children?

Dad: Hansel is four and Grethel is only six.

Counsel for Defendant: Did the children know how to fend for themselves?

Presiding Judge: Counsel, you are venturing on thin ice. What is your intention with this line of questioning?

Counsel for Defendant: I'm trying to establish that the children could not care for themselves.

Presiding Judge: Mr. Woodcutter, you may answer the question.

Dad: No. They couldn't even reach the lock our front door. We did everything for them.

Counsel for Defendant: Why did you leave your children in the woods?

Dad: My wife suggested the idea to me. She made me realize that we would all starve to death.

Counsel for Defendant: Did you think you had enough food to feed you and your wife?
Dad: No, we just thought that the children’s death would be less painful in the woods.

Counsel for Defense: How so?

Dad: Well instead of starving to death over a long period of time, I thought an animal would kill them quickly and without pain.

Counsel for Defense: Thank you, Your Honor. I have no further questions.

Presiding Judge: Tell me about your daughter?

Dad: She is a very good child and has never caused any trouble for me. She is only six years old.

Presiding Judge: Does she know what it means to die?

Dad: I think she has an idea of what dying means. We have talked about it, because we hardly had enough food to stay alive.

Presiding Judge: How did you feel when you left your children in the woods?

Dad: I felt horrible.

Presiding Judge: Did you ever return for your children?

Dad: No.

Presiding Judge: Did your children find their way home?

Dad: On March 17, 1816, the first time I left them in the woods, they returned home.

Presiding Judge: How long was it before you left them in the woods again?

Dad: It had to be a few weeks. It seemed as if the famine may go away, but then it became worse, and we hardly had enough food for one person. I think it was April 5, 1816 when we led them into the woods again.
Presiding Judge: What happened this time?

Dad: They were gone for two weeks before they returned home on April 19, 1816.

Professional Judge 2: I have a question. Did you ask your children to look for food or money for you?

Dad: No, my wife just told them to take a nap and that we would be back for them.

Presiding Judge: Any other question for the witness?

Judges: No, Your Honor.

Prosecutor: No, Your Honor.

Counsel for Defense: No, Your Honor.

Presiding Judge: Do you have anything else to add?

Dad: Yes, just that my daughter is a good child, Your Honor.

Presiding Judge: Thank you, you may leave. Call your next witness.

Prosecutor: Snow-white Bird, please come forward.

Snow-white Bird: (Approach the stand.)

Presiding Judge: What is your name and surname?

Snow-white Bird: Snow-white Bird.

Presiding Judge: Father’s name?

Snow-white Bird: Winter-white Bird.

Presiding Judge: Date, month, and year of birth.

Snow-white Bird: I was born on February 27, 1806 in Chris, Grimm.

Presiding Judge: What is your occupation and residence? And relation to the Defendant.
Snow-white Bird: I am a musical bird and I live in Deep Famine Woods which are very treacherous. I am not related to the Defendant.

Presiding Judge: You shall be heard as a witness and you have a duty to tell the truth and to present everything known to you relating to the case. Making a false testimony is a criminal offense. You are not under any duty to answer particular questions if it is likely that the answer would expose you or your close relatives to serious disgrace, considerable damage or criminal prosecution. Do you understand that?

Snow-white Bird: Yes.

Presiding Judge: You may proceed.

Prosecutor: What did you see in the woods on April 5, 1816?

Snow-white Bird: Well, I saw these skinny children roaming about so I began to sing a song so that they would follow me to Ms. Sweet-Tooth’s house.

Prosecutor: What happened when they arrived at Ms. Sweet-Tooth’s house?

Snow-white Bird: She took them in and fed them a marvelous meal.

Prosecutor: I have no further questions.

Presiding Judge: Thank you. (Turns to Counsel for Defense)

Counsel for Defendant: Thank you, Your Honor. (Turn to witness) Did you lead children to the witch’s house before?

Presiding Judge: Counsel, Snow-white Bird is not on trial here. Why are you starting with this question?

Counsel for Defendant: I am trying to establish a pattern. To put it bluntly, I believe that Snow-white Bird intentionally led children to the witch’s house to be eaten. It is essential for establishing our self-defense claim.

Presiding Judge: You may answer the question. Did you lead children to Ms. Sweet-Tooth’s house on prior occasions?

Snow-white Bird: Yes.
Counsel for Defendant: Did any of those children ever leave her house?

Snow-white Bird: Well, I don’t know.

