

Topic:

Humpty Dumpty's Assault

Time:

1-2 class periods

Grade:

5-9

Core:

5: 6050-0503

Objectives: Students will:

1. Understand the criminal justice process.
2. Understand the rights of the accused as set forth in the United States Constitution.
3. Understand the differences between the types of crime: violation, misdemeanor, and felony.

Procedure:

1. Using the story, "Humpty Dumpty's Assault," Handout 1, students may choose characters and write their own sworn statements. Begin with a general discussion to establish the date, time, and place the crime took place. This creates a common basis for the development of the students' statements. Students may then share their statements with each other.
2. Using the school resource officer, review the arrest procedure and vocabulary involved in the law on assault. Review the different classifications of crime.

THE ARREST

What happens? What does an investigation include? What has to be done at the scene of the crime? When does the arrest occur? What happens during the arrest?

1. The Call
 - a. At the scene of the crime.
 - b. The investigation.
2. The Complaint and the Warrant
 - a. Definitions of these terms.
 - b. When are they used?
 - c. How do they differ?
3. The Arrest
 - a. What is the law on assault?
 - b. What procedures must be followed?
 - c. When does the reading of the rights occur?
 - d. Who reads the rights?
 - e. When does questioning occur?
 - f. What happens during questioning?

Additional Resources:**Author:**

Sally Jensen-Ricciotti,
Update Magazine

4. Booking
 - a. What is booking?
 - b. What is bail?
 - c. Who sets bail?
 - d. When is bail set?
5. Arraignment
 - a. What is an arraignment?
 - b. What happens during an arraignment?
 - 1) Reading of the complaint.
 - 2) Assignment of a lawyer.
 - 3) Setting of a trial date.

THE TRIAL AND JURY SIMULATION

After these points have been covered, preparation for a mock trial may begin. Handout 2, **Mock Trials for Children**, will be helpful. Also, the Utah Law-Related Education Project has excellent materials that can be used. You also may want to contact a lawyer and/or a police officer in your community to assist with the mock trial.

SENTENCING

1. The judge sets a date for sentencing.
2. Procedures at the sentencing.
 - a. The state makes a recommendation, based on:
 - 1) the nature and seriousness of the crime;
 - 2) the prior history of the defendant.
 - b. The defense makes a recommendation, based on:
 - 1) circumstances surrounding the crime;
 - 2) the prior history of the defendant.
 - c. The defendant's statement. Occasionally a judge will ask the defendant to speak in order to gauge the attitude of the defendant.
 - d. The victim's statement.
3. The judge announces the sentence.

The appeal process may be discussed, with discussion of the different levels of courts and the differences between them. The role played by the Bill of Rights during the process should also be discussed.

TIPS FOR THE TEACHER

This lesson examines the process from commission of the crime to sentencing. The teacher may select which components of this lesson are simulated or role played.

The use of resource persons, such as lawyers and police officers, is important to the success of the lesson due to the technical information and insights they can offer. It is also important to include discussion of the various constitutional guarantees which apply during the individual stages of the process.

HUMPTY DUMPTY'S ASSAULT
Written by fifth grader, Christy Bluhm



One beautiful, bright, sunny day, an egg named Humpty Dumpty was laying on top of a crooked brick wall, sunbathing to make his shell brown, the color he wanted. Nearby, Little Bo Peep was sitting in a field, crying because she had lost her sheep.

And above, a cow was trying to jump over the moon twenty times.

Little Miss Muffet, a friend of Bo Peep's, was trying to comfort her and eat her curds and whey (which her mom, the Old Woman Who Lived in a Shoe, made her eat) at the same time.

Just as Humpty Dumpty dozed off, a spider came over to Miss Muffet and scared her so much that she ran wildly into the crooked wall, knocked it down, with Humpty on the bottom.

His shell was cracked! Miss Muffet ran away quietly, not wanting to get the blame, but Bo Peep and the cow saw what happened, and they called Old King Cole and Simple Simon.

Simple Simon arrived on the spot and arrested Miss Muffet, who was hiding, and read her her rights. Then Old King Cole came and said to Humpty, "Listen, son, I meant it when I said all of my men would try to put you back together again," and Humpty was driven off in an ambulance.

At the hospital, Tweedle Dum and Tweedle Dee were his doctors, but they just couldn't put him back together. (No wonder, as they were fighting all of the time.)

Humpty went through much pain and was in the hospital for several days. His bill at the end of

his stay was \$1,000.

During his stay, several people were questioned by the police. One was Miss Muffet, who said it wasn't her fault, as the spider chased her. The witnesses, Bo Peep and the cow, said Miss Muffet hit the wall and made it fall.

They also questioned The Fork and The Spoon, who were Miss Muffet's friends, and they said she wouldn't do such a thing.

Her mother, The Old Woman Who Lived in the Shoe, said the same thing. So did Old Mother Hubbard, who was a friend of Miss Muffet's mother. She said that the way the Old Woman raised her, such a thing would never happen, although she didn't exactly know Miss Muffet.

The Crooked Cat and Mouse said that the wall was crooked and not sturdy. (They should know; they built it!) And if Humpty just leaned the wrong way, it could have fallen on its own.

Tweedle Dum and Tweedle Dee said Humpty couldn't have possibly done it himself, because if he purposely pushed the wall down, there would be blisters on his hands.

