

FACT SHEETS

Defence witness #1 - J. Fair – Accused

Instructions

These fact sheets provide basic information regarding the incident and the resulting charge for the trial you will be presenting. The scenario will give you the necessary background for your role.

Included with your personal version of the incident are a series of questions that you should consider as you develop your role.

If you find that there are details that have been overlooked in the facts and you wish to add something to your story, check with your teacher.

The fact sheets are unisex, so choose names and vary details accordingly, for example, decide whether the merchandise is a set of earrings or cufflinks.

DO NOT DISCUSS THE INFORMATION IN THESE FACT SHEETS WITH ANYONE EXCEPT THE LAWYER WHO INTERVIEWS YOU.

It happened one day...

It's 7:00pm, on December 20th 19--. J. Fair and G. Brown are at Baytons Department Store, North Plains Mall. They have been shopping and are carrying a few parcels. They stop at the earrings/cufflinks counter where J. Fair picks up a card containing 3 sets of earrings/cufflinks and shows it to G. Brown. Shortly after, with the earrings/cufflinks in hand, J. Fair moves across the aisle to the lingerie/T-shirt counter. G. Brown follows and browses along the counter. J. Fair picks up a nightie/T-shirt and examines it. S/he tucks the earrings/cufflinks into the waistband of her/his jeans and unwraps the lingerie/t-shirt. S/he then calls G. Brown over and they have a short discussion. J. Fair returns the nightie/t-shirt to the counter and the two leave the store and enter the mall.

Baytons has a cashier in the jewellery department and also at the entrance door to the mall. Once J. Fair and G. Brown have stepped out into the mall, a Baytons' security guard stops them. His/her name is F. Jones, once Mr./s. Jones has identified himself/herself; s/he asks the two to accompany him/her to the security office. Once in the security office F. Jones asks for and is given the earrings/cufflinks J. Fair had in the waistband of his/her jeans. F. Jones puts them on the desk. F. Jones calls the police.

At 8:15pm., December 20th 19--, Constable J. Young of the city police force arrives at the security office of Baytons Department Store, North Plains Mall. F. Jones informs him/her, that Baytons wishes to press charges against J. Fair for theft. G. Brown is told s/he may leave. S/he does but waits outside the store for J. Fair.

F. Jones gives Constable Young card containing 3 sets of earrings/cufflinks priced at \$26.00 (the price tag has "Baytons" printed on it). S/he tells the police officer that the

earrings were given to her/him by J. Fair who left the store without paying for them. Constable Young places the earrings/cufflinks into a plastic bag and attaches a tag with his/her name, the store, the date and the name of the security guard and the name of J. Fair on it.

F. Jones identifies J. Fair as the person to be charged. Constable Young asks J. Fair some questions regarding the ownership of the earrings/ cufflinks and establishing his/her age. J. Fair is then charged with theft of goods valued under \$200.00 and given a notice to appear for fingerprinting the next day. S/he is then released at 9:00pm. After J. Fair is released at 9:00pm s/he meets G. Brown in the mall. The two then go home.

PERSONAL STORY

Personal background:

- I am 17 years old
- I am a grade 12 student at Northern Lights High School.
- I work part time at Laurier's Drive in
- I have no criminal record. I have letters of reference to give the lawyers.

WHAT HAPPENED AT THE STORE

- On December 20th 19--, G. Brown and I decided to go Christmas shopping at North Plains Mall.
- After shopping in some of the stores in the mall, at about 7:00pm we went into Baytons Department Store. I thought I might buy some earrings/cufflinks for a gift so we went to the jewellery department.
- I picked out a card with 3 pairs of earrings/cufflinks on it. They cost about \$25.00-\$26.00.
- Then I decided to look at a nightie/t-shirt so I took the earrings/cufflinks and went over to the lingerie/t-shirt section. There was a folded nightie/t-shirt on the counter that I wanted to look at.
- I was having a hard time unfolding it with one hand so I tucked the earrings/cufflinks into the front of my jeans.
- After looking at the nightie/t-shirt and deciding it was not suitable, G. and I decided to go to another store.

