

BICYCLE THEFT

CAST OF CHARACTERS:

DEFENDANT (STUDENT)

DEFENSE ATTORNEY

PROSECUTING ATTORNEY 1

PROSECUTING ATTORNEY 2

JUDGE

COURT CLERK

BAILIFF

STUDENT WITNESS

POLICE OFFICER

JURY FOREPERSON

NOTE: Words enclosed by parentheses are stage directions for the actors.

BAILIFF:

(Stand and bang gavel twice.)

All rise.

JUDGE:

(Enter the courtroom and sit.)

BAILIFF:

(After Judge sits down, bang the gavel once.)

Be seated and come to order. Court is now in session. The Honorable Judge
_____ now presiding.

COURT CLERK:

Case number 659, the State of Hawai‘i, against _____ (DEFENDANT).

JUDGE:

Let the record show that the jury, prosecuting attorneys, defendant and defense counsel are

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present in court. You may now proceed, prosecutor, with your opening statement.

PROSECUTING ATTORNEY 1:

(Stand)

Thank you, your Honor. With my evidence and witnesses, I will prove the defendant intended to steal the bicycle, and also damaged it by carelessly riding it.

JUDGE:

Does defense counsel wish to make an opening statement?

DEFENSE ATTORNEY:

(Stand)

Yes, your Honor. My client intended to take the bike to school and find the owner, but got scared when it hit the curb and was damaged.

JUDGE:

Prosecutor, you may call your first witness.

PROSECUTING ATTORNEY 1:

(Stand)

I call _____ (STUDENT WITNESS) to the stand.

BAILIFF:

(Stand)

Remain standing and face the clerk.

COURT CLERK:

(Approach the witness and raise your right hand)

Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, to the best of your knowledge and ability?

STUDENT WITNESS:

I do.

CLERK:

Be seated; give your full name and what you do.

STUDENT WITNESS:

My name is _____. I am a student at _____.

PROSECUTING ATTORNEY 1:

(Remain standing while asking the student questions)

Do you remember where you were on May 8th at approximately 7:00am?

STUDENT WITNESS:

Yes. I was walking along Smith Street going to school. I saw _____ (DEFENDANT) look around, then get on the bike and ride away.

PROSECUTING ATTORNEY 1:

Let the record show that the witness has named the defendant as the person seen taking the bike. Did this incident happen in the State of Hawai'i?

STUDENT WITNESS:

Yes, it did.

PROSECUTING ATTORNEY 1:

I have no further questions, your Honor.

JUDGE:

Does the defense attorney wish to cross-examine the witness?

DEFENSE ATTORNEY:

(Remain standing while asking the student questions)

Yes, your Honor. How did you know that the bike did not belong to the defendant?

STUDENT WITNESS:

Because (he/she) looked around as if checking to be sure that there was no one near to see it being taken.

DEFENSE ATTORNEY:

Couldn't you have mistaken the looking around as if to see any traffic was coming before riding the bike?

STUDENT WITNESS:

I guess so, but (he/she) looked scared of someone coming.

DEFENSE ATTORNEY:

Why did (he/she) not see you?

STUDENT WITNESS:

I was across the street under a large tree.

DEFENSE ATTORNEY:

I have no more questions, your Honor.

JUDGE:

Any further evidence or testimony from this witness, prosecutor?

PROSECUTING ATTORNEY 1:

(Stands)

No, your Honor.

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JUDGE:

The witness may step down.
Does the prosecution have another witness?

PROSECUTING ATTORNEY 2:

(Stand)

Yes, your Honor. I call the police officer to the stand.

BAILIFF:

(Stand)

Remain standing and face the clerk.

CLERK:

(Approach the witness and raise your right hand)

Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, to the best of your knowledge and ability?

POLICE OFFICER:

I do.

CLERK:

Be seated; give your full name and what you do.

POLICE OFFICER:

My name is _____. I am a police officer with the Honolulu Police Department.

PROSECUTING ATTORNEY 2:

Officer, please tell the jury in your own words why you were called to the school on May 8th.

POLICE OFFICER:

I was called because a student said another student had been seen stealing a bicycle. I interviewed both students separately in the room alone. One student said the other student looked around, then got on the bike and rode down the street.

PROSECUTING ATTORNEY 2:

And what did the other student say?

POLICE OFFICER:

That (he/she) was taking the bike to school to find the owner, but hit the curb and got scared when the bike got damaged.

PROSECUTING ATTORNEY 2:

What did you do then?

POLICE OFFICER:

I took the student into custody for stealing.

PROSECUTING ATTORNEY 2:

No further questions, your Honor.

JUDGE:

Does the defense wish to cross-examine the witness?

