

# The Rendell Center

*for*

Civics & Civic Engagement

*Inspiring the Next Generation of Citizens*

## **Fact Pattern Based on the Book *Hoot* by Carl Hiaassen**

### **Background Information:**

Mullet Fingers (Napoleon Bridger) is a young boy growing up in Coconut Cove, Florida. He has been living on his own since he ran away after his mother, Lonna Leep, sent him to military boarding school. Napoleon has a sister (**stepsister**), Beatrice Leep and a stepfather, Leon Leep. A local restaurant, Mother Paula's All American Pancake House, decides to build a franchise in Coconut Cove. The chosen site is an area where an endangered species of owls (Burrow Owls) made their home. Work at the construction site has been delayed because of several incidents of vandalism. These acts include:

1. Cottonmouth water moccasin snakes placed on the property.
2. Survey stakes removed from the construction site on numerous occasions.
3. Air let out of a flatbed truck tire.
4. Mini alligators swimming inside each porta-potty.
5. Spray painting of a police car **on the premises**.
6. Bulldozer seats removed.
7. Gun taken from the security office and placed in a porta-potty.

During the groundbreaking ceremony, students from Trace Middle school, led by Roy Eberhardt, (a friend of Mullet Fingers/ Napoleon Bridger) and Beatrice Leep, stage a protest to show the community that the construction site selected by Mother Paula's is home to an endangered species, Burrow Owls. The group is successful in their protest and construction is halted. It is then discovered that Mother Paula's had pulled the Environmental Impact Statement which spoke about the owls from the official file.

**Case:** Mullet Fingers is being charged with Trespass, and Criminal Mischief.

## **The State of Florida v. Napoleon Bridger (Mullet Fingers)**

**Bailiff:** All rise. The Honorable Judge \_\_\_\_\_ presiding. (After the Judge takes his/her seat...) You may be seated.

**Judge:** Good Morning. Today we hear the case of The Mother Paula's Pancake Franchise vs. Napoleon Bridger. Is the prosecution ready?

**Prosecution:** We are your Honor.

**Judge:** Is the Defense ready?

**Defense:** Yes, we are, your Honor.

**Judge:** Prosecution, you may make your opening statement.

**Prosecution:** Thank you, Your Honor.

May it please the court. Your Honor and Ladies and Gentlemen of the Jury, we are here today to prove that Napoleon Bridger is guilty of trespassing and criminal mischief. First, Leroy (Curly) Branitt will tell us that he saw the damage done by Napoleon to the work site. These acts of vandalism delayed construction and nearly cost him his job. Officer Delinko will then testify that there were multiple acts of vandalism that were done willfully and maliciously by the defendant, Napoleon Bridger. Doctor Gonzalez will tell us that Napoleon Bridger was bitten by the same dogs that were on the Mother Paula's property, and how Napoleon came into the ER under suspicious circumstances and a false identity, with severe dog bites. Kalo Schultz will testify that the breed of dog at the Mother Paula's construction site was the same dog that bit Napoleon, thereby placing him on the construction site.

After hearing all testimonies, it will be proven that Napoleon Bridger is guilty of trespassing and criminal mischief. Thank you.

**Judge:** Defense, you may make your opening statement.

**Defense:** Thank you, Your Honor.

May it please the court. Your Honor and Ladies and Gentlemen of the Jury, we are here today to show that Napoleon Bridger is not guilty of trespassing and criminal mischief. Roy Eberhardt will tell us about Napoleon's strong passion for protecting

burrowing owls and their discussions about the dangers of building on top of their burrows. He will discuss that Mother Paula's did not have the proper permits for the site and that Napoleon Bridger's acts were not malicious, but only innocent actions to bring attention to the plight of the owls. Roy will testify that Napoleon Bridger was trying to save the owls and not cause damage. Napoleon Bridger was forced to help save the owls. Beatrice Leep will testify that her stepbrother only had the best intentions to help save the owls and did not wish to engage in any criminal activity. Our ornithologist, Mr. Dan Noodles, will submit that the burrowing owls are an endangered species and are protected by the law. Construction on the site should never have been allowed. The owls could have been seriously hurt by the construction. As a result, Napoleon Bridger is responsible for saving the owls.

