

Defence Witness #1 – Dr. J. Holmes

You are a medical doctor and you have been practicing in British Columbia for 10 years. You supervise the emergency department at Cariboo Memorial Hospital in Williams Lake.

You do not know the accused personally, but you have examined the hospital records concerning her. They record the fact that you treated her occasionally between January 1987 and October 1990. The records show she made the following visits to the emergency department.

- 1) June 26, 1987. She complained of chest pain. Dr. Judy Fothergill noted tenderness and some bruising.
- 2) August 15, 1987. She complained of a sore toe. X-rays revealed that it was broken. She said she had dropped a cement block on her foot.
- 3) October 10, 1987. She again complained of chest pain. She told Dr. Sandy Desai that she had been kicked while trying to stop a fight.
- 4) October 24, 1987. She complained of pain in her left hand and a swollen nose. X-rays revealed broken bones in her hand and a fractured nose. Dr. Desai also observed that she had a black eye. She told Dr. Desai that she had fallen from a horse a week previously.
- 5) December 23, 1987. She attended with a Mr. Kevin Steel, who she said was her boyfriend. She left before being examined. She had wanted a prescription for pain killers but had been told it could not be issued until after she had been examined.
- 6) November 2, 1988. She attended with her father. She complained of a cut finger, which was stitched.
- 7) June 8, 1989. She attended with Mr. Steel. Her lip was cut and bleeding, requiring stitches. Mr. Steel said that she had fallen against the kitchen table.
- 8) December 1, 1989. She attended with her sister. She had a large bruise over her left eye, a bruise over her nose, which was bleeding, and scratches on her neck. Her teeth were painful to the touch. She said that she had fallen down the stairs when she got in the dark to go to the bathroom.

On cross-examination, you will say that you saw the accused yourself on December 1, 1989. Your notes record that you told her that you did not believe her story. Your notes also record that you asked her if she was being beaten by her common-law husband.

You will say that the accused emphatically denied this and said that she and Kevin Steel were planning to marry and start a family soon.

Defence Witness #2 – Dr. D. Longsio

The role of Dr. Longsio is critical to the success of this mock trial. The role cannot be precisely scripted.

You must acquire some real background knowledge about the subject and must be thoroughly familiar with all the evidence in the case, particularly Ken Cato's testimony and the subject of wife assault. To prepare for your role, you also need to examine the statement made by Nicole Girard and Ken Cato's testimony. Be sure to review their role sheets in detail.

As Dr. Longsio you will say that:

You are a psychiatrist who practices in Vancouver.

You have a private practice and you also lecture as an associate professor at U.B.C. Your special area of interest and expertise is family violence, wife assault and abuse. You will be accepted as an expert witness and will testify about the "Battered Wife Syndrome."

You will say that:

- 1) You saw Nicole four times in the fall of 1990. Your purpose was to prepare an opinion for Nicole's lawyer.
- 2) You have listened to the testimony of all the other witnesses during this trial.
- 3) You have interviewed Nicole's mother and read the various police reports made available to you by Nicole's lawyer.

You will say that in your opinion:

- 1) Nicole's killing Kevin Steel was "a reflection of her catastrophic fear" following more than three years of a "very chaotic and brutal relationship."
- 2) That the killing happened in a "moment of fear" when Nicole believed her own life was again in danger, had "totally lost control." And "felt she had to defend herself."
- 3) That the alcohol Nicole had been drinking, the marijuana she had been smoking, and the psychological stress from another threatening confrontation with Kevin "all came together and resulted in this ultimate, catastrophic act." (Counsel will ask about the marijuana, and you will say that Nicole told you she had been smoking it that night.)

- 4) That Nicole is a “tragic” person with a “disturbed personality” and a “sense of helplessness.” She “allowed herself to be beaten” and told transparently false stories to account for her injuries. You will explain that such conduct is typical for battered women.
- 5) That Nicole stayed in the relationship for two typical reasons. Firstly, she was “paralyzed with fear” and thus unable to withdraw. Secondly, Kevin was always remorseful and begged for forgiveness after beating Nicole. He would give her flowers and other presents and would promise that it would never happen again. (Counsel will ask you how you know that Kevin did these things and you will say that Nicole told you.)
- 6) That when Nicole did leave Kevin she always returned because of her disturbed personality, her sense of helplessness and vulnerability, and her “victim mentality.” And because she loved him.
- 7) That the “discordant quality” of the relationship was “definitely escalating” in the weeks before the killing. Nicole told you so and it is also apparent from the fact that they were sleeping in separate bedrooms. Intimacy was lacking and tension was building. Nicole felt “threatened and overwhelmed by this man who had damaged her for so long,” so badly and so often.

In your opening statement to the jury, which you can develop using the Judge’s File in “Guide to Mock Trials: The Basics,” remember to include the admissions, so that the jury understands what is going on. You should read “Admissions to be made,” in this guide.

