

CRIMINAL MOCK TRIAL

IN THE SUPREME COURT OF AFRICA

BETWEEN

REGINA

AND

**TARZAN
ACCUSED**

(Issue: Did Tarzan kidnap Jane with intent to cause her to be imprisoned against her will?)

CLERK: Order in the court, the Honorable Mister/Madame Justice _____ presiding.

[Everyone stands as judge enters courtroom.]

JUDGE: You may be seated.

[Everyone sits, except the clerk.]

CLERK: The case of the *Regina versus Tarzan of Africa*, my Lord/Lady.

[Clerk sits.]

JUDGE: Thank you. Are all parties present?

[Crown stands.]

CROWN: Yes, my Lord/Lady. I am _____ and these are my friends _____ and _____. We are acting on behalf of the Crown in this matter.

[Please note that this statement can be adjusted depending on the number of lawyers for each side.]

[Crown sits; defence stands.]

DEFENCE: My Lord/Lady. I am _____ and these are my friends _____ and _____. We are acting on behalf of the accused, Tarzan of Africa.

[Again, this statement can be adjusted depending on number of lawyers.]

[Defence sits.]

JUDGE: Thank you. Tarzan, please rise to hear the charge.

[Clerk, defence, and Tarzan stand.]

CLERK: Tarzan, you are charged that on, or about the fourteenth day of June, in the year 1899, you did unlawfully kidnap Jane in a jungle on an African island with intent to cause her to be confined and imprisoned against her will contrary to the section 279(1.1)(b) of the *Criminal Code of Canada*. Having heard the charge, how do you plead?

TARZAN: Not guilty.

JUDGE: Thank you Mr./Madam Registrar. *[Everyone sits.]*

Good afternoon, ladies and gentlemen of the jury. I begin with some general comments on our roles in this trial. Throughout these proceedings you will act as the judges of the facts and I will be the judge of the law. Although I may comment on the evidence, as judges of the facts, you are the exclusive judges of the evidence. By the same token, when I tell you what the law is, it is my view of the law that must prevail.

There are two other basic principles that are fundamental to your role as jurors. They are the requirement for proof beyond a reasonable doubt and the presumption of innocence. The requirement for proof beyond a reasonable doubt means that no person accused of an offence can be found guilty unless the Crown proves each and every part or element of that offence beyond a reasonable doubt. Similarly, our system of law requires that an accused person be presumed innocent. Tarzan has no obligation to prove that he is not guilty or to explain the evidence offered to you by the Crown. The law presumes he is innocent until you establish otherwise.

Before calling on Crown Counsel to give their opening statements I will tell you something about the offence with which Tarzan has been charged. The Crown has charged Tarzan with kidnapping Jane against her will. Before you can legally return a guilty verdict on kidnapping against one's will, the Crown must prove each of the following elements beyond a reasonable doubt:

1. First, the identity of Tarzan as the offender;
2. Second, the date and place of the offence;
3. Third, that Tarzan confined and imprisoned Jane;
4. Fourth, that Tarzan did assault Jane for the purpose of kidnapping her;
5. Fifth, Tarzan confined and imprisoned Jane wrongfully; and
6. Sixth, that Tarzan confined and imprisoned Jane against her will.

I now call upon the Crown to proceed with their case.

[Crown stands.]

CROWN: (Opening Statement). My Lord/Lady, we intend to prove that Tarzan confined and imprisoned Jane and that he intended to kidnap her knowing that what he

was doing was a crime. To support our case we intend to call the following witnesses: Clayton Shephard; Jane's father, Professor Porter; and Jane herself. We now wish to call our first witness, Clayton Shepard.

[Clayton takes the stand and remains standing while he is taking the oath.]

CLERK: Do you swear that the evidence you shall give shall be the truth, the whole truth and nothing but the truth, so help you God?

CLAYTON: I do.

CLERK: Please state your name and address for the court.

CLAYTON: I am Clayton Shephard, and I live in an apartment complex called the London Hills.

CROWN: Clayton please tell the court what happened on the morning of June 14, 1899.

CLAYTON: My neighbour, Professor Porter, told me he was going on a trip to an isolated island in Africa. He mentioned something about apes. All I cared about was going there and practicing my shooting skills on those filthy creatures. I take an interest in hunting.

CROWN: Who else was going on this trip?

