



Fact Pattern

Based on the Book

***Lamb to the Slaughter* by Roald Dahl**

Mary Maloney, a housewife pregnant with their first child, awaits her husband Patrick's return home from his job as local police officer. When Patrick returns Mary notices that he is uncharacteristically aloof, and assumes that he is tired from work. After having more to drink than usual, Patrick reveals to Mary that he is leaving her, but will make arrangements for she and the baby.

Ignoring Patrick's words and in a trance, Mary gets a large leg of lamb from the deep-freezer in the cellar to cook for their dinner. Patrick, his back to Mary, angrily calls to her not to make him any dinner, as he is leaving. While he is looking out of the window, quite suddenly, as if she is acting without thinking, Mary strikes Patrick in the back of the head with the frozen lamb leg killing him instantly.

Mary realizes that Patrick is dead and begins, rather coldly and practically, to question what she should do. There is the baby to consider, she knows what the law does with a murderer, but what about the baby? She prepares the leg of lamb that she had used to hit and kill her husband. She places it in the oven to destroy the evidence. Then she considers an alibi and calls her friend Mary to cancel a dinner for tonight. She then goes to the market and gets additional food for Patrick's dinner talking with the grocer. When she returns home, she makes it seem as if there had been a struggle and calls the police.

When the police arrive, they question Mary and examine the scene. The police conclude that Patrick was killed by an intruder with a large blunt object likely made of metal. Around 10:00 after the house has been searched and the crime scene processed, Mary offers the leg of lamb to the police officers. Mary points out that they have been working late into the night without dinner and that the meat will otherwise go to waste.

COURT OF LAW

THE PEOPLE,

Prosecution,

v.

MARY MALONEY ,

Defendant.

PROCEEDINGS

BAILIFF: All rise. The Honorable Judge _____ presiding.

JUDGE: You may be seated. Today we are going to hear the case of The State v. Mary Maloney, a case of manslaughter. Prosecution, please introduce yourself:

PROSECUTION: [All prosecution attorneys stand and introduce themselves.] Your Honor, my name is _____ and I represent the State. [Each student-prosecutor then introduces themselves.]

JUDGE: Thank you. Defense Counsel, please introduce yourselves.

DEFENSE: [All defense attorneys stand and introduce themselves.] Your Honor, my name is _____ and I represent Mary Maloney, the defendant. [Each student-defense attorney then introduces themselves.]

OPENING STATEMENTS

JUDGE: Prosecution, are you ready to give your Opening Statement?

PROSECUTION: We are, Your Honor. May it please the Court. Your Honor and Ladies and Gentlemen of the jury, we are here today to prove that Mary Maloney is guilty of murder. One fateful night, police officer and loving husband, Patrick Maloney, came home to his wife, Mary. That night, after Mary gave her husband a few glasses of whiskey, she used a blunt force object to strike him in the back of the head and kill him. She hit him from behind, he never saw her

coming, and he never fought back. The facts will show that Mary Maloney is the only possible murderer: she was the only one who ever came into the house, she was the one who called the police and acted strangely, and she was the wife of a detective who knew just how to hide a weapon in her home. We will prove all of this to you today through our witnesses. First, Sergeant Jack Noonan will tell us how he was called to the scene to find the body of Detective Patrick Maloney cold and dead, pale as a ghost. The house was ransacked and the defendant, Mary Maloney, stood calmly over the body. He will say she stood as if it didn't trouble her that her husband was dead. Detective O'Malley will tell us that after processing the scene, using technology like fingerprint data, he was unable to find evidence that anyone had been in the house except for the defendant and the deceased. The Medical Examiner Andy O'Brian will next tell us that when he arrived at the scene Patrick was doubled up on the floor with blunt force trauma to the back of the head, causing his immediate death. To cause this trauma, a club shaped weapon had been used from behind. Detective Maloney would not have seen his assailant. It will be clear from this evidence and testimony that Mary Maloney is guilty of murdering her husband. To put it frankly, Mr. Maloney did not drop dead from blunt force on his own accord, and she is the only one who could have killed him. He was murdered, murdered by his own wife in his own home. It is tragic, but you'll see by the end of today's trial that it's true. Mary Maloney killed her husband, and you, as the jury, must find her guilty of manslaughter.

