

The People vs. Onion

Cast of Characters

Judge	Clerk
Bailiff	Court Reporter
Defense Attorney	District Attorney
Major Witness-Hungry	Defendant-Onion
Cook	Doctor
Police Officer Justice	Friend of the Defendant
Neighbor	12 Jurors plus Alternates

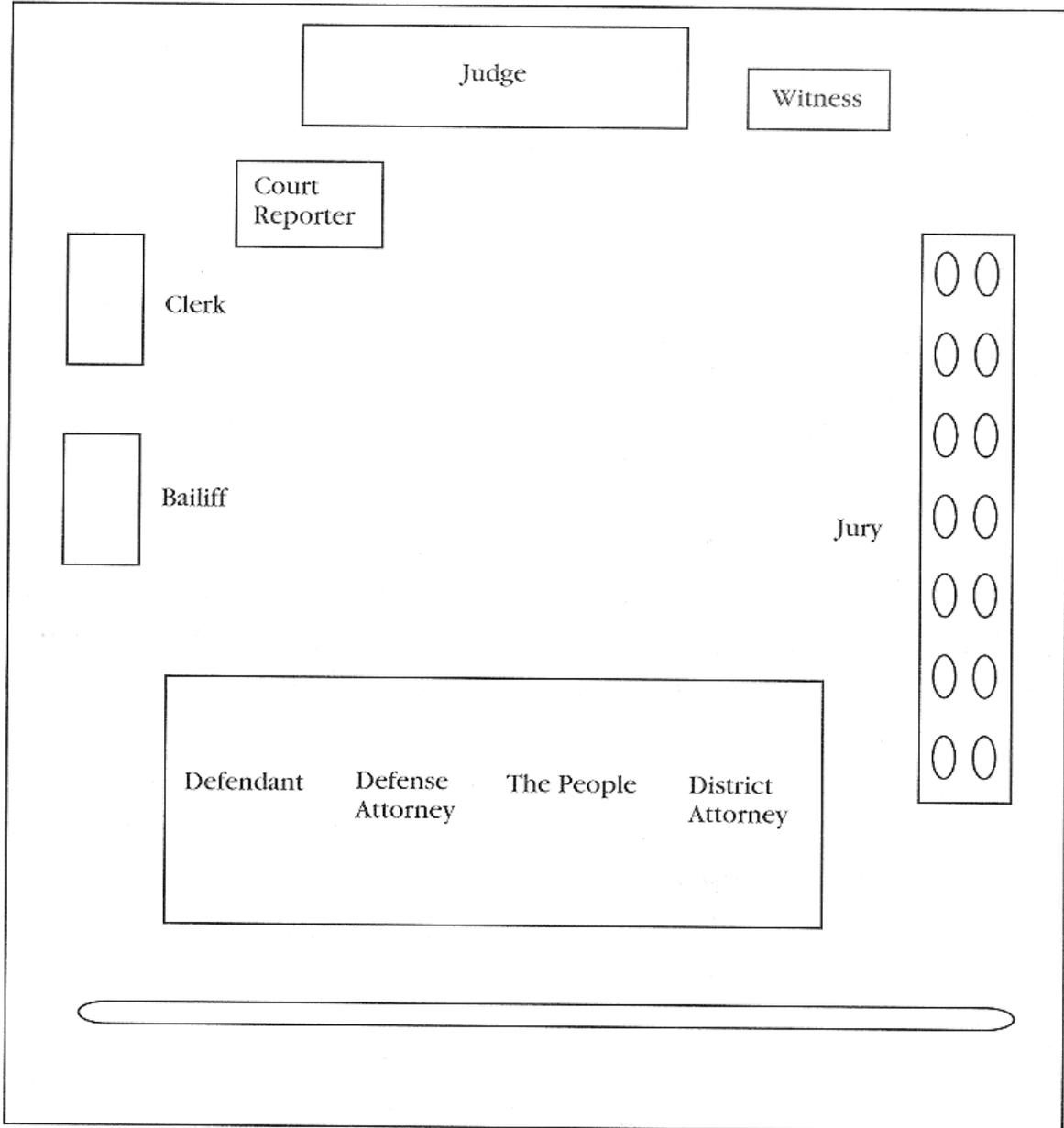
The Facts of the Case (to be read by a narrator, teacher, or student).

