

Province of
British Columbia

Ministry of
Attorney – General

The Law Courts
800 Smithe Street
Vancouver
British Columbia
V6Z 2E1
Phone 658 – 2919

Public Education and Tours Office

MOCK TRIAL

Role – Mrs. Jane Allison – Crown Witness

Mrs. Allison is a 38 – year old woman married to a successful businessman. She does not work, but carries on several hobbies including her favourite, photography. She lives in a very nice house at 1462 Osler St., Vancouver.

On May 15th 1979 she arranged for a contracting company to come to her house and relay the pavement in the driveway. After they arrived, she went out and left them to their work. She took her camera and went to the park to take pictures. When she returned home (mid – afternoon) she went into the bedroom to put the camera away underneath the bed, which is where she normally kept it (so the kids couldn't get at it.) As she was putting under the bed she looked and saw a man looking in the window (whom she recognised as the accused.) When their eyes met, the man quickly ran away. Although this frightened her, she did not call the police because she recognised the man to be on the construction crew and assumed that there was some logical explanation.

That night she and her family went out for dinner. They were out from 6 to 9 o'clock pm. When they returned they noticed that their TV, stereo, and her camera were missing. They saw that the back kitchen window had been broken and that the latch was lifted. She immediately called the police.

She gave police complete descriptions of the missing items and the serial numbers, which she had recorded.

The incident had seemed strange to her because nothing in the house had been rifled or pillaged. Rather, the three items were all, which, were missing. Apparently the burglar had known just where to look for the camera.

The items were:

- An RCA 20" colour TV, serial #67891
- Yamaha CBII 66 Stereo system, serial # 26407
- Canon AE – I camera and attachment bag, serial # 34857

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Role – Police officer John Wilson, - Crown Witness
Detective # 473
Vancouver Police Department

Officer Wilson was on duty at police headquarters on the evening of May 15th 1979. At approximately 10 o'clock p.m. he received a call from uniformed officer Riddell, # 498. Due to this call he arrived at 1462 Osler St., Vancouver and investigated an apparent burglary of this house. He met Mrs. Allison and her family. He was told that three items were missing: a Yamaha stereo serial # 26407; an RCA 20" colour TV, serial # 67891, and a Canon AE – I camera and attachment bag, serial # 34857. He then arranged for the identification squad to fingerprint the house, and particularly around the area of the back kitchen window, which had apparently been broken into (the glass was broken and the latch was lifted.) From this they got only one clear fingerprint, but were unable to match this with any on file.

About one week later he received a telephone call from a Miss Carol Hennings. According to Miss Hennings, she had just made enquiries about a stereo, which she had seen advertised for sale in the local Buy and Sell newspaper, pretending to be interested in the purchase. Officer Wilson, received the address of this stereo from the other party, and attended this address, #8 – 2980 Parker St., Vancouver. He saw the stereo which was being offered for sale, he noticed that it matched the description of the stereo taken from Mrs. Allison's home, he also recognised the serial numbers had matched. He arrested the accused and charged him with possession of stolen property. He subsequently noticed two TV sets in the living room and one of them matched the description of Mrs. Allison's TV.

At police headquarters the accused was booked and fingerprinted, and the fingerprints matched that taken from the back window of Mrs. Allison's home. He recognises the person he arrested to be the accused, seated in the prisoner's dock.

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Role – Miss Carol Hennings – Crown Witness

Miss Hennings is a 23-year-old woman who shares an apartment with her roommate, Linda. She and Linda have been interested in purchasing a stereo for their apartment for quite some time and had done a considerable amount of looking around. Sometime during the week of May 7th 1979, she had been to Kelly's Stereo Mart where she had been shown a Yamaha CB II 66 stereo system. With a price of \$1150 it was just too much for her. On May 20th 1979, she picked up a copy of the Buy and Sell paper, and found the advertised for sale a Yamaha CB II 66 system for \$500 firm. She called the advertised number and upon appointment, went to see the stereo. It appeared to be in new condition. She asked the owner (whom she identifies to be the accused seated in the prisoner's dock) why it is was so cheap. He said "Never mind. Just accept that you're getting a good deal." While in the apartment of the accused (#8 – 2980 Parker St.), noticed that there were two TV sets in the living room. She became highly suspicious of this merchandise, told the owner that she would think about it, left the premises and phoned the police.