Counsel for Defendant: Did you ever see any of those children leave her house?

Snow-white Bird: No.

Counsel for Defendant: I have no further questions.

Professional Judge 2: Why did Ms. Sweet-Tooth Witch allow you to eat her roof?

Snow-white Bird: I suppose it was because she enjoyed my singing.

Presiding Judge: Did she let you feed on her roof before you brought her children?

Snow-white Bird: No, but that doesn’t mean anything. She was doing those kids a favor. She was feeding them during the year without a summer, when no one had any food.

Presiding Judge: How many times did you lead children to her house?

Snow-white Bird: Maybe five times.

Presiding Judge: And you never saw any of those children leave her house?

Snow-white Bird: No.

Professional Judge 2: Did you ever think of waiting to see if they would leave the house?

Snow-white Bird: It looked like they were being cared for so I didn’t wait around from them to leave.

Presiding Judge: Any other question for the witness?

Judges: No, Your Honor.
Prosecutor: No, Your Honor.

Counsel for Defense: No, Your Honor.

Presiding Judge: Do you have anything else to add?

Snow-white Bird: No, Your Honor.

Presiding Judge: Thank you, you may leave. Call your next witness.

Prosecutor: Mr./Ms. Duck, please come forward.

Mr./Ms. Duck: (Approach the witness stand.)

Presiding Judge: What is your name and surname?

Mr./Ms. Duck: Mr./Ms. Duck

Presiding Judge: Father’s name?

Mr./Ms. Duck: Mr. Duck, Senior.

Presiding Judge: Date, month, and year of birth.

Mr./Ms. Duck: I was born on August 22, 1808 in Chris, Grimm.

Presiding Judge: What is your occupation and residence? And relation to the Defendant.

Mr./Ms. Duck: I am a swimming bird. I help animals cross the river. I live in Deep Famine Woods which are very treacherous. I am not related to the Defendant.

Presiding Judge: You shall be heard as a witness and you have a duty to tell the truth and to present everything known to you relating to the case. Making a false testimony is a criminal offense. You are not under any duty to answer particular questions if it is likely that the answer would expose you or your close relatives to serious disgrace, considerable damage or criminal prosecution. Do you understand that?

Mr./Ms. Duck: Yes.

Presiding Judge: You may proceed.
Prosecutor: When did you meet the Defendant?

Mr./Ms. Duck: I met her on April 19, 1816, the day she was trying to cross the river.

Prosecutor: What were her mannerisms when the meeting occurred?

Mr./Ms. Duck: She and the boy seemed to be in a hurry, but she waited on the river’s edge while I carried the boy to the other side and then I returned for her.

Prosecutor: Was there anything else special about these children?

Mr./Ms. Duck: I did notice that they were carrying spectacular jewels. I had wondered why such young children had so many jewels.

Prosecutor: I have no further questions.

Presiding Judge: Thank you. (Turns to Counsel for Defense) You may question the witness.

Counsel for Defendant: Thank you, Your Honor. (Turn to witness) How long does it take you to cross the river?

Mr./Ms. Duck: About five minutes.

Counsel for Defendant: When Grethel waited for you to carry her brother to the other side of the river and then return for her, how long did she have to wait?

Mr./Ms. Duck: Well, it would take me ten minutes to swim back and forth across the river.

Counsel for Defendant: If she was running from something, wouldn’t she have ridden across the river first?

Presiding Judge: Counsel, that calls for speculation. That is not a proper question for this witness. Mr/Ms. Duck cannot attest to what Miss Woodcutter would have done.

Counsel for Defendant: I have no further questions.
Professional Judge 2: Did the children seem like they were in a hurry?

Mr./Ms. Duck: They ran up to the river quickly, but they seemed composed when they asked me for a ride across the river. So I guess they weren’t in too much of a hurry.

Citizen Judge 3: Were the children holding on to the jewels carefully?

Mr./Ms. Duck: Not exactly, they were in a hurry so they were not too concerned about the jewels.

Presiding Judge: What makes you think they were not concerned about the jewels?

Mr./Ms. Duck: If those were my jewels, I would leave them at home or hang onto them very tightly if I had to move them.

Citizen Judge 4: Had you seen these children before?

Mr./Ms. Duck: No, that was the only time I saw the children.

Presiding Judge: Any other question for the witness?

Judges: No, Your Honor.

Prosecutor: No, Your Honor.

Counsel for Defense: No, Your Honor.

Presiding Judge: Do you have anything else to add?

