

The Rendell Center

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Fact Pattern

Based on the Book

***Shiloh* by Phyllis Reynolds Naylor**

Marty Preston, an eleven-year-old boy living in Pennsylvania, finds a stray beagle wandering in the hills near his house. The dog follows Marty home and Marty names him Shiloh as a tribute to a neighborhood schoolhouse. Shiloh's real owner is Judd Travers who owns several hunting dogs. Marty does not want to return Shiloh out of fear for the dog's safety because Judd drinks and treats his hunting dogs poorly. Marty's father insists that Shiloh be returned to his rightful owner and they take the dog home to Judd.

Shiloh returns to Marty who hides him from his family. Marty conceals Shiloh in the woods in a wire pen he constructs, smuggling some of his dinner to the dog each evening. After his mother discovers Marty feeding the dog, he persuades her not to reveal the secret. That night, while in his cage, Shiloh is attacked by a German Shepherd Dog, and his family discovers Marty has been lying and hiding the dog. After taking the dog to the town doctor, the family must return Shiloh to his rightful owner by Sunday.

Before doing so, Marty travels up to Travers' house to try to convince Travers to allow him to keep Shiloh. Travers does not see Marty approaching, and shoots a doe out of season, which would result in a fine that Judd cannot afford. Marty informs Judd that he saw the shooting and attempts to blackmail him to let him keep Shiloh. Judd and Marty eventually negotiate a deal in which Marty will earn Shiloh for 40 dollars, paid by working for Judd for 20 hours. At the end of the first week, Judd says that he will not keep his end of the deal because the evidence of the dead doe has disappeared. Further, he claims that the contract that Marty had him sign is worthless in the state of West Virginia without the signature of a witness. Despite Judd's denial, Marty continues to work for him. They begin talking and discuss dogs and Judd's father who physically abused Judd since he was four years old. In the end, Judd warms to Marty, relents, and lets him keep Shiloh.

Marty Preston is on trial for second degree theft.

The State vs. Marty Preston

Bailiff: All rise. The Court is now in session. The Honorable _____ presiding.

Judge: You may be seated. Today we are going to hear a case of theft in the second degree. 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, beyond a reasonable doubt, that Marty Preston is guilty of second-degree theft. We will show that Marty unlawfully took Shiloh from his lawful owner Judd Travers. Judd will describe how Shiloh was taken and kept from him on two separate occasions. Doc Murphy will show that during the time Marty had illegal possession of Shiloh, Shiloh was severely hurt because of inadequate care by Marty. Finally, we will hear from Mr. Preston who will describe how he learned his son was illegally keeping Shiloh and told him to return the dog to Judd.

Thank you, your Honor.

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 Marty Preston is not guilty of second-degree theft beyond a reasonable doubt. We will prove that Marty took Shiloh for a good reason, a reason that not only benefited Shiloh, but would benefit any abused animal. That reason is to save the animal's life. Mrs. Preston will tell us how her son rescued Shiloh from an abusive owner and how he fell in love with the dog. The only reason Marty lied about the dog was to protect Shiloh. David Howard will show how his best friend Marty cared for all animals, particularly Shiloh. Finally, we will hear from Marty Preston who will describe how Shiloh first came to him to escape Judd's abuse and how he rescued the dog for his own safety. Thank you, your Honor.

Judge: Prosecution, you may call your first witness.

Prosecution: We call Judd Travers to the stand

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

Judd: I do.

Bailiff: You may be seated.

Prosecution: What is your name and what do you do for a living?

Judd: I am Judd Travers and I hunt.

Prosecution: Is Shiloh a good hunting dog?

Judd: Yes.

Prosecution: How much did Shiloh cost?

Judd: \$2,000.

Prosecution: Did you think Marty was lying about not seeing Shiloh?

Judd: Yes, Marty was lying. When I asked him multiple times have you seen Shiloh, he said no, but Marty had him the whole time.

Prosecution: What was your first thought when Doc told you Marty has your dog?

Judd: I felt betrayed that Marty would lie straight to my face.

Prosecution: Do you think Marty is trustworthy?

Judd: I thought he was at first, then he stole my dog.

Prosecution: Do you think Marty often breaks laws?

Judd: Yes, he blackmailed me into giving him Shiloh.

Prosecution: What did Marty blackmail you about?

Judd: It was about a hunting incident.

Prosecution: Do you train your hunting dogs well?

Judd: Yes, I trained them as well as my father taught me.

Prosecution: Where were you the day Marty first stole Shiloh?

