

## Process Piece (Teacher's Edition)

**Suggestion:** Depending upon the level of your students, and their experience with argument writing, you may guide them to the argument essay format, and this may be of help to you in doing so.

### Introduction, statement of claim, and three reasons to support the claim

In the case of K-1 v. David, stickers were stolen from Mrs. Applegate's desk. They were later found in David's desk, and he was accused of theft, a criminal charge. David is not guilty of this charge of stealing the stickers. First of all, Suzie was witnessed to be standing by David's desk with the stickers in her hand. In addition, Mrs. Applegate, Suzie and Stevie all testified that David was a troublemaker, and were against him for this reason. The last and most important reason David is not guilty of this crime is because he had no interest in girl stickers.

### Reason #1

The first reason David is not guilty is because Suzie was seen with the stickers in her hand, right in front of David's desk. In addition, she was the one to tell the teacher to check David's desk. This sounds very suspicious to me. And, Stevie saw Suzie with the stickers; even though he is not David's friend, he testified that he did not think that David took the stickers, and that he did not see why David would want them. These facts make me very, very doubtful that David took the stickers. The law states that David must be proven to be guilty beyond a reasonable doubt. Well, I am more than half sure that David did not take the stickers. I believe that they were placed in his desk by someone else!

### Reason #2

This leads me to the second reason David is not guilty in this case. David is known for getting into trouble. As a witness Suzie testified that she did not like David because he is a "troublemaker." Mrs. Applegate said that David was having a horrible day and that most days are that way for David. This is very important because these are opinions of David's character, they are not facts in the case of stolen stickers. The Rule of Law states that in court, all the facts must be considered, and that everyone must be impartial. Decisions must be made based on the law, not on opinions of a person's character. David is being unfairly accused of this crime because he is not well liked. Just because he was having a bad day does not mean that he is guilty of theft.

### Reason #3

The most important reason David is not guilty of theft in this case is because he does not even like girl stickers and would not be motivated to take them from Mrs. Applegate's desk with the intention of keeping them for himself permanently. The judge's instructions to the jury have stated that it must be proven by the prosecution that David took the stickers with the intent to keep them for himself. I believe David when he testified that he does not like "girl stickers". And I also believe him when he said that he did not take them from the teacher's desk. David would not even want to be seen with girl's stickers!

### Counterclaim acknowledged and arguments presented against it

Others may argue that David is guilty because the stickers were found in his desk. However, there was no other investigation done after the stickers were found in David's desk. This does not follow due process. Due process says that steps must be taken when there is a conflict.

For example, other students could have been asked if they saw anyone else with the stickers, or if they saw David put the stickers in his desk. Mrs. Applegate could have asked Suzie why she knew the stickers were missing from her desk in the first place. Why did she come up and tell her this? Suzie could have been asked why she suggested that Mrs. Applegate look in David's desk. An investigation did not take place; David was accused without question.

### Conclusion

I have described three reasons why David is not guilty of this crime and have related the reasons to the concepts of the Rule of Law. Specifically, Suzie gave Mrs. Applegate stickers that were stolen from her desk. However, Suzie was seen with the stickers in her hand by David's desk, and she is the one who "told" on David and said that Mrs. Applegate should look in his desk. The law says that the burden of proof is on the prosecution. David is innocent until proven guilty. Specifically, David was not treated impartially in this case, he was labeled as a troublemaker without looking at the facts. Finally, the most important reason I know David is not guilty is because the judge's instructions say that it must be proven that David took the stickers with the intent to keep them permanently. David does not want girl stickers and would never take them with the intent to keep them permanently. I believe I know who took the stickers and that there should be another trial!