



## Briefing Sheet Member of the Prosecution Legal Team

### Role and responsibilities

The prosecution's job is to try to produce enough evidence to convince the jury that the defendant is guilty. There may be a team of people working on the case. A barrister is a lawyer who specialises in appearing in court – they will present the argument to the jury and ask the witnesses questions.

### Background

This is a true story of a young woman who was hanged at York Castle in 1803 at the age of 19, having been convicted of killing her new-born baby.

Martha Chapel was working as a servant and became pregnant outside of marriage, we do not know who the father was. She claims that she did not know she was pregnant until the baby was born and when she went into labour she thought she had stomach pains. She gave birth alone and the dead and damaged body of the baby was found a little later hidden behind a mattress.

The prosecution case was that Martha knew she was pregnant but had denied it; that she had given birth to a live child; that she had deliberately killed the baby with her own hands soon after birth; and that she had attempted to conceal the murder and the evidence of the birth.

### Tasks to do

- Decide who is going to take on the role of the barrister representing the legal team. You will present the argument to the jury and ask the witnesses questions.
- You will also brief the prosecution witness (Annabella Wilson) before the trial, find out what she has to say and think about what questions you will ask her during the trial and prepare her to cope with any questions the defence team may ask her.
- Prepare what you will say for your opening and closing statements and what questions you want to ask the witness and the defendant.

## Briefing Sheet (continued) Member of the Prosecution Legal Team

### The courtroom process (*the prosecution tasks are shown in bold*)

1. **Prosecution opening statement / argument**
2. **Prosecution to call their witness and ask them two questions**
3. Defence to cross examine the witness (two questions)
4. Defence opening statement / argument
5. Defence to call the defendant and ask them two questions
6. **Prosecution to cross examine the defendant (two questions)**
7. **Prosecution closing speech**
8. Defence closing speech
9. Judge to direct the jury
10. The jury to agree on whether or not they find Martha guilty of murder and the foreperson to present their verdict.
11. The judge to summarise and announce the verdict / sentence.

### Prompts for statements and witness questions

You will need to plan some of the key points that the person appointed as barrister will say in their opening and closing statements and what questions they should ask the witnesses. Questions must only be about the facts of the case, not be questions which can only have a “yes” or “no” answer and you should not ask the witnesses for their “opinions”. Here are some suggestions:

#### **Arguments you may want to include in your statements:**

- Martha was aware she was pregnant and deliberately hid her condition
- She was afraid of losing her job and of what people would say if she had a baby without being married
- She killed her baby deliberately and tried to hide the body

#### **Questions you may want to ask the prosecution witness:**

- When calling the prosecution witness, say “**Your honour, I now call Ms Annabella Wilson**”
- What did Martha say when you suggested she might be pregnant?
- What happened when you went back into the room after going for the doctor?
- What did Martha say when you found the baby’s body?

#### **Questions you may want to ask the defendant:**

- Why did you not tell people you were pregnant?
- Isn’t it the case that you were afraid that if you had a baby you would lose your job?
- If it was an accident why did you hide the baby’s body?

#### **The closing speech**

- Summarise the evidence given by the prosecution witness
- Comment on any weaknesses exposed during cross examination of the defendant
- Explain why you say the jury can be sure that the defendant is guilty.

#### **How to refer to people in the court:**

- The judge – **Your honour** / The jury – **Ladies and gentlemen of the jury**
- The defence barrister – **My learned friend**
- The witnesses by their title and surname – **Miss Chapel and Ms Wilson**



## Briefing Sheet Member of the Defence Legal Team

### Role and responsibilities

The defence represents the person accused of the crime. They don't have to prove that the person is innocent, just that the prosecution's arguments are not good enough and that there are other possible explanations. There may be a team of people working on the case. A barrister is a lawyer who specialises in appearing in court – they will present the case to the jury and ask the witnesses questions.

### Background

This is a true story of a young woman who was hanged at York Castle in 1803 at the age of 19, having been convicted of killing her new-born baby.

Martha Chapel was working as a servant and became pregnant outside of marriage, we do not know who the father was. She claims that she did not know she was pregnant until the baby was born (she may have been unaware of how pregnancies happened) and when she went into labour she thought she had stomach pains. She gave birth alone and the dead and damaged body of the baby was found a little later hidden behind a mattress.

Martha denied murdering her baby, arguing that the agony of childbirth had deprived her of her reason. She could not remember exactly what happened, but she believed that in her delirium, alone, and with no experience of giving birth, she had hurt and killed the child by accident while trying to assist herself in giving birth.