Judd: I was out hunting.

Prosecution: Did you have a good childhood?

Judd: No, my father beat me and he drank and smoked, and the only good memory I had with my father is hunting with him once or twice.

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

Judge: The defense may cross examine.

Defense: Is it true that you kick your dogs?

Judge: Yes, but...

Defense: Mr. Travers, this is a yes or no question.

Judd: Yes.

Defense: Do you consider Shiloh a pet?

Judd: No.

Defense: Didn't you call Shiloh scam, get out, and damnit?

Judd: Yes.

Defense: Do you consider Shiloh just a hunting dog?

Judd: Yes.

Defense: Do you love Shiloh?

Judd: No.

Defense: Is it true that Shiloh ran away to Marty because of your abuse?

Judd: No – Shiloh just needed more discipline.

Defense: Did you actively search for Shiloh?

Judd: No.

Defense: Do you even want Shiloh back now that he is injured?

Judd: No.

Defense: Would you say you treat your dog's well?

Judd: Well, Shiloh is not family, so why would I have to treat him like family.

Defense: Do you feed your dogs?

Judd: Not a lot.

Defense: Can you see Shiloh's rib cage – yes or no?

Judd: Well, yes you can see his rib cage – they need to be lean and mean to hunt.

Defense: Didn't Shiloh run away from you?

Judd: Well, yes.

Defense: Was it really blackmail that made you give Marty Shiloh, or did your discussions turn into a verbal agreement that Marty would work for you in order to earn Shiloh?

Judd: Well, we did.

Defense: Isn't true that Marty completed the work your asked him to do as part of your agreement?

Judd: Yes.

Defense: We have no further questions your honor.

Judge: The witness may step down. The Prosecution may call its next witness.

Prosecution: We call Doc Murphy to the stand.

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

Doc: I do.

Bailiff: You may be seated.

Prosecution: What is your name and what do you do for a living?

Doc: My name is Doc Murphy and I am a doctor in the town of Friendly.

Prosecution: What is your relation to Marty Preston?

Doc: I don't know him well, I have only seen him for yearly checkups and such.

Prosecution: Can you describe what happened the night Shiloh was brought to you?

Doc: Shiloh was brutally attacked by a German shepherd at some point in the night after it jumped over the pen Marty placed him in.

Prosecution: What condition was Shiloh in when he was hurt?

Doc: Practically on the verge of death. His ear was ripped open, one of his legs was so broken that you could see the bone. Blood was gushing out of many cuts, bites, and gashes.

Prosecution: Did Marty tell you whose dog it was?

Doc: Yes, but he was hesitant about it. Marty only told me that Shiloh was Judd's dog when his father forced him to admit it.

Prosecution: Do you believe Marty should have taken better care of Shiloh.

Doc: Yes, I believe Marty made the pen much too short. To me, it was obvious that it was made by a child that is much too young to have and care for a pet on his own.

Prosecution: Do you believe that it would have been safer for Shiloh to stay with Judd Travers?

Doc: Yes, it would have spared Shiloh pain and suffering, I do not think Marty should have taken Shiloh in the first place.

Prosecution: We have no further questions for this witness.

Judge: Defense- you may cross examine.

Defense: Do you know Judd Travers?

Doc: Yes.

Defense: Isn't it true that Judd has many hunting dogs?

Doc: Yes, it is.

Defense: Do you believe he might be abusing them?

Doc: I'm not sure

Defense: Yes or no then

Doc: Well, then, yes.

Defense: Do you believe Marty was hesitant to tell you who owned the dog to protect Shiloh?

Doc: Yes.

Defense: After Shiloh was attacked, did Marty come to you immediately?

Doc: Yes, he did.

Defense: We have no further questions for this witness.

Judge: Prosecution – you may call your next witness.

Prosecution: We call Ray Preston to the stand

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

Ray: I do.

Prosecution: What is your name and what do you do for a living?

Ray: My name is Ray Preston and I'm a mailman.

Prosecution: Did Marty lie to you regarding Shiloh?

Ray: Yes- he lied to us about keeping Shiloh, but he was only doing it to save the dog.

Prosecution: Can you describe the condition Shiloh was in after the German Shepherd attacked?

Ray: He was covered in blood, you can see the bones sticking out of his leg, and his ear was torn open.

Prosecution: Please describe the conditions under which Marty was keeping Shiloh prior to the German Shepherd attack.

Ray: Marty hid the dog behind our house in a make-shift pen. He kept water and whatever food he could scrounge up there, too.

