

## Drunk and disorderly – Mr Catalina

### Script and practical exercise

Mr Catalina has entered a not guilty plea to a charge of being drunk and disorderly in public on 16 January. He is now representing himself at a defended hearing.

**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.**

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**Registrar:** Mr Catalina, you are charged that on the 16th day of January, you were drunk and acted in a disorderly manner in a public place namely Village Square. How do you plead?

**Mr Catalina:** Not guilty.

**Magistrate:** Mr Catalina, you may be seated behind the Prosecutor. The Police will call their witnesses first and tell their side. You should note any of their answers that you want to challenge or clarify. After the Police have asked all their questions from the witness, you will be able to put your questions to them. If there are any new issues you raise, the Police get to ask their own questions to clarify only after you have finished. I will then talk to you about whether the Police have made out their case and whether you wish to give evidence or call your witness. Do you understand the process?

**Mr Catalina:** I do your worship.

### Evidence for the prosecution

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**Prosecutor:** I call the prosecution witness, Constable Tabui.

*Constable Tabui is sworn in.*

**Constable Tabui:** My name is Hemi Tabui and I am a duly appointed police constable. I was on duty and patrolling the village at about 8.00pm on the evening of the 16th of January. I heard yelling. I stopped my patrol vehicle and got out and walked towards a man on the footpath. He was arguing very loudly with another man. With court's permission I will refer to my notes made at the time.

The man was shouting and swearing. I identify that man as the defendant Mr Catalina. I took him to one side and spoke to him. He continued to yell and swear at the other man. When I told him to stop yelling and swearing, he carried on. I thought he was drunk, he

smelt of alcohol and was stumbling around. I arrested him and charged him with being drunk and disorderly.

**Prosecutor:** Thank you Constable Tabui, please answer any questions from the defendant.

**Magistrate:** Mr Catalina, it is your turn to examine the witness. I remind you that you must ask the witness questions. You cannot make statements now until you give evidence.

**Mr Catalina:** You said that I was drunk. I was not very drunk, was I?

**Constable Tabui:** You were under the influence of alcohol. You smelt of alcohol, you were stumbling around, and you would not stop shouting and swearing.

**Mr Catalina:** Did you see me at the time that I was there talking with my friend?

**Constable Tabui:** I saw you yelling and swearing at another man, you were loud and would not stop when I told you to.

**Mr Catalina:** I was talking with my friend and that was is just the way we talk.

**Constable Tabui:** You were very loud, yelling and swearing at him. You were being abusive to him — I could not tell that he was your friend.

**Magistrate:** Do you have any more questions for this witness Mr Catalina?

**Mr Catalina:** I have no more questions for him.

**Magistrate:** Very well, does prosecution wish to re-examine the witness?

**Prosecutor:** Constable Tabui, did you arrest the man Mr Catalina was arguing with?

**Constable Tabui:** No, I didn't — he wasn't yelling and swearing or stumbling around like the defendant.

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*Mr Catalina did not wish to give any evidence and had no witnesses to call to give evidence on his behalf.*