

CANADA  
PROVINCE OF BRITISH COLUMBIA  
CITY OF VANCOUVER

HER MAGESTY THE QUEEN  
AGAINST  
JASON WONG

INDICTMENT

ACT OF ACCUSATION

Jason Wong stands charged

COUNT 1: THAT at or near the City of Vancouver, Province of British Columbia, on or about the 10<sup>th</sup> day of January, 2012, he did commit aggravated assault of Adam Hill, contrary to Section 268(2) of the Criminal Code of Canada and against the peace of our Lady the Queen her Crown and Dignity.

And

COUNT 2: THAT at or near the City of Vancouver, Province of British Columbia, on or about the 10<sup>th</sup> day of January, 2012, Jason Wong did possess a substance in Schedule III to wit 1000 Ecstasy Pills for the purpose of trafficking, contrary to Section 5 of the Controlled Drugs and Substances Act.

## **Crown Theory**

Jason met Adam at the school grounds where Adam played basketball. He asked Adam to go to Joe's house to drop off a package and to pick up a package. Jason said that he would give Adam \$50.00 once he came back with the package. Adam agreed. Jason told Adam he would wait for him to come back to the school grounds. As Adam walked away he saw Lisa, Jason's girlfriend walking toward Jason. Jason was having trouble with another gang so that is why he was asking Adam to make the delivery and pick-up. This was the second time that Adam had made a delivery for Jason. Jason was a founding member of the gang called the Wrecking Crew. Adam was not a member of the gang.

Adam went to Joe's house, dropped off the package that Jason gave him and picked up the package that Jason wanted. He headed back towards the school grounds. On the way, Adam ran into the police, who discovered that the package contained 1000 Ecstasy pills. In exchange for not being charged with an offence, Adam agreed to help the police by continuing to deliver the package to Jason.

The police followed Adam and observed the exchange of the package between Adam and Jason. Lisa was also there. Once the money and package were exchanged, the police approached and yelled for them to stop what they were doing. Jason realized that Adam had given information to the police and set him up. Jason pulled his knife from his pocket and stabbed Adam in the arm. Adam suffered permanent damage to his arm.

Jason was arrested for aggravated assault and possession of drugs for the purpose of trafficking.

## **Defence Theory**

Adam is not an innocent in this case. In fact, he was actually an active player in this drug trade. Adam was as much part of the "Wrecking Crew" as Jason, and he was just at the wrong place at the wrong time when he ran into the police. It was his idea to get the drugs from Joe. Jason did not ask him to pick up the package nor did he know what was in the package. Jason owed Adam money so that was what he was giving Adam. It had nothing to do with the package or any delivery as Adam claims.

The whole story was invented by Adam so he wouldn't be charged with a crime. When Adam was caught by the cops, he accepted their offer of leniency because this seemed to be the best option considering the alternative. He figured playing dumb was the easiest way to get off and because he is young and innocent looking, the police believed him. Jason and Lisa will testify that they knew nothing about the drugs and that Adam is lying. Neither Lisa nor the police saw what happened regarding the stabbing.

Jason will testify that it was self-defence because Adam made a sudden move to his pocket when the police called out. Jason thought that Adam had a weapon and was going to hurt him so he struck Adam in the arm before he could get the weapon out of his pocket. There was no weapon as Adam was reaching for his inhaler but Jason did not know that. All he knew was that he was in a dangerous situation.

**Mock Trial Roles**

Assign the following roles to students in your class. Write down the names of the students who will be performing roles. The remaining members of the class can form the jury. Make 15 copies of the mock trial script to distribute to your students.

**Judge:** \_\_\_\_\_

**Crown Counsel**

Number 1: \_\_\_\_\_

Number 2: \_\_\_\_\_

Number 3: \_\_\_\_\_

**Crown Witnesses**

Constable Orr: \_\_\_\_\_

Mr. Cobalt (Lab Technician): \_\_\_\_\_

Adam Hill: \_\_\_\_\_

**Defence Counsel**

Number 1: \_\_\_\_\_

Number 2: \_\_\_\_\_

Number 3: \_\_\_\_\_

**Defence Witnesses**

Jason Wong: \_\_\_\_\_

Lisa Rose: \_\_\_\_\_

**Court Clerk:** \_\_\_\_\_

**Deputy Sheriffs:**

Number 1: \_\_\_\_\_

Number 2: \_\_\_\_\_

## Regina vs. Jason Wong

Sheriff: Order in the court. All rise.

[Everyone stands. The judge enters and takes his/her seat. Everyone sits down.]

Court Clerk: The case of Regina vs. Jason Wong is now in session.

[Court Clerk stands and reads out Count 1 and Count 2 of the Indictment.]

Jason Wong stands charged.

COUNT 1: THAT at or near the City of Vancouver, Province of British Columbia, on or about the 10<sup>th</sup> day of January, 2012, he did commit aggravated assault of Adam Hill, contrary to Section 268(2) of the Criminal Code of Canada and against the peace of our Lady the Queen her Crown and Dignity.

COUNT 2: THAT at or near the City of Vancouver, Province of British Columbia, on or about the 10<sup>th</sup> day of January, 2012, Jason Wong did possess a substance in Schedule III to wit 1000 Ecstasy Pills for the purpose of trafficking, contrary to Section 5 of the Controlled Drugs and Substances Act.

How does the accused plead?

Jason: Not guilty on both counts.

Judge: Thank you Madam/Mister Registrar.

