

**OBA**  
**OJEN**  
COMPETITIVE  
MOCK TRIALS

# Tournament Case 2021

# R v Kim



Canada,  
Province of Ontario,  
County of Missinaba.  
In the Superior Court of Justice,

Her Majesty the Queen

against

Mackenzie Kim

Mackenzie Kim stands charged:

**1.** That he/she, on or about the 23rd day of November, 2019, in the City of Mariposa, did unlawfully cause bodily harm to Blake Caputo, contrary to section 269 of the Criminal Code.

Dated this 28th day of November, 2019, at Mariposa, Ontario.

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Siham Sanga,  
Agent for the Attorney-General of Ontario

## Sworn Statement of Avery Parker

My name is Avery Parker and I live at 145 Windemere Road in Mariposa. I am 26 years old.

Blake Caputo was my best friend. I got to know Blake from working at Bumpy's restaurant back in high school. We both worked there for two years before Blake went to college. I got promoted to manager, and decided to stay in the restaurant industry. But we kept really close, and we told each other everything.

About two years ago, Blake started dating Mackenzie Kim. I think they met in a college course or something. Things were fine with me and Mackenzie for a while, back when Blake and I shared an apartment. We lived over on Dusseldorf Drive, close to Mythic Muffins Diner, where I work. Once every few months we would go on a special Saturday trip to the expensive grocery store across town. They had the most delicious specialty groceries, and we both always looked forward to making an extra-long detour through the cheese section. Mackenzie would come around every once and a while, but I was out pretty late back then, pulling a lot of hours at Mythic Muffins, so Mackenzie wasn't there most of the time when I was home.

In early 2019, Blake and I didn't have the best relationship, and we got into a few verbal arguments - mostly over Mackenzie. But despite that, we remained friends. Even when I accidentally dinged Blake's car, I offered to pay for it, and Blake told me: absolutely not.

Around that time, Blake decided to move out, because Blake and Mackenzie were getting a place together. Just like that, they had purchased the top floor of a duplex and Blake was gone. After that it seemed like the only time I ever saw Blake was when they were with Mackenzie. It was also around that time I noticed that Mackenzie was drinking a lot more, and it seemed like every time we saw each other Mackenzie was slurring their speech. When we were out, Mackenzie was always telling Blake that they had to get home. Blake and I saw each other less and less, with the exception of our special Saturday grocery trips.

On Saturday, November 23, 2019, I went over to Blake's place to pick them up. I wanted to get to the cheese section early, as the really tasty ones were usually sold out before lunch. It was around 8 in the morning. I was carrying a half-empty soda, and I walked around to the backyard as usual to go knock on the door. There is an outdoor staircase that leads up to their apartment, and I was halfway up it when Mackenzie came out in sweatpants and a t-shirt. Mackenzie was standing at the top of the stairs and even from halfway down the stairs, I could smell the booze on Mackenzie's breath. I was so fed up I said that they ought to quit drinking at eight in the morning and get some help.

Mackenzie yelled at me and said that Blake wasn't coming. When I asked why not, I just got silence back. I said something like 'you're such a slob'. I knew I was pushing Mackenzie's buttons, but I couldn't help it. Then to my surprise, Blake came out from behind the house and was at the bottom of the stairs - Blake must have been waiting for

me out front! I was so mad that I threw my soda can at the stairs to try to make Mackenzie go back inside so Blake and I could get going. Then, out of nowhere, Mackenzie lunged at me and pushed me down the stairs. I fell down into Blake, and I don't really remember anything after that. I remember briefly talking to a doctor at the hospital, but I can't remember what I said - it's all blurry. When I woke up again, I was in a hospital bed, and that's when I learned that I would never see my best friend again. Blake had hit their head on the pavement and died.

I don't have anything against Mackenzie, not really. I know they didn't mean to kill Blake, but they need serious help.

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**Avery Parker**

## **Sworn Statement of Dr. Kona Finley**

My name is Dr. Kona Finley and I am a Forensic Pathologist. I studied at McGill University and I now practise at Mariposa General Hospital. I have a medical degree in forensic pathology and have been practising there since 2008.

On Saturday November 23, 2019, I was working at the hospital. Mariposa is not a large hospital and was not particularly busy that day. Nonetheless, I remember it was one of the first days all year that I hadn't been swamped with reports, so I was outside the emergency lobby getting a breath of fresh air. It was around 9:15 in the morning.

An ambulance arrived and two people in stretchers were lowered out of the back. One of them seemed to be unconscious, but the other one, whom I later learned to be an individual named Avery Parker, was talking very fast. They were talking about somebody named Mackenzie. I didn't hear most of what they were saying, but they kept repeating one phrase, something I remember very distinctly: they kept saying they "should have aimed higher".