CLAYTON: The professor's daughter Jane.

CROWN: Did you decide to go with them?

CLAYTON: Yes.

CROWN: What happened when you arrived on the island?

CLAYTON: Well, we set up camp and I must say, that island was basically a massive jungle. No wonder Tarzan was able to hide so easily.

CROWN: What did you do after setting up camp?

CLAYTON: We ventured into the jungle and Jane got separated from us.

CROWN: What did you do then?

CLAYTON: I shouted out to her and shot up in the air with my gun. That way, she could follow the sound of the gunshot towards the professor and me.

CROWN: Did you find her?

CLAYTON: No.

CROWN: So then what did you do?

CLAYTON: The professor and I headed back to camp.

CROWN: Why?

CLAYTON: Jane is a smart person and I'm sure the professor didn't want to waste time looking for her so I suggested we should go back to camp. Jane could find her way back to camp on her own eventually.

CROWN: How long was she gone?

CLAYTON: I didn't see her for three days.

CROWN: Were you there when she came back?

CLAYTON: Yes and when she did, she was telling us about all these things that happened to her in the jungle. She was talking so quickly that the only thing I was able to hear was something about an "Ape-Man".

CROWN: An Ape-Man you say?

CLAYTON: Yes! Then all of a sudden, this strange creature jumps right in front of Jane and his ape friend walked up behind him! There was also an elephant not too far behind.

CROWN: What did you do?

CLAYTON: I tried to shoot at them because they could have attacked Jane and I didn't want her to get hurt. But just as I was aiming, Jane rushed up and pushed me, making my gun shoot upwards towards the sky.

CROWN: Is this Ape-Man here in the court today?

CLAYTON: Yes.

CROWN: Can you identify and point to him?

[Clayton points to Tarzan.]

CROWN: Let the record show that the witness has identified the accused. Thank you Clayton. No further questions my Lord/Lady.

[Crown sits.]

JUDGE: Does the defence wish to cross-examine this witness?

[Defence stands.]

DEFENCE: Yes my Lord/Lady. Now, Clayton, you said that you went on this trip to get some shooting practice, yes or no?

CLAYTON: Sort of...

DEFENCE: The answer is yes or no Mr. Shepherd.

CLAYTON: Yes. But I also went there to protect the professor and Jane.

DEFENCE: Then why didn't you go look for her when she was separated from you and the professor?

CLAYTON: I guess I just assumed that Jane was smart enough to find her way back to camp since she was the daughter of a professor.

DEFENCE: Isn't it true that you went to Africa to hunt animals?

CLAYTON: No.

DEFENCE: Isn't it true that you are a hunter of exotic animals?

CLAYTON: Yes, but I went to Africa on a vacation not for work.

DEFENCE: Why did you bring your gun if your trip was purely recreational?

CLAYTON: To protect Jane and the professor.

DEFENCE: But that wasn't your main goal when Jane was lost for three days.

CLAYTON: Yes, I wanted to protect her but I guess I didn't.

DEFENCE: Clayton, once again is it not true that one of your main reasons for going to Africa was to hunt exotic animals? I remind you that you are under oath.

CLAYTON: Yes.

DEFENCE: No further questions my Lord/Lady.

[Defence sits.]

JUDGE: Thank you Clayton. You may step down. Crown counsel, you may call on your next witness.

[Clayton leaves the witness box; Crown stands.]

CROWN: We call Professor Porter, my Lord/Lady.

[Professor Porter takes the stand and remains standing for the oath.]

CLERK: Do you swear that the evidence you shall give shall be the truth, the whole truth and nothing but the truth, so help you God?

P. PORTER: Yes, yes, I do.

CLERK: Please state your full name and address.

P. PORTER: I am Professor Archimedes Q. Porter and I live in the same apartment complex as Mr. Shepherd called London Hills.

JUDGE: You may be seated.

[Professor Porter sits.]

CROWN: Professor, what happened on June 14, 1899?

P. PORTER: Well, I had taken a trip down to an African island. I was planning to study some ape species. Jane went off into the jungle with her sketchbook. I didn't see her for the next three days.

CROWN: Did you try to find her?

P. PORTER: Yes, but Clayton and I didn't have much luck.

CROWN: Professor Porter, what happened when Jane arrived back at camp?

