

ACT COURTS AND TRIBUNAL EDUCATION

THE BACHELOR MOCK TRIAL



CASE OVERVIEW

This case involves an alleged crime in the Bachelor mansion. Catherine Shaw is on trial accused of stealing five red roses from the Bachelor Mansion. She has been charged pursuant to s 308 of the *Criminal Code 2002* (ACT).

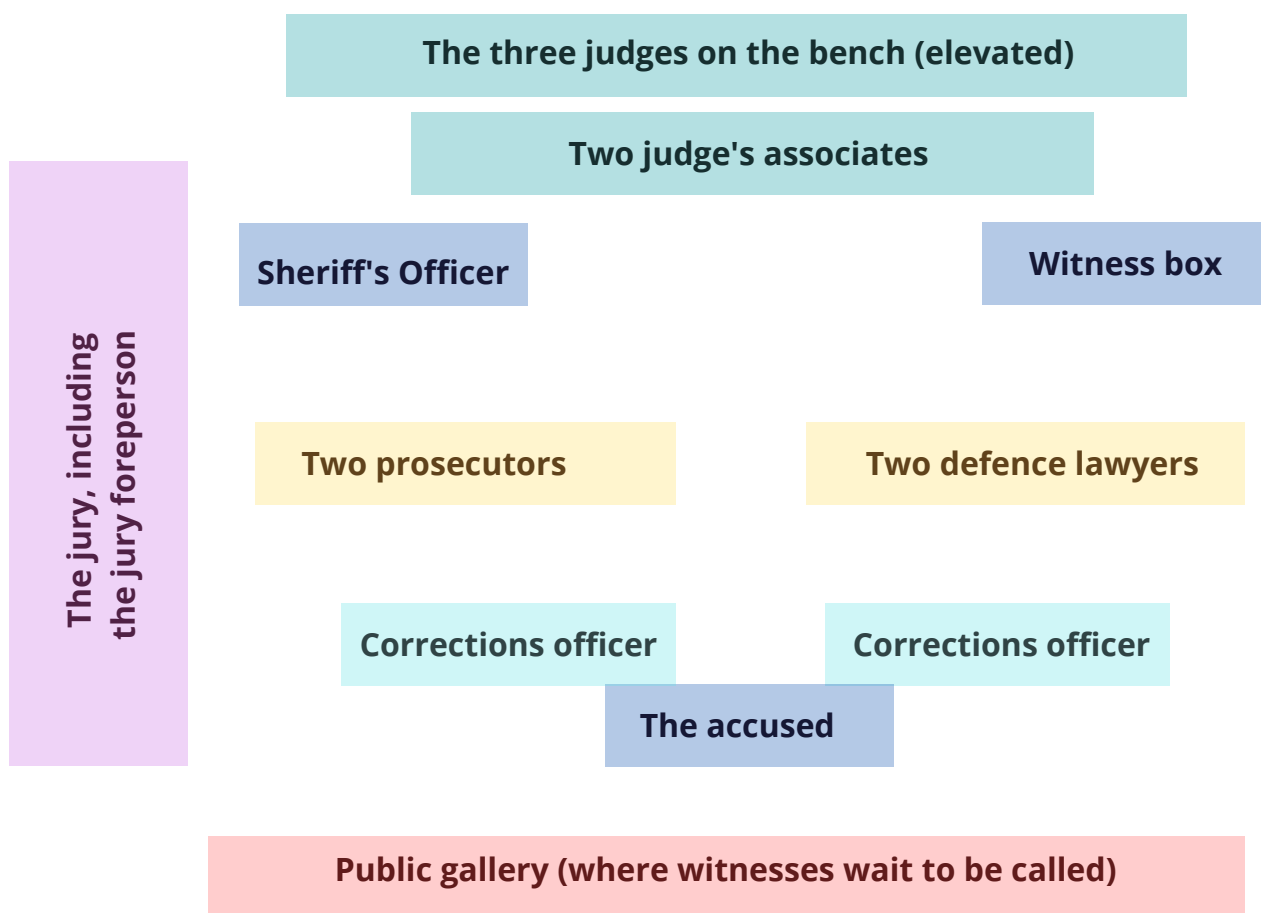
The trial is before a jury and three judges of the ACT Supreme Court. Two witnesses will be called to give evidence and be cross examined. The trial will follow the procedures of the Supreme Court and the rule of evidence will be applied. The trial will run for approximately 40 minutes.