Finally, we will hear from Napoleon Bridger who will tell us that he was trying to protect the endangered burrowing owls by delaying construction and bringing public attention to their plight. After hearing all testimonies, you will all see that Napoleon Bridger is not guilty of trespassing and criminal mischief. Thank You, Your Honor.

**Judge:** Prosecution, please call your first witness.

**Prosecution:** We call Leroy (Curly) Branitt to the stand.

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

**Curly:** I do.

**Bailiff:** Please be seated.

**Prosecution:** Please state your name and occupation.

**Curly:** My name is Leroy (Curly) Branitt. I work as the foreman of the Mother Paula's Pancake House Construction Site.

**Prosecution:** As the foreman of the site, who was granted permission to enter the property?

**Curly:** Only the employees of Mother Paula's Pancake House are able to enter the property.

**Prosecution:** Can you describe the acts of vandalism around the construction site?

**Curly:** Survey stakes were pulled out numerous times, small alligators were put in the porta-potties, cottonmouth water moccasin snakes were placed on the property, air was let out of the wheels of a truck, the bulldozer seats were removed, and a security gun was placed in a porta potty.

**Prosecution:** How do you know that the cottonmouth water moccasin snakes were placed on construction property?

**Curly:** Cottonmouth water moccasin snakes live in the water, and there were no records or findings of snakes near the construction area.

**Prosecution:** And how did this affect you personally Mr. Branitt?

**Curly:** Well, I almost got fired for the acts that Napoleon did. My boss, Chuck E. Muckle, had to come down to Florida to try and get the problem solved. Also, there was a lot of time and money that was wasted.

**Prosecution:** We have no further questions for this witness.

**Judge:** Defense, you may cross-examine.

**Defense:** Is it true that you saw the owls on the construction site?

**Curly:** We saw some sort of owl or bird.

**Defense:** Weren't you worried that the owls would be hurt by the construction?

**Curly:** I thought they would just be able to move away.

**Defense:** You didn't see the person who vandalized the construction site, correct?

**Curly:** That is correct.

**Defense:** Is it true that you never explicitly denied anyone permission to enter the construction site?

**Curly:** That is true as well.

**Defense:** Weren't you aware that Mother Paula's did not have the proper permit to build on the site with endangered owls?

**Curly:** Yes.

**Defense:** Did you know that the burrowing owls are an endangered species?

**Curly:** I don't know that much about animals but I had heard they might be.

**Defense:** Isn't it true that someone removed the environmental report from the Mother Paula's file?

**Curly:** It seems to have been moved.

**Judge:** Prosecution, you may call your next witness.

**Prosecution:** We call Kalo Schultz to the stand.

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

**Kalo:** I do.

**Bailiff:** You may be seated.

**Prosecution:** What is your name, and what is your profession?

**Kalo:** I am Kalo Schultz, and I train guard dogs.

**Prosecution:** What type of dogs did you have on the Mother Paula's site?

**Kalo:** Rottweilers.

**Prosecution:** What day were you and the rottweilers on the property?

**Kalo:** It was September 30th.

**Prosecution:** What else did you find on the site?

**Kalo:** I found snakes.

**Prosecution:** What type of snakes did you find?

**Kalo:** I found several cottonmouth water moccasins.

**Prosecution:** Did that endanger the dogs?

**Kalo:** Yes, the snakes spooked them and if I wasn't there, they would have probably been killed.

**Prosecution:** We have no further questions for this witness, Your Honor.

**Judge:** Defense, you may cross-examine this witness.

**Defense:** Isn't it true that you didn't see Napoleon dump the snakes on the construction site?

**Kalo:** That is true.

**Defense:** You were on the construction site when the snakes were there, correct?

**Kalo:** Yes, I saw the snakes myself.

**Defense:** Is it true that you did not see your dogs bite anyone?

**Kalo:** I did not.

**Defense:** We have no further questions for this witness, Your Honor.

**Judge:** Prosecution, please call your next witness.

**Prosecution:** We call Dr. Gonzales to the stand.

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

**Dr. G:** I do.

**Bailiff:** You may be seated.

**Prosecution:** What is your name, and what is your profession?

**Dr. G:** Dr. Gonzales and I am an emergency room doctor.

**Prosecution:** And what is your connection with Napoleon Bridger?

**Dr. G:** Mr. Bridger came to me in need of medical assistance.

**Prosecution:** What injuries did Mr. Bridger specifically have on the day you treated him?

**Dr. G:** He had a severe dog bite on his left forearm. The DNA tests that I ran concluded that he was bitten by the rottweilers owned by Kalo Schultz that were used at the site. The injury was 18-24 hours old and had become infected.

