

ADMINISTRATION OF JUSTICE

Opening Activity

You the Jury #2

The Case of Double Trouble

Name: _____ Period: _____ Row: _____

THE FACTS OF THE CASE BEFORE TODAY ARE AS FOLLOWS:

For a person to be found guilty of a criminal act, there must be sufficient proof that he was the one who in fact committed it.

Keep this in mind as you go over the facts of this very unusual case.

Farmer Foley, the plaintiff, accuses Bart Lee of breaking the lock on his chicken coop door allowing all of his the chickens to escape. He is suing Bart Lee for the estimated cost that it will take to replace the lost chickens.

Bart Lee, the defendant, claims he is not guilty of the crime since Farmer Foley cannot say for certain whether it was he or his twin brother Josh who did it. If there is not enough evidence to point to either twin, then neither can be found guilty.

Farmer Foley has testified as follows:

"On a rainy afternoon, April 19, 2014, I was sitting on the porch of my house when I saw a figure sneaking onto the far side of my property. As the person entered my property they were holding something that looked like a large stick.

"As I rose from my rocking chair, I saw the intruder banging away at the chicken coop door using the stick. Seconds later, the vandal pulled the door open and my chickens began rushing out, scurrying in all directions."

Farmer Foley stated he chased the intruder through the muddy grounds and as he was gaining on him, the figure suddenly tripped and fell. When the person picked himself up, Farmer Foley stated he grabbed him by the collar and marched him into the house.

The intruder turned out to be a young man of about nineteen years of age. He had no identification papers and refused to identify him-self. Despite the youth's pleas for leniency, Farmer Foley telephoned the police.

As they waited for the police to arrive, the intruder telephoned his brother on his cellphone and asked that he meet him at police headquarters.

When the police brought the intruder to the station he asked to see his brother who had arrived 10 minutes before his arrival. The young man was permitted to go into the next room to give his cellphone, car keys and money to his brother.

Minutes later, when the young man walked out of the room, the officer booked him for the crime. The youth said his name was Bart Lee, but he claimed he was innocent. And when his brother came out of the next room, he also claimed his innocence. To everyone's surprise, the brothers were identical twins Bart and Josh Lee.

While in the next room, the two brothers had apparently exchanged some of their clothing to purposely confuse everyone.

The following questions and answers were taken from the testimony of the arresting officer during cross-examination by the defense lawyer for accused Bart Lee:

Q: Officer Johnson, how can you be sure that Bart Lee is the same twin you arrested and booked?

A: Well, he was the first one out of the room and he was wearing the same striped shirt and the sandal as the guy that I placed under arrest at the farm.

Q: Was he wearing all the same clothing as the person you arrested at the farm?

A: No, when he came out of the room we realized he had on some of his brother's clothes that were switched at the police station in attempt to fool us.

Q: What else was the person you arrested at the Foley's farm wearing?

A: He had on a dark jacket and dark-colored pants with stains at the bottom.

Q: What did the shirt he was wearing look like?

A: He was wearing a striped shirt because I was able to see part of it under his open jacket. He was also wearing one sandal without socks. The other sandal was lost in the mud.

The muddy ground around the chicken coop provided an important piece of evidence. This is shown in **EXHIBIT A**. The suspect who broke into the coop left a trail of footprints behind.

EXHIBIT B is one of the sandals worn by the first twin to come out of the room. He identified himself as Bart Lee and is the twin who was booked for the crime. As you will note, an imprint of the sandal Bart was wearing exactly matches the footprints found around the chicken coop.

The arresting officer continued with his testimony as follows:

Q: What happened when you arrived with the vandal at police headquarters?

A: He asked my permission to go into the next room to see his brother.

Q: Why did you let him go into the room alone?

A: Well, the kid seemed really scared and I figured his brother would quiet him down. But I was not aware that he had a twin brother in there since his brother was in the room before I arrived.

Q: How long was the arrestee alone in the other room?

A: Only for a few minutes.

Q: Was it enough time for them to switch shirts, pants, and shoes?

A: I guess it was possible but I can't say for sure.

EXHIBIT C is a photograph of both twins taken at the police station. One is wearing a light jacket and dark pants while the other has a dark jacket and light pants. Both have a shirt underneath. The twin on the left is Bart Lee, the one who was booked for the crime. He is wearing a striped shirt described in the officer's testimony.

The lawyer for Farmer Foley raises an important question:

"Even though the brothers switched some of their clothing, why did the twin who was first to leave the room allow himself to be booked? That is, unless he really is the guilty one?"