P. PORTER: Well, this Ape-Man was following her and tried to take her away again when Clayton tried to shoot him. Jane pushed Clayton and his gun fired into the air. Then the Ape-Man ran away into the jungle.

CROWN: Do you see this Ape-Man in the courtroom today?

P. PORTER: Yes. He is right over there. *[Points to Tarzan.]*

CROWN: Let the record show that Professor Porter pointed to the accused, Tarzan. When Jane came back was she all right?

P. PORTER: Jane was very excited about her discovery of this Ape-Man. But she was also a bit traumatized because of her time with the Ape-Man.

CROWN: How did you feel about Tarzan taking your daughter?

P. PORTER: I felt really angry but at the same time I was happy she was safe. After all, if Tarzan really is an Ape-Man then he couldn't have known any better.

CROWN: Do you feel you can trust Tarzan in any way after what happened?

P. PORTER: Well, not really. Yes, he may be an Ape-Man but that is even more reason to stay away from him. He could be dangerous. I'd personally stay away from him.

CROWN: All right then. No further questions my Lord/Lady.

[Crown sits.]

JUDGE: Does the defence wish to cross-examine this witness?

[Defence stands.]

DEFENCE: Yes my Lord/Lady. Isn't it true that Jane said that even though he was crude, she wanted to see him again because she thought this Ape-Man was the "Missing Link" in the theory of evolution?

P. PORTER: Well, yes but...

DEFENCE: So Jane wanted to learn more about Tarzan?

P. PORTER: Yes.

DEFENCE: Professor Porter, did you say that Tarzan couldn't have known any better, when he allegedly kidnapped your daughter?

P. PORTER: Yes I did. I don't think that it was his fault.

DEFENCE: So, Tarzan wasn't aware of his actions?

P. PORTER: Probably not.

DEFENCE: No further questions, my Lord/Lady.

[Defence sits.]

JUDGE: Professor, you may step down. Crown, call your next witness.

[Professor Porter leaves the witness box; Crown stands.]

CROWN: My Lord/Lady, I call Jane.

[Jane takes the stand and remains standing for the oath.]

CLERK: Do you swear that the evidence you shall give shall be the truth, the whole truth and nothing but the truth, so help you God?

JANE: Oh, why of course.

JUDGE: Jane, please answer clearly so the court will have a clear record of the proceedings.

JANE: Oh, I'm sorry. Yes. I swear.

CLERK: Please state your full name and address for the court.

JANE: I'm Jane Porter and live with my father in an apartment complex called London Hills.

CROWN: So Jane, where were you on the day of June 14, 1899?

JANE: I was on a remote African island where my father believed gorillas lived.

CROWN: Did you see any gorillas?

JANE: Yes.

CROWN: Did you have any personal experience with them?

JANE: Not until after we set up camp and I ventured off alone into the jungle with my sketchbook. In there, this little baboon took my sketchbook and ran off with it. I chased him and grabbed my sketchbook from him. He then started to yelp in a strange way and all these adult baboons rushed out of the jungle and started attacking me!

CROWN: What happened next?

JANE: Tarzan grabbed me in his arms and whisked me off high into the branches of vine trees where the baboons could not see us.

CROWN: Then what?

JANE: He brought me to an elevated area of the trees and I thanked him and said I'd be off. He then grabbed me and started moving closer to me. I thought it was awfully rude!

CROWN: How close?

JANE: Well, first, he touched my hand, which I found very offending, and then he sniffed at my hair. I was extremely appalled!

CROWN: Why didn't you return to your camp?

JANE: Tarzan would not let me leave him.

CROWN: How long were you away from camp?

JANE: Three days.

CROWN: How did you get back to camp?

JANE: When Tarzan was sleeping, I climbed down from the trees and ran back through the jungle to my camp. Tarzan woke up and chased after me but I got back to my father before he could catch me. That was when I prevented Clayton from shooting Tarzan.

CROWN: Jane, is this Tarzan in the court today?

JANE: Yes, Tarzan is sitting in the accused docket over there. [*Jane points to Tarzan, the accused.*]

CROWN: Let the record show, that this witness has identified the accused, Tarzan.

CROWN: No further questions my Lord/Lady.

[Crown sits.]

JUDGE: Defence, do you wish to cross-examine the witness?

[Defence stands.]

DEFENCE: Yes, thank you my Lord/Lady. Jane wouldn't it be correct to say that Tarzan saved you from the baboons?

