

ADMINISTRATION OF JUSTICE

Opening Activity

You the Jury #3

The Case of the Park Bench Arrest

Name: _____ Period: _____ Row: _____

THE FACTS OF THE CASE BEFORE TODAY ARE AS FOLLOWS:

To escape from jail is a very serious crime, even if the person was arrested for committing a minor offense. Such is the case to be decided before you today. Since we are in criminal court in this matter, the State is the accuser and the district attorney is prosecuting the case.

The State contends that Vladimir Tolstoy, who was arrested for passing out and falling asleep on a park bench, broke out of his jail cell unlawfully. But Mr. Tolstoy claims his cell door was mistakenly left unlocked. All he had to do was just push it open and walk out.

The patrolman who made the arrest, Mark Richardson, testifies as follows:

"It was about two o'clock in the morning on May 24, 2013. I was making my customary rounds in Central Park to ensure no one was in the park because a city ordinance prohibits anyone to be there after dark.

"I was walking along the sidewalk when I heard a strange sound. At first I thought it might be thunder, but it was a starry night without any clouds. Then I realized the sound was someone snoring. I used my flashlight to check the area and found the defendant on a park bench sound asleep.

"I tried to wake him but without success and could smell an odor of an alcoholic beverage on his clothes. I couldn't leave him there, so I figured the best thing to do was to place him on the back seat of my patrol car and drive him down to police headquarters."

The stranger's wallet provided more me with additional information. His name was Vladimir Tolstoy and the address inside his wallet showed he was from a foreign country.

The patrolman continued his testimony:

"The man was still past out and asleep when I got to the station, so several officers and I carried him into a cell. It was my turn for a four hour shift in the jail and I relieved the officer on the desk.

"About six o'clock that morning, I went to the coffee shop around the corner to bring back some coffee and donuts. It couldn't have taken more than a few minutes.

"When I got back, I was shocked to find the cell door open and the prisoner had escaped."

All police in the field were alerted to the escape and later that afternoon Vladimir Tolstoy was arrested in the downtown area, while he was looking in a store window. This time it was a more serious charge: escaping from jail.

The State described its theory of how Mr. Tolstoy managed his escape. **EXHIBIT A** is a diagram showing the inside of the police station. It has two jail cells. On a side wall is a box containing keys. Mr. Tolstoy was in the cell nearest the wall.

Two close-up photographs showing the key box are presented as **EXHIBIT B**. They show the box both open and closed. Each key is hanging on a large ring. If someone in a cell had a long pole, it would be possible for him to reach the key box.

This, the State contends, is how the breakout occurred. It enters as **EXHIBIT C** a photograph showing a broom that was found near Vladimir Tolstoy's cell.

The State believes that the prisoner grabbed the broom, reached over to the box, and caught the key ring on one end. This was his means of escape.

I will now read for the cross-examination of Patrolman Richardson by Mr. Tolstoy's court-appointed lawyer:

Q: How can you be sure the cell door was locked?

A: I have been a policeman in this town for fifteen years. In all that time I never left a cell unlocked.

What makes anyone think I did it this time?

Q: Did you find the door to the key box closed following the prisoner's departure?

A: It had to be. The door is on a spring and it swings closed automatically.

Q: Then how was it possible for Mr. Tolstoy to use the broom to loop the key?

A: That's not hard to do. The ring on the front of the box can be pulled open with the broom handle.

Then you can quickly catch the big key ring on the end of the broom before the door shuts. I know it can be done. I've tried it myself.

Vladimir Tolstoy testified on his own behalf. Since he could not speak English, his testimony was presented through an interpreter.

"My name is Vladimir Tolstoy. I arrived in your country just two weeks ago. A friend who lives here told me I might find a good job in this area. So after my plane arrived from Russia I took a bus to your town."

