

COMMONWEALTH v. MALFOY

HARRY POTTER BACKGROUND

This mock trial is based upon the Harry Potter novels and films. In the world of Harry Potter, wizards and witches exist alongside us, but hidden. Women are called witches and men are called wizards.

You are either born with magic in you or you aren't. Those who are born with the skill are usually sought out by the wizarding community and invited to schools where they can learn to use their skills. In order to cast magic, you must have a magic wand and say the magical words.

At Hogwart's School of Witchcraft and Wizardry, you are sorted into "houses" based on your personality. For our purposes, the Houses that are important are Huffelpuff and Slytherin.

Those without magical powers are called "muggles." Every once in a while, a magical child will be born to parents who are muggles. Wizards and witches have also married nonmagical people over the years, and whether the child is born magical or not seems to be random.

Some wizards believe that only "pure blood" wizards should be accepted into these schools (i.e., wizards whose family is all magical.) They don't want to accept these "half bloods" (who, when they want to really insult someone, call them "mud bloods.") Think of the kind of discrimination that used to exist in the south based on if there was even a drop of black blood in you, or the way the Nazis decided who was "pure" Aryan. (Yes, there are some adult themes in Harry Potter novels.)

NOTE: For ease of reading, masculine pronouns were used, but obviously these parts can be played by anyone.

PARTS TO ASSIGN:

Prosecutor

Wendy Bobbles (victim)

Terry Fletcher (prosecution witness)

Defense Attorney

Sal Malfoy (defendant)

Evelyn Carnate (defense witness)

THE CASE

This is a criminal case because we find the kids understand “guilty” and not guilty” better than they do comparative negligence.

The defendant, Sal Malfoy, is accused of assault upon Wendy Bobbles, a former wimpy wallflower half-blood from Hufflepuff.

The assault takes place at the 20th Hogwart’s reunion, which took place in the huge lobby at Great Wolf, a known hangout for wizards. The defendant claims self defense -- the former Hufflepuff student attempted to hex him first. This has the unique characteristic of happening to be true.

However, your students will assume the opposite, as evidenced by last year’s trials. Therefore, it may be interesting for you to make the defendant as nice as can possibly be, and make the victim unlikable. Challenging the students’ prejudices may be fun. However, I leave that to you to determine how to have your “actors” play the parts.

You should probably give this entire packet to each of your participants, because they should read everyone’s testimony to get all the details.

EXHIBITS

Great Wolf should be providing us with floor plans and pictures, and if they don’t, we will get some. The layout of the place is important for the eyewitnesses, especially when questions like “how far apart” everyone was. I enclose a very quick drawing I did from memory just to show the relative positions of the players involved; a much better one will be available by trial.

Coordinators can also come up with some exhibits of your own for the attorneys to introduce. Suggested ideas include:

- A rap sheet for the prosecution witness
- The victim’s grades
- The defendant’s wand

We will try to provide many of these but make no guarantees; they are not necessary for the case but will help explain to the kids how a trial works.

Coordinators should distribute this entire packet to all their actors since there is information in everyone’s testimony that will be important.

SAL MALFOY (DEFENDANT)

I am Sal Malfoy. I graduated near the top of my class at Hogwart's School of Witchcraft and Wizardry in 1985. I am a pure-blood wizard who was House Prefect and Head Boy of Slytherin. I am related to the powerful Malfoy family of pure blood wizards. After graduating, I began work for Gringott's Bank where I am a fortune hunter.

On April 1st, 2006, at the Hogwart's school Reunion, everyone was at Great Wolf in the lobby, having a great time. I was enjoying myself, seeing all my old friends, when Wendy from Hufflepuff came up to me and starting bragging about how well he was doing now – apparently he made some wise investments with Gringott's Bank and was now rolling in the money. I didn't care what he thinks or does, so I ignored him but he wouldn't leave me alone. I finally had to insult him to get rid of him, so I said "Get away from me, you filthy mudblood" and I walked away, thinking that would be the end of it.

Later, I decided to go to the room I had rented at Great Wolf, so I walked up the stairs to the second floor. The stairs are open to everyone, and leads to a balcony which looks down into the lobby. I walked around the elevators and then started to go down the hall to my room. didn't see anyone else in the hallway, but when I got near the corner where the balcony ends, I heard Wendy yell "Hey, Malfoy, I have something for you!"

I turned back and saw him behind me, on the hallway part that is the balcony near the elevators. I noticed that he had his wand ready and pointed straight at me! I only had a split second to think, and knowing that Wendy was one of the top casters in the class of 1985, I pulled my wand out and cast a paralyzing spell at him. He fell over and it caused a big cut in his head.

It was self-defense! I wasn't about to let him hex me first! He's lying when he said he had a bank book in his hand. I can tell the difference between a wand and a bank book. He had a wand pointed at me, because that's where they found it when everyone came out to see what had happened – it was still there, in his hand, while he was paralyzed!