MOCK TRIALS FOR CHILDREN

M. Gail Hickey

Conducting a mock trial can be an exciting role-playing experience for classes, especially in the elementary grades. Children's natural enthusiasm for playacting provides a built-in success ingredient, and their curiosity about courtrooms and trials sustains interest. Teachers with little background knowledge about the legal process may be timid about using mock trials; the purpose of this article is to offer suggestions and activities for overcoming that reluctance.

Bear in mind that students already have a great deal of information about trials. Some of this, but not all, is misinformation. Television shows have helped to create interest in the judicial process. Viewing such programs or discussing them can be a good opening gambit to conducting a mock trial. Other ideas for introducing students to the mock trial process are as follows.

Pretrial Activities

Students should be presented with the basics of simulation. First, have them act out roles from a familiar activity, such as a baseball game. They will quickly identify the necessary roles — pitcher, a catcher, umpire, and others. After simulating an inning or two, you can direct a classroom discussion about the necessary rules and procedures in *any* game. The following questions might be helpful in drawing an analogy from the baseball simulation to the courtroom:

- What roles are necessary in a court room?
- Are there rules to follow, such as in the baseball game?
- What kind of procedure is necessary? For example, who should go first?
- What is the purpose of each role?

Both civil and criminal cases can be used for mock trials. In civil cases, which reflect the most typical conflicts in everyday life, two or more people have a dispute. Each believes he or she is right. Both sides must be

argued as strongly as possible to resolve the conflict.

Arguing Two Sides of a Question

Students need to practice seeing two sides of a conflict, especially if they are involved. When two nine-year-olds are in a heated dispute, they are unlikely to be able to see the other side. The following story can be read for this pretrial activity:

Oog vs. Ugh

A very long time ago, when men still lived in caves, two cavemen got into a furious argument about who killed "Old Snagglefang," the stubborn saber-toothed tiger. A glacier of ice had moved into the valley below the caves where the first men lived. The ice had crushed all the berry trees and frozen the fish into the ice of the lake. All the animals had died or run away — all except old Snagglefang, who was too ornery and stubborn to be driven off. But one day, Snagglefang paid a terrible price for his stubbornness. A caveman named Oog found old Snagglefang sleeping in the sun on the side of the mountain and bonked him on the head with a giant rock. Old Snagglefang reared up, took a few last wobbling steps, and fell into a pit that a caveman named Ugh had dug to snare passing saber-toothed tigers. Oog had just tugged and yanked old Snagglefang out of the pit when Ugh came along and insisted that Old Snagglefang was *his* catch. That was how the fight started.

The question at issue is -- who really owns Snagglefang? Oog — who struck the blow, or Ugh — who created the trap for Snagglefang? Ask students which side *they* would support. What would be a fair decision? Conduct a debate and have students present arguments for both sides.

Ideas for Mock Trial Themes

Fictional Characters

Mock trials involving fairy-tale and folktale characters can be an enjoyable introduction to the trial process. Familiar heroes

and villains take on new and surprising personalities when students give critical thought to issues of justice and fairness.

Plan to spend several days reviewing the story, concentrating on character development and plot sequence. Ask students to consider the motives, evidence, and possible outcomes of the story for various characters. Decide whether a crime has been committed and, if so, against whom? Conduct a trial allowing students to role-play judge, district attorney, attorney for the defense, the defendant, the plaintiff, various witnesses, and, of course, the jury.

Historical Figures

Mock trials involving historical figures are more challenging and interesting when controversial personalities are involved. You may wish to consider these possibilities, or select your own “defendant.”

- Alexander the Great
- Julius Ceasar
- Benedict Arnold
- Aaron Burr
- Adolf Hitler

In any event, it will be necessary to obtain accurate background information about the historical figure as well as facts and hearsay surrounding the scandal or controversy. Students may be divided into “opposing camps” while securing the information and conducting the subsequent trial, or the trial may follow a class unit on one or more controversial figures.

Modern Dilemmas

Here are some ideas for mock trials involving situations that could have been experienced by students’ family members or the next-door neighbor. Other such ideas may be suggested by one of the popular television shows.

•A doctor performs abdominal surgery on an elderly woman. Following the operation, she continues to experience severe pain for several months. She goes to another doctor, who takes X-rays that reveal a foreign object in her stomach. Exploratory surgery is performed, and the second doctor finds that a bit of sponge had been left in her body by mistake by the first doctor. The woman decides to sue the doctor and hospital for \$500,000 to compensate for her additional suffering. The students must decide whether the doctor or hospital must pay the damages and, if so, how much.

• A doctor has a terminally ill patient — a man in his eighties — who is being kept alive by artificial respiration. Three other physicians have examined him and concur that he has no chance for recovery. The patient’s family wants the doctor to “pull the plug” on the respirator and let him die with dignity. After months of discussion, the doctor finally agrees. The patient dies. The students must decide whether the doctor is guilty of murder.

• A teenage girl buys a 10-speed bicycle for \$175 from a local store. Her bike comes with a one-year warranty on parts and labor. During the first week she owns the bike, the girl notices that something seems to be wrong with the brake pedal. She rides the bike about five times that week, but one day the brakes suddenly fail and she has an accident. The girl spends several days in the hospital recovering from her injuries, and her parents decide to sue the store and the bicycle manufacturer. Neither the store nor the manufacturer acknowledges liability. The students should decide whether the girl deserves compensation and, if so, how much.

Conducting a mock trial can be both fun and informative. Whether it is an introduction to an in-depth study of the legal process, or a program presented to students in other grades or on PTA night, or just for fun, students will enjoy the background preparation and the actual event — learning as they go. They will remember it for years to come.