

Man found guilty in 'Santa Claus' trial



Pictured at left are Ron Zeegers and Anna Carpenter, defense attorneys, and Steve Hodgson, defendant. At right: Dorothy Byrd, IRS representative. Top center: Trudy Brown swears in surprise witness Santa Claus. Center right: Jon Campbell, customs official, and to the right of that, Jenny Trukositz and Chris Botcheos, prosecuting attorneys, and in the background, Darcy Bagley. Bottom Center: The jury, from left to right, is Heather Horst, at Louderback, Wendy Goodloe, Traci Anderson and Cassandra Olson. On the bottom, from left to right, is Kraig Gifford, bystander, Darcy Bagley, FAA representative, Patsy Wesselink, veterinarian, and Patty Gray, homeowner.



Mistaken identity defense fails

Kris Kringle was found guilty of trespassing and other charges last week in Clackamas County district court after an emotional final argument by Chris Botcheos, prosecuting attorney.

Kringle (Andy Union High School student Steve Hodgson) was charged with trespassing, cruelty to animals, violation of interstate commerce laws, failure to report with the Internal Revenue Service as a non-profit organization and disturbing the peace.

Some of the charges might have been dropped, but when Santa Claus himself showed up, and didn't identify Kringle as a helper, it hurt the defendant's case.

Botcheos tried to prove that Santa Claus was guilty of cruelty to animals by entering as evidence two books showing Santa Claus cracking a whip over his reindeers' heads.

That evidence was disputed. Veterinarian Patsy Wesselink said, "There's no evidence of scars on the reindeer from being hit by a whip, and it looks as though they're well fed."

An elf, Dorothy Byrd, offered testimony contrary to the discrimination charge, saying that the elves are happy at the North Pole.

On the disturbing the peace charge Ron Zeegers, defense attorney, also brought out that Kraig Gifford, bystander, was too far away to make a positive identification of the man yelling, "A Merry Christmas to all and to all a good night."

Other testimony was hard to dispute. Patty Gray, homeowner, caught Kringle in the act, witnessing him entering the house through

the chimney. He got soot on the carpet and ate some cookies, she said.

Under cross-examination she admitted, however, that she didn't see Kringle take the cookies.

An Internal Revenue Service representative (Byrd again) said that Claus had filled out no forms with them, and a representative of the Federal Aviation Administration, Darcy Bagley, said that Claus also was not registered with them.

Jon Campbell, customs official, said that no forms were filed with them, but during cross-examination admitted that an error could have been made.

After a five-minute recess the defense called a surprise witness, Santa Claus, and tried to claim mistaken identity.

Botcheos wouldn't hear of it. "He is the criminal," Botcheos said, pointing to Kringle.

"He is not," he said, pointing to Santa Claus.

Pointing to Kringle again, he said, "That man right there was arrested, saying that he was Santa Claus."

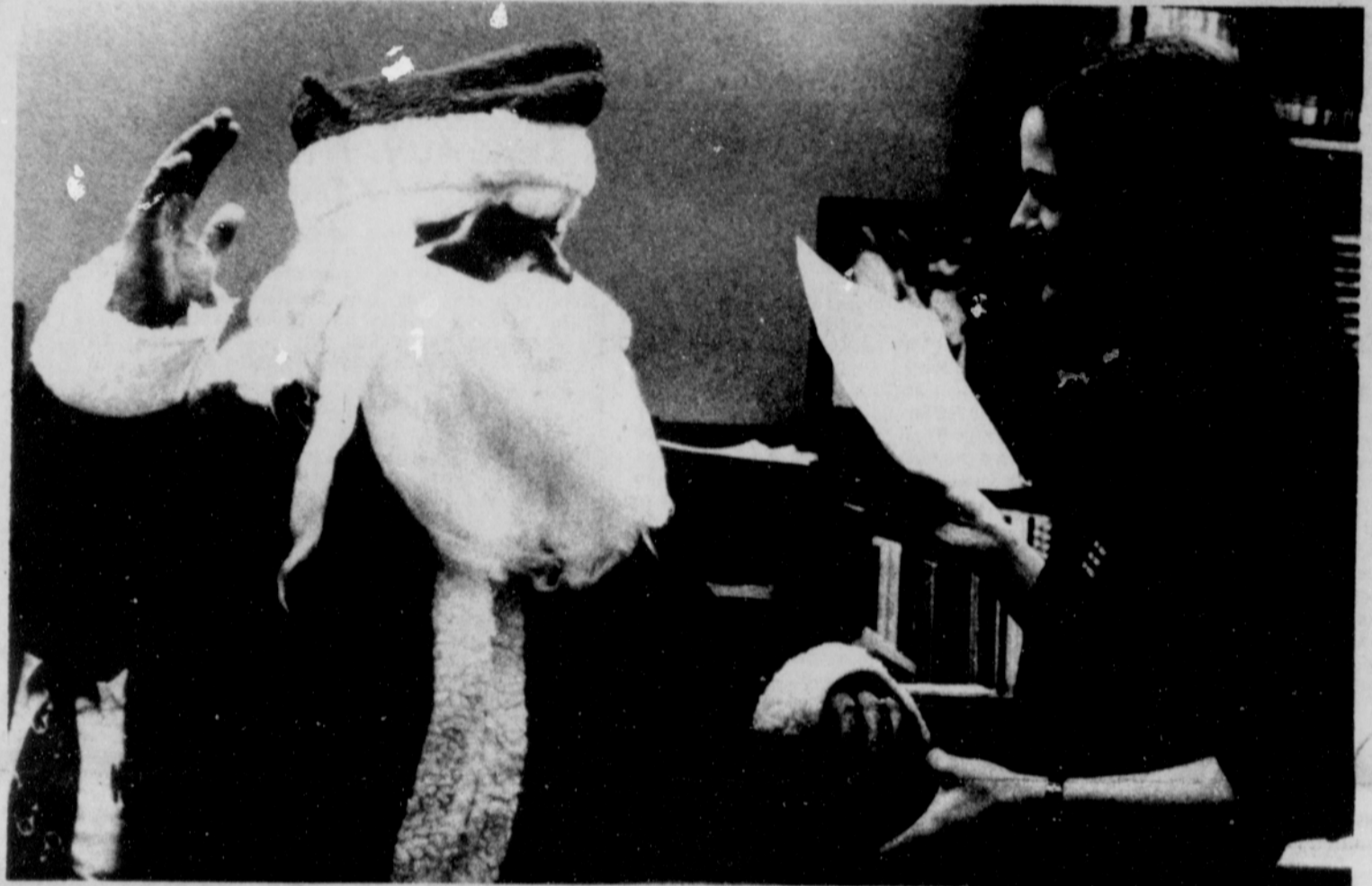
The five-person jury was convinced, and found Kris Kringle guilty.

Judge Bryan Noe asked the defense if they had any final statements.

Anna Carpenter, defense attorney, said, "Naw, what the heck?"

With that, Noe sentenced Kringle to 400 years in jail, with parole available every Dec. 24, and on Jan. 1, for New Year's Day football games.

(The trial was a project of Len Eaton's street law class.)



Story and photos by Scott Newton

