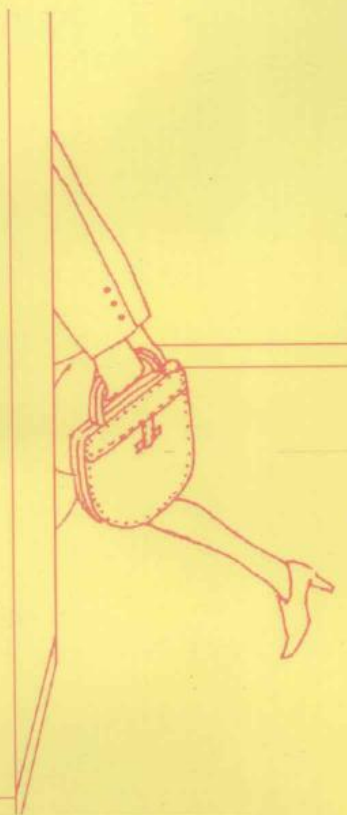


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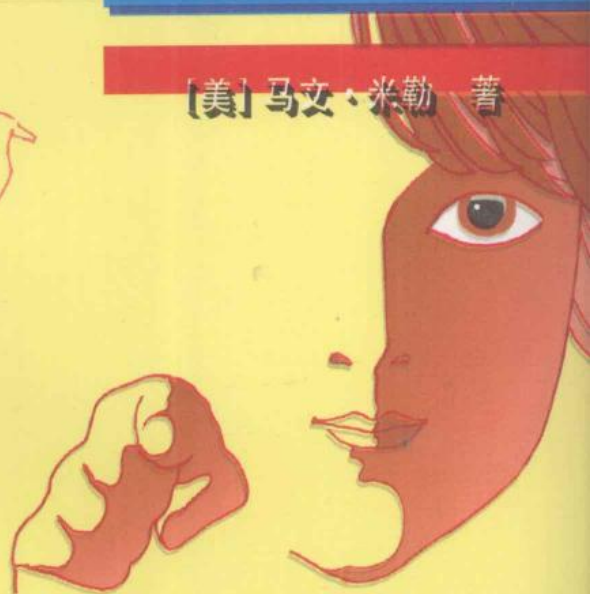
判案系列 ③



THE DISAPPEARING SHOPPER

不知去向的顾客

[美] 马文·米勒 著



中国对外翻译出版公司

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Order in the Court

LADIES AND GENTLEMEN OF THE JURY:

This court is now in session. My name is Judge John Dennenberg. You are the jury, and the trials are set to begin.

You have a serious responsibility. Will the innocent be sent to jail and the guilty go free? Let's hope not. Your job is to make sure that justice is served. 5

Read each case carefully. Study the evidence presented and then decide. 10

GUILTY OR NOT GUILTY??

Both sides of the case will be presented to you. The person who has the complaint is called the *plaintiff*. He or she has brought the case to court. If a crime is involved, the State is the accuser. 15

The person being accused is called the *defendant*. The defendant is pleading his or her innocence and presents a much different version of what happened.

IN EACH CASE, THREE PIECES OF 20
EVIDENCE WILL BE PRESENTED AS

EXHIBITS A, B, AND C. EXAMINE THE
EXHIBITS VERY CAREFULLY. A *CLUE* TO
THE SOLUTION OF EACH CASE WILL BE
FOUND THERE. IT WILL DIRECTLY POINT
5 TO THE INNOCENCE OR GUILT OF THE
ACCUSED.

Remember, each side will try to convince you
that his or her version is what actually happened.
BUT YOU MUST MAKE THE FINAL DECISION.
10

The Case of the Burning Barn

LADIES AND GENTLEMEN OF THE JURY:

When a fire occurs, and there is reason to believe it was purposely set to collect insurance, payment can be denied.