"I was tired from the trip and didn't have much money. My friend who told me about getting a job took me to a place to eat and bought me dinner. We had not seen each other in a long time and he bought me a few drinks. We said goodnight and parted ways. I walked around to find a place to get some rest. When it got dark, I walked into the park and saw a bench. I hadn't had much sleep for the past few days, so I lay down on the bench for the night." I did not know it was against your law.

"When I woke up, I didn't know where I was. All I knew was that I was in this room with bars. No one else was around and I was scared because in my country people are arrested and disappear."

"I stood up and leaned against the door calling for help. The door started to move, so I pushed it open and walked out. I never knew I had been arrested."

Mr. Tolstoy's lawyer continues his defense:

"As proof that Mr. Tolstoy did not use a key to escape from his cell, your attention is again drawn to **EXHIBIT B**. This photograph was taken shortly after the alleged breakout occurred."

"You will note the keys to both cells are hanging on their hooks. If Mr. Tolstoy had used the key to escape, he never would have taken the time to put it back on its hook."

"The State's theory of the escape is hard to believe. The truth is simply this: Vladimir Tolstoy woke up, didn't know where he was, and was scared. He found the cell door open — and just walked out!"

LADIES AND GENTLEMEN OF THE JURY: You have just heard the Case of the Park Bench Arrest. You must decide the merit of the State's accusation. Be sure to carefully examine the evidence in EXHIBITS A, B, and C.