WHAT HAPPENED WHEN WE LEFT THE STORE

- I had completely forgotten about the earrings/cufflinks until a security guard grabbed me. S/he took us to an office and asked me about the earrings/cufflinks.
- I was so scared I could hardly talk. I gave her/him the earrings/cufflinks.
- S/he eventually called the police.

WHAT HAPPENED WHEN THE POLICE CAME

- A police constable arrived a few minutes later. F. Jones said Baytons was charging me. S/he let G. go since there was no charge against him/her. S/he

asked me a few questions, charged me with shoplifting or theft under \$200.00, gave me a notice to have my fingerprints taken and then let me go.

- I met G. outside and we went home at about 9:00pm.

QUESTIONS FOR J.FAIR TO THINK ABOUT

- What kind of student are you?
- What is your family like?
- How many siblings do you have?
- What do your parents do? Where do they work?
- How do your parents feel about this incident?
- Do you have friends who shoplift?
- How do you feel about the incident?
- How were you acting in the store?
- Were you laughing and fooling around?
- Did you intend to pay for the earrings/cufflinks?
- Did you have enough money to pay for the earrings/cufflinks?
- How do you feel about police and security guards?
- How did the police and security guards treat you?
- How did you act when the security guard stopped you?

FACT SHEETS

Defence witness - G. Brown

Instructions

These fact sheets provide basic information regarding the incident and the resulting charge for the trial you will be presenting. The scenario will give you the necessary background for your role.

Included with your personal version of the incident are a series of questions that you should consider as you develop your role.

If you find that there are details that have been overlooked in the facts and you wish to add something to your story, check with your teacher.

The fact sheets are unisex, so choose names and vary details accordingly, for example, decide whether the merchandise is a set of earrings or cufflinks.

DO NOT DISCUSS THE INFORMATION IN THESE FACT SHEETS WITH ANYONE EXCEPT THE LAWYER WHO INTERVIEWS YOU.

It happened one day.....

It's 7:00pm, on December 20th 19--. J. Fair and G. Brown are at Baytons Department Store, North Plains Mall. They have been shopping and are carrying a few parcels. They stop at the earrings/cufflinks counter where J. Fair picks up a card containing 3 sets of earrings/cufflinks and shows it to G. Brown. Shortly after, earring/ cufflinks in hand, J. Fair moves across the aisle to the lingerie/T-shirt counter. G. Brown follows and browses along the counter. J. Fair picks up a nightie/T-shirt and examines it. S/he tucks the earrings/cufflinks into the waistband of her/his jeans and unwraps the lingerie/t-shirt. S/he then calls G. Brown over and they have a short discussion. J. Fair returns the nightie/t-shirt to the counter and the two leave the store and enter the mall.

Baytons has a cashier in the jewellery department and also at the door to the mall. Once J. Fair and G. Brown have stepped out into the mall, a Baytons' security guard stops them. His/her name is F. Jones, once Mr./Ms. Jones has identified himself/herself; s/he asks the two to accompany him/her to the security office. Once in the security office F. Jones asks for and is given the earrings/cufflinks J. Fair had in the waistband of his/her jeans. F. Jones puts them on the desk. F. Jones calls the police.

At 8:15pm., December 20th 19--, Constable J. Young of the city police force arrives at the security office of Baytons Department Store, North Plains Mall. F. Jones informs him/her, that Baytons wishes to press charges against J. Fair for theft. G. Brown is told s/he may leave. S/he does but waits outside the store for J. Fair. After J. Fair is released at 9:00pm, s/he meets G. Brown in the mall. The two then go home.

PERSONAL STORY

Personal background

- I am 17 years old.
- I go to school with J. Fair at Northern Lights High School.
- I have known J. Fair since grade 1.

