

Theft – Mr Marama

Script and practical exercise

Mr Marama has pleaded not guilty to the following charge – that on or about 1 December he stole a lawnmower, the property of Mr Josefa.

The prosecution calls Mr Josefa. He has been sworn in.

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

Mr Josefa: I live in the same street as Mr Marama. We know each other but not well. I have a grass lawn around my house and every week I cut the law. I'm very proud of my lawn. On the 2nd of December I went to my shed to get my lawnmower, but it was not there. I searched my property, but my lawnmower was nowhere to be found. I reported it to the police.

About one week later I was walking down the street and I noticed that Mr Marama had cut his lawn. This was unusual because normally Mr Marama's lawn is very long. And so, I went to Mr Marama's house to ask him if he had seen my lawnmower. As I approached the house, I saw my lawnmower on the side of Mr Marama's house. So, I left the house and went to the police station and reported it stolen.

Mr Marama is represented by a lawyer. The lawyer cross examines Mr Josefa. The lawyer said to Mr Josefa that Mr Marama claimed Mr Josefa's wife had lent him the lawnmower. Mr Josefa said he didn't think his wife would do that because she hadn't said anything to him. The prosecution next called Constable Davis, who gave evidence that he spoke to Mr Marama, but he refused to say anything. That was the prosecution case.

Defence

Mr Marama's lawyer calls Mr Marama, who is sworn in.

Mr Marama: My lawn was getting very long but I didn't have a lawnmower. One day I saw Mrs Josefa walking by. I asked her if I could borrow her lawnmower. She said yes. I went to Mr and Mrs Josefa's house and took the lawnmower. A few days later I cut my lawn. I didn't return the lawnmower straightaway. I just forgot but would have returned it.

The prosecutor puts to Mr Marama that he had just made up this story to cover his theft. Mr Marama denied this.