Later that week she was telephoned by the police and asked to come to the police station. There she was asked to identify a stereo set. She told them that the stereo they had in their possession matched the one, which had been offered for sale to her by the accused.

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Role – Mrs. Samantha Sorenson – Crown Witness

Mrs. Sorenson is the owner and manager of a small apartment block at 2980 Parker St., Vancouver. She lives in Suite #2, which is located immediately below suite #8, the suite of the accused.

On May 17th 1979, she became annoyed when she heard loud music emanating from the apartment above her. She then went upstairs to see what was going on. When she banged on the door of suite #8, the music was turned down and the door was opened by the accused. She told Thompson to keep the stereo down. From the doorway she noticed that Thompson had a stereo set and she could also see that there were two TV sets in the apartment. As she had been in the apartment fairly recently she knew that these items had not been there before. She then asked Thompson where he got the stereo. “Why do you want to know?” was his reply. “Just curious” she replied. “Well, its non of your business.” In her opinion, he replied in a suspicious, defensive manner.

As far as Mrs. Sorenson is concerned, Thompson has never been a good tenant. He is always late with the rent (although he makes sure that he pays before she can legally evict), and he has too many people coming and going to suit her. She prefers much quieter tenants.

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Role – George Thompson – The Accused

George Thompson is 25 – years – old, single and lives by himself in an apartment at #8 – 2980 Parker ST., Vancouver. He is employed by A & B Contracting Company and does general labouring work. On May 15th 1979 he was sent out with a crew to relay the cement in a driveway at 1462 Osler St., Vancouver. He thought that this indeed was a beautiful house. The house was so impressive, when the afternoon break time came along, he and his co – worker/friend Tom Harding decided to poke around the house and see what it looked like on the inside if they could. They looked in several windows in the back of the house. He is not sure, but he may have touched some of the windows while he looked. At first he thought that there was no one at home, but then he saw a woman in the bedroom of the house. She had a camera with her. ; He does not remember seeing her put the camera down, and if she did, he certainly doesn't remember where she put it. She spotted him and Tom looking in the window. They sheepishly ran back to work.

After work that night, he and Tom went for a beer at the Drake Hotel on Granville St. And were there from 5:30 p.m. up until 7:15 p.m. Afterwards they went up the street to the Odeon theatre and saw the movie “Jaws”. After the movie, George drove Tom home. He lives in a house on East 12th Ave., in Vancouver. He then went to bed. This was about 10:00 p.m.

When he went to work the next day, he was approached by one of his co – workers. This person told George that he would sell George some things at a very good price because he (the co – worker) had some bills to pay off and needed the money badly. He said he had a TV, a stereo, and a camera. Partly to help out his friend and partly to get a good deal, George purchased the TV for \$250 and the stereo for \$400. He could not afford the camera so he didn't buy that. He paid cash for both item. Because he got such a good price, George thought that he could make some money by re – selling the items at a higher price, so he put them in the Buy and Sell newspaper. After that he got several telephone calls and visits from Carol Hennings and Officer Wilson. He was placed under arrest after Officer Wilson's visit. He had not known who these people were when they came to look at the merchandise.

George thinks that his landlady, Mrs. Sorenson, is a very nosy person. She always seems to be snooping in other people's business and has to know everything about who comes in and out of

the building. He thinks that she does not like him very much and that she always seems to looking for an excuse to evict him. That is why he has as little to do with her as possible and was curt with her the day she came up to tell him to turn his stereo down.