JANE: Yes that's true. But he did keep me with him for some time.

DEFENCE: But you eventually got away didn't you?

JANE: Yes...

DEFENCE: Did Tarzan hurt you?

JANE: No.

DEFENCE: Why are you accusing Tarzan of kidnapping you when all he did was save your life?

JANE: I was thankful that he saved my life, but he still kept me against my will.

DEFENCE: Did Tarzan speak or understand English?

JANE: No.

DEFENCE: Then how could he have known that you wanted to leave?

JANE: Well, I thought I made it pretty clear.

DEFENCE: He only lived with animals, is that correct?

JANE: I think so.

DEFENCE: Was Tarzan just curious about you as he had never seen a person before?

JANE: I suppose so.

DEFENCE: Wasn't the jungle quite dangerous?

JANE: It sure seemed that way when the baboons attacked me.

DEFENCE: Isn't it possible that Tarzan wanted to protect you by keeping you close?

JANE: Yes. Maybe that's why he was acting so protective.

DEFENCE: I have no further questions for this witness, my Lord/Lady.

[Defence sits.]

JUDGE: Jane, you may step down. Crown, call your next witness.

[Jane leaves the witness box; Crown stands.]

CROWN: The Crown rests its case, my Lord/Lady.

JUDGE: I now call upon the defence to make their opening statement and to proceed with their case.

[Defence stands.]

DEFENCE: My Lord/Lady, and ladies and gentlemen of the jury. The Crown wants you to believe that Tarzan stole Jane away and deliberately kept her against her will. The Crown's case has no shred of truth. If it were not for Tarzan, Jane probably would not be alive today. Tarzan saved Jane in the jungle and now he is being punished for it.

As my Lordship/Ladyship explained, to be guilty of kidnapping you must assault someone and in doing so, take them away with you. Admittedly, Tarzan did assault and take Jane, but it was an act of heroism. Tarzan did so to save her.

Being raised in the jungle and in the absence of any fellow human beings has affected Tarzan. When he first met Jane, in the jungle, he could not speak any English and had never even seen a human before. Confused and interested, Tarzan wanted to learn about himself from Jane. He could not understand that Jane wanted to leave or that she was uncomfortable.

You will hear testimony today that proves Tarzan honestly took Jane to save her and kept her because he didn't know any better. All Tarzan did was to follow his natural instincts.

Tarzan is a hero. He saved Jane from the baboons that wanted to harm her. The evidence you will hear today will cast a reasonable doubt on the Crown's theory. It will show that Tarzan had no intent at all to kidnap Jane Porter.

My Lord/Lady, the defence calls its first witness, Tantor.

[Tantor takes the stand and remains standing for the oath.]

CLERK: Do you swear that the evidence you shall give shall be the truth, the whole truth and nothing but the truth, so help you God?

TANTOR: Yes.

CLERK: Please state your full name and address for the record.

TANTOR: I'm Tantor the Elephant and I live in the jungle on an African island.

CLERK: You may be seated.

[Tantor sits.]

DEFENCE: Tantor, where were you on June 14, 1899?

TANTOR: I was taking my usual shower under the waterfalls.

DEFENCE: Tell us what happened while you were taking your shower.

TANTOR: Nothing much really. I was too busy plucking this awfully annoying hair on the back of my neck and Tarzan popped up in front of me and almost scared me to death!

DEFENCE: What did he tell you?

TANTOR: He said he met someone who looked like him.

DEFENCE: What happened next?

TANTOR: Tarzan took me to his tree house to see her.

DEFENCE: What happened when you saw her?

TANTOR: Oh! She was very excited. Tarzan told me that he rescued her from some baboons. We couldn't understand her because we couldn't speak English then.

DEFENCE: How long did Jane stay with Tarzan?

TANTOR: For three days. Then she ran away and Tarzan followed her to make sure she was safe. Tarzan came back later and told me that she had a family.

DEFENCE: How did Tarzan feel about finding out that he was not the only human?

TANTOR: At first he was mad at his ape family because they never told him that he wasn't alone. Later, though, he really wanted to learn about humans and spent a lot of time with Jane.

DEFENCE: Did you know that Jane didn't want to be with you and Tarzan?

TANTOR: No. We couldn't understand her, but she seemed really interested in Tarzan. I don't know why she is so upset now.