Almost immediately after the stretchers were brought in, another individual came running into the hospital. Because this person was standing outside for a little longer, talking to the paramedics, I heard more of what they said. They were telling the paramedics that they didn't mean to do it, and that they were just defending themselves.

Then the person turned to me directly. They were in quite a panic, and they said that they were scared, and just trying to protect Blake. Later, I gave my description of this person to the Mariposa Police.

I myself completed the Pathologist report on the deceased from that incident. Blake suffered significant bruising to their face, arms, abdomen, back, buttocks and legs. They also sustained a four inch gash on the back of their head. Their skull was not fractured and they did not suffer a traumatic brain injury. Blake Caputo died in the Mariposa General hospital two days after their arrival as a result of a combination of factors.

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**Dr. Kona Finley**

## **Sworn Statement of Mackenzie Kim**

My name is Mackenzie Kim. I am 28 years old and I live at 515 Gurdleden Street in Mariposa. I lived there with my partner Blake Caputo until November 23, 2019, when they were tragically taken away from me.

Blake and I met at the University of Mariposa in the fall semester of 2018. We had a few of the same friends, and both took the same bus to campus every day. We were also in the same biology lab together. I used to poke fun at Blake because every time we were dissecting something, they would get woozy and need to sit down and take a break. I didn't think it was a big deal, but when it seemed to be happening more frequently, I told Blake they should see a doctor or something. I don't know if that ever happened.

Blake was always complaining about their roommate, Avery Parker. They were the kind of friends that just kind of stuck together, even though they had nothing in common. Blake would always talk about Avery coming home late and bringing people around the apartment without any warning. Blake even mentioned that they noticed cash missing a few times from their wallet, and suspected it was Avery who had taken it. They were fighting constantly, and honestly, I was worried for Blake's safety. I only ever saw Avery when we were out, but Blake would tell me everything.

In February of 2019, Blake and I decided to move in together. The last straw was when Avery put a dent in Blake's car because it was parked too close to Avery's parking



space. I've never seen somebody with such a bad temper. Blake had had enough of constantly worrying about their living situation - somebody shouldn't have to worry about their safety in their own home! Even though Blake and I hadn't been dating for very long, we both thought moving in together was the right thing to do.

On November 23, 2019, Blake and I were supposed to go see my mother out in Parksville. It was a bit of a tradition that we had been doing every third Saturday of the month. It was around eight in the morning, and I was still groggy from going out the night before. Blake's friend had a party, and we had stayed out pretty late. Still, we had to leave early enough to get to Parksville before lunch, so Blake was up early in the garage out front packing a few things into the car.

Suddenly I saw Avery climbing up our back staircase - no warning, no call. I didn't know if they were looking for trouble, but I went outside and locked the door behind me. Avery started demanding that Blake come with them, so I lied and said that Blake wasn't home. Then Avery started insulting me, calling me an alcoholic and all sorts of things. When Blake came to the back, Avery lost it and hurled a can of soda at me, but I dodged it. Everything after that happened so fast. Avery and I were in a shoving match, Avery grabbed Blake by the arm, and then they fell down the stairs. When Blake didn't get up, I had no clue what to do, I was completely panicked. It must have been one of the neighbours who was passing by and saw what had happened. They called 911, and administered first aid.

I followed the ambulance to the hospital. I waited there for two days and I didn't sleep the entire time. Finally, I got the bad news. When I found out I was being criminally charged, I thought there had been some mistake - I was completely shocked.

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**Mackenzie Kim**

## Sworn Statement of Milo Pratka

On the morning of November 23, I was out for my usual morning jog. I work at a nursing home across town in Little Italy, and though I also work Friday overnights, my Saturday shift started at 11 in the morning, so I usually try to get a run in before 9. I have been a nursing home worker for almost 8 years, so I have a bit of a routine.

I had just come out of the park and was jogging down the laneway behind Gurdleden Street when I couldn't help but notice a commotion in one of the backyards. I usually try to mind my own business, but I couldn't help but be a little concerned. Two people were yelling at each other on the back staircase of one of the houses. I couldn't quite hear what they were saying because I was about 25 feet away, but I could see pretty well. There were a few shrubs, and a fence about five feet high, but I am not a short person and I could easily see over it. The person at the bottom of the stairs started yelling, and the person in the house came outside to the top of the stairs. I slowed my jog a little bit, just to make sure nothing bad happened.