MOCK TRIAL PARTICIPANTS

The accused	Senior Defence Counsel
Sheriff's Officer	Junior Defence Counsel
Judge 1	Corrections Staff 1
Judge 2	Corrections Staff 2
Judge 3	Witness - Blake Hunter
Judge's Associate 1	Witness - Charlie Swan
Judge's Associate 2	Foreperson of the jury
Senior Crown Prosecutor	Jurors
Junior Crown Prosecutor	

COURT ETTIQUETTE & LAYOUT

The judges will enter the court with the judge's associates. The judges stand only to enter and exit the courtroom and to bow. They remain seated when they are speaking. All other people addressing the court (including the lawyers, the court staff and the foreperson of the jury) must stand when they speak. Witnesses stand to give their oath or affirmation. They sit when answering question.



THE TRIAL

The three judges and their two associates are outside the courtroom. Everyone in their seats in the courtroom.

One of the judge's associates knocks three times on the door.

Sheriff's Officer: Silence, all stand.

Everyone in the courtroom stands and faces the judges.

The two judge's associate leads the three judges to the judges' bench.

The associates walk to their desks and the judges walk to their place on the bench.

The judges bow to the courtroom. The judges sit down.

Sheriff's Officer: Please be seated.

Everyone sits down.

Judge's Associate 1: The Crown against Catherine Shaw.

Judge 1: We will now take appearances.

Senior Crown: May it please the Court, my name is _____ and I appear for the Crown with my learned friend _____.

Senior Defence: May it please the Court, my name is _____ and I appear for the accused, Catherine Shaw, with my learned friend _____.

Judge 1: Thank you.

Senior Crown: Your Honours, I will now hand up the indictment.

The Crown hands to the Sheriff's Officer a copy of the indictment.

The sheriff's officer hands it to Judge's Associate 1.

Judge's Associate 1 hands it to the judges.

Judge 1: **Associate, please arraign Ms Shaw.**

Judge's Associate 1: **Catherine Shaw please stand.**

The accused stands.

Judge's Associate 1: **You are charged that on 1 July 20xx at Canberra, in the Australian Capital Territory, you dishonestly appropriated property belonging to The Bachelor, namely five red roses, with the intention of permanently depriving the Bachelor of the five red roses. Are you guilty or not guilty of that offence?**

The accused: **Not guilty.**

Judge 1: *The accused sits down.*

Judge 1 faces the jury and addresses them.

You, as the jury, are the judges of fact and the three judges on this bench are the judges of the law. That means you decide the facts, or what happened, according to the evidence you hear in court. You are not 'amateur detectives' and you must not independently investigate or 'solve' any part of this case. Instead, you must decide what happened and you decide your verdict based only on what you hear and see in this courtroom. It is essential that you bring a fair and impartial mind to assessing that evidence.

The accused has been charged with the offence of theft. The Crown, which is sometimes also called 'the Prosecution', must prove their case beyond a reasonable doubt. The Crown must prove that Catherine Shaw dishonestly appropriated property belonging to someone else with the intention of permanently depriving the other person of the property.

We will now hear the opening statement of the Crown.

Senior Crown: **Members of the jury: The accused, Catherine Smith, has been charged with the offence of theft. The Crown's case is that on 1 July 20xx, the accused took 5 red roses from the set of the reality television show The Bachelor, with the intention of permanently depriving The Bachelor of those roses.**

Specifically, the prosecution alleges that at approximately 8.55pm, 5 minutes before the rose ceremony, the accused went in to the room in the Bachelor Mansion where the rose ceremony was about to take place. The accused took all 5 red roses arranged in a pile on a silver platter, placed on the table by the exit door.

The prosecution case is that the accused took the roses because she wanted to prevent the other contestants from receiving a rose from the Bachelor during the rose ceremony. The Crown's case is that the accused was motivated by her jealousy of the other contestants, and she wanted to stop the other contestants from receiving a rose and staying on the show for another week. The prosecution alleges the accused intended to permanently take the roses.

The Crown will call two witnesses:

Blake Hunter, a member of the production team working in the Bachelor Mansion that night.

We will also call Charlie Swan, a member of the production team responsible for the emotional well-being of the contestants.

Judge 1: **Thank you. Please call the first witness.**

Senior Crown: **The Crown calls Blake Hunter.**

The witness walks to the witness box and stays standing.

Sheriff's Officer **Would you like to make an oath or affirmation?**

Blake Hunter: **An affirmation.**

Sheriff's Officer: Please read the following words aloud, facing their Honours:

Blake Hunter: I solemnly and sincerely declare and affirm that the evidence I shall give will be the whole truth and nothing but the truth.

The witness and the Sheriff's Officer sit down.

Senior Crown: *(Facing the witness)* Where were you on the evening of 1 July 20xx?

Blake Hunter: I was at the Bachelor Mansion, filming the cocktail party that evening. I'm a cameraman and I was stationed in the terrace area. My camera was set up at the top of the stairs that go from the garden below up to the room where the rose ceremony takes place.

