

CRIMINAL LAW MOCK TRIAL: R. v. SINGH

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For each OJEN criminal mock trial, there are three packages:

- » OJEN Criminal Law Mock Trial **Scenario**
- » OJEN Criminal Law Mock Trial **Role Preparation Package**
- » OJEN Criminal Law Mock Trial **Justice Sector Volunteer Package**

Youth need the **Scenario** and **Role Preparation** packages.

Justice sector volunteers/teachers/organizers need all three packages.

CRIMINAL LAW MOCK TRIAL: SCENARIO: R. v. SINGH



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R. v. SINGH

CHARGES:

- » Assault
- » Theft
- » Uttering Threats

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PARTICIPANTS

LIST OF PARTICIPANTS

1. **Ali Singh** (the accused)
2. **Jayne Watson** (defence witness)
3. **Officer Dakota Lim** (arresting officer and crown witness)
4. **Morgan King** (crown witness)
5. **Defence lawyers** (4)
6. **Crown Lawyers** (4)
7. **Judge**
8. **Court Services Officer** (keeps order in the court) (*optional*)
9. **Court Clerk** (assists the judge) (*optional*)
10. **Jury Members** (10) (*optional*)
11. **The Press** (2, report on the trial) (*optional*)
12. **Court Artists** (2, sketch what happens at trial) (*optional*)

WHY ARE CRIMINAL CASES ALWAYS CALLED *R. v. SOMEONE*?

In Canada, criminal charges are made in the name of the Queen, because she is the official head of our country. The Queen is also known as Regina (the Latin word for Queen), which when shortened to *R.* explains why criminal charges are called *R. v.* [Accused's person's name].

Criminal proceedings involving accuseds (or witnesses) under 18 years of age are usually referred to by the initials of the young person rather than their full name (e.g., *R. v. S.M.*).

October 20, 20**

SUBWAY PLATFORM ROBBERY SHOCKS COMMUTERS

NEWSPAPER REPORT



Pedestrians are seen outside the Lawrence West subway station in this file photo.

BY NINA HIKATIA
GLOBE AND MAIL

ANYWHERE - Police are searching for a youth in connection with a blatant subway assault and robbery in the Lawrence West subway station in downtown Anywhere yesterday.

Officer Dakota Lim, of the Anywhere Police Service described the attack as unprovoked; “Two youths approached the victim while he was waiting for a south-bound train. They de-

manded money, and when this was not forthcoming, assaulted him and stole an iPod and money from his pockets.” A chilling aspect of the attack is that Officer Lim noted that the victim felt a gun pressed into his body during the robbery.

The attack took place at approximately 3:40 PM. Other subway passengers were on the platform both the north-bound and southbound platforms during the in-

cident. 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.

Police are urging anyone else who may have seen the attack to come forward. The Lawrence West station was closed for approximately 30 minutes while police investigated.

Police apprehended one of the attackers on the platform. The individual has been charged under the Youth Criminal Justice Act and faces charges of assault, robbery and uttering threats. Police are still looking for the other assailant.



THE INFORMATION

YOUTH JUSTICE COURT, CANADA
PROVINCE OF ONTARIO

REGION: ANYWHERE

IN THE NAME OF HER MAJESTY THE QUEEN

THIS IS THE INFORMATION OF: Officer Dakota Lim of ANYWHERE, Police Constable, hereinafter called the informant

The informant says that he/she believes on reasonable grounds that:

ALI SINGH, who is a young person within the meaning of the *Youth Criminal Justice Act* stands charged that s/he, on or about the 19th day of October 200*, in the City of ANYWHERE, did assault MORGAN KING, contrary to section 265(1) of the *Criminal Code*.

THE CHARGE

ALI SINGH who is a young person within the meaning of the *Youth Criminal Justice Act* stands charged that s/he, on or about the 19th day of October 200*, in the City of ANYWHERE, did commit theft (under \$5000), contrary to section 322(1) of the *Criminal Code*.

ALI SINGH who is a young person within the meaning of the *Youth Criminal Justice Act* stands charged that s/he, on or about the 19th day of October 200*, in the City of ANYWHERE, did threaten MORGAN KING, contrary to section 264.1(1) of the *Criminal Code*.

