



## **The Village of Treegap v. Angus Tuck**

*The Trial is based on the book **Tuck Everlasting** by Natalie Babbitt*

[https://en.wikipedia.org/wiki/Tuck\\_Everlasting](https://en.wikipedia.org/wiki/Tuck_Everlasting)

### **Fact Pattern**

It is the year 2017. The Village of Treegap has been rocked by the news that young Winnie Foster was kidnapped by Angus Tuck and his family. There are many sides to this story, and all of them have been circulating throughout the Village.

On one side, the story has Winnie Foster, a child tired of being looked at all the time and heard saying she had a *desire to be by herself*, thinking about running away from her overprotective family. As this side of the story goes, Winnie wandered on the wooded property her family owned on one of the days she had been contemplating running away from home. She came upon a clearing with an enormous tree in the center and a spring at its base. Sitting under the tree was a very handsome young man. Winnie was captivated by the handsome young man and stayed to talk to him. Although this incident led to Winnie's being kidnapped, she insists that her kidnappers were actually her friends and, by helping them, she was "doing something that would make some kind of difference in the world." Making a difference in the world was Winnie's life-long goal!

Another piece to this story has the Tuck family insisting that they only took Winnie to protect her and the rest of the world from a terrible disaster! The Tuck family had a secret. Their secret had to do with the spring at the base of the enormous tree Winnie had come upon on her day of wandering. The spring held the Tuck's secret, a secret that the family greatly feared would be discovered and would lead to the end of the world as we know it. Therefore, Angus and Mae Tuck and their two boys, Jesse and Miles, had a life-long commitment to making sure their secret never was revealed.

A third piece has the Foster family, Winnie Foster's ma, pa, and grandma, worried sick because she did not come home one night. They were relieved when the Man in the Yellow Suit told them he could bring Winnie back for the price of the forest they owned next to their home. The Man in the Yellow Suit told the Tregap Constable the story of Winnie's kidnapping and gave him directions for where to find her and bring her home.

Your trial has the Village of Tregap bringing Angus Tuck to trial for kidnapping; that is, for holding Winnie Foster against her will and not allowing her to return to her home. According to the laws of Pennsylvania, kidnapping is the crime of unlawfully removing another a substantial distance under the circumstances from the place where he or she is found against their will. Kidnapping is a felony. If the person being kidnapped is under 14 years old, the crime is considered a felony in the first degree. Punishment for this crime is imprisonment for up to 20 years.

## The Village of Treegap v. Angus Tuck

**Bailiff:** All rise. The Court is now in session.

**Judge:** You may be seated. Today we will hear the trial of The Village of Treegap v. Angus Tuck. Angus Tuck has been charged with kidnapping. Prosecution, are you ready with 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 Angus Tuck is guilty of kidnapping in the first degree. First, we will hear testimony from Pa Foster, Winnie's dad, that not coming home was highly unusual for his respectful, responsible daughter. Mr. Foster will tell us that he knows his daughter well enough to know for certain that she would **never** run away from home and cause her family to worry. Then we will hear from the Man in the Yellow Suit that he saw and heard what was happening to young, innocent Winnie Foster. He witnessed that she was being held at the Tuck home against her will. Finally, we will hear from Constable Jeff Magee who will tell us that Angus Tuck broke the law because he ordered his family to keep young, innocent Winnie Foster from being allowed to go home to her family. This testimony will show that Angus Tuck kidnapped Winnie Foster and held her against her will.

Thank you.

**Judge:** Defense, are you ready with 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 Angus Tuck is not guilty of kidnapping in the first degree. We will hear from Winnie Foster, who will tell us that the Tuck Family did not kidnap her, but only kept her because they wanted her to be safe. She will also describe that she became close to the Tucks, and was grateful to them for feeding her and taking such good care of her. Then we will hear from Mae Tuck, Angus Tuck's wife, that Angus said to keep Winnie Foster to protect this poor innocent child and the rest of the world from their dark family secret. Furthermore, she will tell us that she feels people would view the Tuck family as witches and that they would be hunted forever. Finally, we will hear from Jesse Tuck, one of Angus Tuck's sons. Jesse will tell us that his family only kept Winnie Foster to protect the whole world from their deadly family secret. Angus was aware that Winnie Foster knew the secret of the spring and felt she might unintentionally tell someone. From Angus Tuck's point of view, telling even one person could put the entire world population at risk. As such, Angus Tuck must be found not guilty. The only thing he is guilty of is caring so much about other people.