Then the person at the bottom of the stairs started climbing up, and both people were yelling. Right after that the person at the bottom of the stairs threw something at the other person. I couldn't see if it hit them or not, but the person at the top of the stairs took a few steps down and the two were quite close, maybe a foot apart. I felt like something bad was about to happen, and I started running towards them - I was yelling for them to stop. When I got closer I noticed somebody else at the very bottom of the

stairs running up toward the middle person. They then linked arms with the person in the middle, and almost immediately after that they fell what looked like at least 3 or 4 steps.

I heard an awful cracking sound as they hit the concrete base of the staircase, and I knew right away that something wasn't right. I administered first aid to both the injured people and called for an ambulance.

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**Milo Pratka**

## List of Exhibits

1) Aerial and Elevation of 515 Gurdleden Street

- to be entered by: either the Crown or Defence
- entering this exhibit is **optional**

2) Curriculum Vitae of Dr. Finley

- to be entered by: the Crown
- entering this exhibit is **required** to qualify Dr. Finley as an expert witness

3) Forensic Pathology Findings of Dr. Finley

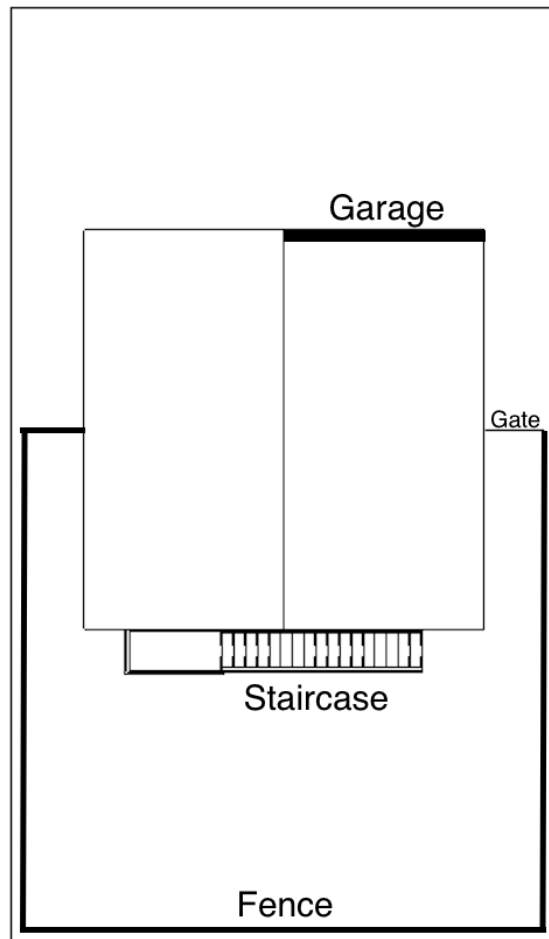
- to be entered by: either the Crown or Defence
- entering this exhibit is **optional**

# 515 Gurdleden Street lot

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Gurdleden Street

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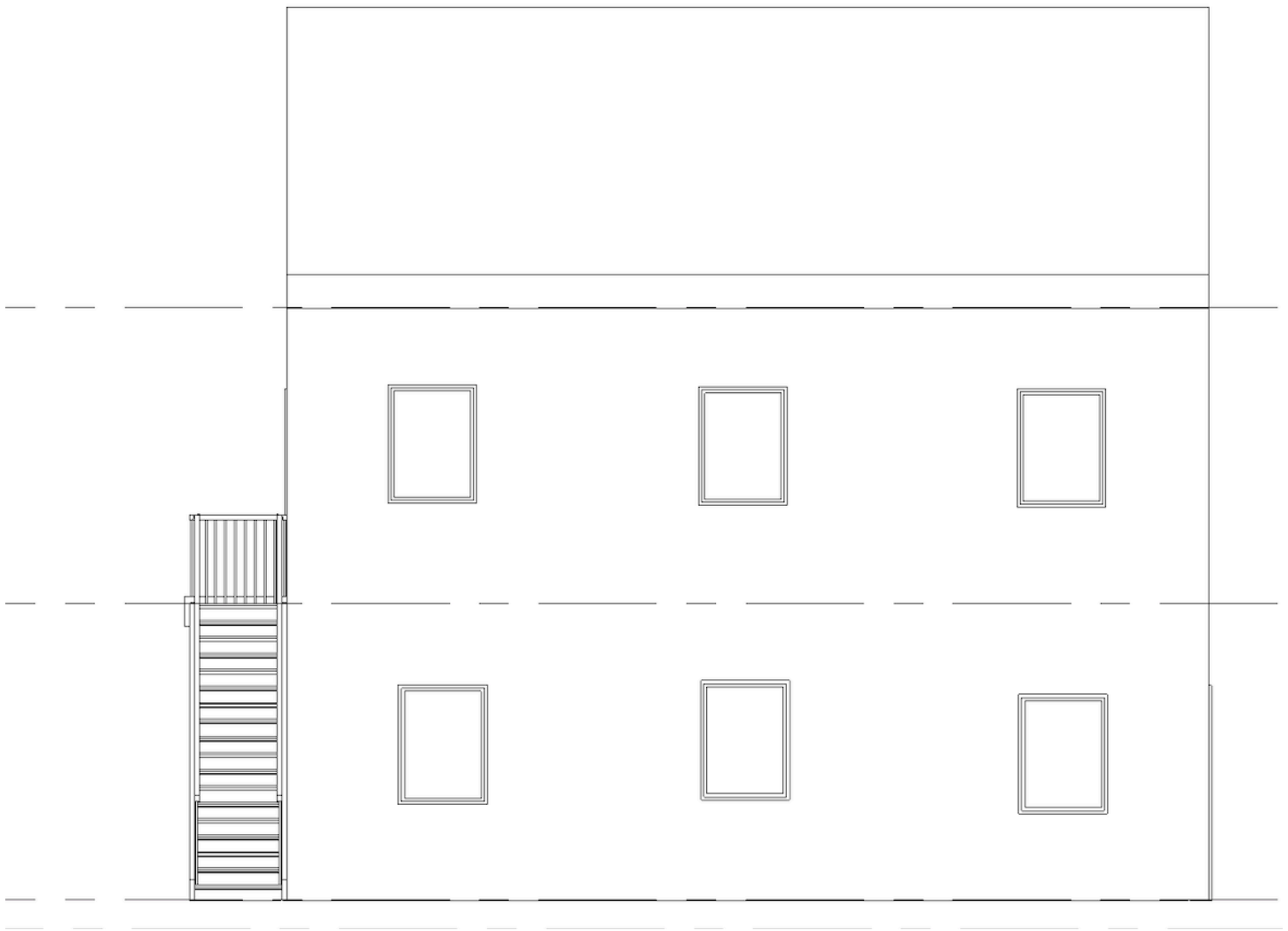