On Friday, February 12, 2010, Hungry ordered and ate Portuguese Sausage Soup from Soups Supreme. The soup contained onions. Hungry got bad breath. Neighbor came to Hungry's house to borrow some sugar and witnessed the crime. Hungry called 911 and reported the crime.

Police Officer Justice arrived, interviewed Hungry and Neighbor. Officer Justice put together a description of the suspect. The police were able to identify the suspect. The officers obtained a warrant, went to the suspect's home, and questioned him. Onion admitted to being in the soup. Onion also said that bad breath never harmed anyone and that Hungry should have eaten parsley after eating the soup to eliminate bad breath. The Police placed Onion under arrest and read the Miranda Warning. Onion was taken to county jail and booked. Because Onion could not post bail, Onion stayed in jail. At Onion's arraignment, Onion pleaded "Not Guilty" and a date was set for trial.

The Setting

The room should be set up for the trial according to the following diagram of the courtroom.



The arrangement of a courtroom for a trial.

The Trial

Bailiff: All rise. Department 4 of the State of (insert name of state), in and for the County of (insert name of county), is now in session, the Honorable Judge presiding. You may be seated.

Judge: This is the case of The People versus Onion, Number 465. Let the record show the jurors are seated. Clerk, you may now swear in the jury.

Clerk: Please stand and raise your right hand. Do you swear you will truly hear the case now pending before this court, and that you will render true verdict therein?

Jurors: I do.

Judge: Are you ready for opening statements?

District Attorney (D.A.): Yes, Your Honor.

Both attorneys address the jury. Many attorneys like to stand near the jury and establish a close contact. They met the jurors during the selection process. Both attorneys want an informal, almost friendly relationship with the jury. The opening statement is an opportunity for the attorneys to tell the jury about the case. They usually say, "I will show you 'this' and I will present you 'that' and I am sure you will find the defendant guilty," (or not guilty, if the defense is speaking).

D.A.: Ladies and gentlemen of the jury, the defendant is charged with causing bad breath. I will prove Onion harmed Hungry in this unlawful manner.

Defense: Your honor and ladies and gentlemen of the jury, the defendant admits he was in the soup Hungry ate, but did not cause bad breath so no crime was committed.

Judge: District Attorney, are you ready for your first witness?

D.A.: Yes, Your Honor. The state calls Hungry.

The bailiff walks to where the witnesses are sitting. Witnesses are usually seated outside the courtroom so they cannot hear the testimony of the other witnesses. For this trial a separation is not desirable, so they can be seated within the group of spectators. When called, they rise so the Bailiff can locate them.

Bailiff: I call for Hungry. (*Hungry stands and walks with the bailiff to the witness stand.*) Please remain standing.

Clerk: Please raise your right hand. Do you solemnly swear the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Victim: I do.

Clerk: Please state your name.

Victim: Hungry.

Court Reporter: Please spell your name.

Victim: H-U-N-G-R-Y.

D.A.: Hungry, where do you live?

Hungry: 1234 Delectable Lane.

D.A.: Did you order Portuguese Sausage Soup from Soups Supreme?

Hungry: Yes. I ordered soup for takeout and went home and ate it.

D.A.: What happened after you ate the soup?

Hungry: My Neighbor came over to borrow some sugar. As I was chatting with Neighbor, I noticed how Neighbor scrunched up his nose and backed away from me. This made me suspect I had bad breath. I did the little hand over mouth self-check and discovered that sure enough the onion in the soup had given me bad breath.

D.A.: What did you do after you made this discovery?

Hungry: I immediately called 911 and reported the crime.

D.A.: I have no further questions.

Judge: Defense attorney, you may cross-examine.

Defense: I have no questions at this time, Your Honor.

Judge: (*To the victim*) You may be excused. D.A., you may call your next witness.

D.A.: The State calls Officer Justice.

Bailiff: I call for Officer Justice. (*Escort Officer to the witness box.*). Please remain standing.