Today you are in court to decide on this issue. 5

Ezra Stiles, the plaintiff, is suing Oxford Insurance Company to collect insurance money for his barn, which was destroyed by fire. The company refuses to pay the claim. The insurance company's attorney thinks Mr. Stiles started the fire on purpose. 10

Ezra Stiles has given the following testimony:

"It was late in the evening of May 14. I've been a farmer all my life so I generally go to bed pretty early. All at once I heard this knocking on my door. I was half asleep by then and at first I thought I was just dreaming. When the knocking continued, I got up. 15

"I quickly threw on some clothes and ran downstairs. When I opened the door, there was Officer Conrad Darnoc. He told me he'd been driving by 20

and seen flames coming from a window in my barn. He radioed for help and drove to the barn. There's a water spigot there, but he couldn't find a hose, so he drove up to the house to get help.

5 "Well, I grabbed the hose from my porch and we drove to my barn. By that time the fire had spread across one side of the barn. It was completely in flames."

EXHIBIT A is a photograph taken after the fire
10 truck arrived.

Ezra Stiles is suing Oxford Insurance for \$11,000, the cost of his barn. But the insurance company labels the blaze as suspicious.

The plaintiff thinks the insurance company is
15 trying to avoid paying him. He believes the fire was set by a drifter who was seen in the area.

Mr. Stiles offers as proof EXHIBIT B, a report received by police several days earlier. It is a neighbor's complaint of a stranger who was seen
20 wandering around the area the week of the fire.

Ezra Stiles continued his testimony:

"The day before the fire I found a few cigarette butts near my barn. There were also some empty food cans. I couldn't figure out how they got there."

25 The plaintiff claims the stranger may have used his barn as a place to sleep. He could have accidentally started the fire with a cigarette.

A lawyer for Oxford Insurance Company believes Stiles's actions at the time of the fire were
30 very suspicious. They called Officer Darnoc to

testify. First the question and then his answer:

Q: What did you do when you saw the fire?

A: I drove up the hill to Ezra Stiles's house. I thought I could use his hose until the fire truck arrived. 5

Q: How long did it take him to come to the door?

A: It was quite a while. I knocked and knocked, yelling for him to open the door. But there was no answer. I shouted and knocked for several minutes. Finally Stiles came to the 10 door.

Q: What did he say when you told him about the fire?

A: Stiles was half dressed and he was rubbing his eyes. He said he had been sleeping. 15

The insurance company's lawyers claim a different reason Ezra Stiles took so long to answer the door. They believe he set the barn fire himself.

They claim that the farmer was down by his barn, spreading the fire, when he saw the police- 20 man's car approaching. Under cover of darkness, he ran up a back road to his house, entered through the rear, and then opened the front door for Officer Darnoc.

The company's lawyers offer further proof in 25 EXHIBIT C. It is a picture of the door of the barn. You will note that a wooden bar keeps the door closed.

If a stranger had accidentally started the fire inside the barn, he never would have bothered to lock the door before he fled.

5 The lawyers claim that Ezra Stiles had a good reason to start the fire. He recently had retired from farming. The barn was of little use to him.

Oxford Insurance Company believes the farmer set the fire as a means of collecting insurance money for a building that was no longer needed.

10 LADIES AND GENTLEMEN OF THE JURY:

You have just heard the Case of the Burning Barn. You must decide the merits of Ezra Stiles's claim. Be sure to carefully examine the evidence in EXHIBITS A, B, and C.

