

REGINA vs. LOW

Assault Case

9 Roles

Judge

Court Clerk

Deputy Sheriff

Crown Counsel

Defense Counsel

Constable Jones

Sean Jay

Curtis Low (accused & witness)

Jury & Foreperson

Clerk: Order in court, all rise.

Judge: You may be seated.

Clerk: In the Supreme Court of British Columbia this 8th day of May 2000.

Judge: Are Crown and Defense ready to proceed?

Crown: We are, My Lord. My name is _____.

Defence: We are ready to proceed, My Lord. My name is _____.

Judge: Will the Court Clerk please read the information?

Clerk: Mr. Low, please stand. You are charged that: on the 4th day of October 2001 at or near the Village of Canim Lake in the Province of British Columbia, in committing an assault of another person did cause bodily harm to Jean Jay contrary to section 267 (1) (b) of the *Criminal Code of Canada* and against the Peace of Our Lady the Queen, Her Crown and Dignity. Curtis Low, having heard this information read, how do you plead, "Guilty" or "Not Guilty"?

Accused: "Not Guilty".

Clerk: The Accused pleads "Not Guilty". (To the Accused) You may be seated.

Judge: (To the Crown) Are you ready to proceed?

Crown: Yes, My Lord.

Judge: You may call your first witness.

Crown: I call my first witness Police Constable Jones.

Clerk: Take the Bible in your right hand.

Cst.: I don't wish to swear on the Bible.

Judge: The Court Clerk will affirm the witness.

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

Cst.: I do.

Clerk: Please state your name and spell your last name for the record.

Cst.: My name is Cst. Tracy Jones. Spelled J-O-N-E-S.

Crown: Would you tell us what happened on the night of the 4th October 2001?

Cst.: In response to a 911 call, Cst. Thompson and I proceeded to house number 19 Canim Lake Rd. The door was open. We entered and a woman who later identified herself as Jean Jay was sitting on the couch crying. Her face was covered in blood and she was holding her side. I asked who had done this. She replied, "That pig Curtis". I asked "Curtis who"? She replied "Curtis Low". Cst. Thompson had gone to radio for an ambulance as Ms. Jay looked to be in some pain.

Crown: After Ms. Jay had replied "Curtis Low", then what happened?

Cst.: I asked where Curtis was. She replied that she did not know. That he had run out the back door when he saw us arrive. Cst. Thompson had returned and I went to the back door and heard sounds in the bushes. I called out, "This is the police. Come on out Curtis". He came out with his hands in airplane style out at his side. Cst. Thompson went over and handcuffed him and I Chartered him and read him his rights from my card. I then put him in the back of the police vehicle and, after taking a statement from Ms. Jay, I took Curtis into 100-Mile House, where I took a statement from him.

Crown: What did Mr. Low say in his statement?

Cst.: I asked what happened and he replied, "I don't know, but if I hit the witch, she must have deserved it". He then said he had nothing more to say. After questioning him some more, I found he would not respond, so I had him lodged in cells.

Crown: Do you see Curtis Low in Court today?

Cst.: Yes.

Crown: Please describe him.

Cst.: He is sitting in the accused box wearing a _____ shirt.

Crown: Thank you Officer. No further questions. Please answer any questions my learned friend may have.

Judge: Does the Defense wish to cross-examine?

Defense: Yes, My Lord. Officer Jones, did Mr. Low appear to understand what was happening?

Cst.: Yes.

Defense: Did he respond when you read him his rights?

Cst.: Yes, not only did he respond, I had him tell me what I had said. He replied, "I don't have to say nothing".

Defense: Did he appear drunk?

Cst.: I could smell liquor, but he was not staggering nor was his speech slurred.

Defense: Did he have any apparent injuries

Cst.: He appeared to have some bruising on his cheek.

Defense: Thank you. No further questions.

Judge: Any re-examination?

Crown: No, My Lord.

Judge: Thank you Constable, you may step down.

Crown: I call my next witness, Jean Jay.

Clerk: Take the Bible in your right hand. Do you swear that the evidence you shall give is the truth, the whole truth, and nothing but the truth, so help you God?

Jean: I do.

Clerk: Please state your full name and spell your last name for the record.

Jean: My name is Jean Jay. Spelled J-A-Y.

Crown: Tell us what happened to you on the 4th of October 2001.

Jean: Curtis went out with his friend, Fred, and I stayed in the house and watched TV. At about 1:00 a.m., I went to bed. I was worried that if he was drinking, he might come home and hit me.

Crown: What time did he come home?

Jean: About 2:00 a.m. He came in and he was pretty quiet. As he walked through, he put on all the lights. Then I heard him say, "Is that witch pretending to be asleep"? And with that he came into the bedroom.

Crown: Please continue.

Jean: I had my eyes closed, but I felt that he was quite close. Then he took hold of my hair and pulled me out of bed. He held my head back and punched me in the face. I know my nose was broken. He then threw my face down on the floor and kicked me in the ribs.

Crown: Did he say anything?

Jean: Yes. He said, "You've been partying with Freddie"!

Crown: What happened then?

Jean: He had sex with me.

Crown: Did you try to stop him?

Jean: No, sometimes it is the only way he will stop hitting me.

Crown: What happened then?

Jean: He went to the bathroom. I was hurting so bad I crawled into the living room and called 911. I said, "Hurry, I have been beaten", and then gave them my address. The woman said to stay on the phone, but I heard the toilet flush, so I hung up and pulled myself up on the couch. That is how he found me.

Crown: Did he hit you again?