### Tasks to do

- Decide who is going to take on the role of the barrister representing the legal team. You will present the case to the jury and ask the witnesses questions.
- You will also brief the defendant (Martha Chapel) before the trial, find out what she has to say and think about what questions you will ask her during the trial and prepare her to cope with any questions the prosecution team may ask her.
- Prepare what you will say for your opening and closing statements and what questions you want to ask the witness and the defendant.

## Briefing Sheet (continued) Member of the Defence Legal Team

### The courtroom process (*the defence tasks are shown in bold*)

- Prosecution opening statement / argument
- Prosecution to call their witness and ask them two questions
- **Defence to cross examine the witness (two questions)**
- **Defence opening statement / argument**
- **Defence to call the defendant and ask them two questions**
- Prosecution to cross examine the defendant (two questions)
- Prosecution closing speech
- **Defence closing speech**
- Judge to direct the jury
- The jury to agree on whether or not they find Martha guilty of murder and the foreperson to present their verdict.
- The judge to summarise and announce the verdict / sentence.

### Prompts for statements and witness questions

You will need to plan some of the key points that the person appointed as barrister will say in their opening and closing statements and what questions they should ask the witnesses. Questions must only be about the facts of the case, not be questions which can only have a “yes” or “no” answer and you should not ask the witnesses for their “opinions”. Here are some suggestions:

#### **Arguments you may want to include in your statements:**

- Martha didn't know she was pregnant and was terrified and did not understand what was happening to her when she gave birth
- The baby dying was an accident and not something she planned
- She hid the baby's body but that was done in her state of delirium after the pain of giving birth and she has no memory of the event
- She has shown that she feels sadness and remorse about what happened

#### **Questions you may want to ask the defendant:**

- When calling the defendant, say “**Your Honour, I now call Ms Martha Chapel**”
- What happened when you had stomach pains and started to give birth?
- How did you feel once you realised your baby was dead?
- Do you remember hiding your baby's body?

#### **Questions you may want to ask the prosecution witness:**

- Did Martha ever say anything that made you believe she knew she was pregnant?
- What was Martha's behaviour like when you went back into the room after going for the doctor?
- Did Martha show any signs of remorse about the death of her baby?

#### **The closing speech**

- Explain the weaknesses in the prosecution case
- Point out to the jury why it is right to find the defendant not guilty (to be found guilty there must be no reasonable doubt).

#### **How to refer to people in the court:**

- The judge – **Your honour** / The jury – **Ladies and gentlemen of the jury**
- The prosecution barrister – **My learned friend**
- The witnesses by their title and surname – **Miss Chapel and Ms Wilson**



## Briefing Sheet Defendant: Martha Chapel

### Role and responsibilities

The defendant is the person accused of the crime. They are innocent until proven guilty. That means they don't have to prove they are innocent, instead the prosecution has to show that they are guilty. They often have a defence team and barrister to represent them in court. They can give evidence in court in their own defence which will be directed by their defence barrister. The prosecution barrister can then ask questions (this is called cross-examination).

### Background

This is a true story of a young woman who was hanged at York Castle in 1803 at the age of 19, having been convicted of killing her new-born baby.

Martha Chapel was working as a servant and became pregnant outside of marriage, we do not know who the father was. She claims that she did not know she was pregnant until the baby was born (she may have been unaware of how pregnancies happened) and when she went into labour she thought she had stomach pains. She gave birth alone and the dead and damaged body of the baby was found a little later hidden behind a mattress.

Martha denied murdering her baby, arguing that the agony of childbirth had deprived her of her reason. She could not remember exactly what happened, but she believed that in her delirium, alone, and with no experience of giving birth, she had hurt and killed the child by accident while trying to assist herself in giving birth.

### Tasks to do

- You will talk to the defence team who will ask you what happened, agree what questions they will ask you during the trial and prepare you to cope with any questions the prosecution team may ask you.

## Briefing Sheet (continued) Defendant: Martha Chapel

### The courtroom process *(the defendant tasks are shown in bold)*

1. Prosecution opening statement / argument
2. Prosecution to call their witness and ask them two questions
3. Defence to cross examine the witness (two questions)
4. Defence opening statement / argument
5. **Defence to call the defendant and ask them two questions**
6. **Prosecution to cross examine the defendant (two questions)**
7. Prosecution closing speech
8. Defence closing speech
9. Judge to direct the jury
10. The jury to agree on whether or not they find Martha guilty of murder and the foreperson to present their verdict.
11. The judge to summarise and announce the verdict / sentence.

