

# The Witness of the Defendant

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MR. BIRD: Name?

MS. FIANANANA: Pohka Fiananana.

MR. BIRD: Age?

MS. FIANANANA: 14

MR. BIRD: You understand that if you lie, you will be flayed?

MS. FIANANANA: Yes, sir.

MR. BIRD: Your honor, Mr. Gen, Mr. Bovari, the witness is ready for questioning.

JUDGE PEKKIK: Mr. Gen, I believe you called this witness to the stand?

MR. GEN: Yes, your honor.

JUDGE PEKKIK: Isn't a little odd for a prosecutor to call the defendant as one of his witnesses?

MR. GEN: It is less than common, your honor.

JUDGE PEKKIK: You are aware that I am capable of throwing the entire case out of court, as the prosecution has come out in direct opposition to established protocol?

MR. GEN: I think that will not be necessary, your honor.

JUDGE PEKKIK: Not necessary?

MR. GEN: No, your honor. Since the case is not about what the defendant has or has not done, but rather about the legality of the actions themselves, both Mr. Bovari and myself are naturally interested in having as full a description as possible.

JUDGE PEKKIK: Mr. Bovari?

MR. BOVARI: I have never given Mr. Gen my approval for his calling this witness.

JUDGE PEKKIK: Neither have you registered a formal complaint?

MR. BOVARI: As you honor states, I have not yet registered a formal complaint.

JUDGE PEKKIK: Very well, as you both seem set on being vague, I suppose we'll allow the questioning to begin. Mr. Gen?

MR. GEN: Pohka, lets begin by talking a little about your background, shall we? Have you ever lived outside of this city?

MS. FIANANANA: No, sir, I was born here.

MR. GEN: No need to call me sir. You say you were born here?

MS. FIANANANA: Yes

MR. GEN: And lived here all your life?

MS. FIANANANA: I already said that.

MR. GEN: Quite so, quite so. Just trying to be thorough. I take it, then, that you live with your mother and father?

MS. FIANANANA: Just my father.

MR. GEN: Ah, is your mother dead?

MS. FIANANANA: Yes.

MR. GEN: I'm sorry to hear that. How long ago did she die?

JUDGE PEKKIK: The prosecution will please come to the point.

MR. GEN: Quite so, quite so, sorry to get side tracked, your honor. Pohka, you went to school here in the city, is that correct?

MS. FIANANANA: Still do.

MR. GEN: Have you ever been taught outside of school?

MS. FIANANANA: Sure. Pops and the bro.s teach me what they can.

MR. GEN: But never outside of the house?

MR. BOVARI: Objection.

JUDGE PEKKIK: Sustained. Mr. Gen, please refrain from these pointless side issues. We have no need to hear about every little experience of this girl's life.

MS. FIANANANA: I don't mind answering, sir.

JUDGE PEKKIK: Yes, but I mind hearing. The prosecution will refrain from such pointless side issues in the future.

MR. GEN: My apologies, your honor. I did not realize that you considered the disposition and associations of the defendant to be pointless.

Pohka, I understand you left town rather abruptly some weeks ago. Is that correct?

MS. FIANANANA: It wasn't all that abrupt.

MR. GEN: How long were you contemplating the trip before you left?

MS. FIANANANA: A day or two, I guess.

MR. GEN: You guess?

MS. FIANANANA: Yes, well, it didn't take much contemplation. I mean, as soon as I heard about it I wanted to go.

MR. GEN: Who were your companions on this trip?

MS. FIANANANA: Just Cor and my howler, Duke.

MR. GEN: Cor?

MS. FIANANANA: Cordelia Mulgrave; she's a friend of my little brother's from school.

MR. GEN: How old is she?

MS. FIANANANA: 6, I think.

MR. GEN: So, a six-year-old told you she was leaving town and you decided to just tag along? Bringing your pet and giving no warning to anyone that you were going?

MS. FIANANANA: I told my father.

MR. GEN: And?

MS. FIANANANA: He said it was great and offered me his pipod.

MR. GEN: I see. And what did you tell your father that you would be doing?

