

Crown Witness #1 – Constable Kellsted

As Cst. Kellsted you will say that you are a member of the identification section of Williams Lake R.C.M.P. Detachment. You were called to #18 Cariboo Place on October 29, 1990, arriving at approximately 02:33 hours. You will say that the Cariboo Place townhouses are located on Second Avenue North near Western Avenue in the City of Williams Lake, British Columbia.

You attended the scene to take photographs and seize exhibits. You took the following photographs. These photographs will become court exhibits.

EXHIBIT 1A

A photograph of the deceased, identified to you as Kevin Steel. He is lying in an upstairs hallway and his head has been “blown away,” apparently from behind. He is wearing jeans, a Harley Davidson t-shirt, and biker boots.

EXHIBIT 1B

A photograph of a .303 rifle, observed on the floor in a bedroom (also visible on a dresser in an ornamental rooster).

EXHIBIT 1C

A photograph of the accused taken at the R.C.M.P. detachment at 04:14 hours. She is wearing jeans, a Harley Davidson t-shirt, and biker boots. She has a tattoo on her arm and her hair style is slightly “wild”. She has very obviously been crying.

EXHIBIT 1D

You took this photograph when you returned to the scene that same day at 09:18 hours. It shows the backyard of #18 Cariboo Place—the barbecue, beer boxes on the picnic table, etc.

How to prepare these exhibits

If you can, take some photographs of the person who is playing the role of Nicole Girard. Ideally, she will dress the part in order to be photographed. For the other photographs, you will have to improvise. For exhibits 1A and 1B, look for magazine pictures and past them onto a firm piece of cardboard. You may wish to construct exhibit 1D in your own backyard, or develop a collage from magazine pictures.

If you are unable to take photographs, prepare some drawings and paste them on pieces of cardboard. For the purposes of this mock trial, you can describe them as photographs.

Familiarize yourself with these exhibits in detail, because you will have to answer questions about them in court.

The court clerk should assist you in preparing these exhibits, because during the trial, the exhibits are the court clerk’s responsibility.

Crown Witness #2 – Kim Kendricks

In this mock trial you are going to play the role of Kim Kendricks, a high school English teacher.

You live in a town house (#16) complex known as Cariboo Place. You and your spouse returned home about midnight on Saturday, October 28, 1990. You noticed that your neighbours in #18 were partying—people were coming and going, barbecuing, and a ghetto blaster was blaring heavy metal rock. You could see many cases of beer on a picnic table.

You will say that when you went to bed at about 1 a.m. you covered your head with a pillow. You will say that otherwise “it sounded like a rock concert going on at the end of my bed.”

But things did quiet down about 1:30 a.m.

About 2 a.m. you heard an argument. You recognized the voices as those of your neighbours: Kevin Steel (known as “Rooster”) and his girlfriend, Nicole Girard. You recall hearing Nicole say, “I didn’t do anything to your sister. I didn’t do anything.”

You got out of bed to look out the window, but did not see anything out of the ordinary.

But just a few minutes after things quieted down again, you heard a loud bang. You thought it was a car backfiring. Then you heard another bang and realized that the noises were gunshots.

You got up and went to the window again. You heard a sound like a child crying. Then you could hear a woman’s voice in the neighbouring yard. The woman said, “*!*, he punched me in the face. He punched me in the face!”

You saw the woman wandering around the yard briefly before going back into the town house.

You telephoned the police at 2:07 a.m. While you were still on the telephone, two police cars arrived. You saw officers emerge with their guns drawn.

On cross-examination, you will say that during the course of the argument you could hear a woman screaming and, “I knew somebody was getting a beating.” The screams were those of “pain and fear.” The woman wandering around the yard after gunshots was Nicole, who was “completely hysterical.”

You will recall also hearing Nicole say, “I killed him. You guys are my witnesses. You guys are my witnesses!”

You will say that usually Rooster and Nicole were quiet enough neighbours. But sometimes the engine noises and exhaust from their Harleys were annoying.

Crown Witness #3 – Ken Cato

You are 22. You and Rooster had been best friends since childhood; the two of you used to shoot pool, drink beer, talk shop, etc. together.

You will explain to the court that you met Nicole when she and Rooster started going out, and that Rooster lived with Nicole for about four years until she murdered him.

You were at the party that night. Nicole and Rooster's sister, Wendy, argued about something and Wendy left. After that, Rooster and Nicole were arguing and then she went into the house. Rooster followed. You then heard a rifle shot and Nicole came running out screaming that she had killed Rooster and continued shouting other things that showed how upset she was.

Nicole and everybody else at the party drank lots of beer, but Nicole wasn't so drunk that she didn't know what she was doing.

You will also explain that in the beginning the relationship between Rooster and Nicole was all right. They were "just like any two kids starting up." But as time went on, they had "a few problems."