### Prompts for answering the barrister questions

- You didn't know you were pregnant
- Giving birth without understanding what was happening to you was a terrifying and painful ordeal
- You have no clear memory of what happened during the birth and don't remember hiding the baby's body
- You are sad about losing your baby and feel very guilty and sorry about what happened

### Martha's statement at trial

*I am a wretched woman; it was my child. I never meant it harm; I did not know what I did, nor where I was; the room swam around with me, and I cannot recollect how or where I did it; if I did, God knows. I loved my child before I saw it.*



## Briefing Sheet Prosecution Witness: Annabella Wilson

### Role and responsibilities

A witness gives evidence at a trial – they have to give truthful evidence about what they saw and what happened. They must take an oath saying that they will tell the truth. A prosecution witness is someone called by the prosecution, because their evidence appears to show that the defendant did commit the crime. They will first answer questions from the prosecution barrister and then the defence barrister can ask questions (this is called cross-examination).

### Background

This is a true story of a young woman who was hanged at York Castle in 1803 at the age of 19, having been convicted of killing her new-born baby.

Martha Chapel was working as a servant and became pregnant outside of marriage, we do not know who the father was. She claims that she did not know she was pregnant until the baby was born (she may have been unaware of how pregnancies happened) and when she went into labour she thought she had stomach pains. She gave birth alone and the dead and damaged body of the baby was found a little later hidden behind a mattress.

Annabella Wilson was the niece of the Colonel that Martha worked for. She called a doctor for Martha when she said she had stomach pains. She suspected that Martha might be pregnant and asked her about this but Martha denied it. The next day Martha was worse, when Annabella came to check on her she saw blood on the floor and then found the body of the baby hidden behind a mattress. When she saw the baby's body Annabella fainted.

### Tasks to do

- You will talk to the prosecution team who will ask you what happened, agree what questions they will ask you during the trial and prepare you to cope with any questions the defence team may ask you.

## Briefing Sheet (continued) Prosecution Witness: Annabella Wilson

**The courtroom process** (*the prosecution witness tasks are shown in bold*)

1. Prosecution opening statement / argument
2. **Prosecution to call their witness and ask them two questions**
3. **Defence to cross examine the witness (two questions)**
4. Defence opening statement / argument
5. Defence to call the defendant and ask them two questions
6. Prosecution to cross examine the defendant (two questions)
7. Prosecution closing speech
8. Defence closing speech
9. Judge to direct the jury
10. The jury to agree on whether or not they find Martha guilty of murder and the foreperson to present their verdict.
11. The judge to summarise and announce the verdict / sentence.

**Prompts for answering the barrister questions**

- You suspected Martha was pregnant and asked her about this but she denied it. You warned her that if she was and had harmed her child it would be a crime punishable by death.
- When you saw the blood on the floor and looked in the bedding Martha said "*There is nothing in that bed but dirty linen*", however, when you and the servants checked the bed you discovered the baby's body.
- You asked Martha what she had done, her response was, "*If I have done anything, I am not to blame, for I have only done it in assisting myself*".





## Briefing Sheet Judge

### Role and responsibilities

The judge is in charge of the trial. They have to make sure that the evidence is presented in a fair and clear way. They settle any arguments between the barristers about what the law is and advise the jury on any legal points they are unsure of. They don't decide if the defendant is guilty or not, that is the job of the jury, however, if the defendant is found guilty the judge says what the sentence should be.

### Background

This is a true story of a young woman who was hanged at York Castle in 1803 at the age of 19, having been convicted of killing her new-born baby.

Martha Chapel was working as a servant and became pregnant outside of marriage, we do not know who the father was. She claims that she did not know she was pregnant until the baby was born (she may have been unaware of how pregnancies happened) and when she went into labour she thought she had stomach pains. She gave birth alone and the dead and damaged body of the baby was found a little later hidden behind a mattress.

### Tasks to do

- You will need to make sure that the court process runs correctly (in a real-life trial there may be many witnesses and each side can ask lots of questions. In your dramatization, each side will be limited to two questions each).
- After the closing statements you need to remind the jury of the seriousness of the crime and that they need to be satisfied that they are sure that the defendant is guilty in order to pass a Guilty verdict. The 'burden of proof' is with the prosecution (the defendant does not have to prove they are innocent).
- Once the jury has reached a decision you need to ask the foreperson what the verdict is and if this was unanimous or a majority verdict.
- If found guilty you would give the sentence (which at the time of Martha's trial was death by hanging for murder).

