

CRIMINAL LAW MOCK TRIAL: R. v. TISI



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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.

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R. v. TISI

CHARGES:

- » Robbery
- » Assault Causing Bodily Injury

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PARTICIPANTS

LIST OF PARTICIPANTS

1. **Donovan Tisi** (the accused)
2. **Jenny Wong** (Donovan’s friend and defence witness)
3. **Constable Rachel Di Carlo** (crown witness)
4. **Anver Williams** (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.*).

WHAT HAPPENED?

On December 5, 20**, Anver Williams (15 years old and in grade 9) was walking home from school after basketball practice. It was approximately 5:30 PM and dark. There was snow on the ground. He walked down Eglinton Avenue, and turned up the alley that is a shortcut to the apartment building where he lives with his mom and two sisters. There is a street light at the Eglinton end of the alley.

WHAT HAPPENED?

As he started walking up the alley Anver saw a couple of guys standing about 10 meters further up. They looked a bit older than him and pretty aggressive. They were wearing winter coats and hats. As soon as they saw him, they called out and told him to 'come over here'. Anver didn't move. The two guys walked up to him, and when they reached him one of them said that he liked Anver's shoes. Anver was wearing his new basketball shoes. The guy told Anver to give up his shoes. Anver said no.

One of them reached over and pushed Anver up against the side of a garage. Anver tried to push past them and run away. But they started repeatedly punching him in the face, chest and stomach. Anver fell to the ground and they began kicking him in the back and legs. While he was lying there one of them pulled off his shoes and hat.

The two guys got up and laughed at Anver, telling him to walk home in the snow in his socks. One of them pulled out a knife and waved it in Anver's face, telling him not to go to the cops, and that if they saw Anver again he would regret it. Then he lunged at Anver's stomach with the knife. The other guy yelled and pushed his arm away and the knife missed Anver. The two guys started yelling at each other. The one without the knife said he wasn't going to be involved in stabbing anyone and that they had to leave before someone saw them near Anver. They turned and ran down the alley.

When they had gone, Anver slowly got up. His shoes and hat were gone. He had blood all over his face and neck. His face, chest and stomach were really sore. He stumbled home and his mother called as ambulance and the police. Anver was taken to hospital. He had two broken ribs, a broken nose and severe bruising all over his body. The doctors told him he was lucky the attack hadn't burst any of his internal organs. Anver was in hospital for two nights.

On December 6, Constable Rachel Di Carlo interviewed Anver. On January 6, 20**, Constable Di Carlo called Anver to the police station and showed him a photo



line-up. He identified the accused as being one of the two people involved in the attack; it was the one who had stopped the other guy from stabbing him. Two weeks later Constable Di Carlo contacted Anver and said that they had arrested Donovan Tisi. He was charged with assault causing bodily harm and robbery.

WHAT
HAPPENED?



THE INFORMATION

CANADA
PROVINCE OF ONTARIO
DATE _____

IN THE ONTARIO COURT OF JUSTICE

JUDICIAL DISTRICT OF ***

HER MAJESTY THE QUEEN

AGAINST

DONOVAN TISI

THE CHARGE

DONOVAN TISI who is a young person within the meaning of the Youth Criminal Justice Act stands charged:

I. That he, on or about the 5th day of December 20**, in the City of ***, did assault causing bodily harm ANVER WILLIAMS contrary to section 267(b) of the *Criminal Code*.

II. That he, on or about the 5th day of December 20**, in the City of ***, did rob ANVER WILLIAMS, contrary to section 343(a) of the *Criminal Code*.

DATED this _____ day of _____, at _____

Signed _____

JUSTICE OF THE PEACE



AGREED STATEMENT OF FACTS

You may choose to assume, for the purposes of this mock trial, the following:

- The basketball shoes belong to Anver Williams; and
- There are no *Charter* arguments to raise.

AGREED FACTS



DONOVAN TISI, ACCUSED

Your background:

- Your name is Donovan Tisi
- You are 16 years old and in grade 10
- You live with your father in an apartment building
- You have one previous conviction, for shoplifting, 18 months ago

Your version of what happened:

- On December 5, 20**, at about 5:00 PM you and your friend Dwayne Dirks left the apartment where you live with your dad. You were angry with your dad because he wouldn't give you money for the new basketball shoes that you wanted. He had told you to save up your money from your part time job at a local cell phone store, but you wanted them now.
- Dwayne is two years older than you and he has been in trouble a few times with the police. Sometimes he brags to you about the stuff that he has stolen. He suggested that you steal the shoes from the store at the mall. You told him that you didn't want to jeopardize your job at the mall.
- You decided to spend the evening playing basketball at the local rec centre. You walked over there together.
- You got to the rec centre at about 5:40 PM. You stopped outside and shared a smoke. About 10 minutes later you went inside and started playing pick-up basketball. You didn't know anyone else there that night, which is strange. Usually you know a few people.