JUDGE: Defense, are you ready to give your Opening Statement?

DEFENSE: We are, Your Honor. May it please the Court. Your Honor and Ladies and Gentlemen of the jury, we are here today to prove that Mary Maloney is innocent. The Prosecution just told you a story, but it is not the truth. They have told you a wild tale about a wife who killed her husband and lied to the police, who was able to hide the weapon and hide her

emotions. They want you to believe this because the truth is that we simply don't know who killed Mr. Maloney that fateful night. The truth is there is a murderer who kills police officers still at large, and the Prosecution would rather you forget that. Mrs. Maloney is an absolutely devoted wife who loved her husband more than life itself. On the night in question, she was 6 months pregnant, and eager for her husband to return from work for their weekly date night. But, Mrs. Maloney will tell the Jury how her husband came home tired after a long day of work, too tired to go out as they had planned. So, she first called her friend to cancel, and then went to the grocers to buy some vegetables and cheesecake to go along with the lamb she had cooking in the oven. When she returned from the store, she saw something that has traumatized her beyond belief, she found her husband dead on the floor in a pool of blood. The house was a mess but she hardly noticed, too panicked. She immediately called the police. The murderer of Mr. Maloney still roams the street, but it is not his wife. There is nothing tying her to this crime at all—no fingerprints, no murder weapon, no motive, and no witnesses. To find Ms. Maloney guilty, she has to be deemed guilty **beyond a reasonable doubt**. That is the standard to put her away for manslaughter. Here, there is more than reasonable doubt, there is massive doubt. Mr. Maloney was a detective, there are likely many criminals who wanted him dead, for revenge or for their future case. Those criminals are far more likely to have killed Mr. Maloney than his loving wife. There is too much doubt and too many unanswered questions to ever consider Ms. Maloney guilty, and at the end of today's trial you should vote with your conscience and with the law, and find her not guilty.

JUDGE: Prosecution you may call your first witness.

PROSECUTION: The prosecution calls Sergeant Jack Noonan to the stand.

BAILIFF: (To the Witness) Please raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth?

JACK NOONAN: I do

BAILIFF: You may be seated.

PROSECUTION: Please state your name and occupation for the record.

JACK NOONAN: I am Sergeant Jack Noonan and I am a police Sergeant in Kutztown.

PROSECUTION: Are you familiar with Patrick Maloney?

JACK NOONAN: Yes, I was called as the responding officer to the scene of his murder to begin the police's investigation. Additionally, I knew Patrick Maloney for many years on the force.

PROSECUTION: What did you see when you arrived at the scene?

JACK NOONAN: Patrick's dead body, a ransacked living room, and Mary Maloney acting suspiciously calm for her husband to have been murdered.

DEFENSE: Objection, your honor. Stating that Mary Maloney was "suspiciously calm for her husband to have been murdered" lacks foundation for this expert witness.

JUDGE: I would agree. Counselor, make sure that your witnesses first establishes how a murderer typically acts before you draw conclusions about the defendant's behavior.

PROSECUTION: Yes, your honor. Please describe what these scenes are typically like upon arrival.

JACK NOONAN: Well, usually when we arrive at the scene of a murder, we have to do our best to calm down whoever found the deceased. If the person who found the deceased was their spouse, we usually have to do even more. In fact, there are classes at the police academy on how to properly restrain a grieving widow who is trying to hug and kiss the dead body. We are trained on how to answer the questions they ask like "who did this" "did you do this" and to

immediately write down all the names they usually start screaming about who may have killed their spouse. We are instructed to try and get them to leave the room, proper procedures to prevent hyperventilating and even prevent heart attacks.

PROSECUTION: And how was Mrs. Maloney behaving?

JACK NOONAN: She was calm, sitting on a couch in the living room right near his dead body. She was very poised, well-spoken, and didn't cry or ask any questions. I interviewed her at 6:14pm and she told me about her evening, and that is all.

PROSECUTION: What did she tell you?

JACK NOONAN: She had said that she got home and the two decided not to eat out. Then she went to the grocers to buy vegetables for a dinner she cooked at home. She came back to find her husband dead and a disturbed living room.