DEFENCE: So she never communicated to you that she wanted to leave?

TANTOR: No.

DEFENCE: Thank you. I have no further questions.

[Defence sits.]

JUDGE: Crown, do you wish to cross-examine the witness?
[Crown stands.]

CROWN: Yes my Lord/Lady. Tantor, you say that Tarzan looked a bit angry, am I correct?

TANTOR: Yes.

CROWN: Are you sure it was just a bit angry?

TANTOR: Well, maybe a bit more than a bit...

CROWN: And why do you say that?

TANTOR: Well, he broke a tree branch and threw it down on the ground.

CROWN: Did he make you feel scared or intimidated?

TANTOR: Yah, a little. We're really good friends and I know he'd never hurt me, but I'd never seen him so angry. You can't blame the guy, though. I'd feel the same way if I grew up not knowing that there are others like me.

CROWN: How can you be sure that Jane didn't want to leave?

TANTOR: Well, she seemed really interested in Tarzan and me.

CROWN: Isn't it possible that she was too afraid to say anything because of Tarzan's violent nature?

TANTOR: Tarzan's not violent.

CROWN: Violent enough to scare you?

TANTOR: Well...

CROWN: You are very good friends with Tarzan aren't you?

TANTOR: Yes.

CROWN: You would do anything to help him, wouldn't you? Does that include lying in court today about what really happened?

TANTOR: No, definitely not.

CROWN: No further questions my Lord/Lady.
[Crown sits.]

JUDGE: You may step down, Tantor. Counsel, please call your next witness.
[Tantor leaves the witness box; defence stands.]

DEFENCE: We call Turk.

[Turk takes the stand and remains standing for the oath.]

CLERK: Do you swear that the evidence you shall give shall be the truth, the whole truth and nothing but the truth, so help you God?

TURK: Yah duh Mr. Dude in the uniform!

CLERK: I'll take that as a yes. Please state your full name and address for record of the court.

TURK: Hey ladies and gentlemen! I'm Turkana! But you can call me Turk! I live with my family in the jungle on an African island! If ever you want to visit me, give me a call!

JUDGE: You may be seated....

[Turk sits.]

DEFENCE: Please tell us what your relationship to the accused is.

TURK: I'm his best bud! We are like the coolest buds you would ever get to know! One time we went waterfall divi...

JUDGE: Please refrain from making comments that are not asked for.

TURK: Oh, sure thing Mr./Madam Judge.

DEFENCE: Were you with Tarzan when he broke the tree branch in front of Tantor?

TURK: Oh ya! I'm always with Tantor and Tarzan because they are my best buds!

DEFENCE: So, you met Jane?

TURK: Yah. She was real nice.

DEFENCE: Did you ever think that she wanted to go home?

TURK: No way! She was really interested in Tarzan. I was incredibly surprised when Tarzan told me she ran away.

DEFENCE: Do you think that Tarzan kidnapped Jane?

TURK: No, he saved her.

DEFENCE: Thank you. No further questions, my Lord/Lady.

[Defence sits.]

JUDGE: Crown, do you wish to cross-examine this witness?

[Crown stands.]

CROWN: Yes my Lord/Lady, thank you. Turk, you were about to say that you and Tarzan once went waterfall...what?

TURK: Oh! Waterfall diving!

[Defence stands.]

DEFENCE: I object to that question my Lord/Lady! This line of questioning has no relevance.

CROWN: My Lord/Lady, the defence has made Tarzan's lack of judgement an issue in this case. This evidence could challenge the defence's assertion.

JUDGE: Objection overruled. I agree with the Crown. Please continue where you left off Turk.

[Defence sits.]

TURK: As I was saying, Tarzan and I once went waterfall diving!

CROWN: And Tarzan did not think of the dangers of doing it?

TURK: Tarzan knew it was a crazy idea to jump off a waterfall. He knows what's safe and what's dangerous, I taught him. But being the way Tarzan is, he doesn't really think about what he's doing because he's a "live with the moment" kind of guy.

CROWN: Tarzan doesn't think of the consequences of his actions?

TURK: Sometimes, sometimes not.

CROWN: No further questions my Lord/Lady.

[Crown sits.]

JUDGE: You may step down Turk. Defence, you may call your next witness.

[Turk leaves the witness box; defence stands.]