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Laneway

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# 515 Gundleden Side Elevation



# CURRICULUM VITAE

Name: Kona Finley  
Date of Last Update: November 1, 2019  
Date of Birth: June 18, 1973  
Office: Mariposa General Hospital  
220-555 Varsity Avenue,  
Mariposa, ON L5C 4M4  
Personal Information: Phone: (647) 110-2008  
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## EDUCATION

### Degrees, Diplomas, Licensures and Certifications

Sep 1995 - Jul 1999	M.D.C.M., McGill University Montreal, Quebec
1999	LMCC, McGill University Montreal, Quebec
1999 - 2003	The Hospital for Sick Children, Division of Forensic Pathology Toronto, Ontario Subject: Residency Program
2006	RCPSC Specialist, General Surgery
2008	RCPSC Specialist, Forensic Pathology
2008	FRCS(C), The Hospital for Sick Children Toronto, Ontario



## **APPOINTMENTS**

### **University Appointments**

- 2008 - 2019            Instructor, Department of Forensic Pathology, Mariposa General Hospital, Mariposa, Ontario
- 2008 - 2013            Lecturer, Department of Forensic Pathology, Mariposa General Hospital, Mariposa, Ontario
- 2013 - 2019            Assistant Professor, Department of Forensic Pathology, Mariposa General Hospital, Mariposa, Ontario

### **Hospital Appointments**

- 2008 - 2020            Forensic Pathology Department Hospital Privileges, Mariposa General Hospital, Mariposa, Ontario

### **Appointments**

- 2010 - 2020            Consultant, National Ballet of Canada, Mariposa
- 2009 - 2013            Forensic Pathologist Consultant, Phantom of the Opera Cast, Mariposa



## Forensic Pathology Findings

<b>Patient Name</b>	CAPUTO, Blake
<b>Patient ID</b>	07162008
<b>Age</b>	29 Y DOB 28/02/1991
<b>Gender</b>	■
<b>Weight</b>	165 lbs.
<b>Report Issued</b>	25/11/2020 15:00

### Pathologist's Findings

1. Significant bruising to subject's face, arms, abdomen, back, buttocks and legs.
2. Subject sustained a four inch gash on the back of their head.
3. subject's skull was not fractured, subject did not receive traumatic brain injury.
4. Cause of death was determined to be a combination of factors.
5. No recent significant injuries noted otherwise.
6. Subject sustained these injuries from a domestic incident. The incident occurred at 515 Gurdleden Street in Mariposa, ON on the morning of November 23, 2019. I certify that death occurred from the cause and in the manner stated above in accordance with the written findings contained herein.

Signed this 25<sup>TH</sup> day of November 2019

Dr. Kona Finley

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Mariposa General Hospital