Jean: No, he went and got a pop from the fridge and told me to wash my face because it was covered in blood. I said it hurt to move. He went into the bedroom and lay on the bed. I was crying, and he shouted, "Shut up, for God's sake, it's getting on my nerves". It went quiet and I wondered if the police were coming when I heard the cars.

Crown: Did he hear them?

Jean: Yes, because he said, "Here's the cops"! Then he came out of the bedroom and said, "What the hell are they doing here"? I didn't say anything. He opened the door a little to see where they were going and said, "They are coming here". Then he ran out the back and they came in the front.

Crown: Do you think he was surprised at them coming?

Jean: Oh yes! I have never called them before and I think he thinks it is just a normal thing to do. Come home on a Saturday night and beat me.

Crown: Where did this happen?

Jean: 19 Canim Lake Road, BC.

Crown: Thank you, those are all my questions. Please answer my learned friend's questions.

Judge: Does the Defense wish to cross-examine?

Defense: Ms. Jay, is it not true that on the night of the 4th of June when Curtis came home, you called him a drunken pig and hit him with a walking stick?

Jean: No. I told you what happened. I was in bed when he came in.

Defense: Isn't it true that you have a history of violence?

Jean: No.

Defense: Are you saying you have never hit Curtis?

Jean: No.

Defense: Then have you hit Curtis?

Jean: Only in my own defense. When he has beaten me in the past, I have tried to stop him by hitting him back, but it just makes things worse.

Defense: If, as you say, you have been beaten in the past, why have you continued to stay with him?

Jean: Where am I going to go? I have no working skills and I've got two children.

Defense: Thank you. No further questions.

Judge: (To the Witness) You may step down.

Crown: That concludes the Crown's case, My Lord.

Judge: (To the Defense) Will you be calling any witnesses?

Defense: Yes, My Lord, just one. I will call my client, Curtis Low, to the stand.

Clerk: Take the Bible in your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Curtis: I do.

Clerk: Please state your full name and spell your last name for the record.

Curtis: My name is Curtis Low. Spelled L-O-W.

Clerk: You may be seated.

Defense: Are you Curtis Low, and have you lived with Jean Jay for some time?

Curtis: Yes. We have been together for eight years.

Defense: Tell us what happened on the night in question.

Curtis: I had been out for a drink, and Fred had told me that he had been drinking with Jean and he said that she was "Great fun". I wasn't sure what he meant and I got mad and left straight away. I came home in the house and she was standing there, and she shouted, "You drunken pig", and she came at me with her Dad's walking stick. She went to hit my head but missed, so I pushed her out of the way. She fell over the coffee table and that's when she broke her nose. I was very upset and said, "You messed with Freddie". Then I went to the bathroom and threw up. I washed up and then came out and went onto the bed and before I knew it, the cops were there.

Defense: Did you think they were coming to your house?

Curtis: No. I hadn't done anything. I just pushed her because she went after me with the walking stick.

Defense: Had she hit you before?

Curtis: Yes, many times.

Defense: Did you ever go to the Police?

Curtis: No, they would laugh me out of the cop shop.

Defense: Why did you stay?

Curtis: I love her.

Defense: Thank you. No further questions.

Judge: Crown, do you wish to cross-examine?

Crown: Yes, Your Honor. Curtis, how tall are you?

Curtis: 6 feet, 2 inches.

Crown: And how much do you weigh?

Curtis: 240 pounds.

Crown: Are you working?

Curtis: Yes. I am a Logger.

Crown: Do you need to be physically fit for that?

Curtis: Yes, of course.

Crown: How tall and how much do you think Ms. Jay weighs?

Curtis: She is 5 feet, 4 inches and used to be 120 pounds but she looks like she has lost some weight.

Crown: If I told you she was 118 pounds, would you agree with me?

Curtis: Yes, it will be somewhere in there, but that doesn't mean she wouldn't hit me.

Crown: Just answer the questions. Had Fred had a lot to drink?

Curtis: Yes.

Crown: Had you ever known him to lie before?

Curtis: Well... he once said he saw a woolly mammoth behind the church. We told him it was just Mrs. Carlton in her fur coat, but he insisted it was a woolly mammoth.

Crown: Do you think that could be the drink talking?

Curtis: Yes, it could be.

Crown: I suggest to you that on the night in question, you were drunk and angry, you went home, entered the bedroom and attacked Jean Jay just as she described.

Curtis: No.

Crown: I put it to you that it was your fist that broke her nose.

Curtis: No.

Crown: Do you have a past record?

Curtis: Yes, but not since 1986.

Crown: What were you convicted for?

Curtis: Assault.

Crown: Thank you. No further questions.

Judge: You may return to the box, Mr. Low. Defense Council, are you prepared to make your Closing statement to the Jury?

Defense: Yes, My Lord.

(Defense tells Jury why they should acquit his client.)

Judge: Thank you. Crown, proceed with your closing statement.

Crown: Thank you, My Lord.

(Crown tells Jury why they should find the Accused "Guilty".)

Judge: It is now my turn to charge the Jury.
Members of the Jury. If you have no doubt about Curtis Low's guilt, you may find him guilty. You must find him not guilty if you have a reasonable doubt.

(The Jury goes out to Deliberate)

Clerk: Members of the Jury, have you reached a verdict?

Foreperson: We have, My Lord.

Clerk: What is your verdict?

Foreperson: We find the Accused "Guilty/Not Guilty".

Clerk: The Jury finds the Accused, Curtis Low, "Guilty/Not Guilty", My Lord. Members of the Jury, hearken to your verdict as the court doth record it. You find the Accused, Curtis Low, "Guilty/Not Guilty". Please stand to confirm your verdict.

If the Accused is found "Guilty", the Judge will decide on an appropriate sentence.

If the Accused is found "Not Guilty", he is free to go.