Senior Crown: What did you see about 5 minutes before the rose ceremony was due to start?

Blake Hunter: Well, a group of contestants were all standing at the top of the stairs in front of me, because the Bachelor had gone off with one contestant to have 'a chat' in the garden. They wanted to see what was happening.

Senior Crown: Could you see Catherine Shaw?

Blake Hunter: Catherine was standing on the terrace, towards the back of the group. She didn't seem very interested in what was going on in the garden. She looked distracted, and a bit uneasy.

Senior Crown: Do you remember what colour dress the accused was wearing that night?

Blake Hunter: She was definitely wearing a long blue dress. It was a bright, electric blue colour – you could see it from a mile away.

Senior Crown: What happened next?

Blake Hunter: I was still filming Hannah, but I saw the same person

in the blue dress leave the room through one of the doorways that goes back in to the Bachelor Mansion.

Senior Crown: Did you notice anything?

Blake Hunter: The person in the blue dress was definitely holding something red in her right hand. I'm sure it was five roses – the person was holding them by the stem and the roses were pointing downwards.

Senior Crown: Thank you.

(Facing the judges) **Your Honours, I have no further questions.**

Judge 1: Thank you. Counsel for the accused, you may now cross-examine the witness.

Senior Defence: *(Facing the witness)* You were filming the contestant called Hannah in the five minutes before the rose ceremony, weren't you?

Blake Hunter: Yes.

Senior Defence: So your attention was on your camera and you were only watching what was going on through the camera, weren't you?

Blake Hunter: Yes. Well, the image of what I'm recording is actually on a screen that sits next to the camera. My eyes were on that screen.

Senior Defence: So you only saw the person in the blue dress from the corner of your eye, because your eyes were actually looking down at the camera screen, is that correct?

Blake Hunter: Yes.

Senior Defence: And you couldn't see them clearly enough to identify them, could you?

Blake Hunter: No.

Senior Defence: How drunk do the contestants get during cocktail evenings?

Senior Crown: *(stand up and face the judges)* **Objection your Honours, on the grounds of opinion.**

Judge 1: Yes, I believe the question you just asked the witness about how drunk the contestants were would require the witness to give an opinion. The witness could describe how people were acting, but it would be inappropriate for the witness to speculate that they were 'drunk' or not. That would be an opinion.

Senior Defence: May it please the Court. I withdraw the question.

There were other contestants wearing blue dresses that night, wasn't there?

Blake Hunter: Yes. Catherine, the accused, and another contestant called Stacey had a pretty big fight about it. Stacey thought their dresses were too similar, but Catherine refused to wear something else.

Senior Defence: *(facing the judges)* No further questions.

Judge 1: *(facing the witness)* Thank you. You may step down.

Blake Hunter leaves the witness box and returns to the public gallery.

Senior Crown: Your Honours, the Crown will now call our second witness, Charlie Swan.

Charlie Swan walks to the witness box and sits down.

Sheriff's Officer: Would you like to make an oath or affirmation?

Charlie Swan: An affirmation.

Sheriff's Officer: Please read the following words aloud, facing their Honours:

Charlie Swan: I solemnly and sincerely declare and affirm that the evidence I shall give will be the whole truth and nothing but the truth.

The witness and the sheriff's officer sit down.

Junior Crown: Charlie Swan, what is your role on The Bachelor?

Charlie Swan: I'm part of the production team. I'm responsible for helping manage the emotional wellbeing of the contestants on the show while they're in the Bachelor Mansion.

Junior Crown: What was the relationship between the accused and the other final 5 contestants like?

Charlie Swan: Everyone can go a bit stir-crazy in the Mansion. The accused was no different.

Junior Crown: Did you talk to the accused at the cocktail party the night in question?

Charlie Swan: Yes, at the cocktail party we had a chat and she talked about how jealous she was of the other girls spending time with the Bachelor. I got the feeling that she would have done anything to see them be eliminated.

Junior Crown: *(facing the judges)* I have no further questions.

Judge 2: Thank you. Counsel for the accused, you may now cross-examine the witness.

Junior Defence: Part of your job is to provoke drama amongst the contestants, isn't it.

Charlie Swan: Yes, that's part of it.

Junior Defence: So on the night of the cocktail party, when you were talking to Catherine Shaw, part of your aim was to rile her up and make her jealous and angry, wasn't it?

Charlie Swan: Yes. I knew she was feeling a bit hurt after not being

given a single date card by the Bachelor, and so I suppose I did suggest to her that she should feel pretty angry towards the other girls.