PROSECUTION: What is a murder scene typically like?

JACK NOONAN: Well, if it a robbery-gone-wrong, the whole house will be turned upside down looking for valuables. Broken windows from forced entry, and footprints or fingerprints of the intruder.

PROSECUTION: And this scene?

JACK NOONAN: Well, there was no evidence of a forced entry and only the living room was disrupted.

PROSECUTION: Did Mary know what happened to the house?

JACK NOONAN: She said she didn't know. Everything was in order when she left.

PROSECUTION: Did Mary mention if she locked the door when she left?

JACK NOONAN: No, she said she didn't because her husband was home.

PROSECUTION: Did she describe what Patrick was like when he got home?

JACK NOONAN: Yes, I did. She said he was tired and irritable. It had been a long day for him.

PROSECUTION: You previously said you worked for several years with Patrick Maloney?

JACK NOONAN: Yes, we have worked together for 10 years and are good friends. We met when we went to the Police Academy together.

PROSECUTION: From what you know, how was Mary and Patrick's marriage?

DEFENSE: Objection, your Honor, this is not relevant testimony from the police investigator and this officer's opinion on their marriage does not have a bearing on whether or not Mrs. Maloney committed this crime.

PROSECUTION: Your Honor, this testimony comes from the perspective of a close friend of the victim for ten years, rather than his capacity as an officer. And this testimony goes to Mrs. Maloney's motive—if their marriage was not going well, then she would be more likely to kill her husband.

JUDGE: Jury, please note that this testimony from Sargent Noonan is from her personal opinion, it is relevant.

PROSECUTION: So, do you know anything about their marriage?

JACK NOONAN: Well, every time I saw them together, Mary seemed very much in love with her husband. Patrick, on the other hand, was notorious for affairs. However, I do not believe nor did I ever suspect Mrs. Maloney knew about his other women.

PROSECUTION: Do you think it's possible that Patrick told Mary something about one of his affairs?

DEFENSE: Objection, your honor, this calls for speculation. Move to strike.

JUDGE: Sustained. Stricken.

PROSECUTION: Do you know how the cause of death?

JACK NOONAN: The victim was lying on the floor, and there was blood coming from his head. Therefore- blunt force trauma to the back of his skull.

PROSECUTION: Were there any other marks on the body other than the head wound?

JACK NOONAN: No, I did not see any other marks on his body. There was no indication of a struggle, the attack would have come from behind without him expecting it. It would have either have been a hit from someone who he didn't hear a sound from, or from someone he wasn't expecting to attack.

PROSECUTION: Thank you. We have no further questions of this witness your honor

JUDGE: Defense you may cross examine the witness.

DEFENSE: Good Afternoon Mr. Noonan. You stated on direct examination that Mrs. Maloney acted strangely when you arrived to her home, right?

JACK NOONAN: Yes, not like the typical grieving spouse.

DEFENSE: But isn't it true that people act differently when they find out tragic news?

JACK NOONAN: Well, yes. Everyone doesn't act the exact same.

DEFENSE: In fact, in your ten years on the force you have never dealt with a woman who was pregnant who found her husband's dead body, have you?

JACK NOONAN: Well, no.

DEFENSE: You have never dealt with a woman who was six months pregnant, have you?

JACK NOONAN: No.

DEFENSE: She could have been staying strong for her child, yes?

JACK NOONAN: I suppose.

DEFENSE: She could have been overcome with emotion and even in shock?

JACK NOONAN: I suppose.

DEFENSE: You said Mr. Maloney had frequently had affairs, correct?

JACK NOONAN: Yes.

DEFENSE: So, you have no idea if he had invited any of his mistresses to the house that night, right?

JACK NOONAN: I guess I don't know that.

DEFENSE: You don't know if Mr. Maloney was expecting anyone to call or come by.

JACK NOONAN: No, I don't.

DEFENSE: You have been friends with Mr. Maloney for many years, right?

JACK NOONAN: Yes.

DEFENSE: So, his death was especially important to you right?

JACK NOONAN: Yes, and because he was a police officer.

