

**ONTARIO BAR ASSOCIATION
YOUNG LAWYERS DIVISION
MOCK TRIAL PROGRAM**

R v. QUIRKY

(This background information is to be shared by the teacher with the entire class. A version should be distributed to the class.)

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

Quirky is a young alien whose family has come to Toronto. During his first month in Toronto he goes to the mall with his older sister. They are in an electronics store. Quirky sees a Game Boy that reminds him of a toy he had 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, has 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 Backstreet Boys CD without paying for it.

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

Quirky is brought to trial in Youth Court.

Important points to remember:

1. There is no money on Muzak.
2. No person on Muzak is required to pay for anything.
3. Quirky was new to Toronto and did not know he was supposed to pay for the Game Boy.

ROLES FOR THE MOCK TRIAL

(for the teacher/program leader, information to be shared with students)

1. Quirky – the accused alien
2. Zirky – Quirky’s sister
3. Mr. or Mrs. Jones – the store owner
4. Mr. or Mrs. Smith – a witness to the robbery
5. Constable Chen – the arresting officer
6. Mr. or Mrs. Noodles – an expert on the planet Muzak
7. 2 or 3 Crown Prosecutors
8. 2 or 3 Defence Lawyers
9. Court Clerk – reads the charges and says “All rise”, has the witness say an oath to tell the truth
10. 12 members of the jury
11. 2 members of the press
12. 2 or 3 Bailiffs
13. 1 or 2 Artists – to do sketches of the court proceedings

Program

1. Contact teacher in advance and forward materials.
2. The teacher will select the role players and will provide them with outlines/statements in advance. Each statement will provide the student with the basics of their testimony/questions/procedure.
3. Attend class:
 - a. Introductory discussion approximately one week in advance of the trial. Provide background on Canadian legal system and basic equality issues. Discuss facts of case and basic procedure.
 - b. Trial – approximately one week after introductory discussion.
 - c. Organize classroom for trial.
Run trial and secure verdict.

Interrupt process and discuss next step – punishment.

Present range of available punishment – 3 options.

Have Judge decide and write it down, but don't show the class.

Use this as a catalyst for group discussion and have class vote on punishment.

Compare class' decision to Judge's decision – discuss similarity or difference.

- (if class was more lenient – effect of sensitization which flows from the discussion)
- (If class was more severe – discuss reasons)

STATEMENTS

(for the teacher/program leader, information to be shared with students. To be used by Crown Prosecutors and Defence Lawyers to prepare their questions prior to trial and to be used by witnesses to prepare themselves for trial.)

1. **Quirky** is 12 years old. He came to Toronto with his family 2 weeks before his arrest. Although Quirky could speak English, he did not learn anything about Earth before arriving. Since arriving with his family, Quirky's parents have been very busy with the move to Earth and their new jobs on Earth. In fact, they have not had time to teach him anything about Earth since coming. Since it was summertime, Quirky had not started school yet.

One day, he went to the mall across the street from his family's house with his older sister. This was the first time Quirky and his sister went to a store since being on Earth.

When they entered the electronics store, Quirky and his sister went their own separate ways. Quirky wandered around the aisles until he came across the section where the Game Boys were stored. Quirky did not know what a Game Boy was. He picked it up and started to play with it. He played with it for about 5 minutes. Quirky had such a good time playing with the Game Boy he decided that he must have it. So he put it in his pocket and went and got his sister who was at the other end of the store. Quirky told his sister about the Game Boy and they left the electronics store without paying for the Game Boy.

2. **Zirky** is Quirky's older sister. She is 15 years old. She admits that she also has very little knowledge of Earth traditions and customs, and has therefore not yet learned about the use of money on Earth.

One afternoon, she took Quirky to the nearby mall. She let her brother go to the electronics section of the store while she listened to CDs in the music section at the other end of the store. Her brother later came to get her to leave the store and told her about the Gameboy.

When Quirky was questioned by the police about taking the Gameboy without paying, Zirky still did not understand what her brother had done wrong. She did not know what to do as this was her first time at the mall, and had never been in any sort of trouble since she and her family had moved to Earth.