EXHIBIT A

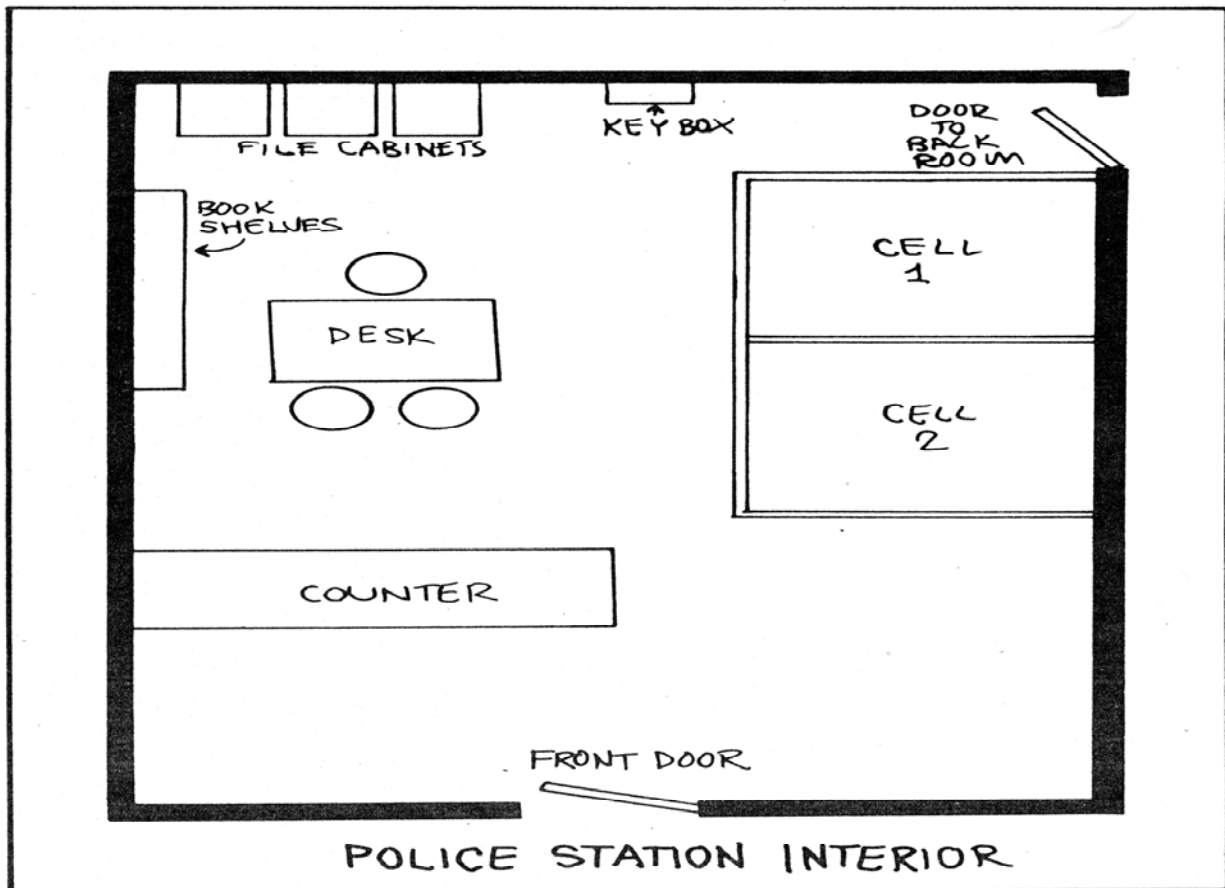


EXHIBIT B

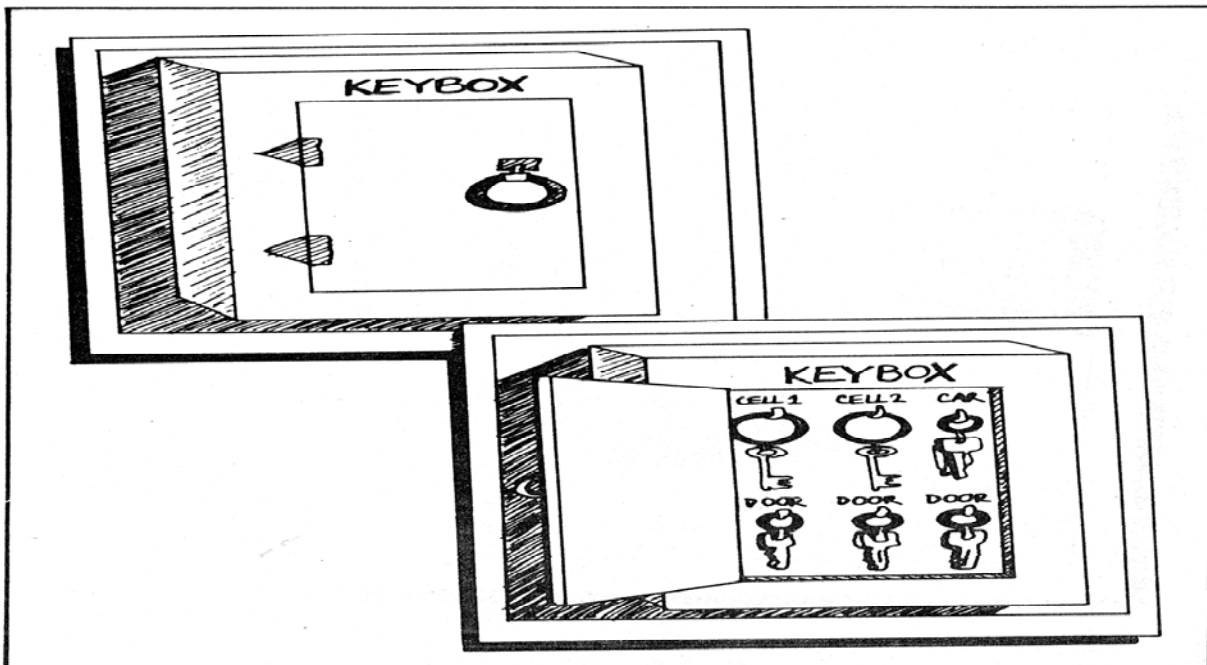
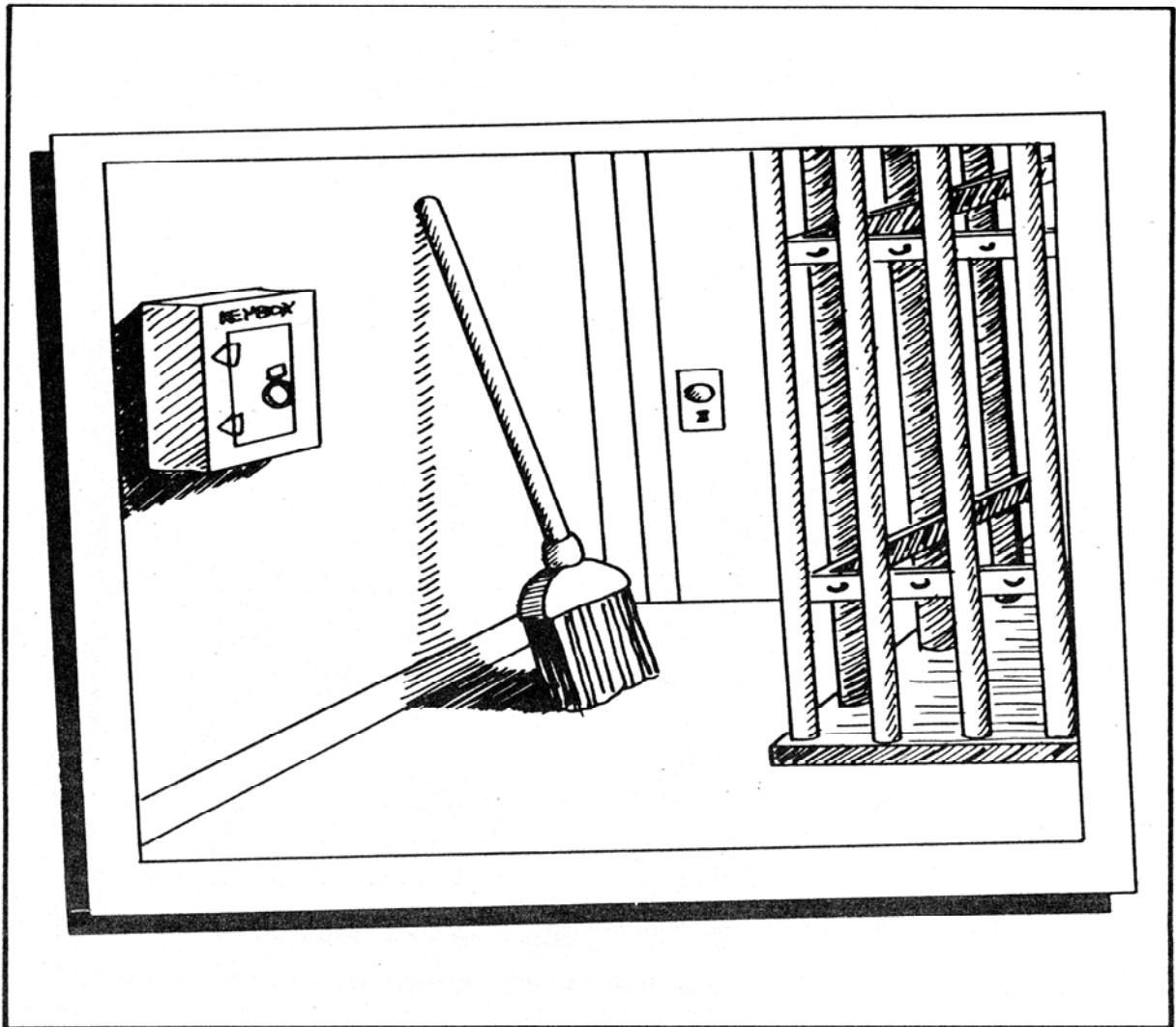


EXHIBIT C



FULLY EXPLAIN YOUR ANSWER – A YES OR NO ANSWER WILL NOT RECEIVE FULLY CREDIT

Did Vladimir Tolstoy escape from jail using a key? Or did he walk out of the unlocked door?