MS. FIANANANA: Just what Cor told me. We were going to go try to find a town occupied by giants for a short visit.

MR. GEN: You were just going to search the outlands in hopes of finding a town of giants?

MS. FIANANANA: No, Cor knew where it was. She had been there on vacation a few weeks before.

MR. GEN: Really? Her parents just up and took her into the outlands over the school break?

MS. FIANANANA: I think she went alone.

MR. GEN: So, if I understand correctly, a six-year-old came up to you one day, told you she wanted to go and see some giants she claimed to have found while on a pleasure cruise through the outlands one afternoon, so you dropped everything, borrowed your father's pipod, skipped school, and left?

MS. FIANANANA: I was going to use Cor's pipod, but my father wanted me to use his.

MR. GEN: I see. Don't you think it a bit foolish to believe a girl of six when she tells you such things?

MS. FIANANANA: Not Cor. She's a Mulgrave.

MR. GEN: Does a surname cause infants to be born sane?

MS. FIANANANA: Well, she was right, wasn't she? You saw the giants.

MR. GEN: Nonetheless, you decided to skip town simply because some six year old told you to.

MS. FIANANANA: Well, Em seemed to like the idea too.

MR. GEN: Em?

MS. FIANANANA: Cor's mother, Emily Mulgrave.

MR. GEN: You discussed this matter with Emily Mulgrave? I was given to understand that she had not been seen for several weeks prior to your departure, nor has she returned since.

MS. FIANANANA: Yes, that's true.

MR. GEN: Then how did you possibly talk with her?

MS. FIANANANA: I found Cor talking with her in a soup tureen in the middle of the night.

MR. GEN: You wha—I'm sorry, I don't think I heard you correctly. Could you repeat that?

MS. FIANANANA: I found Cor talking with Em in a soup tureen in the middle of the night.

MR. GEN: A soup tureen? You mean like a pot?

MS. FIANANANA: Yes.

MR. GEN: Who was in the pot? Cordelia or Emily?

MS. FIANANANA: Em—well, her face was anyway, but she was a long way away. Said she had lost her pipod and stuff. The point is, she told me to go with Cor, seemed to really like the idea.

MR. GEN: Wait a minute, I'm still a little foggy here. Emily Mulgrave's face was in a soup pot, but her body was miles away?

MS. FIANANANA: Sure.

MR. GEN: And the disembodied face was speaking to you?

MS. FIANANANA: Me and Cor, yes.

MR. GEN: I suppose you would call that magic?

MS. FIANANANA: Well of course it was magic! Do you think people can talk through soup tureens without a little spellcraft?

MR. GEN: Your honor, without objection I would like it entered into the record that the witness believes in magic.

MS. FIANANANA: Well of course I believe in magic!

MR. GEN: True, true, most children do, though you seem a bit old for it.

JUDGE PEKKIK: Mr. Bovari?

MR. BOVARI: Before I answer, may I be permitted to ask the defendant two questions?

JUDGE PEKKIK: Certainly.

MR. BOVARI: Fi, is there something obviously magical that you've observed outside of your interaction with the Mulgraves?

MS. FIANANANA: Sure. There's aerial servant, all kinds of little cantrips, that sort of thing.

MR. BOVARI: What do these things look like?

MS. FIANANANA: Here, I'll show you. (string of incoherent syllables)