DEFENSE: You have not found a murder weapon, right?

JACK NOONAN: No.

DEFENSE: And you have not found any fingerprints connecting Mrs. Maloney to the crime, right?

JACK NOONAN: Well, no.

DEFENSE: And you have not even looked into another suspect, have you?

JACK NOONAN: No other suspects.

DEFENSE: Instead of thoroughly investigating, you rushed to explain the death of your friend and colleague.

JACK NOONAN: I wouldn't say we rushed.

DEFENSE: We have no further questions of this witness.

JUDGE: The witness may step down. Prosecution you may call your next witness.

PROSECUTION: We call Detective O'Malley to the stand.

BAILIFF: Please raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth?

DETECTIVE O'MALLEY: I do

BAILIFF: You may be seated.

PROSECUTION: Please state your name and occupation for the record.

DETECTIVE O'MALLEY: My name is Detective O'Malley. I am a detective from the Kutztown police force.

PROSECUTION: Were you called to the scene of the death of Patrick Maloney?

DETECTIVE O'MALLEY: Yes, I was. I was called to the scene to dust the house for finger prints and other evidence of the murder.

PROSECUTION: What did you find when you got to the scene?

DETECTIVE O'MALLEY: I found the victim lying on the floor and it looked as though there had been a struggle.

PROSECUTION: Were there any fingerprints found in the house?

DETECTIVE O'MALLEY: None were found other than Mary and Patrick Maloney's.

PROSECUTION: Did you see any signs of a break in?

DETECTIVE O'MALLEY: No, everything was in good condition and the door was unlocked when we arrived. The only thing out of place was that the living room was disheveled.

PROSECUTION: Did he have his service gun on him?

DETECTIVE O'MALLEY: Yes, he did and after forensic investigation, the gun was found not to have been fired.

PROSECUTION: Were you able to find the murder weapon?

DETECTIVE O'MALLEY: No, we could not find it.

PROSECUTION: How long have you served on the police force with Detective Maloney?

DETECTIVE O'MALLEY: We've served together for seven years.

PROSECUTION: Did Mary Maloney offer you dinner that night while you were investigating?

DETECTIVE O'MALLEY: Yes, she offered us dinner, saying what she had prepared for Patrick shouldn't be put to waste.

PROSECUTION: What was the meat?

DETECTIVE O'MALLEY: It was a big club-shaped lamb leg.

PROSECUTION: Does this fit the description of the weapon?

DETECTIVE O'MALLEY: Yes, when it was frozen, which it would have been at the time of the murder, it fits the description perfectly.

PROSECUTION: We have no further questions of this witness your honor.

JUDGE: Defense, you may cross examine the witness.

DEFENSE: (in a confused and incredulous manner) Are you claiming to the court that you ate the murder weapon?

DETECTIVE O'MALLEY: Well, yeah.

DEFENSE: I'm confused. Detective O'Malley, you're claiming now that when Mrs. Maloney offered you and four other officers of the law the dinner she had cooked for her late husband... you all ate it, right?

DETECTIVE O'MALLEY: Yes, we all ate it.

DEFENSE: But at the time you ate it, you didn't suspect it was the murder weapon.

DETECTIVE O'MALLEY: No, not at the time.

DEFENSE: Of course, you never would have eaten it if you had suspected that, right?

DETECTIVE O'MALLEY: No, of course not.

DEFENSE: It is only now, after Mrs. Maloney has been arrested and had her baby while awaiting trial... after no murder weapon has turned up connecting Mrs. Maloney to this murder, that you're claiming there is no weapon because five cops ate it?

DETECTIVE O'MALLEY: Well, yes.

DEFENSE: Aside from you claiming you ate the murder weapon, you also claim Mrs. Maloney and Mr. Maloney were the only two people in the house that night.

DETECTIVE O'MALLEY: Yes, they were the only two.

DEFENSE: You say this because there were only two sets of fingerprints in the home correct.

DETECTIVE O'MALLEY: Yes.

DEFENSE: Tell me, Detective O'Malley, if someone wore gloves, their fingerprints wouldn't show up anywhere, right?

DETECTIVE O'MALLEY: Yes.