Thank you.

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

**Prosecution:** The Prosecution calls Pa Foster to the stand.

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

**Pa Foster:** I do.

**Bailiff:** You may be seated.

**Prosecution:** What is your name and what do you do?

**Pa Foster:** I am Pa Foster, head of the Foster household.

**Prosecution:** How do you know Winnie Foster?

**Pa Foster:** Winnie Foster is my daughter.

**Prosecution:** At some point in time did your daughter Winnie Foster fail to come home?

**Pa Foster:** Yes. Winnie did not come home, and her mother, grandmother and I all knew something terrible had happened.

**Prosecution:** What was strange about Winnie not coming home?

**Pa Foster:** She has always been a very obedient child who would never scare us by not coming home on time. There was no question in our minds that something bad had happened to Winnie that prevented her from coming home.

**Prosecution:** How did you feel when Winnie did not come home?

**Pa Foster:** Horrible! We had a loving family, and it was very unusual for Winnie not to come home.

**Prosecution:** How did you find out that Winnie was being held?

**Pa Foster:** The Man in the Yellow Suit came to our home and told us what he saw. He saw Winnie being held at the Tuck home.

**Prosecution:** No more questions, Your Honor.

**Judge:** Defense may cross-examine the witness.

**Defense:** Your daughter Winnie failed to come home, correct?

**Pa Foster:** Yes.

**Defense:** There was no any evidence that Winnie was being held at the Tuck home against her will, right?

**Pa Foster:** Yes. There is no evidence.

**Defense:** Are you certain that the Man in the Yellow Suit was saying what he actually saw?

**Pa Foster:** Certain? No.

**Defense:** According to Winnie, she was wandering freely around the Tuck house, correct?

**Pa Foster:** Yes.

**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 the Man in the Yellow Suit.

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

**Man in the Yellow Suit:** I do.

**Bailiff:** You may be seated.

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

**Man in the Yellow Suit:** I am the Man in the Yellow Suit. I am an explorer.

**Prosecution:** Can you tell us how you learned that young, innocent Winnie Foster had been kidnapped?

**Man in the Yellow Suit:** I was exploring the woods when I came upon Mae Tuck riding frantically on her horse. Then I also saw Winnie on the Tuck's horse, riding towards the Tuck's house.

**Prosecution:** What happened next?

**Man in the Yellow Suit:** Mrs. Tuck cried out that she was teaching the little girl how to ride. But I knew better.

**Prosecution:** What happened after that?

**Man in the Yellow Suit:** I followed them because I feared for the young girl's life. It was then that I heard their story and heard them tell Winnie that she would have to go with them against her will.

**Prosecution:** How would you describe what you witnessed?

**Man in the Yellow Suit:** I watched the Tucks kidnap Winnie Foster and bring her home to Angus Tuck. It was Mr. Tuck, as the head of the household, who would decide that Winnie had to stay with them against her will.

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

**Judge:** Defense may cross examine this witness.

**Defense:** You claim that you heard the Tucks tell Winnie Foster that she would have to come with them, correct?

**Man in the Yellow Suit:** Yes.

**Defense:** Isn't it true that you were not close enough to the conversation to allow you to hear every word?

**Man in the Yellow Suit:** I wasn't next to them, but I could still hear.!

**Defense:** Do you have perfect hearing?

**Man in the Yellow Suit:** I don't know.

**Defense:** So, you may have misheard what was being said, correct?

**Man in the Yellow Suit:** I guess so.

**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 Constable Jeff Magee to the stand.

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

**Constable Magee:** I do.

**Bailiff:** You may be seated.

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

**Constable:** My name is Jeff Magee and I am the Constable for the Village of Treegap.

**Prosecution:** How did you learn about what happened to Winnie Foster?

**Constable:** I found out that Winnie Foster was missing when the Fosters contacted me.

**Prosecution:** Can you describe how you found out where she was taken?

**Constable:** The Man in the Yellow Suit told me.

**Prosecution:** What did you find when you arrived at the Tuck home?

**Constable:** Sure enough, young Winnie Foster was there.

**Prosecution:** What happened next?

**Constable:** Like a good officer of the law, I took Winnie back to her family and arrested Angus Tuck for kidnapping.

**Prosecution:** Did Winnie Foster show any signs of being hurt?

**Constable:** No, but I think she had been brainwashed by the Tucks. She is a young child in a frightening situation. They were nice to her and convinced her to see them as her friends. They

played on the fact that she was just a young, innocent child. That is what criminals do, now isn't it?

