



Criminal procedure: Practice exercises

Exercise 1: Work in small groups

Discuss the question below and prepare to share your answers with others.

What are elements of offences and why are they important?

Exercise 2: Identifying the elements of an offence

Working in the same groups, identify the elements of the offence of criminal trespass from the following excerpt:

Section 182(1) Penal Code (Kiribati)

“Any person is guilty of a misdemeanour, who: enters another person’s property with intent to commit an offence...”

Exercise 3: Explaining the charge and taking a plea

Explaining the charge to an unrepresented defendant and take their plea

One of you will be magistrate and another the defendant. The defendant is charged that on the 5th of November 2017, the defendant entered the property of Joe Blogg at 25 Mahia Rd with the intent to steal a bicycle, contrary to s 182(1) Penal Code.

The defendant does not understand the charge.

Magistrate, please explain to the defendant the charge in simple and plain English. Then explain the charge in your language (if there are three in a group, the third person can do this) and take a plea.

Exercise 4: The steps in a criminal defended hearing

Working in the same groups:

1. Organise the labels in the envelope in the order of the basic steps in a criminal defended hearing. Paste the labels on butcher paper using blue tack.
2. Tick the steps where elements of offences are involved.

Exercise 5: Onus/burden and standard of proof

Working in the same groups, discuss the meanings of onus or burden of proof and standard of proof in criminal cases and prepare to share your answers with others.

Exercise 6: Identifying the elements of an offence

Working in the same groups, identify the elements of the offence from the following excerpt:

Section 39A Road Traffic Ordinance 1960

“A person commits an offence and is liable on conviction to a fine not exceeding 20 penalty units or to imprisonment for a term not exceeding 5 years who dangerously drives a motor vehicle and thereby causes bodily injury to any person.”

Exercise 7: The first appearance hearing

Working in the same groups, choose people to be the magistrate and the defendant. Conduct a first appearance hearing. As many of the group members as possible in the time available should be the magistrate.

The charge: Terry Nai, you are charged that on the 10th of December 2017, at Mahia Rd Kelston, you dangerously drove a motor vehicle, a Honda SUV, registration J4567, thereby causing injury to Joe Blogg contrary to s 39A Road Traffic Ordinance 1960.