DEFENSE: So, in fact, someone could have been in the house, but wearing gloves, right?

DETECTIVE O'MALLEY: Yes, but I don't know many people who go to a house wearing gloves.

DEFENSE: Well, let's talk about that. You and Mr. Maloney have together put away many criminals over your career, yes.

DETECTIVE O'MALLEY: Yes.

DEFENSE: These criminals could have sought revenge?

DETECTIVE O'MALLEY: I guess.

DEFENSE: Any of the countless men that you two bravely put away in your lives could have come seeking to kill Mr. Maloney.

DETECTIVE O'MALLEY: Possibly.

DEFENSE: We have heard today that Mr. Maloney is a notorious cheater. Any of those scorned lovers or their husbands could have come in too, correct?

DETECTIVE O'MALLEY: I guess, but I don't know anything about that.

DEFENSE: They could have worn gloves, anticipating their fingerprints could give them away?

DETECTIVE O'MALLEY: I guess.

DEFENSE: We have no further questions for this witness.

JUDGE: The witness may step down. Prosecution you may call your next witness.

PROSECUTION: We call Medical Examiner Andy O'Brien to the stand.

BAILIFF: Please raise your right hand. Do you promise to tell the truth, the whole truth and nothing but the truth?

O'BRIEN: I do.

BAILIFF: You may be seated.

PROSECUTION: Please state your name and occupation for the record.

O'BRIEN: My name is Andy O'Brien and I am the Medical Examiner for Berks County.

PROSECUTION: How many years have you been a medical examiner?

O'BRIEN: I was a medical examiner for 3 years abroad and 5 years in Kutztown.

PROSECUTION: Were you called to the scene of the death of Patrick Maloney?

O'BRIEN: Yes, I was. I was called to the scene to examine Patrick's deceased body.

PROSECUTION: Can you describe what you found?

O'BRIEN: Patrick's body was lying on the floor next to the window surrounded by a messy living room. The wound was on his head and there were no additional bruises or scratches.

PROSECUTION: So what do you, in your expert opinion based upon your many years of experience, determine the cause of death to be?

O'BRIEN: The cause was a harsh blow to the back of his head with a weapon similar to a club, which caused immediate death.

PROSECUTION: How would you describe the murder weapon?

O'BRIEN: It was round, with no sharp edges. Most likely club shaped. I would estimate the weight was 8-9 pounds. It was also very firm.

PROSECUTION: Were you able to find the weapon at the scene?

O'BRIEN: We did not find the weapon. Based upon our previous description and the weight of the object, we do not believe the murderer would have carried it around for a long time.

PROSECUTION: Were you able to determine the time of death?

O'BRIEN: Yes, the time of death was between 5:00 and 5:30 pm.

PROSECUTION: Did Mary offer you dinner?

O'BRIEN: Yes – She insisted upon feeding us supper.

PROSECUTION: Did this seem odd?

O'BRIEN: Yes, in my many years of being a medical examiner, I've found we're usually barely able to get a few snacks, let alone a whole meal.

PROSECUTION: What was dinner?

O'BRIEN: A large club shaped lamb leg.

PROSECUTION: Does the lamb leg you ate fit the description of the murder weapon?

O'BRIEN: Yes, it does. It had rounded edges and was massive. She had mentioned it was frozen when it was placed in the oven. It had been cooking for several hours when we finally ate at 10:00 and it was still very tender and not burned. I looked at the oven and it was on a high

setting. When it was frozen, it would have been hard enough to cause the death of Patrick Maloney.

PROSECUTION: We have no further questions for this witness

JUDGE: Defense you may cross examine the witness.

DEFENSE: You, along with Detective O'Malley, were two of the five officers who polished off Mrs. Maloney's lamb leg, correct?

O'BRIEN: Yes.

DEFENSE: You wouldn't have eaten the leg if you had even thought it was a murder weapon, right?

O'BRIEN: Of course not. Never would I accept food from a murderer.

DEFENSE: So, you didn't have any suspicion of Mrs. Maloney before finishing the dinner she cooked for you, did you?

O'BRIEN: Well, she was acting odd...

DEFENSE: She was not behaving in a way that made you suspect her of murdering in her husband.

