

# The Case of the Subway Bandit

## Mock Criminal Law Scenario: *R. v. Singh*

### Teacher Resource

**Curriculum Links:** Understanding Canadian Law (CLU3E), Grade 11, Workplace Preparation

**Legal Focus:** Criminal law, questioning techniques, legal process

**Estimated Time:** 1 period

#### **Overall Expectations:**

- Describe the criminal trial process.
- Explain how criminal and provincial laws apply to young people.
- Apply the steps in the process of legal interpretation and analysis.

#### **Specific Expectations:**

- Describe the elements the Crown must prove for an action to be considered a crime.
- Describe the procedures that take an accused from being charged to being tried in court.

#### **Description of the Scenario**

1. At approximately 3:40 PM, a young man named Morgan King was approached in a subway station by two youths. Mr. King claimed that the pair demanded money from him, and when he didn't hand it over, they assaulted him and stole money and an iPod from his pockets. Mr. King claims he felt something pushed into his side which he thought was a gun, but he didn't see the gun.
2. A fellow passenger, who did not witness the attack itself, offered assistance to the victim after the attack and called the police from the platform payphone.
3. Police Officer Dakota Lim arrested one of the alleged attackers, Ali Singh, who was still in the subway station. Mr. Singh was charged under the *Youth Criminal Justice Act* with assault, robbery and uttering threats.
4. The second assailant has not yet been found.

**Note:**

The case presented here is based on one of OJEN's Criminal Mock Trial scenarios, *R. v. Singh*. This case has been altered and simplified to allow for Workplace Level students to begin the first steps towards engaging in a full mock trial assignment. It is understood that some classes will be more successful than others in undertaking the preparation and role-playing required in completing a full mock trial. Teachers should gauge the class' readiness for the assignment.

The scenario has been designed so that the outcome of the case will vary depending on how students argue the case. Neither a conviction nor an acquittal is the logical result. This case gives students the opportunity to realize how difficult the issues behind trials can be, given the lack of credible witnesses and the problem of finding the truth in a "he said, she said" exchange.

### ***The Final Judgment***

This is a mock scenario. Students will use the information provided to determine a fair judgment.

### ***Teaching & Learning Strategies***

1. Ask students to read *The Big Question* and use the *Think/Pair/Share* strategy to introduce the topic of youth crime and the *Youth Criminal Justice Act*.
2. Introduce the mock trial by reading through *The Facts of the Case* and *The Relevant Law*. Review the key points outlined in *The Issues*. Explain to students that although they will not be completing a full mock trial at this point, this exercise will be preparation for that process. (A full mock trial may be used as a culminating activity for either the Criminal Law section of the course or for the entire Workplace Law course.)
3. Review *The Arguments in Court* with students using either student or teacher-directed reading. You may also encourage volunteers to act out the roles of Ali Singh and Morgan King, and explain their versions of what happened. (witness sheets for Jayme Watson, defence witness, and Dakota Lim, arresting officer/Crown witness, are available in the full *R. v. Singh* mock trial package, which can be downloaded for free from the OJEN website, [www.ojen.ca](http://www.ojen.ca))
4. In pairs or small groups, ask students to complete *The Lawyers' Debate*. Take up the answers as a class, listing the potential arguments on the board.
5. Ask students to complete *The Final Judgment* individually and compare their answers with a partner. Once students have decided their verdicts, invite them to share their views with the class. They should be able to give justifications for their decisions.
6. Have students complete the *Check for Understanding* exercise and take up the answers as a class.
7. Optional: have students complete a full mock trial using OJEN's mock criminal trial package, *R. v. Singh*. This full mock trial package comes complete with witness sheets and instructions for preparing opening and closing statements and questions. It can be downloaded from the

Resources section of the OJEN website, [www.ojen.ca](http://www.ojen.ca). OJEN's *Making the Case: Mock Hearing Toolkit* includes other resources for teachers preparing to conduct a mock trial.