DEFENCE: The defence calls Tarzan, my Lord/Lady.

[Tarzan enters witness box and remains standing for the oath.]

CLERK: Do you swear that the evidence you shall give shall be the truth, the whole truth and nothing but the truth, so help you God?

TARZAN: Yes I do.

CLERK: Please state your full name and address for the record.

TARZAN: I'm Tarzan and I live with Turk in the jungle on an African island.

JUDGE: You may be seated.

[Tarzan sits.]

DEFENCE: Tarzan, what happened on June 14, 1899?

TARZAN: I was running through the jungle and I saw a creature that looked just like me being attacked by baboons.

DEFENCE: What happened next?

TARZAN: Well, I was really shocked at seeing somebody who looked like me. I grabbed her from the baboons and swung through the trees to my home. Then I went to tell Tantor.

DEFENCE: Tarzan, you were angry when you realized that no one told you that there were other creatures like you, right?

TARZAN: Yes, a little. My ape family had never told me.

DEFENCE: Were you happy or confused that there were others like you?

TARZAN: Happy of course!

DEFENCE: So you wouldn't do anything to hurt other creatures like you!

TARZAN: Never. Jane was the first creature that I've ever seen that was like me!

DEFENCE: After this incident, Jane often looked for you in the forest to teach you more about yourself. Where did she teach you?

TARZAN: In a secluded area in the forest.

DEFENCE: Why do you think Jane brought you to a secluded area?

TARZAN: I'm assuming her father didn't want to see her with me.

CROWN: Why her father?

TARZAN: He believes I took Jane intentionally when all I did was save her. I also did not know at that time that there were others like me and I was appalled. I didn't really know what I was thinking when I touched her. It was because of Jane that I can now act like a regular human who knows right from wrong. I did not know how to think like a human until Jane started teaching me, which was after the baboon incident in the woods.

DEFENCE: Did you intend to kidnap Jane when you saved her from the baboons?

TARZAN: Definitely not. I didn't know it was wrong to keep her. I didn't even know that she wanted to leave. I just wanted to be around her and learn about people.

DEFENCE: Thank you. No further questions my Lord/Lady.

[Defence sits.]

JUDGE: Crown, do you have any questions for this witness?

[Crown stands.]

CROWN: Yes my Lord/Lady. You said that you did not know how to think like a human the way you do know. Or at least, until Jane taught you, is that correct?

TARZAN: What I meant to say was, I didn't know how to think the way I do now.

CROWN: But you said think like a human! And how can the jury be so sure that you had no intent of kidnapping Jane thinking like a wild creature, or in other words, an ape?

TARZAN: I didn't kidnap her! What I meant to say though, is that I didn't really know how to think properly at all. And if I may add, I also did not know what actions are appropriate and inappropriate so whatever I did before surely must have been unintentional.

CROWN: Then if you didn't know what you were doing why did you intentionally save Jane from the baboons?

TARZAN: Well, once I laid eyes on her, my whole brain kind of went berserk and I couldn't control my thoughts. It was like a sudden reaction to think, "Save that creature!" And I guess my actions just took over.

CROWN: But if it was your actions controlling you then why did you mention earlier in the trial that you intentionally saved Jane?

TARZAN: Because I did intend to save Jane. It's just that it was a dangerous task and I had to force myself to save Jane.

CROWN: You're confusing me. So first you don't know what you're thinking, then now you don't know what you're doing but then you do know what you're doing because you had to force yourself to do something?

TARZAN: ...Well...

CROWN: Listen. In order to commit a crime you must do it with intent and action. You've been telling the court that you didn't have the intent to kidnap Jane, but you did have the intent to save her.

[Defence stands.]

DEFENCE: Objection, my Lord/Lady. Could the Crown refrain from making speeches during cross-examination and instead ask questions?

CROWN: My Lord/Lady, the accused's statements are confusing. I was merely trying to clarify them.

JUDGE: Clarify them all you want, but please don't give lectures. Objection sustained. The witness will not answer the question and the jury will disregard the question as well.

[Defence sits.]

CROWN: If you intended to save Jane, why didn't you let her go?

TARZAN: I didn't even know that she wanted to leave.

CROWN: How can the jury be sure that you intended to save Jane instead of just wild instinct causing you to kidnap her?