Clerk: Please raise your right hand. Do you solemnly swear the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Officer: I do.

Clerk: Please state your name.

Officer: Officer Justice.

Court Reporter: Would you please spell your whole name?

Officer: O-F-F-I-C-E-R J-U-S-T-I-C-E

D.A.: Officer, how long have you worked for the Police Department?

Officer: For three years.

D.A.: Were you called to the home of Hungry.

Officer: Yes, the call came in on Friday, February 10, 2010. I went to the address on Delectable Lane.

D.A.: What happened when your arrived?

Officer: Hungry told me while eating Portuguese Sausage Soup, Onion gave him/her bad breath. The neighbor was there, so I questioned him. I called the Detective Bureau for an investigator to come, and I went around the neighborhood looking for anyone who might have seen something to affect the case.

D.A.: Please go on. What happened next?

Officer: Well, the detectives dusted for fingerprints. They also questioned the Cook who worked at Soup Supreme where Hungry purchased the soup for a description of the suspect.

D.A.: Did you find any other people who might have seen what happened that day?

Officer: No, Neighbor was the only witness I could find.

D.A.: Were you able to trace the evidence Cook left in the kitchen?

Officer: Yes, we found Onion's skin and that is how we located the suspect. Right away, I got a warrant, went to Onion's home, and placed him under arrest.

D.A.: I have no further questions.

Judge: The defense may cross-examine the witness.

Defense: Thank you, Your Honor. Now, Officer, when you went to Onion's house, did he seem nervous?

Officer: Oh no, he was very friendly, even calm.

Defense: Well, did he answer your questions in a cooperative manner?

Officer: Oh yes, he was fine. He even told me I could look around the place.

Defense: Officer, did you have a search warrant?

Officer: Yes.

Defense: What, if anything, did you find?

Officer: Well, right away I smelled a pungent odor that brought tears to my eyes. I asked him if he had gone to Hungry's house and he said that he did. I asked if he had caused bad breath and he said that he did not and that bad breath never hurt anyone and that Hungry should have eaten some parsley after finishing his soup.

Defense: I have no further questions.

Judge: D.A., you may call your next witness.

D.A.: The People call Neighbor.

Bailiff: I call for Neighbor. (*He escorts Neighbor to the witness box.*) Please remain standing.

Clerk: Please raise your right hand. Do you solemnly swear the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Neighbor: I do.

Clerk: Please state your name.

Neighbor: Neighbor.

Court Reporter: Please spell your name.

Neighbor: N-E-I-G-H-B-O-R.

D.A.: Where do you live?

Neighbor: On Delectable Lane right next door to Hungry.

D.A.: Please tell the court how you happened to see the defendant on February 12, 2010.

Neighbor: I stopped by Hungry's house to borrow some sugar just as he was finishing his dinner of Portuguese Sausage Soup.

D.A.: What did you see that day?

Neighbor: I saw an empty bowl with drops of soup left over and a take home container of soup from Soup Supreme on the table. When Hungry brought me the sugar and was chatting with me, I smelled onion breath. Then, I looked at the table again and noticed onions were indeed in the soup.

D.A.: I have no further questions your Honor. I rest my case.

Judge: Defense, you may cross-examine.

Defense: Now Neighbor, all this happened quite a few weeks ago. How is that you can be sure Hungry's breath smelled of onions and not sausage?

Neighbor: Because I enjoy onions in my soup and in other dishes, so I am quite familiar with their distinct smell.

Defense: Now, Neighbor, although you saw onions in the pot of leftover soup, can you be sure there were onions in the bowl that Hungry ate from?

Neighbor: Well, I'm pretty sure.

Defense: I have no further questions.

Before the cross-examination of this last witness, the prosecution said, "I rest my case." This means the D.A. did not want to question any other witnesses. He/She also felt he/she had proved, without a doubt the defendant was guilty. At this point the trial could end. The Constitution guarantees a person is presumed innocent until proved guilty. The defense does not have to present a case at all. They do not have to prove the defendant is innocent. All the defense has to do is make sure everything that goes on in the trial is in the best legal interest of the defendant. Of course, if any witnesses would make the jury consider the defendant innocent, the defense would present them. And so, the defense will present its side of the case.