**Prosecution:** What day did Mr. Bridger come in to be treated?

**Dr. G:** It was September 31st.

**Prosecution:** What name was Mr. Bridger treated under?

**Dr. G:** Roy Eberhardt.

**Prosecution:** How did you know his name wasn't Roy Eberhardt?

**Dr. G:** The real Roy Eberhardt's parents came in and that was when they told me who Mr. Eberhardt was.

**Prosecution:** We have no further questions for this witness, Your Honor.

**Judge:** Defense, you may cross-examine.

**Defense:** Isn't it true that you don't know exactly where or when Napoleon Bridger got the dog bites, only a wide range?

**Dr. G:** We don't know exactly but it is the right kind of dog.

**Defense:** Can you confirm that one of Kalo's Rottweilers bit Napoleon?

**Dr G:** Not exactly.  
(only ask next question if Dr. G says **yes**)

**Defense:** Is there any proof of the bite being from Kalo's Rottweilers?

**Dr. G:** Just what you mentioned before.

**Defense:** We have no further questions for this witness, Your Honor.

**Judge:** Prosecution, please call your next witness.

**Prosecution:** We call Detective David Delinko to the stand.

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

**David Delinko:** I do.

**Bailiff:** You may be seated.

**Prosecution:** What is your name?

**Delinko:** David Delinko.

**Prosecution:** What is your occupation?

**Delinko:** I am a police officer for the Coconut Cove Police Department. I am currently a detective.

**Prosecution:** Describe how you first became involved with the vandalism and trespassing issue on the Mother Paula's property?

**Delinko:** I was dispatched to the construction site for acts of vandalism at the Mother Paula's Pancakes House Construction Site.

**Prosecution:** Were there any other acts of vandalism?

**Delinko:** Yes, there were. The air in a truck's tires were let out, the seats was also removed from the bulldozer, there were alligators put in the porta potties, and someone pulled out survey stakes from the ground. The vandal also spray-painted the windows of my cruiser black. All of those acts costed time, and time is money in this situation.

**Prosecution:** We have no further questions for this witness, Your Honor. The prosecution rests.

**Judge:** Defense, you may cross-examine this witness.

**Defense:** You never actually saw Napoleon Bridger do the acts of vandalism, correct?

**Delinko:** Yes.

**Defense:** Isn't it true that you saw an owl on the construction site?

**Delinko:** Yes, but I see owls everywhere.

**Defense:** You did see the burrows, correct?

**Delinko:** Wasn't sure what it was initially, but yes.

**Defense:** Isn't it true that your own foot got stuck in a burrow?

**Delinko:** It did.

**Defense:** Isn't it true that you had prior knowledge of the owls being on the property?

**Delinko:** Well, we saw an owl.

**Defense:** Wouldn't you agree that building anything on top of an endangered species would harm the animal?

**Delinko:** They should be able to move, but I suppose so.

**Defense:** Isn't it true that you and Leroy Branitt had a conversation about the burrowing owls on the property?

**Delinko:** We spoke briefly.

**Defense:** Wouldn't you admit that the papers that Mother Paula's had did not give them permission to build on the animal's burrows?

**Delinko:** Well, it didn't say we couldn't.



**Defense:** Isn't it true that you know about the wrongdoings of Chuck Muckle and his company?

**Delinko:** No comment.

**Defense:** We have no further questions for this witness, your Honor.

**Judge:** Defense, you may call your first witness.

**Defense:** We call Roy Eberhart to the stand.

**Bailiff:** Please raise your right hand, do you promise to tell the whole truth and nothing but the truth?

**Roy:** I do.

**Bailiff:** You may be seated.

**Defense:** Please state your name and where you live.

**Roy:** Roy Eberhart. I live in Coconut Cove, Florida.

**Defense:** What did Napoleon talk to you about when you first met regarding Mother Paula's Construction site.

**Roy:** He told me about the owls, and I felt terrible for them, but mostly, I felt bad for Napoleon because he had no one to rely on except Beatrice.