DATED this _____ day of _____, at _____

Signed _____
JUSTICE OF THE PEACE



THE LAW

THE CRIMINAL CODE OF CANADA

ASSAULT

265. (1) A person commits an assault when

- (a) without the consent of another person, (s)he applies force intentionally to that other person, directly or indirectly;
 - (b) (s)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;



AGREED STATEMENT OF FACTS

You may choose to assume, and/or agree, for the purposes of this mock trial, the following:

- That all statements given by witnesses are admissible.
- That there are no *Charter* arguments to raise.
- That there is no relevant fingerprint evidence.

AGREED FACTS



ALI SINGH, ACCUSED

Your background:

- You are 16 years old, and about to start grade 11
- You have no previous criminal record.

Your version of what happened:

- You worked at the Sunset Diner as a server for about six months. About three weeks ago on payday, one of the guys you worked with at the diner, Jake (you don't know his last name) borrowed \$60 from you. You didn't know Jake that well; he seemed okay, but you heard later that he was in a gang.
- Soon after that, you lost your job. The winter is slow and your boss said he had to let you go after your last shift on Saturday.
- On Saturday, October 19, you worked at the Sunset Diner during the breakfast and lunch rushes. You were finished up at about 3:30 p.m. You collected your tips for the day (about \$25.00).
- You left the restaurant and walked down Dufferin Street, where you bumped into your friend Jayme, with a guy called Ty. You knew Jayme from school and sometimes s/he ate at the diner too. You had never met Ty before. The three of you decided to go back to Jayme's to watch a movie.
- You went into Lawrence West station. On the way in, you said hi to the TTC booth operator, the same guy who worked there every Saturday. You sometimes saw him at the restaurant, too. The three of you waited on the southbound platform.
- You saw a person who looked familiar waiting further down the platform, wearing a Raptor's jersey. You recognized them as a friend of Jake's,

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ALI SINGH, ACCUSED

your old co-worker from the diner. Sometimes s/he rode their bike around the parking lot beside the restaurant while waiting for Jake to finish work.

- You thought the \$60 Jake had borrowed would come in handy now. Jake had also been let go from the restaurant and you hadn't seen him in three weeks. You decided to see if the person knew where Jake was.
- You called out and asked if s/he knew Jake, but there was no response. S/he didn't say anything back – just ignored you. Then Ty started yelling at him/her and moving closer, saying – “What are you, deaf? You gonna answer my friend?!” You and Jayme followed Ty.
- Ty was yelling and pointing at the person and moving closer. You really didn't want to hassle them. You just wanted to find out if s/he knew where Jake was. You told Ty that you just wanted to find where Jake was. You weren't sure if Ty heard all that you said, because he was yelling.
- As Ty got closer to the guy, the person suddenly pulled off his/her headphones and asked “What's your problem?” Ty got really close and kind of backed him/her 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 you couldn't really hear.
- You told Ty that you just wanted to ask if s/he knew your friend. You didn't get why Ty was being so aggressive. You got beside Ty, and tried to pull him away. You didn't want to get in a fight or anything. You had just wanted to ask a question.
- You heard Ty saying that that he had a way to make sure that he got the money. You were still trying to pull Ty away. Then suddenly, Ty jumped back almost knocking you over. Ty started to run, and you and Jayme followed.
- You tripped on the way up the stairs. By the time you got to the top, you couldn't see Ty or Jayme. You decided you didn't care to hang out with them anyway, if Ty was kind of unhinged then watching a movie with him would've sucked anyway. You returned to the platform to wait for the next train.
- There was some delay or something, because about 5 minutes passed with no train going south. While you were waiting for the train to finally arrive, the person in the Raptor's jersey and an older woman walked closer to you. Then a police officer came down the stairs. The Officer talked to the woman and the person in the Raptor's shirt.

WITNESS INFORMATION



ALI SINGH, ACCUSED

- Then the Officer pointed at you and asked the person in the raptor's shirt a question you didn't hear. S/he answered, "that's him/her – that's one of them."
- Officer Lim arrested you and took you to the police station. You told him/her everything that happened. S/he searched through your jacket and took the money you had on you. You were charged with theft under \$5000, assault and uttering threats.

QUESTIONS YOU SHOULD THINK ABOUT WHEN PREPARING:

What kind of student are you?

How close are you to your friend Jayme?

Have you ever gotten into trouble before?

How do you feel about being charged?

How did you feel about losing your job?

How do you feel about what happened at the subway?

Do you know about gangs in your neighbourhood?

How did you act when you were arrested? Did you cooperate with the police?