Judge: Is the defense ready to present their case?

Defense: We are, your Honor.

Judge: You may call your first witness.

Defense: We call for Cook.

Bailiff: I call for Cook. *(He escorts Cook to the witness box.)* Please remain standing.

Clerk: Please raise your right hand. Do you solemnly swear that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Cook: I do.

Clerk: Please state your name.

Cook: Cook.

Court Reporter: Please spell your whole name.

Cook: C-O-O-K.

Defense: Where do you work?

Cook: I work at Soup Supreme restaurant.

Defense: Will you tell the jury what happens when a person calls and orders soup for takeout?

Court Reporter: Excuse me, would you please repeat that? I couldn't hear.

Defense: Will you tell the jury what happens when a person calls and orders soup for takeout?

Judge: Speak directly into the microphone, Defense.

Cook: What do you mean? We answer the phone, write down the order, prepare the order, then the customer comes and picks up the order.

Defense: Yes, I know, but after the soup is picked up—do you keep any record of the order?

Cook: Sure, orders are saved on the computer. We can look it up any time.

Defense: Well then, Cook, do you have any record of an order placed by Hungry.

Cook: I searched our electronic file, and yes Hungry placed an order for Portuguese Sausage Soup on February 12, 2010.

Defense: Do you have a copy of that order.

Cook: Yes, right here.

Defense: Does the order specify that you were to leave onions out of the order?

Cook: No.

Defense: Your Honor, I would like to have this copy entered as evidence. Defense Exhibit Number 1.

Judge: So ordered.

The defense attorney gives the order to the clerk so he/she can enter it into the court record.

Defense: I have no further questions.

Judge: You may cross-examine, D.A..

D.A.: Thank you, your Honor. Now Cook, when Hungry called to order Portuguese Sausage Soup, did you tell him the soup had onions in it?

Cook: No. I generally do not list the ingredients of the soups unless the customer specifically asks.

D.A.: So we have no real reason to believe Hungry knew the soup contained onions or that he knew onions would give him bad breath?

Cook: Not by the order, anyway.

D.A.: Thank you, Cook. I have no further questions.

Judge: *(To the witness.)* You are excused. *(To the defense.)* You may call your next witness.

Defense: I call for Doctor.

Bailiff: I call for Doctor. *(He escorts Doctor to the witness box.)* Please remain standing.

Clerk: Please raise your right hand. Do you solemnly swear the testimony that you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Doctor: I do.

Clerk: Please state your name.

Doctor: Doctor.

Court Reporter: Please spell your name.

Doctor: D-O-C-T-O-R.

Defense: Doctor, where do you work?

Doctor: I work at Healthy Habits Hospital.

Defense: Do you know if the defendant ever came to your hospital to get advice on healthy eating?

Doctor: Yes, Hungry came in during our healthy eating campaign last year.

Defense: What advice did you give clients during the healthy eating campaign?

Doctor: We advised our patients to add colorful vegetables to their diets.

Defense: Did this advice include adding onions to a regular diet?

Doctor: Yes, we particularly encourage patients to add onions to their diets because onions have powerful antioxidants. They are a source of quercetin, a flavonoid found in a number of research studies to have anti-cancer, anti-inflammatory, and antibacterial properties. A growing body of scientific research supports the health promoting qualities of onions.

Defense: I have no further questions.

Judge: D.A., you may cross-examine.

D.A.: Thank you, your Honor. Doctor, can you present any proof Hungry actually added onions to his diet?

Doctor: No, but as I said, he did attend the seminar held during our healthy eating campaign.

D.A.: I have no further questions.

Judge: *(To the witness.)* You are excused. *(To the defense.)* Defense, you may call your next witness.

Defense: The defense calls Friend.

Bailiff: I call for Friend. *(He escorts Friend to the witness box.)* Please remain standing.

Clerk: Please raise your right hand. Do you solemnly swear that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Friend: I do.

Clerk: Please state your name.

Friend: My name is Friend.

Court Reporter: Please spell your name.

Friend: F-R-I-E-N-D.

Defense: How long have you known the defendant?

Friend: About seven years.