[Everyone sits.]

Good afternoon, ladies and gentlemen of the jury. I begin with some general comments on our roles in this trial. Throughout these proceedings you will act as the judges of the facts and I will be the judge of the law. Although I may comment on the evidence, as judges of the facts, you are the exclusive judges of the evidence. By the same token, when I tell you what the law is, it is my view of the law that must prevail.

There are two other basic principles that are fundamental to your role as jurors. They are the requirement for proof beyond a reasonable doubt and the presumption of innocence.

The requirement for proof beyond a reasonable doubt means that no person accused of an offence can be found guilty unless the Crown proves each and every part or element of that offence beyond a reasonable doubt. Similarly, our system of law requires that an accused person be presumed innocent. Jason Wong has no obligation to prove that he is not guilty or to explain the evidence offered to you by the Crown. The law presumes he is innocent until you decide otherwise.

I now call upon the Crown to proceed with their case.

[Crown stands.]

CROWN # 1: Opening Statement

The Crown will call three witnesses in this case. The first witness will be Constable Orr. She will tell the court what happened when she stopped Adam Hill in the park and how she seized 1000 Ecstasy pills at that time. She will also tell the court how Adam agreed to help the police to catch Jason Wong who was one of the leaders of the Wrecking Crew (a local gang thought to be selling drugs). The Constable will also testify about what happened when Adam met Jason and Lisa in the park. The Constable collected the drugs and the knife for evidence and will produce them in court so they can be entered as exhibits.

The second witness will be Mr. Cobalt who is an expert in blood analysis and fingerprinting. He will testify that he analyzed the blood on the knife and that it was the same blood type as that of Adam Hill. He will also testify that the fingerprints on the knife matched those of the accused, Jason Wong.

The third witness will be Adam Hill. He will testify as to his part in the events of this case. First, he will give evidence regarding the police stopping him in the park. He will relate what he was doing with the ecstasy pills and disclose what his agreement was with Jason and then with the police. He will testify as to what happened when Jason drew his knife and stabbed him and will tell the court what the extent of his injury was.

Judge: The Crown will now call its first witness.

CROWN # 1: The Crown calls Constable Orr to the stand.

[Constable Orr moves to the witness stand.]

COURT CLERK: Please remain standing and state your full name for the record. Do you wish to affirm or swear on the bible?

CONSTABLE ORR: I am Constable Kevin Orr and I will swear on the Bible.

COURT CLERK: Put your right hand on the Bible. Do you swear that the evidence you shall give shall be the truth, the whole truth, and nothing but the truth, so help you God?

CONSTABLE ORR: I do.

[Constable Orr takes a seat in the witness box or remains standing as a police officer usually does when testifying in court.]

CROWN # 1: Constable Orr, what brought you to Franklin Park on the afternoon of January 10, 2011?

CONSTABLE ORR: My partner and I had received information that gang activity was going on in that area.

CROWN # 1: What kind of gang activity?

CONSTABLE ORR: Teenagers dealing drugs and a few reports of assault.

CROWN # 1: Tell us what happened when you saw Adam.

CONSTABLE ORR: I saw Adam walking through the park and asked him where he was going. He said he was going to meet a friend and seemed very nervous. I then asked him if he knew about any of the gang activity that had been going on in the area; he told us he did not know anything. When I asked him to put his hands behind his head, a package fell out. I opened up the package and there were pills inside.

CROWN # 1: What kind of pills?

CONSTABLE ORR: After drug testing, they were confirmed to be ecstasy.

CROWN # 1: How many pills were there?

CONSTABLE ORR: 1000 pills.

CROWN # 1: Did you find anything else on him?

CONSTABLE ORR: No, I did a full search and did not find any weapons or other drugs.

CROWN # 1: What happened after you opened up the package and saw the pills?

CONSTABLE ORR: The boy seemed really scared. He told us he had no idea what was in the package and that he was only delivering it. He said that Jason Wong told him he would pay him \$50 to deliver one package to the yellow house beside Franklin Park, in exchange for another package that he was supposed to take back to Jason who was waiting at the school grounds. We told Adam that if he co-operated with us and helped us, we would let him off easy.

CROWN # 1: Why did you make that deal?

CONSTABLE ORR: Adam looked really scared about the whole thing. I believed that he probably did not have a history of gang involvement and that he was answering our questions honestly. He had 1000 pills so that was not for his own use but were to sell or traffic to others. He didn't seem like the type of kid that would be able to move and sell that type of inventory so we believed him when he said he was delivering to a bigger player.

We were in desperate need to find the people involved in these gangs and it was very opportune that we finally had a solid lead on how to nab someone directly involved. Until this point, we had received a few tips but not enough to get warrants or make charges.

CROWN # 1: What happened after you told Adam about the deal?

CONSTABLE ORR: He hesitated at first which is very common with gang related incidents. Nobody wants to be considered a "snitch" out of fear of what might happen to them. After I told him that he could be facing some serious consequences, he agreed to help us. Then we followed Adam back but I saw the exchange of the package and money between Adam and Jason.

CROWN # 1: Can you describe the exchange?

CONSTABLE ORR: Yes, Adam approached Jason and handed him the package which Jason took. Then Jason got out some money and gave it to Adam. I was too far away to hear the conversation that was going on between them but I could see clearly what happened. As soon as the exchange was complete I yelled out "Police! Stop what you are

doing!” My partner and I started running towards Adam, Jason, and Lisa (Jason’s girlfriend who was also there) to make the arrest. Before I got there, Adam fell to the ground and was bleeding.