JUDGE PEKKIK: Order! Order! I will have order! If the

- spectators cannot maintain order, they will be removed from the courtroom. Order, I say!
- Now then, miss Fiananana, we will have no more of these demonstrations, understand?
- MS. FIANANANA: Yes, sir.
- JUDGE PEKKIK: Please read the record of the last four minutes
- (MINUTES READ)
- JUDGE PEKKIK: We will let it remain as recorded. Mr. Gen, you wish to argue?
- MR. GEN: Yes, your honor. I think the recent demonstration should be entered into the record, as it was the witness's answer to the defendant's question.
- JUDGE PEKKIK: Overruled. What is recorded is sufficient. Did you have additional questions you wished to ask the witness?
- MR. GEN: Yes, your honor.
- Pohka, let us move now to your departure. I believe you stated earlier that you left on a pipod, accompanied by Cordelia and your pet Duke, is that correct?
- MS. FIANANANA: Yes. Duke rode Em's pipod, I had my father's, and Cor went by letter-8.
- MR. GEN: Cordelia didn't take a pipod?
- MS. FIANANANA: No, she's too short to reach the handles so she travels by letter-8.
- MR. GEN: Would you care to describe the trip?
- MS. FIANANANA: Well, we flew all day and landed on a roof of the giant village near nightfall. The giants were huge; four or five fathoms, and there were, oh, two hundred or so, I guess, but I really don't know. The next day Cor accosted Gar Thoris, a very kind giant, and he had us lay low for a couple of weeks while he roped in some support.
- MR. GEN: Support for...
- MS. FIANANANA: Em had asked us to give her a hand, and anything that causes Em trouble needs all the help it can get.
- MR. GEN: I see. Continue, if you would.
- MS. FIANANANA: After a two weeks of laying low we then left with thirty giants, secretly because Governor Gal wasn't too friendly. We travelled for three days up to Em's place, and she joined us. We had a little discussion about a note we found on night and Em and Cor decided to go find a friend of theirs. The giants were split; some decided to join Em and others wanted to go back to their village, so Duke and I flew back home.
- MR. GEN: You and Duke, the glass howler? Alone?
- MS. FIANANANA: No, Don the Phrontist wanted to follow us and, once he said that, Mia Get and Herb Gorro decided to come too.
- MR. GEN: They just sort of decided to follow you, or you invited them to come?
- MS. FIANANANA: Em asked some of them to go with me.
- MR. GEN: You weren't worried about bringing them into the slo?
- MS. FIANANANA: A little.
- MR. GEN: But you invited them to come anyway.
- MS. FIANANANA: No, I never invited them.
- MR. GEN: But did you object to their company?
- MS. FIANANANA: The outlands are pretty dangerous; I would be idiotic to refuse an escort.
- MR. GEN: You could have turned them away at the inlands.
- MS. FIANANANA: You try turing away a giant and see where it gets you. The entire city militia couldn't do it; you expect a teenage girl and a glass howler to do better?
- MR. GEN: But did you even try?
- MS. FIANANANA: Try what?
- MR. GEN: Did you attempt to persuade the giants not to enter the slo?
- MS. FIANANANA: They had made it clear they were coming in, no matter what any humans said. There was no room for persuasion.
- MR. GEN: So what you are saying is that you didn't try to deter them.
- MS. FIANANANA: I was not aware of any effectual channel for so persuading them that I did not use.
- MR. GEN: Were there any channels for persuasion that you did use?
- MS. FIANANANA: There were.
- MR. GEN: Namely?
- MS. FIANANANA: I took great pains to impress upon them the difficulties they would encounter if they went forward, stressing the laws and traditions of the slo as far as I knew them. I even shared rumors and tall tales I thought might make them rethink their move.
- MR. GEN: What rumors were those?
- MS. FIANANANA: I was given to understand I was not to share, in court, mere speculation.
- MR. GEN: Although you may have been speculating at the time, the fact that you did so is not speculation, but fact.
- MR. BOVARI: Objection.
- JUDGE PEKKIK: Yes?
- MR. BOVARI: The prosecution is not permitted to state what is or is not fact.

JUDGE PEKKIK: Technically true, but I don't see how it applies in this setting.

MR. BOVARI: Could we have the last statement of the prosecution read from the record?

⟨STATEMENT READ⟩

MR. BOVARI: To me that sounds like the prosecution is attempting to assert fact about the witness's past, but I will yield to your honor's judgment in this matter.

JUDGE PEKKIK: I have to say I agree with you. Objection sustained. Mr. Gen, you have biased the witness on the subject of these rumors and may not ask further questions on the subject, as per *Kay v. Dollerig*.

MR. GEN: Pohka, am I to understand, then, that you told the giants what dangers they would face when they arrived?

MS. FIANANANA: I never thought them in any danger, knowing we are a peaceful and generous land; I tried to explain the problems of coming to the slo contrary to law, however.

MR. GEN: Was this explanation the only deterrent you offered?