Junior Defence: So when you say that you talked about how jealous she was, you actually mean that it was you who was suggesting to her that she should feel jealous and angry, wasn't it?

Charlie Swan: Yes, but she didn't deny it.

Junior Defence: All the girls in the Mansion were highly emotional by this stage of the competition, weren't they?

Charlie Swan: Yes, it was getting very tense and difficult with only 6 contestants left.

Junior Defence: And other girls had also told you how jealous they were and how desperately they wanted to have the Bachelor to themselves, hadn't they?

Charlie Swan: Yes.

Junior Defence: *(facing the judges)* I have no further questions.

Judge 2: *(facing the witness)* Thank you. You may step down.

The witness leaves the witness box and returns to the public gallery.

Junior Defence: That is the end of the Crown's evidence. The Crown rests its case.

Judge 3: We will now hear from the Defence.

Junior Defence: Thank you, your Honours. The Defence does not wish to call any witnesses and relies on the evidence of the Crown's witnesses. The Defence rests its case. We are ready to proceed to closing submissions.

Judge 3: Yes, we will now move to closing submissions. The Crown will go first.

Junior Crown:

(facing the jury) **Members of the jury. Today you have heard evidence from two witnesses in the case. Blake Hunter gave evidence that from his position right near the door to the rose ceremony room that he saw someone in the blue dress leave the group of contestants, walk in to the room, and take 5 roses.**

Blake Hunter also gave evidence that the accused was standing with the group and was clearly distracted. The accused was wearing a very distinctive, bright blue dress that was easy to recognise from a distance.

Charlie Swan gave evidence of the accused's bad relationships with the other contestants, and that the accused was very jealous of the other contestants. The evidence was that she would do anything to see them eliminated.

It is the prosecution's case that it is clear on the evidence that Catherine Shaw was seen walking in to the rose ceremony room, walking out with the 5 roses, and she had a clear motive for committing the offence of theft.

Members of the jury, in this case you should be satisfied beyond a reasonable doubt that the accused, Catherine Shaw, did commit the offence of theft. You should return the verdict of 'guilty'.

Junior Defence:

(facing the jury) **Members of the jury. The prosecution has clearly failed to prove its case beyond a reasonable doubt.**

Blake Hunter could not clearly identify who it was who went in to the room because his attention was completely focussed on the screen on the camera. His evidence about seeing things from the corner of his eye is unreliable and you should give it little weight.

Catherine Shaw was not the only contestant wearing a blue dress that night. Catherine Shaw was not the only

contestant who was feeling a little 'stir-crazy' after being in the Mansion for 10 weeks. In fact, the evidence of Charlie Swan was that Catherine Shaw may not have even really said that she was jealous and angry.

The prosecution has failed to establish the facts that it says prove that Catherine Shaw took the roses and didn't intent to return them.

Members of the jury, the only possible verdict to return on the evidence you have heard is 'not guilty.'

Judge 3:

Thank you Counsel for the Crown and for the accused.

Members of the jury, you have now heard all the evidence and the arguments of the prosecution and the defence. It is now your task to consider that evidence and decide your verdict. We will give you a brief moment to talk amongst yourselves. You should not place any pressure on one another, and you must all be satisfied for yourself of the verdict you give.

You will now have 1 minute to discuss your verdict.

The jury deliberates.

Associate 2:

Members of the jury, it is now time to give your verdict.

Foreperson of the jury, please stand.

The foreperson stands.

Members of the jury, have you agreed upon your verdict?

Foreperson:

Yes, we have.

Associate 2:

Is the accused, Catherine Shaw, guilty or not guilty of the charge of theft?

Foreperson: **Guilty or not guilty.**

Associate 2: **It that the verdict of you all?**

Foreperson: **Yes.**

Judge 3: **Thank you members of the jury. You are now excused.**

If the verdict is guilty: **Catherine Shaw, you have been found guilty of the offence of theft, and you will be sentenced for that offence. This Court is adjourned for 4 weeks for the sentencing hearing.**

If the verdict is not guilty: **Catherine Shaw, you have been found not guilty of the offence of theft. You are free to go. This Court is now adjourned.**

Silence, all stand.

The judges all stand. Everyone in the courtroom stands.

The judges bow to the courtroom. Everyone in the courtroom bows to the judges.

Court is now adjourned.





Australian Capital Territory

Indictment

**In the Supreme Court of the Australian Capital Territory
Criminal jurisdiction**

No 347 of 20xx

In the matter of R v Catherine Shaw

The accused person is charged that:

On 1 July 20xx, at Canberra in the Australian Capital Territory, Catherine Shaw dishonestly appropriated property belonging to The Bachelor, namely five red roses, with the intention of permanently depriving The Bachelor of the five red roses.