Defense: In those seven years have you ever known Onion to be violent or malicious?

Friend: No, actually Onion is the most kind and generous person I know.

Defense: Do you ever add Onion into your soup?

Friend: Yes, not only do I add Onion to my soup, but also to my salads, and other dishes. I like to grill them, sauté them, and I also like to eat them raw!

Defense: Does Onion ever give you bad breath?

Friend: I can't say I ever suffered from bad breath. I am in the habit of eating parsley after a meal though. It's a natural breath freshener you know. Oh, I also brush my teeth after every meal and sometimes, I like to have after-dinner mints.

Defense: Thank you, I have no further questions.

Friend was called as a character witness. He/She has no connection with the case but could tell the jury about the defendant as a person.

Judge: You may cross-examine.

D.A.: Friend, you said you have known the defendant for seven years. Is this a close relationship or just a casual one?

Friend: Well, I don't know exactly what you mean.

D.A.: It is really quite simple. Are you and the defendant casual friends or are you a relative?

Friend: Oh, well, we are really good friends.

D.A.: Actually, Friend, aren't you an onion grower?

Friend: Yes. Yes, I am.

D.A.: Don't you make money by selling onions?

Friend: Yes.

D.A.: So tell me, if Onion was convicted of causing bad breath it would ruin your sales, wouldn't it?

Friend: Well, yes it would.

D.A.: And isn't it true that you might stretch the truth a bit to help your business?

Defense: I object, Your Honor. The district attorney is harassing my witness!

Judge: Objection sustained; D.A., watch the tone of your cross-examination.

D.A.: I have no further questions.

Judge: You may be excused, Friend. Does the defense have any other witnesses?

Defense: The defense calls the defendant, Onion.

The prosecution could not call the defendant to the witness stand because the Fifth Amendment guarantees a person does not have to testify against himself or herself. Only the defendant's attorney can call him or her. But if he/she does, the prosecution gets to cross-examine—and that can be rough.

The defense has to make this decision. If the defendant presents well, if he/she has a good story, if he/she can hold up under a tough cross-examination, then his/her attorney will call them to the stand. If something goes wrong during the trial, or if putting the defendant on the stand is not in the persons best interest, the defense will not call their own client.

Bailiff: (He escorts Onion to the witness box.) Please remain standing.

Clerk: Please raise your right hand. Do you solemnly swear the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Defendant: I do.

Clerk: Please state your name.

Defendant: Onion.

Court Reporter: Please spell you whole name.

Defendant: O-N-I-O-N.

Defense: Onion, please tell the jury in your own words about your dealing with Hungry.

Defendant: Well, I was diced up into the Portuguese Sausage Soup at Soup Supreme. My job was to flavor the soup and provide health benefits to the eater.

Defense: What do you have to say to the charge of causing bad breath?

Defendant: Digestion begins in the mouth. Saliva has enzymes which begin the digestion process, and the type of food eaten can affect the food chemistry of the mouth. Saliva can pick up odors from foods and drinks within several hours after being eaten. Bacteria in the mouth react with the food and drink residue and can be the source of unpleasant smells. As onions are digested, certain compounds are transmitted from the blood through the lungs and exhaled for up to 24 hours.

Defense: Therefore, you did not cause the bad breath.

Defendant: No.

Defense: I have no further questions. The defense rests, Your Honor.

Judge: Would you like to cross-examine, D.A.?

D.A.: I certainly would, Your Honor. Now Onion, you told the jury you were a part of the Portuguese Sausage Soup.

D.A.: Do you have any proof you did not cause Hungary's bad breath?

Onion: Well, the type of food eaten can affect the food chemistry of the mouth.

D.A.: You can offer no proof you did not cause the bad odor. You are asking the jury to believe you—to believe it is the digestive process that causes bad odor.

Onion: Yes, I am asking the jury to believe in digestive science.

D.A.: Thank you, I have no further questions.

Judge: Are you ready with closing arguments?

D.A.: Yes, Your Honor.

Defense: Yes, Your Honor.