Mr./Ms. Duck: No, Your Honor.

Presiding Judge: Thank you, you may step down.

Presiding Judge: Now we will hear the evidence from the Defense.

Counsel for Defense: Thank you. The Defense would like to call Birds’ Spokesperson.

Presiding Judge: Birds’ Spokesperson, please come forward.

Birds’ Spokesperson: *(Approach the stand.)*
Presiding Judge: What is your name and surname?

Birds’ Spokesperson: I am known as the Birds’ Spokesperson.

Presiding Judge: Father’s name?

Birds’ Spokesperson: Mr. Spokesperson.

Presiding Judge: Date, month, and year of birth.

Birds’ Spokesperson: I hatched on November 10, 1809 in Chris Grimm.

Presiding Judge: What is your occupation and residence? And relation to the Defendant.

Birds’ Spokesperson: I speak on behalf of a flock of birds. We live in the treacherous, Deep Famine Woods. We are not related to the Defendant.

Presiding Judge: You shall be heard as a witness and you have a duty to tell the truth and to present everything known to you relating to the case. Making a false testimony is a criminal offense. You are not under any duty to answer particular questions if it is likely that the answer would expose you or your close relatives to serious disgrace, considerable damage or criminal prosecution. Do you understand that?

Birds’ Spokesperson: Yes.

Presiding Judge: You may proceed.

Counsel for Defendant: Did you find something on the path in the treacherous part of Deep Famine Woods?

Birds’ Spokesperson: Yes

Counsel for the Defendant: How many times?

Birds’ Spokesperson: Twice.

Counsel for Defendant: What did you see the first time?
Birds’ Spokesperson: One night, I think it was March 17, 1816, we saw white shiny things. We swooped down only to discover that they were pebbles.

Counsel for Defendant: Did this happen again?

Birds’ Spokesperson: Yes, a few weeks later, on April 5, 1816, we saw white shiny things, so we swooped down and discovered tiny pieces of bread!

Counsel for Defendant: How much of the bread did you eat?

Birds’ Spokesperson: We ate all of it!

Counsel for Defendant: No further questions.

Presiding Judge: Thank you. (Turns to Prosecutor)

Prosecutor: Thank you, Your Honor. (Turn to witness) Did you find food regularly?

Birds’ Spokesperson: Yes, we had to search for our food.

Prosecutor: Did you regularly find bread along this path?

Birds’ Spokesperson: No, this was the only time.

Prosecutor: I have no further questions.

Presiding Judge: Why did you eat something that wasn’t yours?

Birds’ Spokesperson: Every person and every animal was starving. You ate what you could find. You see, you must remember that this was the year without a summer. A widespread famine existed in Europe.

Presiding Judge: Did you see what was done with the pebbles?

Birds’ Spokesperson: No.

Citizen Judge 5: When you swooped down for the bread, on April 5, 1816, were the pebbles still there?
Birds’ Spokesperson: No, it seemed as if someone had moved them, but again a few weeks had passed, so anything could have happened to them.

Presiding Judge: Any other question for the witness?

Judges: No, Your Honor.

Prosecutor: No, Your Honor.

Counsel for Defense: No, Your Honor.

Presiding Judge: Do you have anything else to add?

Birds’ Spokesperson: No, Your Honor.

Presiding Judge: Thank you, you may leave. Call your next witness.

Counsel for Defendant: Hansel, please come to the stand.

Hansel: (Approach the witness stand.)

Presiding Judge: What is your name and surname?

Hansel: Hansel Woodcutter.

Presiding Judge: Father’s name?

Hansel: Mr. Woodcutter.

Presiding Judge: Date, month, and year of birth.

Hansel: I was born on April 5, 1812 in Chris Grimm.

Presiding Judge: What is your occupation and residence? And relation to the Defendant.

Hansel: I am just a little boy who lives with his dad in Deep Famine Woods. The Defendant is my sister.

Presiding Judge: You shall be heard as a witness and you have a duty to tell the truth and to present everything known to you relating to the case. Making a false testimony is a criminal offense. You are not under any duty to answer particular questions if it is likely that the answer would expose
you or your close relatives to serious disgrace, considerable damage or criminal prosecution. Do you understand that?

Hansel: Yes.

Counsel for the Defendant: What happened on March 17, 1816, on your first trip to the woods.

Hansel: My father and stepmother left us alone in the woods. We were there most of the night.

Counsel for Defense: How were you able to find your way home?

