

# Case Scenario summary, timeline, and basic rules of evidence underpinning witness examination: The Commissioner of Police v Joan Smith

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## Background

Joan Smith, a 78-year-old woman, is charged with Theft (Shoplifting) and Basic Assault (kicking a store security officer).

## Prosecution Case

- Ms Smith entered Big W carrying a large shopping bag and placed it inside a trolley.
- She shopped for food and household items, appearing agitated and muttering to herself.
- In aisle 4, she picked up batteries and appeared to place them inside her shopping bag.
- At checkout, she paid for other items but not the batteries and declined a receipt.
- SSO Mr Ice confronted her in the car park, found batteries in her bag, and alleges she kicked him.
- While waiting for police, Ms Smith allegedly admitted this was her first time taking something without paying.
- Police interview notes suggest she said: 'I didn't mean to do it' and mentioned financial hardship.

## Defence Case

- Ms Smith denies theft and assault, claiming she forgot to pay for batteries due to stress.
- She placed batteries in her bag to separate them from food items.
- She denies acting furtively and denies kicking the SSO.
- She disputes making admissions and says police notes are inaccurate.
- Medical report indicates confusion under stress and possible early dementia.

## Agreed Facts

- CCTV partially supports SSO's account but is poor quality and obstructed.
- Car park CCTV destroyed.
- Receipt confirms batteries unpaid.
- SSO made no contemporaneous notes; assault allegation first appears weeks later.

## Summary Table: Strengths and Weaknesses

Party	Strengths	Weaknesses
Prosecution	Receipt proves batteries unpaid SSO observed concealment Alleged admissions to SSO and police	Poor CCTV quality No contemporaneous notes Delayed assault allegation
Defence	Medical evidence supports confusion No clear CCTV proof SSO credibility issues	Batteries unpaid Statements to police suggest guilt

## Timeline of Events

1. Entry to store with shopping bag
2. Shopping and alleged concealment of batteries
3. Checkout: paid for other items, not batteries
4. Confrontation in car park and alleged kick
5. Police interview and disputed admissions
6. Medical report disclosed before trial

## Advocacy Strategies

- Structure examinations logically: Begin with non-contentious background questions before moving to critical issues.
- Maintain control during cross-examination: Use short, closed questions that require yes/no answers.
- Link questions to case theory: Every question should advance your narrative or undermine the opponent's.
- Handle objections confidently: Know the rules of evidence and respond calmly.
- Use tone and pacing effectively: Speak clearly, avoid aggression, and maintain professionalism.
- Prepare for witness demeanor: Anticipate emotional responses and adjust questioning style accordingly.
- Reinforce key points in closing submissions: Summarize how evidence supports your theory of the case.
- Practice courtroom etiquette: Stand when addressing the court, and maintain respectful language at all times.

## Sample Objections and Responses

### Leading Question:

Objection: The question suggests its own answer. Response: Rephrase to open-ended or explain it's foundational.

### Hearsay:

Objection: The statement relies on out-of-court assertions. Response: Argue exception (e.g., admission) or relevance to state of mind.

### Relevance:

Objection: The question is not related to facts in issue. Response: Explain how it establishes context or credibility.

### Opinion:

Objection: Witness is giving an opinion without expertise. Response: Clarify it's based on personal observation, not expert opinion.

### Argumentative:

Objection: The question argues rather than seeks facts. Response: Rephrase to factual inquiry.

### Speculation:

Objection: Witness asked to guess or assume. Response: Limit to what the witness directly observed.

### Asked and Answered:

Objection: Question repeats prior inquiry. Response: Explain necessity for clarification or repetition

### Compound Question:

Objection: Multiple questions in one. Response: Separate into distinct questions.