**Defense:** Why did you involve yourself in this situation?

**Roy:** After discussing with Napoleon about the owls and how there was no other option, I decided to help get the message out.

**Defense:** We have no further questions for this witness, Your Honor.

**Judge:** Prosecution, you may cross-examine.

**Prosecution:** Mr. Eberhardt, isn't it true that trespassing on the site was improper in this situation?

**Roy:** Breaking the law usually is but I know he meant well.

**Prosecution:** Would you have taken the same actions?

**Roy:** If I had to, maybe.

**Prosecution:** Wouldn't you agree that there were other ways to take action?

**Roy:** Well, I suppose so but here there really was no other way.

**Prosecution:** We have no further questions for this witness, Your Honor.

**Judge:** Defense, you may call your next witness.

**Defense:** We call Beatrice Leep to the stand.

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

**Beatrice:** I do.

**Bailiff:** You may be seated.

**Defense:** What is your name and where do you live?

**Beatrice:** My name is Beatrice Leep and I live in Coconut Cove, Florida.

**Defense:** What is your relationship with the defendant, Napoleon Bridger?

**Beatrice:** I am Napoleon's stepsister. My father met Napoleon's mother on a boat where she was waitressing. Then, they got married, and we became stepsiblings.

**Defense:** Why do you feel you needed to protect the owls?

**Beatrice:** The reason I feel the need to protect these owls is because I've watched construction take away many animals' habitats and I don't want that to happen to this extremely endangered species. There are few burrowing owls left in the world, and it's our job to help protect them.

**Defense:** Why were you the only one that Napoleon could rely on?

**Beatrice:** He felt that I was the only one to trust because he has a bad relationship with his mom. So just like a good stepsister, I supported him.

**Defense:** We have no further questions for this witness, Your Honor.

**Judge:** Prosecution, you may cross-examine the witness.

**Prosecution:** Isn't it true that you have witnessed Napoleon Bridger enter the construction site of Mother Paula's Pancake House?

**Beatrice:** I did.

**Prosecution:** And it's true that you have never seen Napoleon get permission to enter the site?

**Beatrice:** I did not.

**Prosecution:** Napoleon has told you about the acts of vandalism he has committed on the construction site, correct?

**Beatrice:** I would call it protest.

**Prosecution:** And you didn't think to tell the authorities that a crime was being committed?

**Beatrice:** It was the right thing to do.

**Prosecution:** We have no further questions for this witness, Your Honor.

**Judge:** Defense, you may call your next witness.

**Defense:** We call Dan Noodles to the stand.

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

**Dan:** I do.

**Bailiff:** You may be seated.

**Defense:** What is your name and occupation?

**Dan:** My name is Dan Noodles, and I am an ornithologist.

**Defense:** Where did you earn your degree in zoology with a specialty in birds?

**Dan:** Yale University.

**Defense:** What do you know about the endangerment of the burrowing owls?

**Dan:** There are few burrowing owls left in the world, and they have been declared an endangered species. They are protected under United States law, and therefore, no company may build on top of their burrows.

**Defense:** What do you think about the actions that Napoleon took in order to protect the burrowing owls?

**Dan:** I think that Napoleon had a good heart and wanted to do the right thing by protecting an endangered species.

**Defense:** We have no further questions for this witness, Your Honor.

**Judge:** Prosecution, you may cross-examine the witness.

**Prosecution:** Do you think that trespassing and vandalizing is the only way to spread awareness about the endangerment of any species at risk?

**Dan:** No. There are certainly other ways.

**Prosecution:** Wouldn't you say that there is a more peaceful way to protest this?

**Dan:** Well, maybe not in this particular case.

**Prosecution:** We have no further questions for this witness, Your Honor.

**Judge:** Defense, you may call your next witness.

**Defense:** The Defense calls Napoleon Bridger to the stand.

**Bailiff:** Do you promise to tell the whole truth and nothing but the truth?

**Napoleon:** I do.

**Bailiff:** You may be seated.

**Defense:** What is your name?

**Napoleon:** Napoleon Bridger.

**Defense:** How did you find out about the owls?

**Napoleon:** I was walking past the site, and I saw the owls popping out of their burrows.

**Defense:** What did you do about the situation?

**Napoleon:** I wrote a letter to Chuck Muckle. He responded that they had all of the papers to build on the land and that there were no owls on the site of construction.