JAYME WATSON, DEFENCE WITNESS

Your background:

- You are 16 years old.
- You were charged with shoplifting once, but you think the charges were dropped after you completed an after-school program last year.

Your version of what happened:

- On Saturday, October 19, you went shopping with your sister. She wanted to go to HMV to look at some CDs. There was a great sale on new releases at the store, and you decided to buy a movie and a couple of CDs.
- By 3:15, you were ready to go, but your sister wanted to continue shopping. You hung around the CD section, pretty bored, waiting for her.
- Someone came up behind you and tapped you on the shoulder. You turned around to see this guy – you knew him, but couldn't think of his name. "Hey Jayme – Ty" – he said. You said hello back, and then remembered meeting him a couple of times, hanging out with your sister's boyfriend's friends.
- Ty looked at your shopping bag and suggested you go back to his house and watch the movie you had bought. You decided you'd rather go to your place; you didn't know this guy that well.
- Your sister had to pick some things up on the way home, so you and Ty decided to take the subway.
- While walking down Dufferin, you met up with one of your good friends, Ali, who had just finished work. Ali agreed to come to watch the movie, too.

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JAYME WATSON, DEFENCE WITNESS

- You went into Lawrence West station. On the platform, you took the movie out of the bag, and started to read about the extras and features. Ty took the bag, and was looking at the CDs you had brought. Ali spotted someone s/he knew, and walked down the platform.
- A few moments later, you heard yelling. You looked up – both Ty and Ali were down towards the middle of the platform. You followed.
- You couldn’t really see what was going on. Ty and Ali seemed to be pushing some other person against the wall. You didn’t know what to do. Ty was yelling something like “give me your money!” – and Ali was saying something too, but you couldn’t really hear.
- Then, Ty was running back up the platform. You didn’t know what was going on. You weren’t really thinking, but he had your CDs, so you just ran after him. You caught up to him on the stairs, and left the station at the same time, but then he just took off. You were calling out to him and trying to keep up, but couldn’t.
- You didn’t see where Ali went. You called your sister and asked her to pick you up.
- When you got home, you looked for Ty’s number or email to get your CDs back, but couldn’t find it. Your sister’s boyfriend said he hardly knew him, and didn’t know how to get in touch with him.
- You were contacted later that day by the police, and interviewed about what had happened on the platform. You were really surprised to learn that Ali had been arrested and charged.
- You had been friends with Ali for about 3 years. S/he is funny and smart, and has never been in trouble. You see a lot of him/her in school and the Sunset Diner, where you and your friends often went over the summer, and after school.

WITNESS
INFORMATION



JAYME WATSON, DEFENCE WITNESS

QUESTIONS YOU SHOULD THINK ABOUT WHEN PREPARING:

What kind of student are you?

Have you ever gotten into trouble before?

How do you feel about giving evidence at the trial?

How do you feel about what happened at the subway?

How close are you with your friend Ali?

Do you know about gangs in your neighbourhood?

Did you cooperate with the police?

How well can you remember everything?

WITNESS
INFORMATION



OFFICER DAKOTA LIM, ARRESTING OFFICER & CROWN WITNESS

Your background:

- You are 34 years-old.
- You have been working as a police officer for 7 years.

Your version of what happened:

- On Saturday, October 19, you started your shift at noon.
- At approximately 4:10, you received a call about an incident at the Lawrence West subway station. You were very close, and arrived at the station very quickly.
- You entered the station and motioned to the TTC staff in the booth. He looked surprised to see you. He came out of the booth, and asked “can I help you?”
- You told him that you had been called about a disturbance at the station. The TTC operator said he hadn’t noticed or heard anything unusual, but motioned for you to head down the stairs to the platform, saying “let’s see what the problem is.”
- On the southbound platform, you met a woman who said she had called the police from a pay phone on the platform.
- She was standing with two young people. One of them looked kind of shaken. S/he gave his name as Morgan King.
- The other young person said his/her name was Ali Singh. S/he looked confused about why you were speaking to him.
- You stepped aside with Morgan. You asked Morgan what happened. S/he described being approached by three people. S/he said that one

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OFFICER DAKOTA LIM, ARRESTING OFFICER & CROWN WITNESS

guy was very aggressive and demanded money. Morgan said that the group had a gun, that they pushed him/her against the platform wall, made threats, and stole \$25.00 and an iPod.