TARZAN: I don't know...it might have been animal instinct or it might have been human emotion. I was confused, but I know that I saved Jane. I didn't kidnap her.

CROWN: I have no further questions for this witness my Lord/Lady.

[Crown sits.]

DEFENCE: Re-direct my Lord/Lady?

JUDGE: Certainly counsel.

DEFENCE: You mentioned something about animal instinct just now, right?

TARZAN: Yes.

DEFENCE: What else was it that you mentioned?

TARZAN: Human emotion. After all, I am human but gorillas raised me. I guess being raised in the wild was kind of like a barrier to my human emotions. When I saw Jane, those emotions must have come out.

DEFENCE: Would you agree with me that this accusation could be all a mix up of you being able to tell right from wrong instead of you kidnapping someone with intent?

TARZAN: Yes.

DEFENCE: I have no further questions my Lord/Lady.

[Defence sits.]

JUDGE: Thank you Tarzan, you may step down. Does that conclude the case for the Defence?

[Tarzan leaves the witness box; defence stands.]

DEFENCE: Yes my Lord/Lady.

[Defence sits.]

JUDGE: Thank you counsel. Are you prepared to begin your closing statements?

[Crown and defence stand.]

CROWN: Yes my Lord/Lady.

DEFENCE: I am my Lord/Lady.

[Crown and defence sit.]

JUDGE: All right then, you may begin counsel.

[Defence stands.]

DEFENCE: My Lord/Lady, and ladies and gentlemen of the jury. At the beginning of our case, we told you that Tarzan had not committed any crime for he did not intentionally kidnap anyone. Of course the Crown would like you to believe that Tarzan stole Jane and kept her against her will. However, that is not the truth. Evidence has shown that Tarzan saved Jane from peril and then tried to protect her from other dangers of the jungle.

As a man raised by gorillas from birth, Tarzan has had no communication with creatures or humans like himself. He was totally unaware that creatures like he existed until he saw Jane. Obviously the shock of such a discovery made him curious about himself and humans.

Tarzan's lack of experience in dealing with humans caused him to not understand Jane's feelings. He had no way to know that she felt uncomfortable or wanted to go home as he didn't even speak English. Tarzan was enjoying learning about humans from Jane and wanted to know more about himself. Tarzan had never had any intent of kidnapping Jane.

The witnesses that we have called have all testified that they had no idea that Jane was feeling uncomfortable. There was no way that Tarzan could have known that Jane wanted to leave.

Jane should actually be happy that Tarzan was there to save her life from the baboons attacking her. Tarzan is a hero not a kidnapper. Without Tarzan, Jane could've been injured very seriously and even worse, might not have been able to get back to her camp.

On all the evidence you have heard today you should come to only one conclusion: Tarzan did not commit a kidnapping. He had no intent at all to kidnap Jane but did intend to save her. Thank You.

[Defence sits.]

JUDGE: Crown, you may proceed

[Crown stands.]

CROWN: Thank you my Lord/Lady. Ladies and gentlemen of the jury, the evidence that we have presented and heard today proves, beyond a reasonable doubt, that Tarzan is guilty of kidnapping Jane.

Tarzan's case rests on the testimonies of a gorilla and an elephant. Their judgment is biased because of their friendship.

Considering the evidence shown in this trial, it is clear that Tarzan should be convicted of kidnapping Jane. Not for a moment did he have the right to take Jane away. He had the intention to save her but claims he could not form the intent to kidnap her. That is not believable. This kidnapping should not go unpunished ladies and gentlemen. Thank You.

JUDGE: Ladies and gentlemen of the jury, that concludes the evidence to be heard in this matter. It is now time for your deliberations. You must determine whether Tarzan is guilty or not guilty of kidnapping Jane. As you may recall from the beginning of these proceedings, I outlined each of the elements that the Crown must prove beyond a reasonable doubt in order to succeed in their case against Tarzan. I now will take a few moments to discuss each of these elements and the evidence relating to the charge against Tarzan.

You should have little difficulty deciding whether the Crown has met the first three elements. Identity, date and place all seem clear. Mr. Clayton Shepherd identified the accused today as well as Jane. You also heard witnesses testify that the kidnapping occurred on June 14, 1899, in the jungle on an African island, as described in the indictment.