MS. FIANANANA: It was.

MR. GEN: You did not, for example, fly off and leave them lost in the outlands.

MS. FIANANANA: It wouldn't have helped.

MR. GEN: Why not?

MS. FIANANANA: We flew more than a day's journey ahead of the giants when visiting Em, and yet they followed us without any directions being given. I have no reason to believe they had lost their ability to follow. Besides, I needed to travel with them for safety.

MR. GEN: And you didn't have that need for safety earlier?

MS. FIANANANA: I had Cor. She's a master fighter.

MR. GEN: At six?

MR. BOVARI: Objection. Cordelia Mulgrave is not the point at hand.

JUDGE PEKKIK: Mr. Gen?

MR. GEN: I'll drop the question, if Mr. Bovari wants; it wasn't all that important anyway.

Pohka, you say you explained to the giants the problems of coming to the slo?

MS. FIANANANA: I tried to, yes.

MR. GEN: Suppose, for a moment that you *wanted* the giants to come to the slo. Wouldn't you explain to them exactly what problems they would be likely to face so that they would be ready to react accordingly?

MS. FIANANANA: Why would I want them to come to the slo?

MR. GEN: An excellent question, but for now let's just suppose that you did.

MS. FIANANANA: I really can't say.

MR. GEN: Can you imagine any reason why someone who wanted to introduce giants into the slo would decide not to explain the challenges before them?

MS. FIANANANA: I had no idea my imagination was to be put on trial.

MR. GEN: Do you deny that there was some part of you that really wished the giants would follow you to the slo?

JUDGE PEKKIK: Mr. Gen, that question is in direct opposition to established protocol!

MR. GEN: How so?

JUDGE PEKKIK: If you do not recognize a violation so bold on your own, I am not sure you should be practicing law. Your questioning is now at an end, as you obviously have nothing more to say here.

Mr. Bovari, would you like to counter-question the witness?

MR. BOVARI: With pleasure.

Miss Fiananana, you have already stated that you believe in magic.

MS. FIANANANA: I have.

MR. BOVARI: Do you have any idea what percentage of adults in this city also believe in it?

MS. FIANANANA: Not many, at least not that will talk about it.

MR. BOVARI: Why do you think that is?

MS. FIANANANA: I don't know; lack of information, I guess.

MR. BOVARI: Do you feel that the people in this room have received enough information to change their minds?

MS. FIANANANA: Yes, but they aren't likely to admit it.

MR. BOVARI: Why not?

MS. FIANANANA: Because they don't want people to think poorly of them for believing. It's not popular.

MR. BOVARI: Have you ever considered yourself popular?

MS. FIANANANA: No

MR. GEN: Objection.

JUDGE PEKKIK: Yes?

MR. GEN: These questions aren't leading anywhere.

JUDGE PEKKIK: Mr. Bovari?

MR. BOVARI: If your honor will humor me, I think you will see my meaning soon enough.

JUDGE PEKKIK: Overruled, Mr. Gen. Mr. Bovari, continue.

MR. BOVARI: Thank you.

Fi, do you think that, if giants and related creatures became regulars in the city, people would begin to be forced to admit that magic exists?

MR. GEN: It doesn't!

MR. BOVARI: I am asking the witnesses opinion, not yours.

MS. FIANANANA: I suppose that would probably happen.

MR. BOVARI: Do you think that the creatures might cause the slo some harm?

MS. FIANANANA: No, why would they?

MR. BOVARI: Economics is not my strong suit, so I cannot tell you. However, what would you think if people were to assert that it would break the stable balance of our economy if magic and magical creatures were introduced into our daily life?

MS. FIANANANA: I never thought about that. Do you think they would?

MR. BOVARI: My opinions are not important. However, if someone had convinced you of it earlier, would you have been eager to bring giants to visit the slo?

MS. FIANANANA: No; I have no desire to harm the slo.

MR. BOVARI: Is there any reason you can think of to invite magical beasts into the slo besides broadening perspectives and improving city life?

MS. FIANANANA: No, I can't.

MR. BOVARI: Thank you for your time.

Your honor, that concludes my questioning.