Prosecution: If Marty has been lying to you, how do you know that he is telling the truth about what Judd has done?

Ray: I do not know.

Prosecution: We have no further questions of this witness. The Prosecution rests.

Judge: Defense you may cross examine.

Defense: Isn't it true that Marty would do anything for Shiloh?

Ray: Yes.

Defense: In fact, would it be fair to say Marty sacrificed his food for Shiloh.

Ray: Yes.

Defense: Is it true you could see Shiloh's Rib Cage?

Ray: Yes.

Defense: Did you ever see Mr. Travers kick Shiloh?

Ray: Yes.

Defense: We have no further questions of this witness

Judge: The Witness may step down. Defense you may call your first witness.

Defense: The Defense calls Mrs. Preston to the stand.

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

Mrs. Preston: I do.

Bailiff: You may be seated.

Defense: What is your name and what do you do for a living?

Mrs. Preston: My name is Mrs. Preston, I am a housewife, and I am Marty's mother.

Defense: Why do you think Marty was hiding Shiloh on the hill?

Mrs. Preston: He loves Shiloh with all his heart and he would do anything for him.

Defense: Before Marty stole Shiloh, has your son ever lied to you?

Mrs. Preston: No, my son has never lied to me, my husband, or anyone in our family!

Defense: Can you rely on Marty?

Mrs. Preston: Yes.

Defense: Does Marty take care of his possessions?

Mrs. Preston: Marty takes great care of everything he owns.

Defense: Has your son always wanted a pet?

Mrs. Preston: Of course, my son wanted a pet. We just couldn't afford a pet.

Defense: Did you suspect that Marty was hiding something on the hill?

Mrs. Preston: I was wondering why he kept going up there.

Defense: Has your son, Marty, been known to be a troublemaker?

Mrs. Preston: No! He's quite the contrary!

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

Judge: Prosecution you may cross examine the witness.

Prosecution: Do you know Judd Travers well?

Mrs. Preston: No.

Prosecution: Isn't it true that Marty had no pets?

Mrs. Preston: Yes.

Prosecution: Is it true that you lied to your husband?

Mrs. Preston: Yes, but...

Prosecution: This is a yes or no question, Mrs. Preston.

Mrs. Preston: Well then... yes.

Prosecution: Isn't it true that you followed Marty up the hill?

Mrs. Preston: Yes, I was wondering what he was doing up there all the time.

Prosecution: Isn't it true that Marty lied to several people on several occasions?

Mrs. Preston: Yes, that it true.

Prosecution: Isn't it true that Shiloh got severely injured under Marty's care?

Mrs. Preston: Yes.

Prosecution: We have no further questions of this witness.

Judge: Defense, you may call your next witness.

Defense: The Defense calls David Howard 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: I do.

Bailiff: You may be seated.

Defense: What is your name and what grade are you in?

David: My name is David Howard and I am in 5th grade.

Defense: What is your relationship with Marty Preston?

David: He is my oldest friend

Defense: Does Marty love animals?

David: Yes, Marty would do anything for them!

Defense: Can you give an example for the jury of a kindness Marty has shown to Shiloh?

David: Marty has been taking his own food to give to Shiloh.

Defense: How long have you known that Marty had the dog Shiloh?

David: 'bout a week. I was surprised that he hid it from me for so long.

Defense: Why do you think Marty didn't tell you about Shiloh at first?

David: He probably felt that it would put Shiloh in danger.

Defense: Were you present when Shiloh was attacked by the German shepherd?

David: Well, no

Defense: Has Marty Preston lied to you before he stole Shiloh, the dog?

David: I don't believe so.

Defense: Do you know why Marty took Shiloh?

David: My dear friend Marty took Shiloh because he couldn't bear the thought of Judd's abusing the dog.

Defense: Why didn't you tell Judd that Marty stole the dog?

David: He is my friend and I didn't want to betray his trust. He is a good person and he just wanted to protect Shiloh! Marty loves that dog and I didn't want to be the cause of him losing it to Judd.

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

Judge: Prosecution you may cross examine.

Prosecution: You are Marty's best friend, are you not?

David: Yes.

Prosecution: Did you know that Shiloh belonged to Judd?

David: Yes.

Prosecution: Did Marty know that the dog was Judd's?

David: Yes...but...

Prosecution: It's a yes or no question

David: Then yes.

Prosecution: Do you know Judd?

David: Not very well

Prosecution: Do you think Marty took good care of Shiloh?

David: Yes, it was such an unfortunate accident that Shiloh was injured?