### **Assessment & Evaluation**

- *Think/Pair/Share*
- Class discussions
- Role playing
- *The Lawyers' Debate* worksheet
- *The Final Judgment* worksheet
- *Check for Understanding* worksheet
- Mock Trial (optional)

### **Resources**

Ontario Justice Education Network

[www.ojen.ca](http://www.ojen.ca)

- Criminal Law Mock Trial Scenario : *R. v. Singh*
- Criminal Law Mock Trial Role Preparation Package
- Criminal Law Mock Trial Justice Sector Volunteer Package
- *Making the Case: Mock Hearing Toolkit*

# The Case of the Subway Bandit

## Mock Criminal Law Scenario: R. v. Singh

### Student Handout

#### *The Big Question*

Should the law treat youth (people under 18 years) differently from adults? Why? Does it matter what the young person has done?

Think about your response for 30 seconds. Discuss your thoughts and opinions with a partner and then share your conclusions with the others in the class.

#### *The Facts of the Scenario*

- At approximately 3:40 PM, a young man named Morgan King was approached in a subway station by two youths. Mr. King claimed that the pair demanded money from him, and when he didn't hand it over, they assaulted him and stole money and an iPod from his pockets. Mr. King claims he felt something pushed into his side which he thought was a gun, though he didn't see a gun.
- A fellow passenger, who did not witness the attack itself, offered assistance to the victim after the attack and called the police from the platform payphone.
- The Police arrested one of the alleged attackers, Ali Singh, who was still in the subway station. Mr. Singh was charged under the Youth Criminal Justice Act with assault, robbery and uttering threats.
- The second assailant has not yet been found.

## The Relevant Law

### **Criminal Code of Canada**

#### **Assault**

265. (1) A person commits an assault when

- (a) without the consent of another person, he applies force intentionally to that other person, directly or indirectly;
- (b) he attempts or threatens, by an act or a gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to effect his purpose; or
- (c) while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs.

#### **Theft**

322. (1) Every one commits theft who fraudulently and without colour of right takes, or fraudulently and without colour of right converts to his use or to the use of another person, anything, whether animate or inanimate, with intent

- (a) to deprive, temporarily or absolutely, the owner of it, or a person who has a special property or interest in it, of the thing or of his property or interest in it

#### **Uttering Threats**

264.1 (1) Every one commits an offence who, in any manner, knowingly utters, conveys or causes any person to receive a threat

- (a) to cause death or bodily harm to any person

## The Issues

- Mr. King was attacked on a subway platform by two individuals. His iPod and money were stolen.
- Mr. Singh and another individual (Ty – last name unknown) claim that Mr. King was the friend of a person who owed Mr. Singh money.
- Mr. Singh and Ty are alleged to have attempted to settle the score by taking cash and an iPod from Mr. King.

## The Arguments in Court

### Testimony of Ali Singh, Accused

- Some weeks ago, I lent \$60 to a guy at work named Jake.

- On Saturday, October 19, my last shift, I finished at 3:30 p.m., and left with \$25.00 of tips in my pocket.
- Walking down Dufferin Street, I bumped into my friend Jayme Watson, who was with a guy named Ty, whom I didn't know. The three of us decided to go to Jayme's to watch some DVDs.
- We entered Lawrence West Subway station.
- I saw a person who looked familiar waiting further down the platform, wearing a Raptors jersey. I recognized him as a friend of Jake's, my old co-worker from the diner.
- I thought the \$60 Jake had borrowed would come in handy now. Jake had also been let go from the restaurant and I hadn't seen him in three weeks. I decided to see if the person knew where Jake was.
- I called out and asked if he knew Jake, but there was no response. He didn't say anything back – just ignored me. Then Ty started yelling at him and moving closer, saying – "What are you, deaf? You gonna answer my friend?!" Jayme and I followed Ty.
- Ty was yelling and pointing at the person and moving closer. I really didn't want to hassle them. I just wanted to find out if he knew where Jake was. I told Ty that I just wanted to find out where Jake was. I wasn't sure if Ty heard all that because he was yelling.
- As Ty got closer to the guy, the person suddenly pulled off his headphones and asked "What's your problem?" Ty got really close and kind of backed him into the wall. Then Ty asked – "have you got the money? Have you got my friend's money?" The person said no, and was asking Ty questions in a low voice that I couldn't really hear.
- I heard Ty saying that that he had a way to make sure that he got the money. I was still trying to pull Ty away. Then suddenly, Ty jumped back almost knocking me over. Ty started to run, and Jayme and I followed.
- I tripped on the way up the stairs. By the time I got to the top, I couldn't see Ty or Jayme. I decided I didn't care to hang out with them anyway, if Ty was kind of unhinged. I returned to the platform to wait for the next train.
- As I was waiting for the train, the guy in the Raptors jersey, an older woman, and a police officer arrived. The youth said to the police officer "that's him, that's one of them."
- I was arrested, searched, and charged with theft under \$5000, assault and uttering threats.