15 Was the barn fire started by a stranger? Or did the farmer start it to collect insurance money?

EXHIBIT A



EXHIBIT B

D.D.5

CRIME CLASSIFICATION

SUSPICIOUS PERSON

POLICE DEPARTMENT REPORT

NAME OF COMPLAINANT

BETTY MARGATE

ADDRESS

712 CHESTNUT ROAD

May 10, 1989

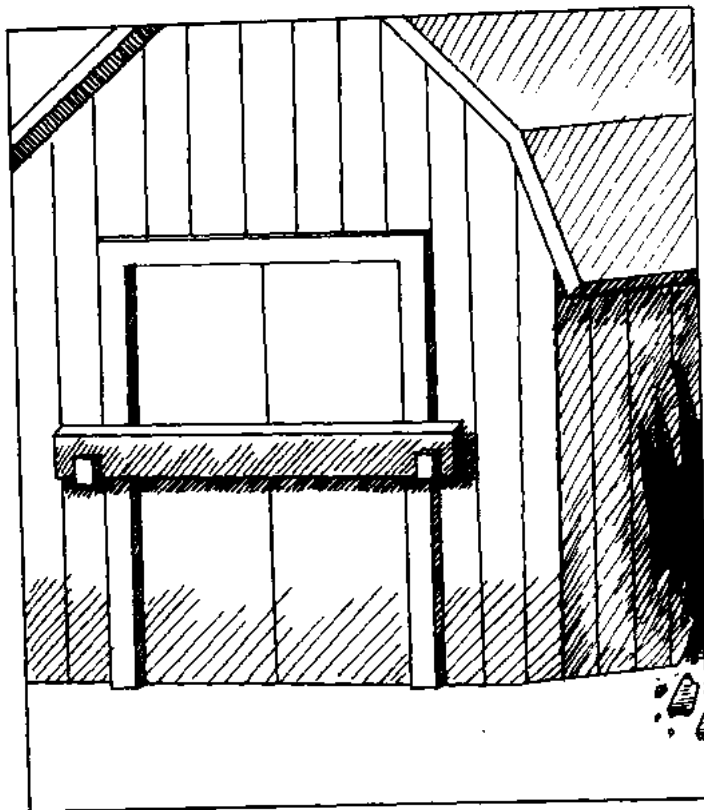
7:46 am phone call. Complainant observed a stranger walking down Chestnut Road, carrying a shopping bag filled with clothing. A blanket was draped around his shoulders.

Stranger was male, 6ft tall and wearing dungarees and a blue baseball cap.



OFFICER ON DUTY

EXHIBIT C



VERDICT

THE FIRE WAS STARTED TO COLLECT
INSURANCE MONEY.

In his testimony, the farmer said that when he was awakened, he quickly threw on some clothes and ran downstairs. EXHIBIT A shows Stiles at his barn half dressed. But his high boots are laced up.

If he had hurried to answer the door, he would not have had time to lace them.

While Ezra Stiles was setting the fire, he spotted Officer Darnoc. He quickly ran back to his house and threw *off* some clothes to make it look as though he had been sleeping.

But he forgot to unlace his boots.

The Case of the Jelly Bean Jubilee

LADIES AND GENTLEMEN OF THE JURY:

When someone wins a contest by cheating, he or she is not entitled to keep the prize.

That is the point of law you must keep in mind today, as you decide to whom a contest prize 5 rightfully belongs.

Curt Barr, the plaintiff, is suing Wendy Darling, the defendant, for the prize of a TV set. He claims she won it by cheating. But Wendy Darling says she won the prize fair and square. 10

Mr. Noel Roxy has testified as follows on behalf of the plaintiff:

"I'm Noel Roxy. That's right, the one and only Noel Roxy, owner of the fabulous Roxy Movie Palace. You've heard our slogan — 'Come to the 15 Roxy, where everyone's a star!'

"During the week of October 18, we held a contest to advertise our fabulous new movie, *Jack and the Jelly Beanstalk*. We decided to call our contest the Jelly Bean Jubilee." 20

In the lobby of the theater was a large jar holding hundreds of jelly beans. The theater offered a TV

to the person who most closely guessed the number of jelly beans in the jar.

The contest drew a large crowd. On the final day of the movie, the contest winner was announced.

When Noel Roxy opened the ballots, he was surprised to find that there were two winners. The jar held exactly 1,700 jelly beans. Wendy Darling guessed there were 1,750 in the jar. Curt Barr's guess was 1,650.

Since both persons were equally close, Mr. Roxy announced a playoff.

He had another bean jar in his office. He would bring it on the stage the next day. Each would guess the number of jelly beans inside the new jar. The winner of the tiebreaker would get the TV.

The day of the tiebreaker, both winners were called on stage. To everyone's amazement, Wendy Darling guessed the exact number of jelly beans in the jar — 2,240. Curt Barr's guess was far off.

Barr was disappointed. After the movie, he met the theater owner in the lobby. Mr. Roxy invited the young man to his second floor office for a recount.

When they entered the office, Curt Barr noticed that the window was open and an outside ladder was leaning against the sill.

Mr. Roxy was shocked. Someone had used the ladder to get into his office.