**Prosecution:** No further questions. The Prosecution rests.

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

**Defense:** Isn't it true that you did not see any evidence of abuse?

**Constable:** That is true.

**Defense:** You did not actually interview Winnie Foster, is that true?

**Constable:** Yes.

**Defense:** Winnie Foster claimed that the Tucks were nice to her. In fact, she called them her friends, correct?

**Constable:** Yes. That is what she said...but I think she was brainwashed.

**Defense:** Winnie's family did not describe her as brainwashed, right?

**Constable:** No...they did not.

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

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

**Defense:** We call Winnie Foster to the stand.

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

**Winnie:** I do.

**Bailiff:** You may be seated.

**Defense:** State your name and what you do.

**Winnie:** I am Winnie Foster, and I am a student.

**Defense:** Can you tell us what happened between you and the Tuck Family?

**Winnie:** One day I decided to leave my home to see if I could discover what made the music I heard the night before. In my wandering, I came to a clearing with a tree and a spring. There was a boy there, who I later found out was Jesse Tuck. I wanted to drink from the spring, but he would not let me.

**Defense:** Then what happened?

**Winnie:** His mom and brother came, put me on a horse, and rode me to their home.

**Defense:** How did you feel at that time?

**Winnie:** I had enjoyed their company and I do not think I was afraid. I just did not know what was happening.

**Defense:** Can you describe what happened when you arrived at the Tuck home?

**Winnie:** I met Mr. Tuck. He said I had to stay so he could explain things to me.

**Defense:** Did he?

**Winnie:** Yes. He told me that I could not go home until I understood how important it was to keep their family secret.

**Defense:** What happened after Angus Tuck told you the family secret?

**Winnie:** I became very close to the Tuck family and was very grateful to Mr. Tuck and the others for feeding me and taking such good care of me.

**Defense:** Would you describe what happened to you as a kidnapping?

**Winnie:** Maybe in the very beginning. But as soon as I got to know and understand their secret and got to know them, I learned to love them like a family.

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

**Judge:** Prosecution may cross-examine this witness.

**Prosecution:** Isn't it true that you could not leave the Tuck house?

**Winnie:** Yes.

**Prosecution:** Then wouldn't you describe your condition as being held against your will?

**Winnie:** (Pause) Yes...but...

**Prosecution:** You wanted to go home to your family, correct?

**Winnie:** Yes.

**Prosecution:** But you could not go home, correct?

**Winnie:** Yes.

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

**Judge:** The witness may step down. Defense may call its next witness.

**Defense:** We call Mae Tuck to the stand.

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



**Mae:** I do.

**Bailiff:** You may be seated.

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

**Mae:** I am Mae Tuck. I am a housewife.

**Defense:** Can you please describe what happened on the day Winnie Foster was allegedly kidnapped?

**Mae:** Winnie Foster wandered into an area in the woods that holds a dangerous secret.

**Defense:** What happened when you found her there?

**Mae:** We took her to our house.

**Defense:** Then what happened?

**Mae:** My husband Angus explained to Winnie our terrible secret and then waited for her to understand why it could never be shared with anyone else.

**Defense:** Would you describe what your husband, Angus Tuck, did as kidnapping?

**Mae:** No, I would describe it as a heroic action to save not only Winnie Foster but the world!

**Defense:** We have no further questions of this witness.

**Judge:** The prosecution may cross-examine this witness.

**Prosecution:** You have a family secret that you refer to as a dark and dangerous secret, correct?

**Mae:** Yes.

**Prosecution:** Winnie stumbled on your family secret, right?

**Mae:** Yes.

**Prosecution:** According to what you said, you felt you had to keep Winnie from leaving your home to prevent her from telling anyone about your family secret, right?