## Briefing Sheet (continued) Judge

### The courtroom process (*the judge's tasks are shown in bold*)

1. Prosecution opening statement / argument
2. Prosecution to call their witness and ask them two questions
3. Defence to cross examine the witness (two questions)
4. Defence opening statement / argument
5. Defence to call the defendant and ask them two questions
6. Prosecution to cross examine the defendant (two questions)
7. Prosecution closing speech
8. Defence closing speech
9. **Judge to direct the jury**
10. The jury to agree on whether or not they find Martha guilty of murder and the foreperson to present their verdict.
11. **The judge to summarise and announce the verdict / sentence.**

### Prompts during the trial

- If at any time you feel a question is not appropriate (it is leading the witness or asking their opinion) ask the barrister to rephrase the question.
- After each witness has been asked two questions by the first barrister ask the second “**Do you have questions for this witness?**” and when all the questions have been asked say to the witness “**You can step down**”.
- After all the evidence is given you need to summarise to the jury – for example:  
**Members of the Jury, you have now heard all the evidence (give a summary). It is your job to weigh up all the evidence you have heard and decide whether you believe Ms Chapel is guilty or not guilty of the murder of her baby. You should try and reach a unanimous decision. If this is not possible in the time available I will accept a majority decision. You must remember that it is the job of the prosecution to prove guilt, so that you must be really sure that Ms Chapel is guilty beyond a reasonable doubt, otherwise you should return a not guilty verdict.**
- After the jury have finished deliberating ask them:  
**Have the jury reached a verdict?**
- Then ask:  
**Do you find the defendant guilty or not guilty?**
- If not guilty, says:  
**Ms Chapel, you are free to go”**
- If guilty say:  
**“The Court will now pass sentence, for the crime of murder the sentence is death by hanging.”**



## Briefing Sheet Member of the Jury

### Role and responsibilities

The jury are twelve ordinary men (women did not sit on a jury at the time of Martha's trial) whose job it is to decide if the defendant is guilty. They must listen carefully to all the evidence before they choose their verdict (say if the defendant is guilty or not). They can only base their decision on what they hear at court.

### Background

This is a true story of a young woman who was hanged at York Castle in 1803 at the age of 19, having been convicted of killing her new-born baby.

Martha Chapel was working as a servant and became pregnant outside of marriage, we do not know who the father was. She claims that she did not know she was pregnant until the baby was born (she may have been unaware of how pregnancies happened) and when she went into labour she thought she had stomach pains. She gave birth alone and the dead and damaged body of the baby was found a little later hidden behind a mattress.

### Tasks to do

- You will need to elect a member of your group to be the jury foreperson before the trial begins.
- During the trial you need to listen carefully to all the evidence presented.
- After the closing statements the judge will remind you of your duties.
- You will discuss the evidence with your fellow jurors and agree a verdict – if all members agree this is a unanimous verdict. If you don't all agree you will vote (the verdict with the most votes is called a majority verdict).
- The foreperson is then responsible for letting the court and judge know what you have decided.

## Briefing Sheet (continued) Member of the Jury

**The courtroom process** (*the jury needs to listen throughout and their specific task is shown in bold*)

1. Prosecution opening statement / argument
2. Prosecution to call their witness and ask them two questions
3. Defence to cross examine the witness (two questions)
4. Defence opening statement / argument
5. Defence to call the defendant and ask them two questions
6. Prosecution to cross examine the defendant (two questions)
7. Prosecution Closing Speech
8. Defence Closing Speech
9. Judge to direct the jury
10. **The jury to agree on whether or not they find Martha guilty of murder and the foreperson to present their verdict.**
11. The judge to summarise and announce the verdict / sentence.

### Prompts for the jury after the evidence is presented

- Appoint one member to be the foreperson if you have not already done this
- Discuss the evidence you have heard and after a brief discussion each person should vote guilty or not guilty (the foreperson should also vote and they will need to keep count)
- If you all agree that is your decision, if you don't discuss the evidence again and take a second vote – if the majority vote one way or another that is your decision.
- If you are divided equally after a second vote then a majority has not been convinced and the verdict should be not guilty.
- The judge will ask if you have reached your verdict and the foreperson should state **Yes, Your Honour**
- The judge will ask if you find the defendant guilty or not guilty the foreperson should state **We find the defendant guilty** or **We find the defendant not guilty**.