CROWN # 1: Where was he bleeding from?

CONSTABLE ORR: His left arm.

CROWN # 1: Is it your testimony that Jason stabbed Adam?

DEFENCE#1: Objection! Crown is leading the witness.

JUDGE: Sustained. Please rephrase your question.

CROWN#1: Yes, My Lord/Lady. Do you know why Adam was bleeding?

CONSTABLE ORR: Yes, it appeared from where I was that Jason had stabbed Adam in the arm with a knife, although I did not see exactly what happened.

CROWN # 1: What happened next?

CONSTABLE ORR: I told Jason to stop and put his hands behind his head. I read him his rights, placed him under arrest and hand-cuffed him. I saw a knife on the ground near where Adam had fallen. It had blood on it. I recovered the knife for analysis. My partner tended to Adam and called an ambulance. It arrived within ten minutes. I put Jason in the police car.

CROWN # 1: Is this the knife that you recovered from the scene?

[Constable Orr looks over the Ziploc bag with the knife in it.]

CONSTABLE ORR: Yes, it is.

CROWN # 1: Permission to submit the knife used in the attack to the court, My Lord/Lady.

JUDGE: Permission granted. Madam/Mister Clerk, please mark the knife as Exhibit #1.

[Crown #1 hands the knife in a labeled plastic Ziploc bag to the court clerk.]

CROWN # 1: What happened to the 1000 ecstasy pills?

CONSTABLE ORR: I put them in an evidence bag and had them tested by the police lab. Mr. Cobalt has brought them here to court today.

CROWN # 1: Would you be able to recognize Jason Wong if you saw him again?

CONSTABLE ORR: Yes, I would. He is sitting over there in the accused box.

CROWN # 1: Let the record show that the witness has identified the accused, Jason Wong.

No further questions for this witness, My Lord/Lady.

JUDGE: Does the Defence wish to cross-examine the witness?

DEFENCE #1: Yes, My Lord/Lady.

You mentioned that you did not actually see the assault occur, is that correct?

CONSTABLE ORR: I had a clear view of the exchange of the package and money but when I started to run towards them and shout, my view changed. Adam's back was facing me and Jason was partially obstructed from my view.

DEFENCE #1: You further testified that you were too far away to hear the conversation, is that also correct?

CONSTABLE ORR: Yes.

DEFENCE #1: So you don't know why Jason was giving Adam money, correct?

CONSTABLE ORR: Adam told us he was going to be paid by Jason for making the delivery so that is why Jason was giving Adam money.

DEFENCE #1: Isn't it possible that Jason just owed Adam money and was repaying a debt?

CONSTABLE ORR: I don't think so.

DEFENCE #1: You didn't see Jason stab Adam, did you?

CONSTABLE ORR: No, I didn't but I did see the knife on the ground close to Jason.

DEFENCE #1: So you are only assuming then that Jason stabbed Adam, and that Jason was the one with the knife in the first place?

CONSTABLE ORR: It was pretty clear what happened, but that is correct, I did not see the actual physical attack.

DEFENCE #1: When you spoke to Adam you mentioned that it didn't seem as though he was involved in a gang activity and that he was scared.

Did he say anything specifically to this point, or was this another assumption on your part?

CROWN: Objection! Badgering the witness!

JUDGE: Overruled, the Defence is merely trying to distinguish for the jury between what factually happened and what the Constable assumed to be true. I will allow it. Continue Counselor.

DEFENCE #1: Thank you, My Lord/Lady. So back to the question, Constable. Did Adam say anything to indicate to you that he was not involved in gang activity?

CONSTABLE ORR: Not in so many words, but he did not seem to be the type of gang member that we are used to coming across. He seemed genuinely scared, so we got the feeling that he was answering all of our questions to the best of his ability and honestly.

DEFENCE #1: Right, being approached by police, caught holding drugs and threatened with charges would be enough to scare anyone involved in a gang. No further questions My Lord/Lady.

CROWN #2: The Crown would like to call Mr. Cobalt to the stand. In his capacity as the laboratory technician assigned to assess the exhibits in this case.

[Mr. Cobalt rises and stands at the witness stand. He should have a cardboard facsimile of a knife, a bag of pills, the fingerprint comparison and a blood analysis sheet which can be made for this mock trial.]

COURT CLERK: Please remain standing and state your full name for the record. Do you wish to affirm or swear on the Bible?

MR. COBALT: I am Ryan Cobalt and I will swear on the Bible.

COURT CLERK: Put your right hand on the Bible. Do you swear that the evidence you shall give shall be the truth, the whole truth and nothing but the truth, so help you God?

MR. COBALT: I do.

[Mr. Cobalt takes a seat in the witness box.]

CROWN #2: Please say your job title for the court.

MR. COBALT: Forensic Laboratory Technician.

CROWN #2: Can you please tell the court how many years you have been in this position, and what your education was prior to it?

MR. COBALT: I have been employed at this level for 13 years and have two Bachelor's Degrees, one in Biochemistry and the other in Criminology. I have testified in hundreds of cases and have given evidence on forensic analysis of substances including drugs and blood and have done thousands of fingerprint comparisons.

CROWN #2: I ask the court to declare the witness an expert in forensic analysis.

JUDGE: Declared.

CROWN #2: And what was your involvement in the case before the court today?