O'BRIEN: I said she was acting odd.

DEFENSE: But, you did not suspect her because you never, in your own words, would have eaten a dinner from someone you might have thought was a murderer!

O'BRIEN: She was off, but hadn't yet become a suspect.

DEFENSE: Did you test Mr. Maloney's blood?

O'BRIEN: Of course.

DEFENSE: Did it show that he was intoxicated?

O'BRIEN: Slight intoxication, yes. He had consumed a large amount of whiskey.

DEFENSE: Intoxication can dull your senses like sound and sight, correct?

O'BRIEN: Yes, it can.

DEFENSE: We have no further questions of this witness your honor.

JUDGE: The witness may step down. Prosecution – you may call your next witness.

PROSECUTION: We have no further witnesses your honor – the prosecution rests.

JUDGE: Defense – you may call your first witness.

DEFENSE: The Defense calls Mrs. Mary Maloney to the stand.

BAILIFF: Please raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth?

MRS. MALONEY: I do.

BAILIFF: You may be seated.

DEFENSE: Please introduce yourself.

MRS. MALONEY: My name is Mary Maloney and I am the wife of the late officer Patrick Maloney. I recently gave birth to our child, Patrick Jr.

DEFENSE: Tell me about your late husband.

MRS. MALONEY: We had a great relationship and a strong marriage. We both loved and respected each other very much, and just recently decided we wanted to start our own family. I was actually six months pregnant at the time of this tragedy. I've heard these stories of affairs at trial today but I can't bring myself to think they're true. He was a good husband and he would have been an even better father.

DEFENSE: Did anything seem unusual or off with your husband when he came home that night?

MRS. MALONEY: A bit. He doesn't like to talk about his work, it's a very dangerous job. But he was a little off when he got in. He kissed me when he came in, like he always does, and then

went for a drink. He said he was too exhausted from work to go out like we normally do on Thursdays, so I decided to put a leg of lamb in the oven and head to the store.

DEFENSE: You went to the grocers, correct?

MRS. MALONEY: Yes.

DEFENSE: What did Patrick do while you were gone?

MRS. MALONEY: As I was leaving he went to get more whiskey.

DEFENSE: Did you lock the door when you left?

Mary: No, of course not. Patrick was home and there was no need.

DEFENSE: Why did you go to the grocer's so late at night?

MRS. MALONEY: Well, my husband was so terribly tired I just wouldn't feel right going out with the state he was in. I cancelled our plans with dear Molly and then went to the grocer's to get some vegetables and cheesecake to go along with the leg of lamb I had just put in the oven. The cheesecake was a surprise. He loved cheesecake.

DEFENSE: Were you and your husband looking forward to the birth of your child?

MRS. MALONEY: Yes, that day I had just told him it was going to be a boy. We hadn't decided on a name yet though.

DEFENSE: Describe the scene when you came home from the grocer's.

MRS. MALONEY: It was just awful! I opened the door and immediately dropped everything. I saw him lying lifeless on the floor and the living room a mess. That's when I ran over to the phone and called the police.

DEFENSE: What did you feel when you came home to find your husband dead?

MRS. MALONEY: I didn't know what to feel. So many emotions came at me at once, I was just in shock. I could not believe it. I was terrified the grief would hurt our baby. I debated hurting

myself to be honest, but I knew I had to carry on for our child. It was some hours later before I really started to process what had happened. I stayed up all night bawling my eyes out. Oh, Patrick!

DEFENSE: Do you know anyone who would want to murder your husband?

MRS. MALONEY: No, he was loved by his coworkers and by me. I know a lot of his work was private, but really I couldn't imagine anyone hurting him. Maybe something happened at work he didn't want to tell me, thinking it would frighten me. But truly I have no idea.

DEFENSE: Thank you, Mrs. Maloney. We have no further questions for this witness.

JUDGE: Prosecution, you may cross examine the witness

PROSECUTION: Thank you your honor. Is it true that you fed the police team a leg of lamb?

MRS. MALONEY: Yes. When one of the officers mentioned it was still cooking, I couldn't imagine having that leg still in my house. My God, the last meal I made for my husband. I couldn't eat it! It's too heartbreaking!

