

HANDOUT 2

“The Court Jester”

A courtroom play in one act

“If we require respect for the law, we must first make the law respectable.”

Louis D Brandeis

Cast

Prosecutor

Clerk

Defence Attorney: Wiseman Ncube

Magistrate: Matilda Jacobs

Defendant: Margaret Withers

Witness for the Defence: Dr Gertrude Gomes

Scene

A typical magistrate’s courtroom

Note: Stage directions are in italics.

Act one, scene one:

Opening Directions

The court is hearing a shoplifting case.

The accused, Margaret Withers, is an elderly, wealthy lady who has allegedly stolen an electric toothbrush from a pharmacy.

The scene opens with everyone in place waiting for Matilda to arrive.

Prosecutor:

Walks over to the clerk.

Is Magistrate Jacobs here today?

She is half an hour late and we have quite a busy roll.

Clerk:

You know her, she’s always late, I’m sure she’ll be here soon.

Everyone sits around for a few seconds looking anxiously at their watches.

Matilda then enters the courtroom. She is inappropriately dressed. All stand.

Clerk:

Magistrate Jacobs presiding.

Matter of S v Withers case no 1045/2002

Matilda:

Shuffling through papers, which are not in order and fall all over the place.

This matter was part heard on the 15 September 2002.
Proceedings were postponed at the close of the prosecution's case. The defence asked for a discharge, which was denied.
I have forgotten the defence attorney's name and I don't seem to have recorded it in my notes?

Ncube: Your worship, my name is Wiseman Ncube.

Matilda: Wiseman? From what I recall, you weren't acting very wisely the last time you appeared before me. Wasting the court's time with all your technical objections. You young lawyers straight out of varsity are all the same. I hope you have got your act together since then.
Proceed.

Ncube: *Looking shocked and anxious*

Your worship, my client has pleaded not guilty to the charge of stealing an electric toothbrush from Family Pharmacy on or about the 22nd June 2002. It is the defence's case that the accused lacked intention on the grounds of incapacity as she suffers from senile dementia and she did not know what she was doing at the time and could not control her actions.
The defence will lead expert evidence to prove this. Our first witness is....

Matilda: *She interrupts Ncube while he is speaking.*

I don't know why you are bothering with all this. Why don't you just argue that as the old duck has no teeth, she lacked motive and take it from there.

Matilda laughs.

Withers starts to cry

Ncube: Your worship.....

Matilda: *Again interrupts Ncube.*

Come on Mrs Withers, you are on trial, you can't carry on like a shrinking violet. Chin up! I am just trying to add some light relief to the proceedings.
Carry on Mr Dube.

Ncube: Your worship, it's Mr Ncube.

Matilda: *She gives out a huge sigh and rolls her eyes.*

Dube, Ncube, there are so many of you these days, it's all the same to me. Please stop wasting the court's time with these trivialities and proceed.

Ncube: The first witness for the defence is Dr Gomes.

Gomes walks into the stand and the clerk begins to swear her in.

Clerk: Please state your name for the record.

Gomes: Dr Gertrude Gomes.

Clerk: Do you have any objection to taking the oath?

Gomes: Yes I do.

Matilda: *Sighs.*

Not another one.

Clerk: *Swears in Gomes using the affirmation.*

Matilda is shaking her head and sighing while this is going on.

Ncube: Dr Gomes. Please tell the court what your occupation is and how long you have been practising.

Gomes: I am a psychiatrist and I specialise in senile dementia. I have been practising for 26 years in this field

Ncube: Would you call yourself an expert in this field?

Gomes: *While Gomes is giving her testimony, Matilda turns her back on her, looks at her watch a few times and starts humming.*

I have published several articles on the topic, both here and abroad, as well as a book entitled "No man's land... the loneliest place on earth: Senile dementia guides for treatment and diagnosis."

Ncube: Have you examined the accused, Mrs Withers?

Gomes: Yes, I have examined her on several occasions and it is my diagnosis that she is suffering from senile dementia.

Ncube: How did you arrive at this diagnosis?

Matilda is now starting to fall asleep and snoring loudly. Gomes looks over at her with a curious expression. Sniggers of laughter form the gallery.

The clerk gives her a nudge and she wakes up with a start.

Gomes: *Speaking loudly in the direction of Matilda*

While Gomes is speaking Matilda's eyes keep closing.

Well, I ran the usual battery of tests on her. Firstly we do an MRI scan to ascertain the level of brain damage. This is followed by an interview with the patient where she is asked simple, what we call, orientation questions. For

example, what is your name, your birthday, what is the date today, where do you live.