**Defense:** What would happen to these owls if Mother Paula's built on the property?

**Napoleon:** The owls would die and there would be very few of them left.

**Defense:** We have no further questions for this witness, Your Honor. The defense rests.

**Judge:** Prosecution, you may cross-examine.

**Prosecution:** Isn't it true that you have been on the Mother Paula's construction site?

**Napoleon:** I have.

**Prosecution:** You did not have permission from the foreman Curly or any other member of Mother Paula's, correct?

**Napoleon:** I did not.

**Prosecution:** And you did spray paint the windows of a police cruiser black, correct?

**Napoleon:** No comment.

**Prosecution:** Isn't it also true that you let the air out of the truck tires, put water moccasin snakes on the sight, stole the seats from the bulldozers on the construction site, and to add on, put alligators in the porta potties?

**Napoleon:** No comment.

**Prosecution:** Is it true that you could have taken other actions before vandalizing the site, and causing the Mother Paula's Company monetary damage?

**Napoleon:** No comment.

**Prosecution:** We have no further questions for this witness, Your Honor.

**Judge:** Thank you. Defense, are you ready with your closing statement?

**Defense:** We are, Your Honor.

May it please the court and Ladies and Gentlemen of the Jury, the Prosecution has not successfully proven that Napoleon Bridger is guilty. None of the witnesses for the Prosecution were able to testify that they actually saw him on the construction site, and even if they were, the Judge will instruct you that a crime is justified if the defendant committed it in order to save someone or something. In this case, Napoleon was trying to save the burrowing owls. You heard from Mr. Dan Noodles that the burrowing owls are an endangered species, and that Napoleon was doing the right thing by trying to protect them from being killed by the construction. You also heard from Roy Eberhardt, a friend of Beatrice Leep, Napoleon's stepsister. Roy told you how Napoleon told him about the owls on the construction site, and how there was no other option to save the endangered owls. Beatrice Leep testified that the owls are being killed by construction, and that it is up to people such as herself and Napoleon to save them. Finally, you heard from Napoleon Bridger, who testified that the construction would kill the owls, and that Mother Paula's had no interest in protecting them. Napoleon only wanted to help the owls, and

he was the only person that would. In conclusion, Your Honor and Ladies and Gentlemen of the Jury, you must find Napoleon Bridger not guilty.

**Judge:** Prosecution, are you ready with your closing statement?

**Prosecution:** We are, Your Honor.

May it please the court, and Ladies and Gentlemen of the Jury that based on the testimonies from the witnesses it is proven beyond a reasonable doubt that Napoleon Bridger is guilty of trespassing and criminal mischief. Leroy Branitt has testified that Napoleon did not have the authority to enter the Mother Paula's Pancake House Construction Site, and Officer Delinko has confirmed the acts of vandalism. Dr. Gonzalez confirmed that through DNA testing, Napoleon Bridger was bitten by Kalo Schultz's rottweilers, affirming that Napoleon Bridger was on the Mother Paula construction site. Beatrice Leep, the stepsister of Napoleon Bridger even stated herself that Napoleon admitted to trespassing and vandalizing the Mother Paula's Pancake House Construction Site. Napoleon Bridger is absolutely guilty of trespass and criminal mischief beyond any reasonable doubt.

### **Judge's Instructions to the Jury:**

Ladies and Gentlemen of the Jury, you are the only judges of whether the witnesses are believable. 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. You should decide whether the disagreement is because one person made a mistake or because someone told a lie. The defendant has been charged with second degree theft. To find the Defendant guilty of this offense, you must find that all of the following elements have been proven beyond a reasonable doubt; To find the Defendant guilty of this offense, you must find that all of the following elements have been proven beyond a reasonable doubt; first, that Defendant broke into the property and, second, that he knew he did not have permission to break in. As for the charge of mischief you must find that the following elements were met:

1. the defendant damaged the property of Mother Paula's
2. the property damaged by the defendant did indeed belonged to Mother Paula's;
3. the damage was done willfully and maliciously.

The Jury may leave the Courtroom now to deliberate.