MR. COBALT: I processed the evidence that was collected from the scene: specifically a knife, which contained blood and fingerprints. I analyzed and matched these specimens and also conducted tests on the substance in the pills that were found in the package.

COURT CLERK: The Crown has submitted the knife and the substance Mr. Cobalt is referring to, as Exhibit 1 and Exhibit 2, respectively.

CROWN #2: Can you please reveal to the court your findings on the specimens from the knife.

MR. COBALT: The blood found on the knife was Blood Type O Positive.

CROWN #2: What is Adam's blood type?

MR. COBALT: Adam's blood type is O Positive and a match to the blood on the knife that is labeled Exhibit 1.

CROWN #2: Besides the blood, what else did you find on the knife?

MR. COBALT: There were two complete fingerprints, identified as a right middle finger and ring finger and several partial fingerprints that could not be identified.

CROWN #2: Were you able to make a match?

MR. COBALT: After comparing the fingerprints on the knife to those of Jason, there was a 94% match.

CROWN #2: Can you tell the court how you come to that number, and why it is not 100%?

MR. COBALT: In fingerprint testing, there is never a perfect imprint, but 94% is an extremely high probability.

CROWN #2: No further questions, My Lord/Lady.

JUDGE: Does the Defence wish to cross examine the witness?

DEFENCE #2: Yes, My Lord/Lady.

JUDGE: Please proceed.

DEFENCE #2: How common is Blood Type O Positive, Mr. Cobalt?

MR. COBALT: It is the most common blood type of them all.

DEFENCE #2: So if you were unaware of the circumstances involved in the blood found on the knife in this specific case, could it be assumed that this blood came from any number of individuals?

MR. COBALT: Yes, as I said Blood Type O Positive is the most common blood type and, unlike fingerprints which are unique and specific to each individual, many people fall into the Blood Type O category.

DEFENCE #2: So in other words, it is not conclusive that the blood on the knife belonged to Adam, only that it belonged to someone with Blood Type O Positive, is that correct?

MR. COBALT: Yes, that is right.

DEFENCE #2: While it is reasonable to assume that Jason's fingerprints would be on the knife, as he himself admits to owning it, is there any way, from your work on this case, to conclude that Jason in fact stabbed Adam on January 10?

MR. COBALT: No, there is no way to establish an accurate time range of when the fingerprints were imprinted.

DEFENCE #2: The Defence has no further questions for this witness, My Lord/Lady.

JUDGE: The Crown may now call its next witness.

CROWN #3: The Crown calls Adam Hill.

[Adam Hill moves to the witness stand.]

COURT CLERK: Please remain standing and state your full name for the record. Do you wish to affirm or swear on the Bible?

ADAM HILL: I AM Adam Hill and I will affirm.

COURT CLERK: Do you affirm that the evidence you shall give shall be the truth, the whole truth and nothing but the truth?

ADAM HILL: Yes, I do.

[Adam Hill takes a seat in the witness box.]

CROWN #3: Please tell the court what you were doing when the police officers stopped you in Franklin Park.

ADAM HILL: Jason gave me a package to deliver to Joe. I picked up a package to deliver to Jason. Once I had the second package I was on my way to meet Jason at the school grounds. Jason offered me \$50 to do the job- said he would give it to me when I came back. I didn't know what was in the package. The police caught me on my way to meet Jason with the second package.

CROWN #3: How did you know Jason and Joe?

ADAM HILL: Jason approached me a couple of days before. I was shooting hoops at school after classes were over. He offered me \$40 to deliver a package and I accepted the offer. I didn't know what was in the package that time either. I delivered it to the same house.

CROWN #3: Was that the first time you met Jason?

ADAM HILL: I kind of knew Jason before that, he lives in my complex. He and Joe are pretty well-known. I knew Jason was in a gang called the "Wrecking Crew".

CROWN #3: Why did you agree to deliver a package for someone who you suspected was involved in a gang?

ADAM HILL: It just seemed like an easy way to make a few dollars... it's not like I really had to do anything bad, just drop off a package. Also, I know a lot of people think I'm kind of a loser. I thought that maybe if I started hanging out with Jason, that might change a bit.

CROWN #3: What happened on your way back to meet Jason?

ADAM HILL: I got stopped by the two police when I was walking through Franklin Park. They asked where I was going and I told them I was just heading to the school grounds. They asked me to put my hands up and the package I was carrying fell out of my jacket. They opened it and saw that there were pills inside... I really didn't know that's what was in there and I told them that.

CROWN #3: What did the police say?

ADAM HILL: They told me they would let me off easy if I co-operated with them and helped them find some of the teenagers who were in gangs. They wanted me to deliver the package to Jason and they followed along at a distance.

CROWN #3: What happened when you met Jason?

ADAM HILL: Jason had been waiting for me and the package. He looked really tense and impatient. When he saw me, he asked me what took so long and if I talked to anyone along the way.

CROWN #3: What did you tell him?

ADAM HILL: That I didn't talk to anyone, I was just a slow walker I guess.

CROWN #3: What happened next?

ADAM HILL: I gave him his package, he took it and paid me #50 dollars. Then the police yelled and came running towards us. Jason screamed at me that I was a snitch and set him up. He took out his knife and stabbed me in the left arm. I fell to the ground. I don't remember much after that. I vaguely remember the paramedics in the ambulance and being in a hospital room.

[Crown shows Exhibit 1 to Adam.]