There was a lot of arguing and yelling, usually because Nicole objected to Rooster inviting his friends and relatives over to party. In your opinion Nicole "seemed snotty" and Rooster was an "aggressive guy who always wanted to be right."

When Rooster and Nicole argued and she got "mouthy," Rooster would "warn her" by making comments such as, "You know, if you keep it up, you're going to get it."

At such times you would usually leave because, "I don't like to be around stuff like that." Sometimes the arguments wound down when Nicole went upstairs to "get away from it all."

There were a few times when you actually saw Rooster and Nicole slapping and hitting each other. At other times you saw them after they had been fighting. On those occasions, "She looked like a mess and was always crying," and Rooster sometimes wound up with scratch marks on his arms, chest and face.

You remember an incident a month or so before Rooster was killed. You were helping Rooster move a couch into the town house. Rooster called Nicole to hold the front door open, but she really took her time about it. Then she started mouthing off at Rooster and he slapped her. She ran upstairs and came back with the .303 rifle. She stood on the stairs and said to Rooster, "If you ever touch me again, I'm gonna kill you." Rooster's response to this was, "You wait, you're gonna get it." You said, "I'm not putting up with this," and left.

You will explain that Nicole moved out a few times but always returned within a few days or a week.

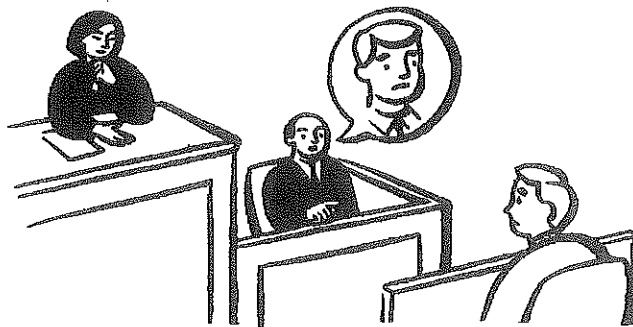
You used to tell Rooster that he should just “let her go...there’s all kinds of other girls out there.”

On cross-examination, you will say that apparently Nicole had been asleep the time you and Rooster arrived to move the couch. You will agree that Rooster yelled words to the effect, “Hey, ****** bitch, get down here right now,” and that she was a “little upset” by Rooster’s yelling and name-calling.

On cross-examination you will also agree that you had seen Rooster throw Nicole “into walls, across the room, over the couch-stuff like that.” You will say that “it was his business...I didn’t want to get involved,” and that you had told Rooster not to beat on Nicole when you were around.

On cross-examination, you will also say that Rooster “had never really been very violent until he met Nicole.”

You will add that while Nicole was afraid of Rooster, “a lot of times she wasn’t because she was very aggressive and she never backed down...she always fought back.”



Crown Witness #4 – Constable Stevens

In response to a radio call you went to #18 Cariboo Place, arriving at 02:12. The accused was seated at a picnic table in the backyard. Ken Cato and Joanne Wright were there as well. When you first saw the accused, she was upset and had been crying. She looked up at you and said, "I didn't mean to do it."

Your partner, Cst. Arthur, went into the house briefly and returned to tell you that there was the body of a man—identified as Kevin Steel—inside.

You then told the accused that you were arresting her for murder. You "Chartered" her and warned her. (This means that you told her what her rights were, as they are guaranteed by the Charter of Rights.) You then told her, "Let's go," and she got into your police car. On the way to the detachment office the accused was crying and holding her head in her hands. You remember that she said:

"He kept beating me all the time...I couldn't take it any more.
I hope he lives...I really love him...I'm too young to go to jail...
He told me he was gonna kill me when everyone left..."

At the detachment office the accused was fingerprinted, photographed, and booked in. She then telephoned a lawyer, who arrived about 04:30 hours. The accused gave a tape-recorded statement commencing at 05:50 hours. Her lawyer was present.

(You need to arrange with Nicole Girard to tape her statement. The tape will be played at the mock trial, and the Crown will ask you when you made the tape, and who was present. The transcription of the tape will be entered by the Crown as exhibit #2. The court clerk should assist you in preparing the taped statement because during the trial, the exhibits are the court clerk's responsibility. The statement made to you by Nicole Girard is contained in her role sheet. You need to familiarize yourself with that statement, because it contains questions that you must ask Nicole.)

On cross-examination you will recall that as she was being booked in, the accused said:

"He hit me twice...He's done it before...Check the records...
He kept egging me on, telling me to shoot him..."

You will also say that the accused appeared to be genuinely distressed about Kevin Steel's death and was totally cooperative with yourself and the other police officers. After the statement was completed and the accused was told she was to be held in custody, she asked if she would be released to attend the funeral.