Hansel: I had collected pebbles that I had left to mark the path. When the moon came out we could see the pebbles and we followed them home.

Counsel for the Defendant: How did you find your way home on April 19, 1816?

Hansel: On April 19, 1816, after leaving the witch’s house, my sister and I had an easy time finding our way home because we had full stomachs so we could concentrate better.

Counsel for the Defendant: What happened while you were at the home of Ms Sweet-tooth Witch?

Hansel: At first she was very nice to us and fed us, but then she started to threaten us.

Counsel for the Defendant: How did she threaten you?

Hansel: It started the second day we were in her house. She locked me in a cage and everyday she felt how skinny my figure was. She made Grethel feed me. She repeated this day after day. I just knew she was checking to see if I was fat enough to eat.

Counsel for Defense: What did you do?

Hansel: Well, my sister and I saved a chicken bone from one of the meals she gave me and I would hold that out when she felt my finger. She couldn’t see well, so she thought I was staying really skinny. This carried on for two weeks.
Counsel for Defense: What happened when she stopped feeling your finger?

Hansel: When she didn’t feel my finger, I thought for sure that I would be eaten that day. But instead of the witch coming to my cage, my sister came and let me out and told me that she had beaten the witch and that we were safe.

Counsel for Defense: How did you feel?

Hansel: I was so relieved and happy. I just wanted to go home and see my dad.

Counsel for Defense: I have no further questions.

Presiding Judge: Thank you. (Turns to Prosecutor)

Prosecutor: Thank you, Your Honor. (Turn to witness) When did you notice the jewels in Ms. Sweet-Tooth’s house?

Hansel: I saw the shiny pebbles when we walked in her home.

Prosecution: What made you think of them when you left in a hurry?

Hansel: Well, they were all over the house, so you could see them in every corner. I spotted them on my way out and I thought they would be good luck.

Prosecution: Why would they be good luck?

Hansel: Well, pebbles helped me find my way home once before, so I thought that these super pebbles would help me get home again.

Prosecution: No further questions.

Presiding Judge: Do you know it is wrong to take something that isn’t yours?

Hansel: Yes.

Presiding Judge: Whose idea was it to go venturing into the woods?
Hansel: It was mainly my stepmother’s idea. I heard her telling my father the plan, and my dad did not want to agree at first, but then he gave in.

Presiding Judge: What did you do after hearing the plan?

Hansel: Well, my sister, Grethel, was crying but I told her not to worry and I ran outside and collected pebbles to mark our path. That is how we found our way home on March 17, 1816.

Professional Judge 2: Why didn’t you get more pebbles before your trip into the woods on April 5, 1816?

Hansel: I tried to get more pebbles, but the door was locked and I couldn’t reach the lock so I decided that I would just tear up my bread that my stepmother would give me and mark the path with the bread.

Citizen Judge 4: I have a question. Did that plan work?

Hansel: I thought it was going to, but the Birds ate all of my bread that was marking the path.

Citizen Judge 4: Did Ms. Sweet-Tooth Witch ever let you out of the cage?

Hansel: No, as of the second day I was in there day and night.

Judge 5: I also have a question. Did your sister try to help you get out before April 19, 1816 when you escaped?

Hansel: Yes, everyday we tried to think of a way to escape, but the witch always kept my sister right by her side.

Judge 5: Did you try to talk Ms. Sweet-Tooth Witch into letting you go?

Hansel: Yes. We pleaded with her to let us go, but she said that we would starve to death if we left, so it was better if she could have us to eat.

Presiding Judge: Any other question for the witness?

Judges: No, Your Honor.

Prosecutor: No, Your Honor.

Counsel for Defense: No, Your Honor.
Presiding Judge: Do you have anything else to add?

Hansel: No, Your Honor.

Presiding Judge: Hansel, you may leave. Is there any other evidence besides the Defendant?

Counsel for Defense: No, Your Honor.

Presiding Judge: Thank you. So the Court will read the document that is in the case file. We are now transferring to the questioning of the Defendant. Grethel, please approach.

Grethel: (Take a seat in the witness chair)

Presiding Judge: So you have now heard everything that is favorable to you and not favorable to you and you have a chance to tell us what happened so please you can tell us what happened in your own words.