**Mae:** Yes.

**Prosecution:** It was your husband Angus Tuck who insisted you keep Winnie Foster from going home, is that right?

**Mae:** I guess so.

**Prosecution:** Then isn't it true that Angus Tuck insisted on kidnapping Winnie Foster so no one would find out about your dark family secret?

**Mae:** I guess that's true.

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

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

**Defense:** We call Jesse Tuck to the stand.

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

**Jesse:** I do.

**Bailiff:** You may be seated.

**Defense:** Please state your name and what you do.

**Jesse:** My name is Jesse Tuck, and I do odd jobs to help feed my family.

**Defense:** We have heard a lot about a deep dark family secret. Without asking you to reveal the secret, can you describe what effect it would have on others as you suggested?

**Jesse:** Our secret has ruined our lives and we do not want that to happen to anyone else.

**Defense:** Why did your father want to keep Winnie Foster at your home?

**Jesse:** My father did not kidnap Winnie Foster. He took her to protect her and the whole world from the Tuck Family's deadly secret. My father knew that Winnie now knew the secret. He was afraid she might unintentionally tell someone. He knew that telling only one other person would mean the whole world could be in danger.

**Defense:** No further questions. The Defense rests.

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

**Prosecution:** Did your father, Angus Tuck, kidnap Winnie Foster?

**Jesse:** Yes, but not without a good reason.

**Prosecution:** Your father never actually wanted Winnie Foster to be able to go home, correct?

**Jesse:** I guess so.

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

**Judge:** Prosecution, are you ready to give your closing argument?

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

Your Honor and Ladies and Gentlemen of the Jury, today you have heard testimony that proves, beyond a reasonable doubt, that Angus Tuck encouraged his wife and sons to kidnap Winnie Foster and prevent her from returning to her own family. The Tucks talked about a dark family secret. However, no family secret is worth taking a young, innocent child away from her

parents. Yes, Winnie described the Tucks as friends who fed her, clothed her, and took good care of her. However, if it were not for the Man in the Yellow Suit and his commitment to bringing Winnie home, Winnie Foster might still be at the Tucks and her parents might still be worried sick about what happened to their little girl. A child belongs with her own family and shall not be held against her will by strangers.

Kidnapping is a very serious offense. Angus Tuck must be found guilty of kidnapping and punished to the full extent under the law.

Thank you.

**Judge:** Defense, are you ready to give your closing argument?

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

Your Honor and Ladies and Gentlemen of the Jury, what you have heard today is the story of a family—the Tuck family—who feel that they have a deadly family secret that, if revealed, could destroy the world as we know it. It is out of their caring nature that they felt they had to keep Winnie Foster from telling anyone about this secret. Would they have let her go home? Absolutely, but not until they were convinced that Winnie understood how important it was not to reveal the Tuck’s family secret. Once Winnie understood, I am sure that Angus Tuck would have taken her home to her loving family.

There is a difference between kidnapping and keeping someone at your home until they comprehend the seriousness of the situation. Winnie learned to love the Tucks. It would not have been long before she learned the dangers of telling their secret.

Angus Tuck is not a criminal and he should be found not guilty.

### **Jury Instructions:**

**Judge:** 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.

In some situations, the defense of necessity may apply when an individual commits a criminal act during an emergency situation in order to prevent a greater harm from happening. It would be wrong to punish someone if by breaking the law, they avoided a greater harm than the crime they committed. If you have a reasonable doubt whether or not the defendant acted out of necessity, your verdict shall be 'not guilty.' For the defense of necessity to be applicable, the defendant needs to show that all of the following requirements are met:

First: The defendant must reasonably have believed that there was an actual and specific threat that required immediate action;

Second: The defendant must have had no realistic alternative to completing the criminal act;

Third: The harm caused by the criminal act must not be greater than the harm avoided;

Fourth: The defendant did not himself contribute to or cause the threat.

So, to decide whether Angus Tuck is not guilty by reason of necessity, you must decide whether the harm of the Tuck family secret becoming known is greater than the harm of kidnapping Winnie. You must also decide whether the harm that would be caused by the family secret becoming known was "an imminent and actual threat that requires immediate action." You must decide whether Angus Tuck could have avoided the harm with realistic alternatives. And you must also decide whether Angus Tuck, himself, contributed to or caused the threat.

The Jury may leave the Courtroom now to deliberate.