## Testimony of Morgan King, Victim

- On Saturday, October 19, I made plans to meet some friends downtown. I was thinking of seeing a movie, and maybe getting some pizza. I left home a little before 4:00 p.m., with \$25.00 in my pocket.
- I went to Lawrence West subway, and waited on the southbound platform. I had my headphones on with the volume pretty high.
- I was there for only about 2 or 3 minutes when suddenly this person came towards me yelling and waving their arms around, pointing at me. I had never seen him before. There were another couple of people following him. I took my headphones off and asked “what’s your problem?”
- The person moved really close to me. The second person was right behind him. I had to back up against the subway wall. I was scared; worried they were going to do something. The second one was talking to the first one in a low voice, like he was encouraging him or something. I couldn’t really hear.
- The person asked something about whether I had someone’s money, about owing someone money. I said I didn’t know what they were talking about, and that I didn’t have anything.
- Then the person said that he had a way to make sure that I gave up the money. He was right in my face. I was too scared to say anything back. I felt someone going through my pockets. I felt a gun pressed against my chest. I could hardly breathe. I was backed against the wall and couldn’t really move.
- Then suddenly, they took off. I stayed by the wall, trying to catch my breath.
- A few moments later, a woman came up to me and asked if I was okay. I said “yeah” and told the woman what happened.
- While I was speaking to her, I saw one of the people at the end of the platform, alone, by the stairs. I pointed this out to the woman. The woman called the police. She started to walk closer to the person waiting by the stairs.
- Then I saw a police officer come down the stairs, followed by the TTC operator from the booth.
- The police officer said her name was Officer Lim, and asked me what happened. Officer Lim asked if the person on the platform was involved. I said “that’s one of them.”
- Officer Lim arrested the person. I had to go to the police station to give a statement about what happened, and to describe the people who had attacked me.



## The Lawyers' Debate

1. Pretend you are the Crown Attorney prosecuting Ali Singh for the crime. Use the space below to come up with two questions you would like to ask each of the witnesses when they are testifying in front of the judge.

### Ali Singh

- i. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- ii. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Morgan King

- i. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- ii. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Pretend you are the defence lawyer defending Ali Singh against the crime. Use the space below to come up with two questions you would like to ask each of the witnesses when they are testifying in front of the judge.

### Ali Singh

- i. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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ii.

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**Morgan King**

i.

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ii.

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3. What other witnesses would you like to call to the stand? Why do you think it is necessary to hear from these witnesses?

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4. List one or two questions you would like to ask these witnesses.

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## Check for Understanding

For each of the following statements, indicate which character in the scenario is being referred to.

1. The victim: \_\_\_\_\_
2. The person who borrowed money: \_\_\_\_\_
3. The person who loaned money: \_\_\_\_\_
4. The person who yelled at Mr. King: \_\_\_\_\_
5. The person who was found with \$25: \_\_\_\_\_
6. The person who was arrested: \_\_\_\_\_
7. The person who ran away with Ty: \_\_\_\_\_
8. The person who arrested the defendant: \_\_\_\_\_
9. The person who called the police: \_\_\_\_\_
10. The person who had his iPod stolen: \_\_\_\_\_