WHAT HAPPENED AT THE STORE

- On December 20th 19--, J. and I went Christmas shopping at North Plains Mall. We stopped in quite a few stores and had a few parcels with us. Around 6:30-7:00pm we were in Baytons Department Store.
- J. was looking for earrings/cufflinks and nightie/t-shirt. After J. found the earrings/cufflinks that s/he liked, we went over to the lingerie/t-shirt department.
- I was looking for underwear/gym shorts while J. was looking at the nighties/t-shirts.
- J. told me that s/he couldn't find what s/he wanted, so we left to go to another store.

WHAT HAPPENED AFTER WE LEFT THE STORE

- As we started out of the store, a security guard grabbed J. s/he said that J. was shoplifting. S/he then took us to an office inside the store. S/he told us that s/he saw J. stick merchandise into the front of her/his jeans.
- S/he said something about J. being charged for shoplifting and me being an accomplice. S/he then phoned the police. When the constable arrived a few minutes later, s/he allowed me to leave telling me I had no charges.
- I waited outside for J. and we left at about 9:00pm.

QUESTIONS FOR G. BROWN TO THINK ABOUT

- What kind of student are you?
- What kind of family do you have?
- How do you feel about this incident?
- How do you feel about shoplifting?
- Do many of your friends shoplift?
- What do your parents think about the incident?
- How were you and J. Fair behaving in the store?
- How did J. Fair act when s/he was stopped?
- How did the police and the security guard act toward and you and J. Fair?

FACT SHEETS

F. Jones – Security Guard

Instructions

These fact sheets provide basic information regarding the incident and the resulting charge for the trial you will be presenting. The scenario will give you the necessary background for your role.

Included with your personal version of the incident are a series of questions that you should consider as you develop your role.

If you find that there are details that have been overlooked in the facts and you wish to add something to your story, check with your teacher.

The fact sheets are unisex, so choose names and vary details accordingly, for example, decide whether the merchandise is a set of earrings or cufflinks.

DO NOT DISCUSS THE INFORMATION IN THESE FACT SHEETS WITH ANYONE EXCEPT THE LAWYER WHO INTERVIEWS YOU.

It happened one day.....

It's 7:00pm, on December 20th 19--. J. Fair and G. Brown are at Baytons Department Store, North Plains Mall. They have been shopping and are carrying a few parcels. They stop at the earrings/cufflinks counter where J. Fair picks up a card containing 3 sets of earrings/cufflinks and shows it to G. Brown. Shortly after, earring/ cufflinks in hand, J. Fair moves across the aisle to the lingerie/T-shirt counter. G. Brown follows and browses along the counter. J. Fair picks up a nightie/T-shirt and examines it. S/he tucks the earrings/cufflinks into the waistband of her/his jeans and unwraps the lingerie/t-shirt. S/he then calls G. Brown over and they have a short discussion. J. Fair returns the nightie/t-shirt to the counter and the two leave the store and enter the mall.

Baytons has a cashier in the jewellery department and also at the door to the mall. Once J. Fair and G. Brown have stepped out into the mall, a Baytons' security guard stops them. His/her name is F. Jones, once Mr./Ms. Jones has identified himself/herself; s/he asks the two to accompany him/her to the security office. Once in the security office F. Jones asks for and is given the earrings/cufflinks J. Fair had in the waistband of his/her jeans. F. Jones puts them on the desk. F. Jones calls the police.

At 8:15pm., December 20th 19--, Constable J. Young of the city police force arrives at the security office of Baytons Department Store, North Plains Mall. F. Jones informs him/her, that Baytons wishes to press charges against J. Fair for theft. G. Brown is told s/he may leave. S/he does but waits outside the store for J. Fair.

F. Jones gives Constable Young card containing 3 sets of earrings/cufflinks priced at \$26.00 (the price tag has "Baytons" printed on it.) s/he tells the police officer that the earrings were given to her/him by J. Fair who left the store without paying for them.

Constable Young places the earrings/cufflinks into a plastic bag and attaches a tag with his/her name, the store, the date and the name of the security guard and the name of J. Fair on it.