"Surely common sense argues that the twin who left the room first, and who is on trial here today, has to be the guilty party."

LADIES AND GENTLEMEN OF THE JURY: You have just heard the Case of Double Trouble. You are to decide the merit of Farmer Foley's accusation. Be sure to carefully examine the evidence in EXHIBITS A, B, C.

Was Bart Lee guilty of breaking open Farmer Foley's chicken coop? Or did his twin brother Josh do it?

EXHIBIT A

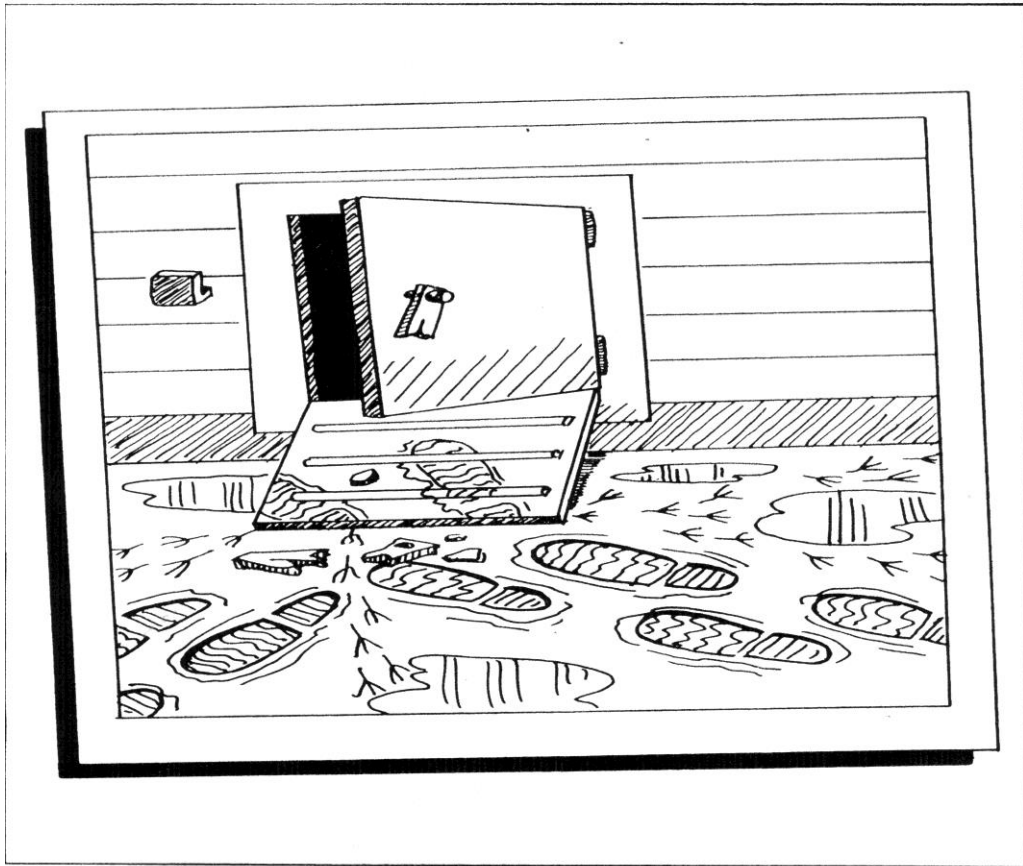


EXHIBIT B

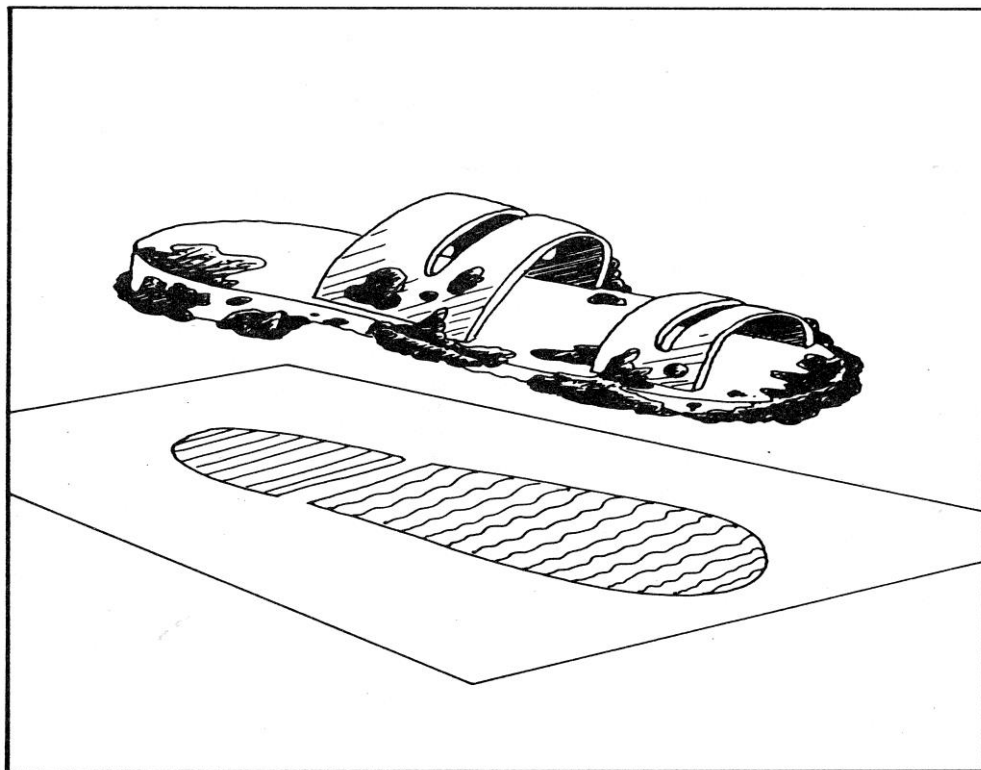
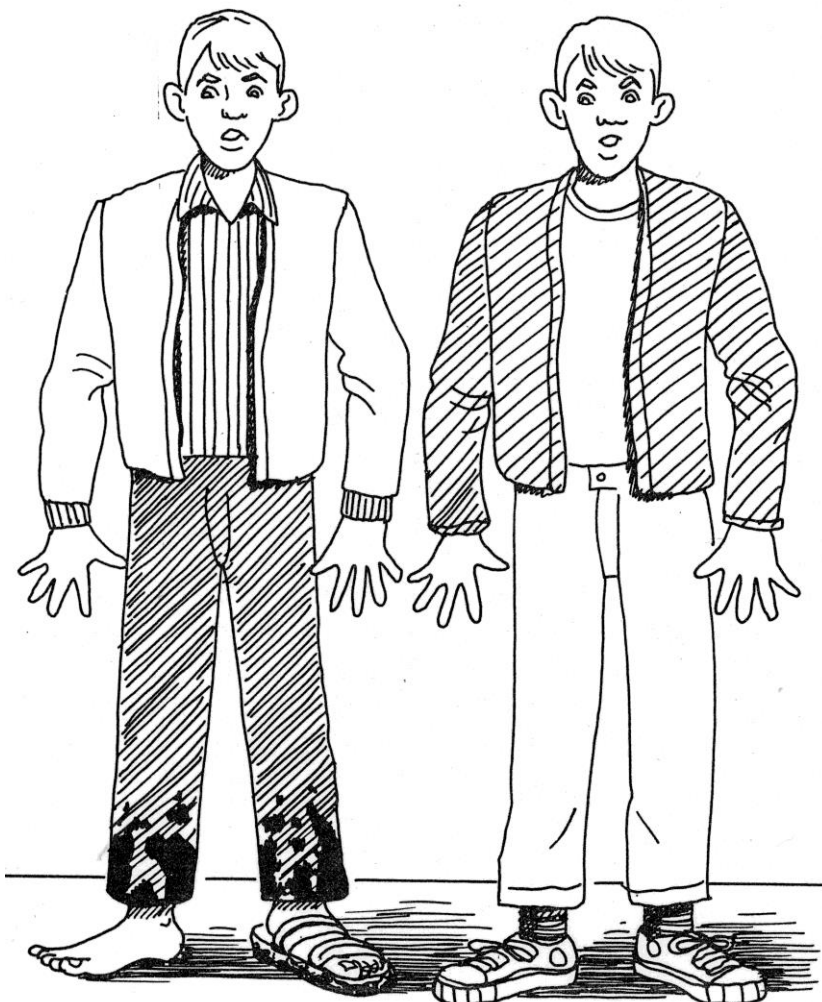


EXHIBIT C



BART LEE

JOSH LEE

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

Was Bart Lee guilty of breaking open the door of Farmer Foley's chicken coop and letting the chickens out or did his twin brother Josh do it?