Prosecution: Can you give an example of Judd abusing his dogs?

David: I cannot.

Prosecution: So, you have never really seen Judd abuse his dogs?

David: I have not.

Prosecution: We have no further questions of this witness.

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

Defense: We call Marty Preston to the stand.

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

Marty: I do.

Bailiff: You may be seated.

Defense: What is your name and what grade are you in?

Marty: My name is Marty Preston and I am in 5th grade.

Defense: If you could redo the day you stole Shiloh, would you and what would you do differently?

Marty: I would still rescue Shiloh, but this time I would build his pen higher.

Defense: Would you consider what you did stealing or rescuing from a dangerous situation?

Marty: Rescuing, because Shiloh is unsafe with Judd.

Defense: Do you think Judd is the type of person who would abuse animals?

Marty: Yes, because he drinks, smokes, and chews tobacco. He could be unstable when he's drunk and harm his dogs.

Defense: What was your reaction when you saw Shiloh being attacked?

Marty: I was horrified, and wanted to do something about it, but I wasn't there in time.

Defense: How long have you known Judd, and what do you think he should do to become a better person and pet owner?

Marty: I've known Judd my whole life, and he could be a better pet owner by feeding them more, stopping his drinking around the dogs, and overall, be in a better mood.

Defense: Why did you keep on trying to get Shiloh in the woods, even when he wouldn't come towards you?

Marty: I wanted him to be safe in time so Judd wouldn't see him.

Defense: Why did you continue to lie, if you knew it was wrong?

Marty: I lied for Shiloh's safety, and I will lie if it's to save a life.

Defense: What would you do if you had to go to a juvenile jail?

Marty: I would accept my sentence, as long as my dog was with my family in safe hands.

Defense: Can you describe the work Judd was having you do in exchange for Shiloh.

Marty: Judd had me clean his truck, chop wood, rake leaves, and clean the porch.

Defense: We have no further questions of this witness, your honor. The defense rests.

Judge: Prosecution – you may cross examine

Prosecution: Do you regret what you did?

Marty: No.

Prosecution: From the very beginning, did Judd ever agree to give you Shiloh?

Marty: Yes.

Prosecution: Don't you think lying is wrong?

Marty: Yes, but...

Prosecution: Mr. Marty Preston, this is a yes or no question

Marty: Well then, yes

Prosecution: But don't you think Shiloh would be in better care with Judd.

Marty: No.

Prosecution: If you don't like lying, why did you lie to everybody?

Marty: So that Shiloh could be in my hands and be safe from Judd.

Prosecution: Do you believe that lying is wrong?

Marty: Yes

Prosecution: Then why did you keep lying on multiple occasions, you know you were not gaining anything by lying?

Marty: I was scared that if I told the truth I would have to return Shiloh to Judd
Prosecution: Why were you so scared to return Shiloh to original owner – Judd Travers.

Marty: I was scared Shiloh would suffer under Judd's cruel behavior.

Prosecution: Stealing is against the law, correct?

Marty: Yes

Prosecution: You hid Shiloh from Judd after taking him – correct?

Marty: Yes – but...

Prosecution: Just a yes or no answer – Mr. Preston.

Marty: Yes

Prosecution: So you admit you took Shiloh against his owners will and hid him.

Marty: Yes- but I did it to save Shiloh.

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

Judge: Defense you may make your closing argument:

Defense: Ladies and gentlemen of the jury, Marty Preston is not a criminal. We can conclude that Marty Preston is not guilty of second-degree theft, of stealing Judd Traver's dog, a dog he named Shiloh. He is, though, a caring person who saw an animal in an abusive home and took it upon himself to rescue it. We heard from Marty himself, his mother, and his best friend, who all said that he took the dog out of love, with the hope that he could save Shiloh. Therefore, Marty Preston should be found not guilty of stealing. Thank you.

Judge: Prosecution you may make your closing argument:

Prosecution: Ladies and gentlemen of the jury, Marty is guilty because he committed second degree felony by stealing Judd Travers' dog, a dog worth over \$2,000, knowing full well it wasn't his. Marty was responsible for the attack on Shiloh because if Judd still had Shiloh, he would not have gotten injured. We heard from Doc Murphy, Ray Preston, and Judd Travers who all believed Marty should have never taken Shiloh. What Marty Preston did was against the law and he should be found guilty of second-degree theft. Thank you, your honor.

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; 1. that the defendant

knowingly obtained property of another and that 2. the defendant did so with the intent to commit a crime.

The Jury may leave the Courtroom now to deliberate.