- Morgan pointed at Ali and said: “that’s him/her – that’s one of them.”
- You did not find an iPod or a gun on Ali or on the premises of the subway station.
- You arrested Ali and then searched Ali, and found \$25.00. Ali said that this was his/her money, collected as tips from a job at a diner. Ali was charged with theft (under \$5000), assault and uttering threats.
- Ali stated in his/hers statement that s/he was with two other young people, friend called Jayme Watson and a young man named Ty (last name unknown) when the incident occurred.
- You interviewed the TTC operator, who told you that sometime in the late afternoon three kids came into the station. They were laughing pretty loud and seemed to be having a good time. The TTC staff said he waved at one of them, Ali, a Saturday regular. The TTC operator said he looked up occasionally at the security cameras that were monitoring the platforms. There was picture but no sound. At one point, he could see some movement on the southbound platform. It looked like the kids were horsing around.
- You interviewed Ms. Watson later that day. She indicated she was present at the subway, but had nothing to do with any assault or theft.
- Neither Ali nor Jayme knew how to reach Ty, as he went to a different school.

QUESTIONS YOU SHOULD THINK ABOUT WHEN PREPARING:

What reason did you have for arresting Ali?

Was Ali cooperative?

Is youth violence a problem in this neighbourhood?

WITNESS
INFORMATION



MORGAN KING, VICTIM AND CROWN WITNESS

Your background:

- You are 16 years old and in grade 11.
- You have a record (for mischief) from when you were 13 years old.

Your version of what happened:

- On Saturday, October 19, you made plans to meet some friends downtown. You were thinking of seeing a movie, and maybe getting some pizza. You left home a little before 4:00 p.m., with \$25.00 in your pocket.
- You went to Lawrence West subway, and waited on the southbound platform. You had your headphones on and with the volume pretty high.
- You were there only about 2 or 3 minutes when suddenly this person came towards you yelling and waving their arms round, pointing at you. You had never seen them before. S/he was average height, wearing a green jacket. There were another couple of people following him/her. You took your headphones off and asked “what’s your problem?”
- The person moved really close to you. The second person was right behind him. You had to put your back against the subway wall. You were scared, worried they were going to do something. The second one was talking to the first one in a low voice, like s/he was encouraging him/her or something. You couldn’t really hear.
- The person asked something about whether you had someone’s money, about owing someone money. You said you didn’t know what they were talking about, and that you didn’t have anything.

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WITNESS
INFORMATION



MORGAN KING, VICTIM AND CROWN WITNESS

- Then the person said that s/he had a way to make sure that you gave up your money. S/he was right in your face. You were too scared to say anything back. You felt someone going through your pockets. You felt a gun pressed against your chest. You could hardly breathe. You were backed against the wall and couldn't really move.
- Then suddenly, they took off. You stayed by the wall, trying to catch your breath.
- A few moments later, a woman came up to you. She asked if you were okay. You said yeah, you thought so. You reached in your pockets and realized that your money and your iPod were missing. You told the woman what happened.
- While you were speaking to her, you saw one of the people at the end of the platform, alone, by the stairs. You pointed this out to the woman.
- The woman called the police. She told you there would be there soon, as they were in the neighbourhood. After a couple of minutes she started to walk closer towards the person waiting by the stairs. You followed her, slowly.
- Then you saw a police officer come down the stairs, followed by the TTC operator from the booth.
- The police officer said his/her name was Officer Lim, and asked you what happened, and you told the same thing you told the woman. Officer Lim asked if the person on the platform was involved. You said "that's him/her – that's one of them."
- Officer Lim arrested the person. You had to go to the police station to give a statement about what happened, and to describe the people who had attacked you.
- You have no idea why you were being asked about money. You had never seen any of the people who came up to you in the subway before.

WITNESS INFORMATION

MORGAN KING, VICTIM AND CROWN WITNESS

QUESTIONS YOU SHOULD THINK ABOUT WHEN PREPARING:

What kind of student are you?

Have you ever gotten into trouble before?

How do you feel about giving evidence at the trial?

How do you feel about what happened at the subway?

Do you know about gangs in your neighbourhood?

Did you cooperate with the police?

How do you feel about the guys who attacked you?

How well can you remember everything?

WITNESS
INFORMATION



COURT CLERK

Please refer to the *Criminal Mock Trial Role Preparation Package* when preparing this role. In that package you will find a script and other instructions.

In order to read the charge(s) to the accused, you will need to insert the particulars of the accused and the charge(s) as set out in the Information (included in this package) into your script.

COURT CLERK