CROWN #3: Adam, do you recognize Exhibit 1?

ADAM HILL: Yes, it is the knife that Jason stabbed me with.

CROWN #3: The Defence is arguing that you were reaching into your pocket for something, at the time of the stabbing, and that this may have caused Jason to react by stabbing you. What do you have to say about that?

ADAM HILL: I have really bad asthma, so sometimes when I get nervous my first instinct is to reach for my inhaler... I don't remember doing that but it is a pretty quick habit so I might have done it without noticing. I didn't have a weapon—the police have already searched me. I am right handed and would have had my inhaler in my right hand not my left.

CROWN #3: How is your arm now?

ADAM HILL: I had to get surgery. I don't have much feeling in it now. I can't use it like I used to because there is nerve damage that is permanent.

CROWN #3: What is your blood type?

ADAM HILL: Blood Type O Positive.

CROWN #3: Would you be able to recognize the person who stabbed you if you saw him again?

ADAM HILL: Yes, I would. Jason is sitting over there.

CROWN #3: Let the record show that the witness has identified the accused, Jason Wong.  
No further questions, My Lord/Lady.

JUDGE: Does the Defence wish to cross-examine?

DEFENCE #3: Yes, My Lord/Lady. According to your testimony Adam, you had no idea what you were delivering to Joe and taking to Jason, is that correct?

ADAM HILL: That's right, I never asked.

DEFENCE #3: Did it ever occur to you that you could be exchanging drugs and money as part of a drug trade?

ADAM HILL: I preferred not to think about what I might be transporting, thought that if I didn't look or ask, then I could still be innocent if it was something bad. To be honest, I didn't really think about it too much, just wanted the money and kind of just wanted Jason to like me.

DEFENCE #3: So Adam, your testimony states that you had no connection to the Wrecking Crew at all before this incident, is that correct?

ADAM HILL: Well, I definitely wasn't in the Wrecking Crew, if that's what you mean.

DEFENCE #3: Right, and what does one have to be to be in the Wrecking Crew officially?

ADAM HILL: Well, I don't really know. You just have to hang out with them a lot I guess.

DEFENCE #3: Did Jason ever say to you that you were "on your way" to being Wrecking Crew material? Remember, you are under oath.

ADAM HILL: Yeah, I think he said that once.

DEFENCE #3: So you wanted to be part of the gang. And would probably do anything you needed to in order to make that happen, right? Including illegally transporting drugs?

CROWN #3: Objection—Adam is not the one on trial here, My Lord/Lady.

DEFENCE #3: I am establishing that contrary to the Crown's claims, Adam is not an innocent in this case and is more involved than he is admitting.

JUDGE: Overruled, Defence counsel, please continue.

DEFENCE #3: Have you ever owned a weapon Adam?

CROWN #3: Objection! Might I remind counsel that past convictions have no bearing on this trial.

DEFENCE #3: I am merely questioning if Adam has ever owned a weapon, not been charged for possession. This is to form a basis of understanding and questioning around why Jason may have pulled a knife that day.

JUDGE: I'll allow it.

DEFENCE #3: Adam, when Jason took the package from you, did you give him any reason to pull out a knife and use it on you? Is it possible that when you were allegedly reaching for your inhaler, Jason may have misinterpreted that as you reaching for a gun?

ADAM HILL: I don't know. I don't think I reached for anything from my pocket. Everything happened so fast after the police called out to stop.

DEFENCE #3: Why would you reach for anything when, as you have testified, Jason was a known gang member?

ADAM HILL: I don't know!

DEFENCE #3: No further questions, My Lord/Lady.

CROWN #1: That concludes the Crown's case, My Lord/Lady.

DEFENCE #1: Defence Opening Statement

Adam is not as innocent as the police assumed he was. He came up with the story that he did not know the details of the act he agreed to do, when he was an active player in this drug line. Adam was as much a part of the "Wrecking Crew" as anyone was, and he was just at the wrong place at the wrong time when he ran into the police. Adam may have just started being involved in gang activity, but this does not make him any less guilty of acting as a vehicle for this drug transaction.

When Adam was caught by the cops, he accepted their offer of leniency because these seemed to be the best option considering the alternative. Sure, he was scared at the idea of being caught, but because of how new he was in the gang scene, he figured playing dumb was the easiest way to get off. Even though Adam is very intimidated by Jason and Joe, any consequences with the law still scared him more. He made up a lie about Jason's involvement to get himself out of trouble with the police. He was meeting Jason so he could get back money Jason owed him for delivering Joe's package and was not doing a drug deal for or with Jason.

Jason and Lisa will testify that they knew nothing about these ecstasy pills and that Jason did not hire Adam to pick them up. Jason will say that he just asked Adam to deliver a package to Joe and agreed to pay him for his services. He definitely was not paying Adam to pick up drugs from Joe.

Jason will further testify that after he heard the police yell out he thought Adam was reaching for a gun in his pocket so he stabbed Adam in the arm in self-defence. Because of Jason's lifestyle and trouble with his own gang he had developed a heightened defence mechanism and just acted out of instinct for self-preservation.

Without a doubt, Jason may not have made the best decisions, but this does not mean that he should be found guilty of these offences.

DEFENCE #2: The Defence calls Jason Wong to the stand, My Lord/Lady.

[Jason rises and stands at the witness stand.]

COURT CLERK: Please remain standing and state your full name for the record. Do you wish to affirm or swear on the Bible?