DEFENSE ATTORNEY:

Not at this time, your Honor, but I reserve the right to call this witness back to the stand at a later time.

JUDGE:

Let the record show the witness may be recalled. The witness is excused and may step down. Does the prosecution have any more witnesses?

PROSECUTING ATTORNEY 2:

No, your Honor. The prosecution rests its case.

JUDGE:

The defense may call its first witness.

DEFENSE ATTORNEY:

(Stand)

I call the defendant to the stand.

BAILIFF:

(Stand)

Remain standing and face the clerk.

CLERK:

(Approach the witness and raise your right hand)

Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, to the best of your knowledge and ability?

DEFENDANT:

I do.

CLERK:

Be seated and give your full name.

DEFENDANT:

My name is _____.

DEFENSE ATTORNEY:

(Remain standing while asking the defendant questions)

Please tell the jury in your own words what happened on May 8th.

DEFENDANT:

I was going to school and saw the bike on the ground. It did not appear to belong to anyone, so I thought I'd take it to school and find the owner. Then I hit the curb and panicked, and I left the bike there.

DEFENSE ATTORNEY:

Why didn't you walk the bike to school?

DEFENDANT:

Because it was damaged, and I was scared.

DEFENSE ATTORNEY:

No more questions, your Honor.

JUDGE:

Any cross examination, Prosecutor?

PROSECUTING ATTORNEY 1

(Remain standing while asking the defendant questions)

Yes, your Honor. Didn't you think the bike might belong to someone who lived in the house?

DEFENDANT:

No. It was outside the fence, not close to the house.

PROSECUTING ATTORNEY 1:

Come on now, you KNEW the bike was NOT YOURS.

DEFENSE ATTORNEY:

(Stand)

OBJECTION, YOUR HONOR! That is badgering the witness!

JUDGE:

Objection sustained. Prosecution will refrain from telling the witness whose bike it was.

PROSECUTING ATTORNEY 1:

(Stand)

I have no more questions, your Honor.

JUDGE:

Any redirect, defense?

DEFENSE ATTORNEY:

(Stand)

No, your Honor. The defense rests its case.

JUDGE:

The witness may step down.

The prosecution may begin their closing arguments.

PROSECUTING ATTORNEY 2:

(Stand in front of the jury box and speaks directly to the jury.)

Ladies and gentlemen of the jury, I have by my evidence and witnesses, proved beyond a reasonable doubt that the defendant took the bicycle, rode it and left it at a different place. THAT IS STEALING. Furthermore, the wheels were damaged. Therefore, I ask you to find the defendant guilty as charged. Thank you.

JUDGE:

Defense counsel may address the Jury.

DEFENSE ATTORNEY:

(Stand in front of the jury box and speaks directly to the jury.)

Ladies and gentlemen of the Jury, yes, my client took the bicycle, NOT to steal it, but only to find the owner at school. Yes, it was a mistake leaving it after the bike was damaged, but being scared is not a crime. So I ask you to find the defendant NOT GUILTY of stealing. Thank you.

JUDGE:

Prosecutor, any final argument?

PROSECUTING ATTORNEY 1:

(Stand)

Yes, your Honor.

(Stand in front of jury box and speaks directly to the jury.)

The defendant KNEW it was not (his/her) bike and could have walked it to school after it was damaged rather than leave it in a different area. Therefore, I ask you again to find the defendant guilty as charged.

JUDGE:

(Turn to face the jurors.)

Ladies and gentlemen of the jury, the case is now in your hands. You must make your verdict ONLY on the evidence you heard from the witnesses – NOT on the attorney’s closing statements, because those statements represent the personal opinions of the lawyers. You must decide if the defendant is guilty or not guilty as charged. You may now begin your deliberations.

(Jury will leave the courtroom to confer. After reaching a decision, the jury will return.)

JUDGE:

Will the Defendant rise and face the Jury.

(Defendant and Defense attorney stand and face the jury.)

Ladies and Gentlemen of the jury, what is your verdict?

If Not Guilty

JURY FOREPERSON:

We find the defendant, not guilty.

JUDGE:

You have been found not guilty. I suggest that the next time you see a bike, LEAVE IT ALONE.

If Guilty

JURY FOREPERSON:

We find the defendant, guilty.

JUDGE:

You understand the jury has found you guilty. You must have the bike repaired, find the owner, and return it in the same condition you found it. If you do not do this, you will be back in court for another trial. Do you understand?

DEFENDANT:

Yes, your Honor. I will comply with the sentence as soon as possible.

BA

ILIFF:

(Stands and bangs the gavel twice.)

All Rise.

Court is adjourned.