F. Jones identifies J. Fair as the person to be charged. Constable Young asks J. Fair some questions regarding the ownership of the earrings/ cufflinks and establishing his/her age. J. Fair is then charged with theft of goods valued under \$200.00 and given a notice to appear for fingerprinting the next day. S/he is then released at 9:00pm.

PERSONAL STORY

Personal background

- I am 50 years old, married, no children.
- I have worked 15 years as a security guard at Baytons, North Plains Mall.
- I take my job very seriously and cannot understand this younger generation who are always in trouble – stealing, taking drugs, and causing trouble.
- I believe shoplifting causes a lot of problems for the store and casts all of us millions of dollars.

WHAT HAPPENED IN THE STORE

- I noticed the two young people because they were laughing and chattering very loudly.
- I watched the accused, J. Fair, go over to the lingerie/t-shirt department and stuff a card of earrings/box of cufflinks into the front of his/her jeans.
- I continued to keep the accused and companion under surveillance until they stepped into the mall.
- This was at about 7:00-7:30pm on December 20th 19--.

WHAT HAPPENED AFTER J. FAIR AND G. BROWN LEFT THE STORE

- Once s/he was in the mall, I apprehended the accused for shoplifting. J. Fair protested loudly and tried to run away.
- I took J. Fair and his/her companion, G. Brown into my security office. The accused was very uncooperative and rude to me.
- When I asked for the merchandise (valued at \$26.00) J. Fair produced it from his/her jeans waistband. I called the city police.

WHAT HAPPENED WHEN THE POLICE ARRIVED

- At about 7:45pm, a police constable arrived. I told him/her the store was laying charges against J. Fair for theft of goods valued under \$200.00. I have him/her the earrings/cufflinks and told what I had seen.
- Since G. Brown was not charged, the constable released her/him.
- The Constable released J. Fair after asking some questions, charging him/her and giving him/her a notice to appear the next day for fingerprinting.

QUESTIONS FOR F. JONES TO THINK ABOUT

- How many shoplifters do you catch each month?
- How do they usually react?
- Do you always call the police?
- When do you call them and when don't you?
- Why did you call them this time?

FACT SHEETS

J. Young – Police Officer

Instructions

These fact sheets provide basic information regarding the incident and the resulting charge for the trial you will be presenting. The scenario will give you the necessary background for your role.

Included with your personal version of the incident are a series of questions that you should consider as you develop your role.

If you find that there are details that have been overlooked in the facts and you wish to add something to your story, check with your teacher.

The fact sheets are unisex, so choose names and vary details accordingly, for example, decide whether the merchandise is a set of earrings or cufflinks.

DO NOT DISCUSS THE INFORMATION IN THESE FACT SHEETS WITH ANYONE EXCEPT THE LAWYER WHO INTERVIEWS YOU.

It happened one day.....

At 8:15pm., December 20th 19--, Constable J. Young of the city police force arrives at the security office of Baytons Department Store, North Plains Mall. F. Jones informs him/her that Baytons wishes to press charges against J. Fair for theft.

G. Brown is informed that s/he may leave. S/he does but waits outside the store for J. Fair.

F. Jones gives Constable Young a card containing 3 sets of earrings/cufflinks priced at \$26.00 (the price tag has "Baytons" printed on it.) S/he tells the police officer that the earrings/cufflinks were given to her/him by J. Fair who left the store without paying for them.

Constable Young places the earrings/cufflinks into a plastic bag and attaches a tag with his/her name, the store, the date, and the name of the security guard and the name of J. Fair on it.

F. Jones identifies J. Fair as the person to be charged. Constable Young asks J. Fair some questions regarding the ownership of the earrings/cufflinks and establishing his/her age.

J. Fair is then charged with theft of goods valued under \$200.00 and given a notice to appear for fingerprinting the next day. S/he is then released at 9:00pm.