JASON WONG: I AM Jason Wong and I will swear on the Bible.

COURT CLERK: Put your right hand on the Bible. Do you swear that the evidence you shall give shall be truth, the whole truth and nothing but the truth so help you God?

JASON WONG: I do.

[Jason takes a seat in the witness box.]

DEFENCE #2: How do you know Joe?

JASON WONG: Joe and I have been pretty good friends for a while. We met at school when we were in Grade 8.

DEFENCE #2: Can you tell us what happened on January 10<sup>th</sup>, 2011?

JASON WONG: Joe was at my house the day before, on the 9<sup>th</sup>. He left a package at my house that day.

DEFENCE #2: Did you look inside the package?

JASON WONG: No.

DEFENCE #2: So Joe leaves a package at your house and you weren't even a bit curious about what it could be?

JASON WONG: Well I mean I wasn't sure but he said something about just coming back from the pharmacist to pick up a prescription. I didn't think much of it.

DEFENCE #2: Did he realize he had left it there?

JASON WONG: Yeah, he realized when he got home and called me. For some reason he wasn't willing to come back and get it himself and he wanted me to bring it to him. When I told him that I didn't have time to return it that day, he got really angry. He started to yell at me and threaten me and stuff.

DEFENCE #2: And this whole time, it didn't even occur to you to find out what it was that he was so angry about, why he felt the need to threaten you? You never asked him what was inside of it?

JASON WONG: No.

DEFENCE #2: What kind of verbal threats was he making to you?

JASON WONG: He said he would punch my face in and beat up my girlfriend Lisa.

DEFENCE #2: What did you do?

JASON WONG: I had been starting to realize that Joe wasn't the best kind of person to be hanging out with. I really didn't want to see him again but I was worried about what would happen if he didn't get the package. That's when I saw Adam walking around. I went up to him and told him I would give him some cash if he could deliver it to Joe for me. I was desperate.

DEFENCE #2: Have you met Adam before?

JASON WONG: Yeah he lives in my complex. He always seemed like a good kid, so I thought I could trust him to drop it off.

DEFENCE #2: What did Adam say?

JASON WONG: He said he would do it. So I just told him to drop it off at Joe's house. Gave him directions, and handed him the package.

DEFENCE #2: So even though you considered Joe to be dangerous, you had no problem passing off the task to Adam?

JASON WONG: I figured Adam was pretty safe... he hadn't done anything to piss Joe off like I had, he was just a kid walking around, so I saw an opportunity.

DEFENCE #2: What happened after that?

JASON WONG: Adam went on his way to drop it off and that was it. Later I met Adam at the school grounds and got out \$50 to pay him for delivering the package. He handed me a package first but I had no idea why. Once I paid him the police yelled out. I saw Adam reach for something in his pocket and thought he had a gun and was going to shoot me. I reacted quickly by stabbing his right arm with my knife so he couldn't hurt me. I was defending myself.

DEFENCE #2: Why were you holding a knife?

JASON WONG: I just feel safer when I have it on me. I had heard that some gang activity had been going on in my neighbourhood recently.

DEFENCE #2: Have you ever been involved in a gang?

JASON WONG: No I haven't.

DEFENCE #2: What happened after you stabbed Adam?

JASON WONG: Everything happened really fast... Adam fell to the ground and was bleeding. The cops came from out of nowhere! One of them hand-cuffed me and put me in the police car. I then went to the police station and was questioned there.

DEFENCE #2: No further questions, My Lord/Lady.

JUDGE: Does the Crown wish to cross examine the witness?

CROWN #1: Yes.  
Jason, you said that Joe was not the best person to be spending time with. That's because you know he deals drugs correct?

JASON WONG: I didn't say he deals drugs but he is into stuff and I didn't want to be part of anything he did especially when he goes nuts over leaving a package at my place. He's not following a very good path right now... hanging out with bad people. Some of the stuff he's been doing I haven't really been into so I've been trying to keep my distance a bit.

CROWN #1: Adam says this was the second time you asked him to deliver something to Joe. Is that right?

JASON WONG: Yes.

CROWN #1: You seem to deliver a lot of packages to Joe so is it fair to assume you are working with him and that you know those packages either contain money or drugs? You are not just friends—you're partners.

JASON WONG: No, not true. Just old friends.

CROWN #1: You are asking us to believe you keep the packages of a known drug dealer and that you don't know what's in them. Aren't you afraid that the police will intercept one of these packages like they did on January 10, 2012?

DEFENCE #1: Objection! Jason never said he knew that Joe was a drug dealer.

CROWN #1: I withdraw the question, My Lord/Lady

Jason were you not the least bit suspicious about what was in Joe's package, especially when he got so mad when you said you would not deliver it.

JASON WONG: Well, I was used to his temper.

CROWN #1: When Adam came to get his money from you, why did you take the package from him before you gave him the money?

JASON WONG: I don't know, he just passed it to me so I took it.

CROWN #1: Isn't it true that you took it because that is really what you paid Adam for—delivering this package of ecstasy pills to you so you could sell them for Joe?

JASON WONG: I didn't know nothing about this package.

CROWN #1: Are you right handed?

JASON WONG: Yeah.

CROWN #1: You testified that you stabbed Adam in the right arm, is that correct?

JASON WONG: Yeah. That's the arm he pulled from his pocket.