3. **Jones** has owned the electronics store for 5 years. She feels that her business is vulnerable to theft due to the nature of the products she sells. Consequently, she is always very careful about shoplifting. She had heard about aliens on TV and in the newspaper but she had never met an alien before meeting Quirky. She also did not know that aliens did not use money on their planet, Muzak. The only person Jones knew who had met an alien before was Singh. She had recently discussed the topic of aliens with Singh. Singh told her

that an alien had stolen from him. Singh and Jones believe that aliens have a tendency to steal to get what they want.

When Quirky entered the store, Jones watched his every move as she was convinced that he would steal something from the store. She focused her attention on Quirky because he was an alien. As soon as Quirky began to walk out of the store, Jones stopped him and requested that he empty his pockets. That is when Jones discovered the Game Boy. Jones did not see Quirky put the Game Boy in his pocket.

4. **Smith** was shopping in the electronics store. He had never met an alien and did not know how things worked on Muzak. He 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. He also says that he never saw Quirky look around to make sure no one was watching him before he put the Game Boy in his pocket.

5. **Constable Chen** responded to the call from Jones about a shoplifter. She arrived at the store to find Jones and Quirky in Jones' office. Quirky was sitting outside the office. Quirky seemed very confused and afraid. Constable Chen asked Quirky and Jones to tell her what happened. Quirky admitted that he took the Gameboy but did not explain why he did not pay for it since he still did not know about money. Constable Chen then spoke with Quirky about what she knew about what happened at the store. She seemed as confused and afraid as Quirky since she did not know about money or why her brother was accused of shoplifting.

Constable Chen also spoke with Smith about he/she saw. Although Constable Chen felt sorry for Quirky, she had to take him to the Police Station and charge him.

6. **Noodles** is 50 years old. He will be called by the Defence as an expert independent witness. Noodles is from the planet Muzak and has been sent to Earth to assist Muzakians adjust to life on Earth and to act as a consultant with various governments on Earth about life on Muzak. Noodles will say that there is no money on Muzak. Noodles will also say that no person on Muzak is required to pay for anything. He will say that Muzakians on Earth have had a hard time understanding what money is for. It has been his experience that it takes Muzakians about 3 to 4 months to learn about money and really understand what it is for. As a result, many Muzakians who have come to earth have been charged for shoplifting. However, this is the first shoplifting charge for a Muzakian that has come to trial. Noodles will also say that Muzakians are not taught anything about Earth before coming.

TASKS

(for the teacher/program leader, information to be shared with students)

1. **Administering the Oath.** The Clerk will say “all rise” at the beginning and the end of the trial when the Judge enters and exits the courtroom. The Clerk will administer an oath “Do you promise to tell the truth?” to every witness.
2. **Prosecution Witnesses.** The Prosecutors will ask questions of Jones first, Smith second and then Chen third. All three of these witnesses will be cross-examined by Defence Lawyers.
3. **Defence Witnesses.** The Defence Lawyers will ask questions of Quirky and Noodles. Both cross-examined by the Prosecutors.
4. **Closing Arguments.** Both the Prosecutors and the Defence Lawyers will present their closing arguments once all of the witnesses have been questioned and cross-examined.
5. **Deliberation of the Jury.** The jury will have to decide if a) Quirky took the Game Boy without paying and b) did Quirky intend on paying for the Game Boy. The jury will discuss the trial with adult supervision and decide upon a verdict.
6. **Sentencing.** If Quirky is found guilty, the Judge will present three possible sentences to the class for discussion: A fine of \$100; Community Service for 2 days; or No punishment. The class will vote on the sentence that it feels is the most appropriate.
7. **Reporting of the trial.** The members of the press will have an opportunity to write a short article for the newspaper on the trial. (Optional)
8. **Sketches from the trial.** The courtroom artists will sketch the witnesses, prosecution and defence lawyers since no cameras are allowed in Canadian courts. (Optional)