If the patient scores less than 9 then we run further tests, which include simple tasks that establish the level of motor skills and brain activity. They are asked, for example, to join the dots on a simple diagram.

Matilda: Kind of like the puzzles you do in the newspaper?

Gomes looks over at Ncube pleadingly.

Ncube: Dr Gomes, based on these tests and your report, which are being handed up as Exhibit A, what was your diagnosis and why?

The clerk hands up the tests and report to Matilda.

Matilda rapidly flicks through the exhibit, stops at one page where there is a join the dot exercise that the accused clearly failed and holds it up for all to view and says:

Matilda: You clearly lost the plot here Mrs Withers.

She laughs raucously.

My two year old can do better than this.

Gomes: *Clears her throat looking annoyed.*

While she is giving her testimony, Matilda starts looking at her nails and cleaning them, while humming to herself.

Based on the results of the tests, I have diagnosed that the patient is suffering from senile dementia in its most acute form.

Ncube: Can you please tell the court exactly what this means?

Gomes: Well, essentially areas of the brain are overcome by what is known as inter-cranial mass build up which has the effect of producing Transient Eschismic attacks that result in....

Matilda: *Interrupting Gomes*

Ag, man, you doctors are all the same, I can't understand a word you are saying. Please can you try and be more coherent or has your work with these geriatric nuts prevented you from doing that?

Ncube: Your worship, with respect, I must object to the tone you are using with the witness, I don't feel that justice can be done when your approach during these proceedings has been almost farcical and shows a lack of respect for the witnesses, the accused and me.

Matilda: Mr Dube, I must object to your tone. How dare you speak to me like that? What are you suggesting? In the words of Oliver Wendall Holmes, "This is a court of law young man, not a court of justice."

Uproar of laughter from Matilda.

On a more serious note, you will put aside your little insecurities at being the new kid on the block and get over the fact that you are black and that you are appearing before a woman who has all the power. If you can't handle this, then resign, otherwise, let's get on with the damn thing, so that we can finish by 4 and go home.

Ncube: *Scratches his head, straightens his suit and starts again.*

Dr Gomes, could you please explain your findings in layman's terms?

Gomes: Essentially the MRI, showed that parts of Mrs Withers brain are severely decayed. This is indicated by the grey areas on the x-ray. This means that her brain is not operating at full capacity...

Matilda: Like some other people in this room.

She looks over at Ncube.

Gomes: *Looks shocked, clears her throat and continues.*

Well, as I was saying, the effect of this is that it results in memory loss and general confusion. This was confirmed by the psycho-metric tests which you have before you.

Mrs Withers is in an extreme state of senile dementia, most of the time she does not even know her own name and her short term memory is almost non-existent.

Ncube: Would this affect her ability to perform daily tasks such as shopping?

Gomes: Oh yes, certainly, there is a likelihood, for example, that she would forget that she was shopping or that she had even, in this case, picked up the toothbrush or that she had not paid for it. In fact, the concept that she has to pay for it, may have eluded her completely.

Ncube: Thank you Dr Gomes, no further questions.

Prosecutor: Dr Gomes, in all your time working as a psychiatrist have any of your patients ever tried to steal anything?

Gomes: No.

Prosecutor: That is all I have.

Ncube gets up to re-examine, but is interrupted by Matilda.

Matilda: Just hold your horses there, Mr Dube, or whatever it is, I have a few questions. Tell me Dr Gomes, you say that Mrs Withers is suffering from acute senile dementia. Is this a continuous state or does it come and go. In other words, would the accused have moments of lucidity?

Gomes: Yes.

Matilda: Yes, what?

Gomes: Yes, Your Honour?

Matilda: Don't be daft, yes, it is a continuous state or yes, she has lucid intervals?

Gomes: Yes, she has lucid intervals.

Matilda: Now, I think what the prosecutor was trying to ask you was this, could the accused have been having a moment of lucidity at the time that the offence was committed?

Gomes: Well, she may have, but

Matilda: All right Dr Gomes, you've earned your stripes, I think you have answered the court's question.

Ncube stands up to re-examine.

Matilda: You again? Haven't we got the point?

Ncube: I would like to put a few questions to the witness in re-examination and I have a right to do so.

Matilda: I know what your rights are, Dube. I think I have a right to have my lunch and not be subjected to this boring line of questioning, but if you must proceed.

Laughter from the gallery.

Ncube: *He gives a big sigh and looks agitated.*

May I suggest then, Your Worship, that we adjourn until after lunch?

Matilda: That is the most intelligent thing I have heard you say all day!
Court is adjourned. We will reconvene at 2.00pm.

They all leave.

The End