CROWN #1: Adam testified that you stabbed him in the left arm and that is the arm that was injured. So I suggest to you that you are lying about Adam pulling anything from his pocket. If he used his right hand you would have stabbed that arm. Isn't that correct?

JASON WONG: I... I... don't know, maybe I made a mistake.

CROWN #1: Adam was just a kid from your project, correct?

JASON WONG: Yeah, I guess...

CROWN #1: As far as you know, Adam was not a gang member? A kid who carried a weapon.

JASON WONG: Don't know him well enough to be sure.

CROWN #1: You were just mad that he snitched on you to the police. That's why you stabbed him and made up this story of self-defence. True?

JASON WONG: You're way off.

CROWN #1: No further questions, My Lord/Lady.

JUDGE: Please take your seat in the accused box, Mr. Wong.

DEFENCE #2: Calling our next witness, Lisa Rose.

[Lisa rises and stands at the witness stand.]

COURT CLERK: Please remain standing and state your full name for the record. Do you wish to affirm or swear on the Bible?

LISA ROSE: I am Lisa Rose and I will swear on the Bible.

COURT CLERK: Put your right hand on the Bible. Do you swear that the evidence you shall give shall be truth, the whole truth and nothing but the truth so help you God?

LISA ROSE: I do.

[Lisa takes a seat in the witness box.]

DEFENCE #2: Can you tell the court what happened on January 10<sup>th</sup>, the day of the offence?

LISA ROSE: Jason called me and asked me to meet him at the school grounds. He sounded upset about Joe and some package Joe wanted delivered. I told him to look for Adam and get him deliver it to Joe like last time. He said he would do that again and I said I would come and keep him company while he was waiting for Adam to get back.

DEFENCE #2: Do you know Joe?

LISA ROSE: Yeah and I wish he would stay away from Jason. He is nothing but trouble and we don't want any of that.

DEFENCE #2: Did Joe regularly ask Jason to do things for him?

LISA ROSE: Yeah once in a while but I didn't like getting involved with Joe. He has a bad temper and is unpredictable.

DEFENCE #2: What happened when Adam came back to meet Jason and you at the school grounds?

LISA ROSE: Adam gave Jason a package and then Jason pulled out some money for Adam. All of a sudden, the police were yelling stop and everything went crazy with cops running at us from all directions.

DEFENCE #2: What did you do?

LISA ROSE: I froze and didn't move. My eyes were on the cops.

DEFENCE #2: Did you see what happened between Jason and Adam?

LISA ROSE: No, I just heard Jason yell and Adam cry out in pain. Then the cops were on top of us. Adam was on the ground and his arm was bleeding and Jason was being handcuffed. There was a knife on the ground—I think it was Jason's.

DEFENCE #2: To your knowledge, did Jason ask Adam to pick up that package from Joe?

LISA ROSE: No, we knew nothing about that package and I was surprised when Adam handed it to Jason. It was not our package and we didn't know what was in it.

DEFENCE #2: No further questions.

JUDGE: Crown, would you like to cross-examine this witness.

CROWN #2: Yes, My Lord/Lady.  
Lisa, you are Jason's girlfriend is that correct? You help him out all the time and always have his back so to speak?

LISA ROSE: Yeah, that's what a girlfriend should do. Protect and help her man.

CROWN #2: Does that mean you would lie in court about what really happened to protect Jason?

LISA ROSE: NO! I didn't mean that! I am telling the truth.

CROWN #2: Jason, is a founding member of the Wrecking Crew gang, correct?

LISA ROSE: Yeah he is but that means nothing.

CROWN #2: You are a gang member as well—true?

LISA ROSE: Yeah, so what?

CROWN #2: Adam is the innocent one here, not a gang member, but just some kid you two took advantage of in your drug deals. You used Adam

as a mule and didn't care what happened to him as long as Jason and you were safe from Joe's anger. Correct?

LISA ROSE: Definitely not, Adam was a player all on his own.

CROWN #2: No further questions, My Lord/Lady.

DEFENCE #3: The Defence rests its case.

JUDGE: Defence, are you ready for your closing statement?

DEFENCE #3: Yes, My Lord/Lady.

As my Lordship/Ladyship will explain, the Crown is responsible for proving beyond a reasonable doubt that Jason is guilty of possession of drugs for the purpose of trafficking and that he committed aggravated assault when he stabbed Adam. It is the Defence's position that the Crown clearly has not made out its case.

On all the evidence you have heard today you should come to only one conclusion: Jason did not ask Adam to deliver the ecstasy pills and Jason acted in self-defence when he stabbed Adam. Jason thought Adam had a gun and was going to shoot him so he acted as a result of this and stabbed Adam to protect himself.

As my Lord/Lady will soon direct you, you ultimately must decide whether or not the testimony of the witnesses should be believed. It is the defence's submission that on the evidence you have heard today you may come to only one reasonable conclusion: that Jason and Lisa are telling the truth and Adam was not the innocent in this case but was acting to protect his own interests. Adam was caught with the drugs and made up a story to get out of trouble. He led the police to Jason when he knew that Jason didn't ask him to pick up the package. His actions made Jason afraid and Jason had no choice but to protect himself.

If you have any doubt of the guilt of the accused you must acquit.

JUDGE: Crown are you ready for your closing statement?

CROWN #3: Yes, My Lord/Lady.

Ladies and gentlemen of the jury, it is the Crown's respectful submission that we have clearly met our case. On the evidence you have heard today, Jason is guilty of the offences charged.