D.A.: Your Honor and ladies and gentlemen of the jury, the defendant admitted he/she was in the soup Hungry ate and that when onion is digested certain compounds are transmitted from the blood to the lungs and exhaled for up to 24 hours. He claims it is the digestive process that creates the odor. We are asked to just take his word and allow him to walk out and cause more bad breath. I submit to you that he/she caused Hungry to have bad breath and he/she got caught. I urge you to think about this carefully and come back into the court with a “Guilty” verdict.

Defense: Ladies and gentlemen, Onion is a humble vegetable. He/She is a staple of the kitchen. Even Julia Child said, “It’s hard to imagine civilization without onions”. Onion has given every reason why he/she should be believed. Onion told us he/she was in the soup Hungry ate. I submit to you the real victim here today is not Hungry, it is Onion. He/she was doing his/her job, adding flavor and health benefits to the Portuguese Sausage Soup. I know you will find him/her “Not Guilty.”

Judge: D.A., you may have the last statement.

D.A.: Thank you, Your Honor. You have just heard the defense attorney claim because Onion is a humble vegetable, he/she shouldn’t be held accountable for causing bad breath. I remind you, Hungry is not on trial. Hungry is the victim. Hungry got bad breath. Onion caused it. I urge you to find the defendant, Onion, guilty of causing bad breath.

The judge now gives instructions to the jury before they go off to deliberate.

Judge: The defendant is charged with a felony, causing bad breath.

The prosecution tried to prove to you the defendant, Onion, caused Hungry to have bad breath and is guilty of the charge.

The defense tried to prove to you Onion only brought flavor and health to the soup and that the digestive process caused the bad breath. The defense does not have to prove their client is innocent. Onion is presumed innocent until proven guilty—without a doubt. Those little words, *without a doubt, a reasonable doubt*, are very, very important as you make your decision.

You have heard the facts of the case. The law states causing bad breath causes harm. Causing bad breath is against the law. You have heard the facts and seen the evidence of this case. You must now apply the facts to the law and decide if the defendant is guilty of the charge—causing bad breath. It is your duty to consider these things. I do not want you to talk to anyone else about this case, or to read about the case in the newspaper, or to watch anything about it on television.

As you begin to deliberate, I want you to remember you are to decide by considering the facts, and only the facts. It doesn't matter whether he or she is rich or poor, humble, or powerful—or what color, or race, or religion he or she has.

You are to choose one person among you to act as foreman or forewoman. This person will allow discussion and then conduct voting or balloting. When you have reached a unanimous verdict (you must all agree), you will come back and present your verdict to the court. If you have any questions, you may summon the bailiff and I will be called to instruct you.

Would the clerk please swear in the bailiff?

Clerk: *(to the bailiff)* Please raise your right hand. Do you swear you will take charge of this jury, keep them together at all times, not permit them to talk to you or any other person about this case, and do you swear you will deliver the final verdict to the clerk of the court?

Bailiff: I do.

The bailiff escorts the jury to the jury room. He or she does not stay with them, but awaits their call by sitting somewhere nearby so their knock or ring may be heard. When the jury is ready, they signal for the bailiff, who then escorts them back to the courtroom. The clerk calls both attorneys so they can rush back to the courtroom. The defendant is brought back into the court. The judge takes his/her seat.

Bailiff: Remain seated. The court will come to order.

Judge: Have you reached a verdict?

Bailiff: We have, Your Honor.

The foreperson hands the verdict to the bailiff, who hands it to the judge. The judge reads it silently and hands it back to the bailiff, who then hands it to the clerk. The clerk writes down (records) the verdict. In some courtrooms the clerk reads the verdict aloud. In others, the foreperson reads it. Do whatever you wish. If the foreperson is to read the verdict, the bailiff hands it back to him or her. All this movement is done in silence and becomes very dramatic.

Judge: Please read the verdict. The defendant will rise.

The defendant and his attorney rise and stand in place.

Clerk or Jury Foreperson: In the matter of The People versus Onion, we the jury find _____ (the defendant guilty or the defendant not guilty or we were unable to reach a verdict).

Judge: Thank you, ladies and gentlemen of the jury. This court is adjourned.

If the verdict was guilty, the judge will set a date for sentencing. He or she will study information gathered about the defendant.