

CANADIAN BAR ASSOCIATION - YOUNG LAWYERS SECTION

MOCK TRIAL

“R. v. Quirky”

In the near future aliens from the planet Muzak have made contact with the planet Earth. Earth and Muzak have decided to try and be friends. As a part of that plan, the Halifax Regional Municipality on Earth and the City of Hanson on Muzak have agreed to an exchange program. Some families from HRM have moved to Hanson and some families from Hanson have moved to HRM.

Quirky is a young alien whose family has come to HRM. During his first month in HRM, he goes to the mall with his older sister. They are in a small electronics store. Quirky sees a Game Boy that reminds him of a toy he had back on Muzak. He takes the Game Boy and puts it in his pocket and leaves the store without paying.

Mrs. Jones, who owns the store, had watched Quirky come into the store and saw him take the Game Boy without paying. This was not the first time one of the new aliens had taken something from the mall without paying. Earlier, Mrs. Jones had talked to her friend Mr. Singh who owned a music store. Mr. Singh had told her that another young alien had been in his store and had taken a Hanson CD without paying.

Mrs. Jones stopped Quirky outside the store and called the Police. The Police arrested Quirky on a charge of theft under \$5,000.00.

The key element in this case is that there is no money on Muzak. No person on Muzak is required to pay for anything. Quirky was new to HRM and did not know that he was supposed to pay for the Game Boy.

Quirky is brought to trial in Youth Court.

Cast of “Characters”:

1. Quirky - the accused alien
2. Mr./Mrs. Jones - the store owner
3. Mr./Mrs. Smith - a witness to the robbery
4. Constable Chen - the arresting officer
5. Mr./Mrs. Noodles - an expert on Muzak
6. Crown Prosecutor(s)
7. Defence Lawyer(s)

- 2 -

8. Judge - hopefully will be played by one of the Judges, or alternatively, a law professor or

- a senior partner.....
9. Court Clerk
 10. 12 members of the jury (volunteers from audience)
 11. 3 Bailiffs [optional...]

Program:

Judge will provide opening remarks.

After the "trial": [depending on time available]

- i) Provide background on Canadian legal system and basic equality issues. Discuss facts of case and basic procedure.
- ii) Discuss verdict and punishment.
Present range of available punishment - 3 options.
Compare group's decision to judge's decision - discuss similarity or differences.

Statements:

1. **Quirky** came to HRM with his family 2 weeks before his arrest. He had not had much time to learn about his new home before arriving. People from Muzak understand the English language. His parents have been very busy with the move and their new jobs in HRM and Quirky had not yet started school. He and his older sister had decided to visit the mall that was across the street from their new home. He went into the electronics store and admits that he took a Game Boy without paying. No one had explained money to him before his trip to the mall.
2. **Jones** has owned the electronics store for 5 years. She was very careful about shoplifting. She never met an alien before meeting Quirky. She heard about aliens on TV and in the paper. The only person she knew who had met an alien before was Singh. She didn't know that the aliens did not use money on Muzak. She only heard that an alien had stolen from Singh and now was stealing from her.
3. **Smith** was shopping in the electronics store. He had never met an alien so was very curious when Quirky arrived in the store. He admits that he was staring at Quirky and that is how he saw Quirky put the Game Boy in his pocket and walk out of the store.
4. **Constable Chen** responded to the call from the Jones about a shoplifter. She arrived at the store to find Jones and Quirky in Jones' office. Quirky was very confused and afraid. Constable Chen asked both of them what had happened. Quirky admitted taking the Game Boy, but didn't explain why because he still didn't know about money. Constable Chen also spoke with Smith. Although Constable Chen felt sorry for Quirky, she had to take him to the police station and charge him with theft.
5. **Noodles** an expert, independent witness, is a scientist from Muzak who now lives on Earth. He will say that people from Muzak have never used money and have a very hard time understanding what money is for. He will say that many of the people who came

from Muzak did not learn about money until they had been on Earth for a few weeks. This had led to a number of complaints about stealing and a number of criminal charges. Quirky's case is the first trial.

Tasks:

1. The Prosecutor will ask questions of Jones first, Smith second, and then Chen. Cross-examined by Defence Lawyer.
2. The Defence Lawyer will ask questions of Quirky and Noodles. Cross-examined by Prosecutor.
3. Closing arguments from both parties.
4. The Jury will be told that they have to decide if:
 - 1) Quirky took the Game Boy without paying, and
 - 2) did he intend to pay?
5. Once the jury has decided that Quirky is guilty, the judge will decide from a list of the possible punishments:
 - 1) A fine of \$100.00
 - 2) Community Service for 2 days
 - 3) No Punishment.

The Clerk will say “all rise” at the beginning and end and will administer an oath - “Do you promise to tell the truth?” to every witness.

The jury will talk, with adult supervision, to decide on a verdict.

**Materials prepared by James M. Doyle, Barrister and Solicitor, Calgary, Alberta, 1998.*