Grethel: My name is Grethel Woodcutter. On April 5, 1816, my father and stepmother led my brother and I out into the woods and left us there to die. We searched for our way home, but we couldn’t find it. Then we heard a lovely bird singing a wonderful song and we began to follow it. It led us to a gingerbread house. We began to eat the house. Then a witch, who seemed nice at the time, invited us in and fed us pancakes with lots of toppings. Then the next day she turned into a true witch. She locked my brother in a cage. She had me help her prepare meals in order to fatten him up so that she could eat him. On April 19, 1816, I woke up and the witch told me that this was the morning she would eat my brother and that I had to go fetch water for her. I brought her the water. I was thinking that it was going to be horrible to watch my brother die and watch this witch eat him. It was then that the witch asked me to climb in the oven to see if it was hot. I realized at this moment that she was going to eat me too! So I told her that I didn’t know how to get in the oven, and when she bent down to show me, I pushed her in. I unlocked my brother’s cage and we ran home.

I would like everyone to know that I think what I did was horrible, but I had no other choice. If I didn’t do what I did, I wouldn’t be here to talk about it today. My brother wouldn’t be here to testify. My dad would have no children left. I had to do what I did or else that witch would have done it to me. I am sorry that I ever found her cabin.
Presiding Judge: (To Counsel for Defense) Do you have any questions?

Counsel for Defense: Yes. Thank you, Your Honor. What feelings did you have for the witch when you were staying at her house?

Grethel: At first, I really liked the witch because she was taking such good care of us. But when she put my brother in the cage and told me she was going to eat him, I became very afraid of the witch.

Counsel for Defense: Were you ever mad at the witch?

Grethel: I was too afraid. I didn’t have enough energy to be mad.

Counsel for Defense: I have no further questions, Your Honor.

Presiding Judge: Thank you. (Turns to Prosecutor) Would you like to question this witness?

Prosecutor: Thank you, Your Honor. (Turn to witness) When did you notice the white jewels?

Grethel: We saw the jewels as soon as we entered the house.

Prosecutor: Did you know that your family was having financial troubles?

Grethel: Yes, but everyone was.

Prosecutor: How much food did you get each day?

Grethel: One slice of bread.

Prosecutor: I have no further questions.

Presiding Judge: Did you believe Ms. Sweet-Tooth Witch was going to kill you?

Grethel: Yes. Of course I did.

Presiding Judge: What made you sure that she would kill you?

Grethel: For two weeks I had seen my brother locked in a caged as she tried to fatten him up.
Presiding Judge: Do you have anything to add?

Grethel: No.

Presiding Judge: Do we have a proposal to supplement presentation of the evidence?

Prosecutor: No.

Counsel for Defense: No.

Presiding Judge: So presentation of the evidence is concluded. We are now transferring to closing arguments. (To Defendant) You may be seated. Prosecution, you may proceed.

Prosecution: Ms. Grethel Woodcutter has violated Article 90 of the Croatian Criminal Code. Murder is the unlawful killing of a human being with malice aforethought. If you consider the motive and the facts you will find Grethel guilty of murder. She saw the valuable jewels when she entered the home. She knew her family needed the jewels in order to buy food. She knew the only way to get the jewels and return home without trouble would be to kill Ms. Sweet-Tooth Witch. And the most important fact is that Grethel admits killing Ms. Witch. Your Honor, based on all of the evidence presented you can and should convict Grethel for the murder of Ms. Witch.

Counsel of Defense: The Prosecution’s story is missing a key aspect of the plot. Grethel did not go to Ms. Witch’s house with the intent to steal from her. She was led there by a singing bird. Ms. Witch fed her a nice meal. Then the next day things took a turn for the worst. The witch locked her brother in a cage, and made Grethel help her fatten Hansel up so that the witch could eat me. On April 19, 1816, the witch announced that she would be eating Hansel. When Grethel was asked to climb in the oven to see if it was hot, she was not going to be fooled. Instead, she threw the witch in the oven and she and her brother made their escape. It was not a willful killing, because she had to kill the witch in order to stay alive. This was clearly self defense and defense of her brother. Your Honor, it is the Prosecution’s burden to prove beyond a reasonable doubt and it is your responsibility to see that Grethel did not have the intent of killing the witch, and therefore, the Criminal Code is not met in this case, and she should be found not guilty.
Presiding Judge: The Defendant will please rise. Do you have anything to add?

Grethel: No, Your Honor.

Presiding Judge: Anyone else would like to give an additional statement? We are finding that no additional evidence needs to be examined. I will now rule that the trial is closed, and the panel will retire for deliberation and will return with its decision. Thank you very much.