WENDY BOBBLES (VICTIM)

I am Wendy Bobbles. I was not the best student at Hogwart's, but I did well in my Charms class, and could cast spells pretty well. After school, I got a job as a receptionist at St. Mungo's Hospital for Magical Maladies, where I still work today.

I know I got into trouble at Hogwart's years ago for telling tall tales, but I was only joking. I wasn't really lying, I was just having fun with the teachers by making up silly stories. Besides, that was years ago; I was just a kid.

On April 1st, I was at the Class Reunion when I saw Malfoy, who I never got along with. When he was at school, I was constantly being pushed around by him and his classmates, mostly because my mother was a muggle and I dressed funny because my father was not rich like his family. I would report them when I caught them doing something, but they always got away with it and said I was lying but I really wasn't lying – not about that, anyway.

Malfoy came up to me at the reunion and started pushing me around again, asking if I was as poor as my dad, and I told him that instead, I was doing quite well because of my investments. He didn't care, and called me a mudblood and walked away as I was talking to him. I got really mad.

I wanted to show Malfoy that I was somebody, so I went to get my bank statement to prove to him how rich I am now. I saw him walk upstairs, so I followed and said "Hey, Malfoy, I have something for you," meaning the bankbook. He turned around and I held up the bankbook.

I knew Malfoy's reputation for casting cruel spells on people and I should have been prepared. I saw him hold his wand out so I dropped the bank book and pulled out my wand, but I wasn't fast enough. I got it halfway up to defend myself when he cast a spell at me before I could do anything. I fell over and hit my head and had to go to St. Mungo's Hospital.

I don't know what happened to the bank book. Malfoy probably stole it.

TERRY FLETCHER (PROSECUTION WITNESS)

I am Terry Fletcher. I went to Hogwart's with both Sal Malfoy and Wendy Bobbles. I was at the Reunion and I am very familiar with both people. Malfoy has a reputation for attacking others first and lying, and Wendy never started fights and was always peaceful. He was always being picked on by Malfoy at school.

Wendy only had a reputation for "lying" in school because he was always reporting what the Slytherins did but they always got away with it. He never lied.

At the Reunion, I saw them arguing at one point but didn't hear what was being said because they were too far away in the crowd, but it looked like Malfoy and his cronies were threatening Wendy. I didn't think much of it though and went up to my room to take my cloak off because it was getting hot. After I did that, I came back and was walking down the hallway when I looked up and saw Malfoy across the lobby on the other balcony heading toward the other rooms. We were both still on the second floor at that time, but I could see across the room easily enough. Malfoy didn't see me though, because he was heading in the other direction. I could see him easily in the lit up hallway.

I saw Wendy behind Malfoy say something and could see that Wendy was not holding his wand but something else, but I can't say what. However, Malfoy spun around and cast a spell at Wendy, without saying a word or even looking to see if Wendy had his wand up! Wendy was hit and fell over and I ran in and saw that he was paralyzed. Yes, he had a wand in his hand at that point but it wasn't raised all the way up.

Yes, OK, I do have charges pending against me for selling stolen cauldrons, but I'm really not guilty. They fell off the back of a broom and I just collected them, that's all. Yes the DA in that case was willing to drop the charges in exchange for my testimony here, but everything I said here is absolutely true, I swear!

EVELYN CARNATE (DEFENSE WITNESS)

I am Evelyn Carnate. I was one of Malfoy's best friends when we were at Hogwart's. Since school, I have become the manager of a wizarding supply shop on Nockturn Alley. It's a nice business and I do well.

I was talking to Malfoy at the reunion when Wendy came up and started taunting us and bothering us. We wanted him to leave, so we insulted him. We didn't really mean it. He's just a little liar who always bugged us when we were at school and is still the same.

I've never seen someone so mad before when we insulted him! We walked away and I heard him say, "I'll show Malfoy that I'm serious. I'll teach him a lesson." Yes, the noise from the crowd was really loud, but I'm sure that is what I heard.

Later, Malfoy walked upstairs to go to his room. I followed because I was worried about him. I saw how mad Wendy was and knew Wendy was an excellent spellcaster.

I saw the whole thing, and they didn't see me because I was hiding around a corner, where the elevators are. I was behind Wendy the whole time. Wendy was following Malfoy, just waiting to get him alone. Wendy said "Hey Malfoy, I got something for you!" and pulled out his wand threateningly. I didn't see any bankbook or anything and I can certainly tell the difference between a bankbook and a wand!

Wendy pointed the wand and was starting to cast a spell when Malfoy got him first. It was self defense! I'm not sure which spell Wendy was going to cast, but Malfoy was right to stop him before he could do it!

I am very familiar with Wendy's reputation. He is a known liar, and used to always say things about Slytherin to try to get us in trouble, but none of it was true. "Wendy Whopper" we called him. "Babbeling Bobbles." I wouldn't believe a thing he said.

I'd do anything to protect my friend Malfoy. His family is very powerful and buy all their supplies from my shop. I always watch his back and he watches mine. I know I was hiding behind a corner, but I swear I saw everything. I'm not lying about anything!