HOW CAN I PREPARE TO BE A GOOD WITNESS DURING TRIAL?

- » Learn your facts by heart.
- » You will be sworn in during the trial and need to spell your character's full name.
- » Stick to the script. Don't make up facts because this is unfair to the student lawyers.
- » Listen to the questions carefully. If you do not understand the question, then ask to have it repeated.
- » If a lawyer asks a question about something that isn't in your package, you can say you don't know the answer.
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DONOVAN TISI, ACCUSED

- You do remember speaking to Jenny Wong, the rec centre’s youth leader, briefly that night. Jenny has been helping you with your plans to take a college course in technology when you finish school. She had found some information about different courses, and about some scholarships.
- You left the rec centre without Dwayne at about 8:30 PM and walked straight home. You haven’t seen Dwayne much since then, he hasn’t really been around.
- About a month later a police officer knocked on the door of your apartment, asked your name and told you that you were under arrest for assaulting and robbing someone in December. Your dad told you not to talk to anyone until he and a lawyer arrived.
- The police officer collected some basketball shoes from outside the apartment building door as you left. You wondered why, as you’d never seen them before but you didn’t say anything to the officer, and she didn’t ask you about them.
- You were charged with assault causing bodily harm and with robbery. You were told that Anver Williams had been assaulted and robbed of his basketball shoes and hat on December 5, 20**.

QUESTIONS YOU SHOULD THINK ABOUT WHEN PREPARING:

Think about what kind of person Donovan is – is he a good person, a good student?

How does he feel about these charges?

Is he afraid of what will happen to him if he gets convicted?

Is he scared that his plans to go to college will be over if he is convicted?



JENNY WONG, DEFENCE WITNESS

Your background:

- Your name is Jenny Wong
- You are 27 years old
- You are the Youth Leader at the local rec centre

Your version of what happened:

- You have known Donovan Tisi for about 12 months; you met him when you started as youth leader at the rec centre.
- Your work Monday to Friday from 2:00 – 10:00 PM. The gym is open for pickup basketball from 4:00 – 9:00 PM Monday to Friday.
- Donovan is often at the centre in the evening. He plays a lot of basketball, and hangs out with other youth. Sometimes he works in the home-work centre. You have seen him maybe 2 or 3 times per week since you started.
- You had spoken to Donovan about his plans after school and he had told you that he was interested in technology. You had found some information about different college programs and scholarships for him.
- You have always thought that Donovan is a good person. He enjoys playing basketball and is always willing to let others participate. He seemed to have a bright future ahead of him.
- However, late in 20** you noticed a change in Donovan. He became withdrawn and less interested in other people. He started hanging around with Dwayne Dirks, an older youth known to have been in trouble with the police. Dwayne is often rude to other youth and the centre staff and this seemed to rub off on Dono-

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JENNY WONG, DEFENCE WITNESS

van. Since the two youths started hanging out you've seen Donovan mouth-
ing off to other youth a couple of times.

- You are sure that you saw Donovan on December 5. You had a quick talk to him and gave him the information on scholarships and college programs. You are not sure what time it was, but it would have been early in the evening, before your dinner break (which you normally have at around 7:00 PM). However, it was quite a while ago and December was a very busy month for you and the centre (because it is colder, more youth use the centre during December, so there are many more people milling around). You don't remember if Dwayne was there that night – you haven't seen him recently.

QUESTIONS YOU SHOULD THINK ABOUT WHEN PREPARING:

What does Jenny Wong think about these charges?

Does she think Donovan is telling the truth?

Does she think he is a good person?

Is she sure she saw him that night? If so, at what time?

How does she feel about giving evidence on his behalf?

Does she think that the neighbourhood has a violence problem?