As triers of fact, ladies and gentlemen, it is you who ultimately must accept or reject his story. It is quite a story as it is—something closer to a fable or fairy tale than the truth. Consider the Crown's evidence, ladies and gentlemen.

It is clear that Jason hired Adam to be a drug mule by asking him to deliver and pick up packages. It was not the first time he asked Adam to act as a drug mule. The Crown must prove an exchange of the package and money which it has done according to the evidence. If Jason did not ask for the package why did he accept it? He paid Adam after he took the package. This was observed by the police and Lisa. Jason and Lisa's testimony confirms this but they have tried to convince you that they knew nothing about this package even though both admit to using Adam on more than one occasion and also admit that they are gang members. There is only one conclusion to come to: Jason had possession of the drugs for the purpose of trafficking.

Secondly, Jason did commit aggravated assault—he stabbed Adam and permanently damaged his arm. Adam testified that he yelled snitch and stabbed him and Lisa also confirmed that Jason yelled something which confirms Adam's testimony. No one but Adam and Jason saw this incident. The Crown submits that the version to be believed should be Adams. Jason's version is self-serving and not true considering he stabbed Adam in the arm that would not have a weapon in it—Adam is right-handed.

Thank you.

**JUDGE:** Ladies and gentlemen of the jury, that concludes the evidence to be heard in this matter. It is now time for your deliberations.

You must determine whether Jason is guilty of aggravated assault. This means that Jason has to have assaulted Adam and such assault must cause a maiming or disfigurement. If the Crown has proved this beyond a reasonable doubt, you must convict.

You must also determine whether Jason is guilty of possession of a prohibited substance for the purpose of trafficking. This means that

two things need to happen. Jason must have physical possession of the drugs and the number of pills must be more than could possibly be used for personal use. If the Crown has proved this beyond a reasonable doubt you must convict on Count 2.

I remind you that the Crown must prove each of these elements beyond a reasonable doubt. You must return a verdict of not guilty if the crown has failed to prove these offences.

You may retire to the Jury Room for deliberations. When you reach a unanimous verdict, just inform the sheriff. S/he will tell me that you are ready to return to the courtroom for the purpose of announcing your verdict.

[Jury leaves the courtroom for deliberations. Defence, Crown and Jason Wong stand out of respect for the jury. Sheriff #2 directs the jury to the Jury room.]

JUDGE: Thank you counsel. We will now adjourn until the jury returns with their verdict.

CLERK: Order in court. This court stands adjourned for the verdict of the Jury. [All rise while the Judge leaves the courtroom.]

CLERK: Order in court. [Judge enters courtroom. Everyone stands.]

JUDGE: You may be seated. Madam/Mister Registrar, has the jury reached a verdict?

CLERK: They have my Lord/Lady.

JUDGE: Sheriff, please bring the jury in.

[Defence, Crown and Jason Wong stand as Sheriff #2 directs the jury to their seats. Everyone can be seated after the jury sit.]

CLERK: Mr./Madam Foreperson, have you reached a verdict? [Foreperson stands.]

FOREPERSON: Yes, we have.

CLERK: Do you find Jason Wong guilty or not guilty of the offence of aggravated assault?

FOREPERSON: Guilty/not guilty.

CLERK: Members of the jury, hearken to your verdict as the court does record it. You find the accused Jason Wong not guilty/guilty. This is your verdict, so say you all. Please stand to confirm your verdict.

[All members of the jury stand.]

JUDGE: Ladies and gentlemen of the jury, we thank you for acting as jurors in this matter. Both society and the law benefit from your contribution. In return, I hope you have found it to be an interesting and rewarding experience.

Jason, [if the verdict is not guilty] you are free to go.

Jason, [if the verdict is guilty] you have been found guilty of the offences and a sentencing hearing will be held now.

Crown, do you have a submission on the appropriate sentence?

CROWN: Yes, my Lord/Lady, I do.

This is not Jason's first offence and he actually admitted to stabbing Adam. This is a very serious offence and I suggest that the appropriate sentence in this case is a period of time spent in jail followed by 3 years of probation.

Trafficking in drugs should be dealt with very seriously and the crown suggests a further period of incarceration to be served consecutively with the sentence on the aggravated assault.

JUDGE: Defence, do you have anything to say?

DEFENCE: Yes, my Lord/Lady. Jason does not come from a good family and has been involved in gang activity which makes him more concerned for his safety. It is not an excuse for his behaviour but is something that we ask you to consider when deciding on the length of his sentence. Jason is young and can become a responsible citizen if given a chance. We ask that whatever the length of sentence on these charges that he be held in a low security prison and that he serve his time concurrently. This way he will not be influenced by hardened criminals. He can still be rehabilitated. We also ask you to order that he complete his high school diploma while in custody and that he have a lengthy period of supervision when released to increase his chances of becoming a valuable member of society.

JUDGE:

Jason, please stand. You have been found guilty of two (one) serious criminal offences and must not take these proceedings lightly. However, you have been straightforward and not denied your part in the assault of Adam. In this case, I feel that your rehabilitation or chance to become a responsible citizen needs to be balanced with the protection of the public and hereby order two years less one day on the drug offence and two years less one day on the aggravated assault to be served concurrently and to be followed by 3 years of probation. Jason will serve his sentence in a low security prison and finish his high school diploma while in custody.

Clerk:

This court stands adjourned. Order in court.

[All rise as the judge exits the courtroom.]