The fourth ingredient the Crown must prove is that Tarzan did kidnap Jane. You will recall the evidence of Jane in which she told the court that Tarzan assaulted her and kept her with him against her will. Also, you will recall Tantor's, Turk's and Tarzan's evidence which stated the opposite. You will have to decide which evidence to believe.

The fifth and sixth ingredients that the Crown must prove is that Tarzan assaulted Jane in order to kidnap her and that he wrongfully kidnapped Jane. The reason why Tarzan assaulted Jane is a major issue in this case. In deciding this issue, you should consider the following evidence. Tarzan's best friend Turk claims that Tarzan does not think when it comes to dangerous acts. Tarzan himself testified that he did not know what he was doing or what he was thinking because he was excited but confused about looking at someone the same as him. Jane testified that she did not like it when Tarzan touched her.

The seventh ingredient is that Tarzan intended to kidnap Jane against her will. You will recall that Tarzan claims he only wanted to save Jane by taking her with him. Turk and Tantor claim that Tarzan would never have the heart to kidnap anyone. Turk testified that Tarzan can sometimes become angry and act out of control. Tarzan also stated that when he touched Jane, he couldn't think properly because he was confused. Jane testified that she was held against her will as she wanted to return to her father's camp.

I remind you that the Crown must prove each of these elements beyond a reasonable doubt. You must return a verdict of not guilty of the offence of kidnapping if the Crown has not proven each of these elements beyond a reasonable doubt. You may retire to the Jury Room for deliberations. When you reach a unanimous verdict, please inform the sheriff. He will tell me when you are ready to return to the courtroom for the purpose of announcing your verdict.

[Jury leaves the courtroom for deliberations. Defence, Crown, and Tarzan stand out of respect for the jury. The sheriff directs the jury to the Jury Room.]

JUDGE: Thank you counsel. We will now adjourn until the jury returns with their verdict.

CLERK: Order in the court. This court stands adjourned for the verdict of the Jury

[All rise while the judge leaves the courtroom.]

CLERK: Order in the court.

[Everyone stands as the judge enters the courtroom.]

JUDGE: You may be seated. Mister/Madame Registrar, has the jury reached a verdict?

[Everyone sits.]

CLERK: They have my Lord/Lady.

JUDGE: Sheriff, please bring in the jury.

[Defence, Crown, Tarzan stand out of respect for the jury.]

CLERK: Mister/Madam Foreperson, have you reached a verdict?

[Foreperson stands.]

FOREPERSON: Yes, we have.

CLERK: Do you find Tarzan of Africa guilty or not guilty of the offence of kidnapping Jane against her will?

FOREPERSON: Not guilty/guilty.

CLERK: Members of the jury, hearken to your verdict as the court does record it. You find the accused Tarzan not guilty/guilty. This is your verdict, so say you all. Please stand to confirm your verdict.

[All members of the jury stand.]

JUDGE: Ladies and gentlemen of the jury, we thank you for acting as jurors in this matter. Both society and the law benefit from your contribution. In return, I hope you have found it to be an interesting and rewarding experience. Tarzan, you are free to go.

OR

Tarzan, you have been found guilty of the offence of kidnapping and a sentencing hearing will be held now.

Crown, do you have a submission on the appropriate sentence?

[Crown stands.]

CROWN: Yes, my Lord/Lady, I do. This is Tarzan's first offence, but it was a serious crime and he never repented for his acts. I suggest that the appropriate sentence in this case is a period of imprisonment for the maximum allowed by the law.

[Crown sits.]

JUDGE: Defence, do you have anything to say?

[Defence stands.]

DEFENCE: Thank you my Lord/Lady. Tarzan is an upstanding citizen. He saved Jane's life. He wasn't aware of his actions when he kept Jane against her will. The defence asks that he receive a conditional discharge with a period of 2 years of probation and 300 hours of community service.

[Defence sits.]

JUDGE: Tarzan, please stand.

[Tarzan stands.]

You have been found guilty of a serious criminal offence and must not take these proceedings lightly. However, you have been straightforward and have never been in trouble before. I understand that you were not aware that Jane wanted to go home, but it is not a defence. I feel that your rehabilitation or chance to become a responsible citizen is more of a concern than the protection of the public and hereby order a suspended sentence with a period of five years probation and 1,000 hours of community service.

CLERK: This court stands adjourned. Order in the court.

[All rise as the judge exits the courtroom.]