WITNESS
INFORMATION

ANVER WILLIAMS, CROWN WITNESS

Your background:

- Your name is Anver Williams
- You are 15 years old and in grade 9
- You live in an apartment with your mom and two sisters
- You have no criminal convictions

Your version of what happened:

- On December 5, 20** you were walking home after basketball practice at school. You were wearing your new basketball shoes.
- You took your normal shortcut up the alley to your apartment building. It was cold and dark and there was snow on the ground.
- When you turned into the alley that night you noticed two guys standing a bit further into the alley. They were a bit older and looked kind of aggressive. Both were wearing dark jeans. One guy was wearing a dark green bomber jacket with a hood and a black hat. The other guy was in a blue bomber jacket and was wearing a red hat.
- As you walked up the alley, one of the guys yelled at you to 'come here'. You didn't move. The two guys walked up to you. One of them said that he liked your shoes. He told you to give them up to him. You said no.
- The guy in the green jacket reached over and pushed you up against a garage. You tried to push past them. The guys started punching you in the face, chest and stomach. You fell to the ground and they began kicking you in the back and legs. While you were lying there, one of them pulled off your shoes and took your hat.

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ANVER WILLIAMS, CROWN WITNESS

- When they stopped beating you, the two guys laughed. One of them told you to walk home in the snow in your socks.
- Then one of them said something about not going to the police and pulled out a knife. It happened really fast. The other guy yelled at the guy with the knife and pushed his arm away when he tried to stab you. The knife missed you, but it was pretty close. The two guys started yelling at each other. The one without the knife said he wasn't going to be involved in stabbing anyone and that they had to leave before someone saw them near Anver. They turned and ran down the alley.
- When they were gone, you slowly got up. Your whole body was sore. You could hardly stand up straight. You were covered in blood. You stumbled home. When you walked in your mom started crying. Then she called the police and an ambulance. You had two broken ribs, a broken nose, and severe bruising. The doctors said that you were lucky that you hadn't burst any of your internal organs. You had to stay in hospital for two nights.
- On December 6, 20**, Constable Rachel Di Carlo of the Toronto Police interviewed you. You told her everything you could remember.
- On January 6, 20**, Constable Di Carlo called you to the police station and showed you a photo line-up. You picked out one of the two attackers, the one who had prevented the knife attack. When Constable Di Carlo asked you if you recognized any of the people in the photos, you said yes, you thought so. When she asked you to confirm your identification you told her that you were positive that you had picked out the right person. The person you identified was Donovan Tisi.

WITNESS
INFORMATION

ANVER WILLIAMS, CROWN WITNESS

QUESTIONS YOU SHOULD THINK ABOUT WHEN PREPARING:

How would Anver be feeling about giving evidence – is he scared, angry?

Did the attack have much affect on him?

How do you think he feels towards his attackers?

How well can he remember everything?

How certain do you think he is that he identified the right guy?



CONSTABLE RACHEL DI CARLO, CROWN WITNESS

Your background:

- Your name is Constable Rachel Di Carlo
- You are 40 years old
- You work at 13 Division, the area where this attack took place.

Your version of what happened:

- At approximately 6:00 PM on December 5, 20** you were assigned to investigate a report of a robbery and assault near Eglinton Avenue. There was one victim, Anver Williams, aged 15 years. Anver was in hospital with injuries sustained in the assault, including a broken nose, and broken ribs.
- On December 6, 20**, you interviewed Anver in hospital. He seemed very upset about the attack but thought he would recognize his attackers. He gave you a full statement.
- On January 6, 20**, the principal of Timaru Secondary School called you. She said that there had been numerous rumours circulating through the school that one of the school's students had assaulted another youth in December and stolen his basketball shoes. She had no idea whether or not it was true, but thought she would pass the information onto you. The student in question was Donovan Tisi.
- You decided to see if Anver recognized Donovan Tisi. You put together a photo line-up and had Anver look at it.
- When you asked Anver if he recognized any of the people in the photos, he said yes, he thought so. When you asked him to confirm his identification he told you that he was positive that he had

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CONSTABLE RACHEL DI CARLO, CROWN WITNESS

picked out the right person. He had picked out Donovan Tisi as one of his attackers, the one who had prevented the knife attack.

- On January 7, 20** you visited the home of Donovan Tisi, noticing the basketball shoes that matched the description of Anver's stolen shoes outside the front door of the apartment building. You arrested Donovan and charged him with robbery and assault causing bodily harm, properly informing him of his rights. You collected the basketball shoes as you left.

QUESTIONS YOU SHOULD THINK ABOUT WHEN PREPARING:

Has Constable Di Carlo been called to similar assaults in this area before?

Is she worried about escalating violence in the area?



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.

In our case, *R v. Tisi*, the Crown can chose (elect) whether or not to proceed **summarily** or **indictably** (which leads to more serious sentences) for the charge of assault causing bodily injury.

This time the Crown has elected to proceed **summarily**. Therefore, you need to add the following sentence after you read the assault causing bodily harm charge but before you ask the accused how he pleads:

The crown has elected to proceed summarily.