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Role – Tom Harding – Defence Witness

Tom Harding is 26 years old, single and lives himself in an apartment at #1203 – East 12th Ave., Vancouver. He is employed by A & B Contracting and describes himself as a good friend of one of his co – workers, George Thompson.

On May 15th 1979, he and George were looking on re – laying a driveway for a beautiful house located at 1462 Osler St., Vancouver. During the afternoon break, he and Tom decided to poke around the house a little bit to see what it was like. After they had looked in a few windows, they came to a room that was apparently the bedroom. Until this time they had assumed that no one was home. George looked in this window first and then turned to him and said, “Let’s get out of here, the lady who owns this place is home.” George said nothing to him about a camera or anything else. They were embarrassed for having been caught looking in windows so they just quickly went back to their work.

After work that evening Tom and George went out for a beer together to the Drake Hotel. They drank there until 7 or 7:30 p.m. According to his recollection, they went up the street to the theatre to see the movie “Jaws”. Tom cannot remember the name of the theatre. They were there for a couple of hours until the movie ended and then George drove him home. He can’t recall looking at a watch or anything, but thinks that it could not possibly have been before 10:00p.m.

The next day at work, George mentioned to him that he (George) was going to get a great deal on a stereo and TV, but didn’t explain. That was the last mention that was made of it according to Tom’s memory.

Canada
Province of British Columbia
County of Vancouver
City of Vancouver

File no. 80-2233546

In The county Court of Vancouver

Her Majesty the Queen

Against

GEORGE THOMPSON

INDICTMENT

GEORGE THOMPSON stands charged:

Count 1: THAT, at the City of Vancouver, County of Vancouver, Province of British Columbia, on the 15th day of May 1979, he unlawfully did break and enter a residence belonging to Mr. G. Allison, situate and being at 1462 Osler St. And commit an indictable offence therein, to wit, theft of a television set, the property of Mr. G. Allison, a stereo system, the property of Mr. G. Allison, and a camera and accessory bag, the property of Mrs. J. Allison, contrary to the form of the Statute in such case made and provided and against the peace of our Lady the Queen, her Crown and Dignity.

Count 2: THAT, at the City of Vancouver, County of Vancouver, Province of British Columbia, on the 20th day of May 1979, he did unlawfully have in his possession stolen property, to wit, a television set, the property of Mr. G. Allison, and a stereo system, the property of Mr. G. Allison, of a total value in excess of two hundred dollars, knowing that the said property was obtained by the commission in Canada of an offence punishable by indictment, to wit, theft thereof, contrary to the form of the Statute in such case made and provided and against the peace of our Lady the Queen, her Crown and Dignity.

Dated this 20th day of September 1979, at the City of Vancouver, Province of British Columbia.

Crown Counsel and Agent of the
Attorney General of British Columbia

Applicable Law

Theft

Time when theft completed – Secretary – Purpose of taking Wild living creature.

1. 283. Every one who 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 unanimated, with intent;
2. 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.

Punishment for Theft

Except where otherwise provided by law, every one who commits theft.

1. 294. Is guilty of an indictable offence and is liable to imprisonment for ten (10) years, where the property stolen is a testamentary instrument or where the value of what is stolen exceeds two hundred value dollars; or
2. Is guilty
 - Of an indictable offence and is liable to imprisonment for two years, or
 - Of an offence punishable on summary conviction, where the value of what is stolen does not exceed two hundred dollars.

Breaking and Entering

Breaking and entering with intent, committing offence or breaking out – Presumptions – “Place.”

Everyone who breaks and enters a place with intent to commit an indictable offence therein;

- Is guilty of an indictable offence and is liable to imprisonment for life, if the offence is committed in relation to a dwelling – house.

For the purposes of proceeding under this section evidence that an accused;

- Broke and entered a place is, in the absence of any evidence to the contrary, proof that he broke and entered with intent to commit an indictable offence therein.