PROSECUTION: Is it true that the leg of lamb was frozen before you cooked it?

MRS. MALONEY: Yes, it was.

PROSECUTION: You went to the grocer because you had no food prepared – correct?

MRS. MALONEY: Well I had no vegetables, and my husband loves cheesecake. I thought it would brighten his day.

PROSECUTION: Is it not true that cooking the leg of lamb was a last-minute decision?

MRS. MALONEY: Yes, because of the cancelled dinner.

PROSECUTION: We have no further questions of this witness.

JUDGE: The witness may step down. Defense you may call your next witness

DEFENSE: The Defense calls Molly Porter to the stand.

BAILIFF: Please raise your right hand. Do you promise to tell the truth, the whole truth and nothing but the truth?

MOLLY: I do

DEFENSE: Please introduce yourself.

MOLLY: My name is Molly Porter and I am a good friend of Mary Maloney.

DEFENSE: Describe your relationship with Mary.

MOLLY: I've known her and her late husband for many years. They're great people and we have them over all the time. We even had plans that night he passed for supper but she cancelled.

DEFENSE: Did she give a reason for why she cancelled?

MOLLY: Yes. She said her husband was incredibly tired and that they were just going to stay in for the night.

DEFENSE: Describe how she sounded to you over the phone.

MOLLY: She seemed her normal, happy, upbeat self. Mary is such a nice person and positively impacts everyone she meets. I detected nothing unusual and I know my Mary would never do such a thing that she is being accused of today.

DEFENSE: Do you know if Mary locks the door whenever she leaves?

MOLLY: Mary is careful to lock the door when no one is home.

DEFENSE: Thank you Molly, we have no further questions.

JUDGE: Prosecution you may cross examine this witness.

PROSECUTION: Molly, you are very close with Mary, correct?

MOLLY: Yes.

PROSECUTION: And you don't want to see Mary go to jail.

MOLLY: Well, no.

PROSECUTION: And you weren't with Mary the night Patrick died.

MOLLY: No.

PROSECUTION: So, you don't really know anything that happened that night.

MOLLY: No, I guess I don't.

PROSECUTION: We rest.

JUDGE: Defense – you may call your next witness

DEFENSE: The Defense calls the Grocer, Sam Randy, to the stand.

BAILIFF: Please raise your right hand. Do you promise to tell the truth, the whole truth and nothing but the truth?

SAM: I do

DEFENSE: Please introduce yourself.

SAM: My name is Sam Randy and I work at the grocers near the Maloney house.

DEFENSE: Did anything seem unusual about Mrs. Maloney when she came in the night Mr. Maloney was killed?

SAM: No, she seemed her normal, cheerful self. She came to buy vegetables and some dessert.

DEFENSE: What time was it that Mrs. Maloney came to the store that night?

SAM: Mrs. Maloney was there around 5:15 p.m.

DEFENSE: Thank you Sam, we have no further questions.

JUDGE: Prosecution you may cross examine the witness

PROSECUTION: Did Mrs. Maloney tell you what she was making for dinner?

SAM: Yes, she made lamb.

PROSECUTION: How long was Mrs. Maloney at your store?

SAM: I would say about 20 minutes? We like to chat.

PROSECUTION: When did she get there and when did she leave?

SAM: Gosh I don't know right when. I would say she left before six though.

PROSECUTION: We have no further questions of this witness your honor.

JUDGE: Defense you may call your next witness

DEFENSE: We have no further witnesses. The defense rests.

JUDGE: The witness may step down. We will now hear the Closing Arguments. Prosecution, you may give your Closing Argument.

