

Wilful damage – Mr Bosa

Script and practical exercise

Mr Bosa is charged that on 12 December he wilfully damaged a glass window at the shop of AJ Choi. Mr Bosa agrees he broke the window, but he says it was an accident.

You are to prepare a decision based on these facts. You will present your decision at the next session as if you were a judge.

Evidence for the prosecution

Constable Wanak is sworn in.

Constable Wanak: Your worship, I recorded the event on the 12th of December in my notebook. I seek leave to refer to those notes.

At about 11.30 pm on 12th December, I was patrolling the downtown area of Apia. I heard a number of men shouting and then I heard the sound of breaking glass. I ran toward the sounds and about 100 metres away I came to the shop of AJ Choi.

A large display window was broken with glass on the pavement and inside the shop. Across the road were four young men laughing and yelling.

So, I went across the road intending to question to the group to see if they know what happened. I noticed that one of the young men had glass fragments in his hair and on his clothing. I questioned him.

Question: What is your name?

Answer: Joe Bosa.

He is the defendant before the court.

Question: What happened?

Answer: I don't really know what had happened. I was fairly drunk. The window just broke when I was standing beside it.

After questioning the defendant, I noticed that he smelt of alcohol and was stumbling around and seemed very drunk.

I arrested Joe for wilful damage of the window.

Mr Choi the owner of the shop later gave me a letter from the company that repaired the broken window showing the cost was \$1074.

Defence

Mr Bosa is sworn in.

Mr Bosa: On that night, I was in town with three friends. We had been drinking since about 5pm. At about 11pm we decided to head home. We were all fairly drunk, we were laughing and joking. We were in a happy mood. As we came near Mr Choi's shop, we started pushing each other as a joke. The next thing I knew I was pushed and stumbled into the window. It broke. I didn't mean to break it.

I was afraid I would get into trouble, so I ran across the road. When the policeman questioned me, I didn't tell him everything I knew because I thought he would arrest me, and I would be in trouble.

No other evidence was given.