

Mooting

Law



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Moot By and number ment of facts: Defendant Tony Shameless is charged with an attempt to murder his wife. The prosecution relies on the testimony of Paul Burrows, a police officer in Wolverhampton, and Mr. /Ms. P Gilmore, a neighbor.

Procedural history: The police have already submitted their evidence, and the prosecution has called and cross examined Mr. /Ms. P Gilmore.

Issue presented: Mr. Shameless was drunk and “ appeared to be in fear”.

Legal reasoning:

1. Mr. Shameless was reportedly drunk during the incident, and “ appeared to be in fear”. However, he did not have a weapon on him to prove that he had an intention of killing his wife. In the cross examination, possible question would be: Did my client have a weapon on him when you saw him?
 2. The “ domestic incidents” reported in the past cannot be linked with an attempted murder in this case. On both accounts the client, Tony Shameless, was not in the house. This would provide an opportunity to ask: In your testimony you admit that your fellow officers only found Mrs. Shameless in the house after a domestic incident call. Is that correct? Moreover, the first witness testimony admits that Mrs. Shameless did not link her husband with the injuries sustained on both accounts; actually, she said that she had fallen from the stairs. The defense counsel would then ask: In your testimony, Mrs. Shameless reported that she sustained her injuries from a fall. Is that correct?
 3. The prosecution does not have a witness statement from Mrs. Shameless, the “ assaulted person in this case” nor a medical report from the hospital. This would provide an opportunity to ask: After the alleged assault, what was the doctor’s verdict? What was Mrs. Shameless version of events? In an
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attempted murder case, the prosecution should record a statement from the assaulted. A medical doctor should also provide an independent report on the cause of injuries sustained (Keane, 2008, p. 45).

References list

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