PROSECUTION: Ladies and Gentlemen of the Jury. Today we have shown beyond a reasonable doubt that Mrs. Maloney killed her husband. We have shown you this through the stories of all the officers who testified today including Sergeant Noonan, Detective O'Malley, and Medical Examiner O'Brien. They explained how Mrs. Maloney's story, that someone broke into her home and killed her husband, just doesn't add up. First of all, there was no sign of forced entry, and the only room in the house that was ransacked was the living room—not the office where their safe is and not the upstairs where Mrs. Maloney's jewelry lies. Second, Mr. Maloney was attacked from behind. He must have known the person who snuck on him! He didn't turn around and didn't try to defend himself. Then, when the police arrived, Mrs. Maloney showed little to no emotion and was strangely trying to feed the officers who were at the scene. Yes, the officers ate the lamb that they were offered. They thought it strange, but it didn't occur to them until later what the leg likely was. It was the murder weapon—the round hard frozen meat that was used with one quick stroke to kill Mr. Maloney. She had them eat it to cover up her tracks. Based on what has been presented, the only logical conclusion, and therefore the one without any reasonable doubt is a verdict of guilty against the Defendant for the murder of her husband. Thank you, we rest.

JUDGE: Defense, you may give your closing argument.

DEFENSE: Ladies and Gentlemen of the Jury. I am in shock. The story the prosecution is trying to tell you is completely illogical, yet they're trying to say their story has no doubt at all. After hearing all of the evidence and the testimony of the witnesses, it is **impossible** to believe that a 6-month pregnant woman was able to go into the basement, take a heavy frozen lamb leg, carry it back up the stairs, and then hit her much taller husband from behind on the back of his head—killing him. Then, after killing him, she calmly went to the store for vegetables and a cheesecake slice. This poor woman, distraught, had to arrive home to find her husband dead. But the police claim she was acting strangely. So strangely that they ATE what they think is the murder weapon?! Ladies and gentlemen of the jury, no officer would eat what they suspected to be the murder weapon, and no police officer would eat the meal made by a murder suspect! Yet they ate it! The truth is there is no, zero, evidence connecting my client to this crime. The more likely, more rational, more reasonable solution is that Mr. Maloney was killed by one of his scorned lovers, one of their husbands, or one of his many begrudged former felons! These facts, in fact, come from the prosecutions own offer witnesses! Their botched investigation is due to their rush to judgement to protect one of their own, a fellow officer. They don't want you to hear the truth—that there is a murderer still in our town. That murderer is still on the loose because of the police's botched investigation. Think reasonably, members of the jury, think rationally, see the reasonable doubt, and find Mrs. Maloney not guilty.

JURY INSTRUCTIONS:

JUDGE: Ladies and gentlemen of the jury, the defendant, Mary Maloney is charged with manslaughter. To convict Mrs. Maloney of manslaughter, you must find the following elements

beyond a reasonable doubt:

1. Mrs. Maloney acted without lawful justification and killed her husband
2. Mrs. Maloney acted in sudden and intense passion in killing her husband in reckless disregard for his life.

The Prosecution must prove each of these elements beyond a reasonable doubt. You are the only judges of whether the witnesses are believable and telling the truth or not. As you decide this case, you should pay attention to how the witnesses looked and acted when they were testifying, to what they said, and to whether different witnesses said things that were the opposite of one another. You should pay attention to all the evidence that shows the witness is credible, and you should pay attention to whether a witness might have reason to say what he/she did even though it might not be the truth. You should also ask yourself whether a witness actually saw the things he/she testified to and whether he/she seems to have a good memory about what he/she saw. Finally, you should remember that two people who see something happen may see or hear it differently, and sometimes people do not remember things correctly and may make an honest mistake. When witnesses disagree with each other, you should decide whether they disagree on something important or on something that is unimportant.

Contradictions in testimony do not necessarily mean that a witness has been willfully false. Sometimes one witness forgets, sometimes one remembers it correctly. Two witnesses may also see or hear an incident differently. You should decide whether the disagreement is because one person made a mistake or because someone told a lie.

Remember that it is up to the Prosecution to prove the defendant is guilty. The Defense does not have to prove the defendant is innocent; if the prosecution has not proven its case, then the defendant is not guilty. The defendant is presumed innocent unless and until the

defendant is proven guilty beyond a reasonable doubt. Reasonable doubt is doubt based on common sense and reason. Reasonable doubt means there is honest uncertainty as to the guilt of the defendant. Reasonable doubt exists when, after careful and impartial consideration of all the evidence in the case, you are not convinced to a moral certainty that the defendant is guilty. The Jury may leave the Courtroom now to deliberate.