PERSONAL STORY

Personal background

- I am 35 years old.
- I am a constable with City Police and have been for 10 years.
- I patrol the northern part of the city in a police car.
- I am often called to stores on shoplifting incidents.

WHAT HAPPENED ON MY PATROL

- On December 20th 19—while on patrol in the area of North Plains Mall, I was called to Baytons Store security office. I arrived at about 8:15pm.
- In the office, a security officer, F. Jones, and 2 young people who identified themselves as J. Fair and G. Brown met me.

WHAT HAPPENED IN THE SECURITY OFFICE

- In the course of the questioning, I discovered that F. Jones had stopped the two young people as they left the store because s/he believed that J. Fair had merchandise concealed on his/her person.
- The security guard gave me a card containing 3 pairs of earrings/cufflinks that s/he said J. Fair had concealed on her/his person. Cost of merchandise was \$26.00. the guard said the store wished to charge J. Fair with theft of goods valued at \$200.00 or less.
- As there was no charge against B. Brown, s/he was released.
- J. Fair was very quiet. She showed no nervousness, no tears, and no hesitation in answering questions. J. Fair was not noisy or rude, but rather co-operative in answering questions.
- I charged J. Fair with theft of goods valued at \$200.00 or less, I also gave him/her a notice to appear for fingerprinting, and let him/her go.

WHAT HAPPENED AFTER J. FAIR WAS RELEASED

- I took the merchandise, marked it with my initials, date, time, the security guard's name, the accused's name, and the store name. I took the merchandise to the police station and placed it in the police locker until court.
- I continued to keep the accused and companion under surveillance until they stepped into the mall.
- This was about 7:00-7:30pm., on December 20th 19--.

APPLICABLE LAW

The information below in the definition of theft and the punishment for theft of goods valued at \$200.00 or less.

The law is defined in the Criminal Code of Canada. In the case of Her Majesty vs. Fair the Crown must prove theft as defined in s.283 (1) (a) and must also prove the value of the goods.

The elements that must be proven are:

- a) The person took something
- b) The person intended to take it away from someone else
- c) The person did not own it
- d) The identity of the culprit
- e) The value of the goods

If all the elements (parts) of the crime are proven, then the punishment is that of s.294 (b) (i).

CRIMINAL CODE OF CANADA

Theft

283. (1) Everyone 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 it,

Punishment for Theft

294. Except where otherwise provided by law, everyone who commits theft.

- b) Is guilty
 - Of an indictable offence and is liable to imprisonment for two years, or
 - Of an offence punishable on summary conviction, where of the value of what is stolen does not exceed two hundred dollars.

ENTERING EXHIBITS

- 1) To enter the earrings/cufflinks as evidence at the trial, the Crown Prosecutor must have witnesses introduce them as they are telling their stories.

The Crown must show what happened to the earring/cufflinks from the they were taken from the accused until the trial. To do this, two

witnesses, F. Jones the security guard and J. Young the police officer must identify the goods.

The Clerk of the court will have the exhibit available to the Crown to show to witnesses.

- 2) The following dialogue gives an example of how the evidence is introduced by the security guard.

Crown: Mr/s. Jones, what happened when you asked Mr/s. Fair for the goods s/he had on his/her person?

Security Guard: S/he pulled a pack of earrings/cufflinks out of the waist of his/her jeans and gave them to me.

Crown: Please describe the merchandise.

Security Guard: It was a card containing 3 sets of earrings/cufflinks that sold for \$26.00. There was a Baytons price tag on it.

Crown: What did you do with the earrings/cufflinks after you got them?

Security Guard: I placed them on my desk until the police officer arrived. I then gave them to him/her. S/he put them in a plastic bag and tagged it.

Crown: I am showing you this bag with some goods inside it. Do you recognise the contents?

Security Guard: Yes, those are the goods I confiscated at that time. That is the Baytons price tag on it.

Crown: Thank you.

SIMILAR PROCEDURE MUST BE USED FOR THE POLICE OFFICER.