

Reckless driving – Mr Taumanu

Script and practical exercise

Mr Taumanu is charged that on 1 October he drove a vehicle on Sunshine Road recklessly. The relevant legislation states that any person who drives a vehicle recklessly commits an offence.

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

Mrs Amelia Ward is sworn in.

Mrs Amelia Ward: I'm 78 years old. On the first of October at about 5.30 pm just as the sun was setting I was driving along Bath St. I was heading home. I was driving my 1952 Morris 1000. I have had the car for 50 years; it is my pride and joy. It doesn't go very fast but it is reliable. I don't like to drive it very fast, 30km is as fast as I go. I like to drive near the middle of the road so that I avoid the potholes on the side of the road.

As I drove along Bath St another car came up behind me. It was very close to my car but I ignored it. I then came to the intersection of Bath St and Sunshine St. I was turning right. There was traffic I had to give way to. I like to make sure I have plenty of room before I turn right. The person in the car behind started using his horn and flashing his lights at me but I ignored him.

Eventually I turned right into Sunshine St and checked my speed at 30km. I was driving in the middle of the road.

The other car that had been behind me again began driving very close to me and tooting and flashing his lights. I ignored him. Suddenly I heard a bang and my car was shunted forward. I thought the car behind me had hit me. I quickly pulled over. I was very upset. The car that was behind me also pulled over. I got out of my car. There was a big dent in the back of my car and the rear light was broken. I said to the other driver why did you hit my car.

He said, " You were driving like an idiot. You are too old to be on the road."

I saw that his car had a broken headlight. I said to him that he had damaged my car. He said to me "Nonsense I was nowhere near your car." He then drove off. My car cost \$723 to repair.

Defence

Mr Taumanu: I was driving along Bath St when I came up behind an old car that was going very slowly. I tooted at her to pull over, but they ignored me. She just kept driving slowly and in the middle of the road.

After she turned into Sunshine St she seemed to be driving even slower. I flashed my lights and tooted but she seems to get even slower. She then suddenly pulled over. I stopped also and told her she was a danger on the roads. She then claimed that I had hit her car, but I don't think that's right. I then drove off.

Cross examination

Prosecutor: Mr Taumanu did your car have a broken front headlight when you started your journey that night.

Mr Taumanu: No of course not.

Prosecutor: When you stopped to talk to Mrs Ward your car had a broken headlight then.

Mr Taumanu: Um not too sure about that.

Prosecutor: Well didn't you have to get your headlight repaired because you told Mrs Ward she would have to pay for it?

Mr Taumanu: Well yes but she caused it when he suddenly pulled over. If I did hit her it was an accident.