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City of Hippo v. Desmond Peters
A case file for trial advocacy training in Africa.
Adapted for 2010 Africa Law Program

By Hollis Hill

SUMMARY OF CASE

On January 5, 2010, a handbag containing jewelry and 900 KUDU-BUCKS was taken from Louisa Singano as she returned from market along Browns Road. The victim and other witnesses identified the accused, DESMOND PETERS, as the thief. Desmond Peters was present on Browns Road at the time of the theft. He was arrested immediately after the theft was reported and confessed to being a pickpocket. However, he denies taking the purse.

HIPPO CITY POLICE FORCE

Statement of Police Officer Thomas Phiri

I was called to the scene of the robbery by citizens who said this. There had been a robbery. This was on January 5, 2010 at about 5:00 p.m.

When I arrived, I met Theela Sangano and her sister Louisa. Both women were very upset. They were crying. They told me that two young boys had stolen Louisa Sangano's bag and that that the bag contained 900 KUDU-BUCKS, a gold chain and earrings.

There was another witness there. His name was Edwin Kawala. He was the owner of the bar just where the robbery occurred.

Shortly after I arrived, one boy, Desmond Peters, was brought to the scene by Said Mohamed from the market. Edwin owns a bar. Desmond is a troublemaker whose uncle runs a second-hand clothing business.

When Desmond was brought back, Louisa told me that one was 80% sure that Desmond was one of the boys but couldn't be sure.

Mr. Kwaza said that he saw the robbery take place as he walked out of his bar. He saw the robbers but that Desmond was not one of them. Mr. Kwaza also told me that Desmond's uncle is one of his best friends and that Desmond was a "good boy" who would not steal from women.

I prepared the sketch plan faithfully to the best of my ability showing the arrangement in the area of the robbery. I made measurements to do so.

This is my statement.

Signature: Thomas Phiri, P.O.

Confirmed: P/O Phiri has written the statement faithfully and obediently.

Signature: Sgt David Gitonga
Sgt. David Bengu

HIPPO CITY POLICE FORCE

Statement Sheet

Name: Louisa Singano, Victim
Employment: Housewife
Age: 22 years
Residence: 367 Browns Road

BPS 1/5/2010 18:05

Declaration: I declare that this statement is true to the best of my knowledge. I am making this Declaration knowing that it can be used as evidence in court. I also know that if the statement is not true or I have said anything which I do not believe, then severe measures will be taken against me according to the Criminal Code.

My Signature: Louisa Singano

I am the addressee of the above-mentioned name and address and this is my statement. I am 25 years old. I wear eyeglasses to see long distances. I was not wearing my glasses on the day I was robbed, but I could see perfectly well. I have never had my vision tested, but the only time I have trouble seeing is at night when my eyes are tired. I do remember that on 1/5/09 at about 15:30 hours in the evening I left home going to the Municipal Market to look for home necessities. I left with my sister. After I reached the market I bought what I wanted and proceeded home holding a plastic bag which had a purse in it. The purse had 900 KUDU-BUCKS and gold earrings. Suddenly there were two young boys who were following us and as we reached Browns Road one young man told me "sister you are being robbed". When I looked around, I saw my bag had been torn by a razor blade and I saw two boys running away and one of the boys passing my purse to another boy. The boys were 12 or 13. They were wearing brown pants. One had a white shirt on. The other was wearing a blue T shirt. I could not see their faces. Mohammed managed to catch one of them who had no purse and we helped Said to bring the culprit here at the police station for legal action. I did not see Said Mohamed grab Desmond. This happened after Mohamed rounded a corner. Mohamed brought Desmond back to where I was standing. I asked Desmond why he stole my purse and where my purse was. Desmond said that he didn't know. Desmond did not deny stealing my purse. He did not admit stealing it, either. I am sure that Desmond stole my purse. I recognized him immediately when Mohamed brought him back to me. Desmond was wearing a blue T shirt when he was brought back to me. The property stolen is worth 2000 KUDU-BUCKS. I know that the purse was very nice. My now deceased mother gave it to me for my birthday several years ago. I was so pleased to receive it that I took a photograph of it, and gave it to Officer Phiri. I have no more to say.

This has been read to me and it is correct and here is my signature.

Louisa Singano

P/O Phiri confirms to have written the statement of the complainant correctly and faithfully.

Thomas Phiri, P.O.

HIPPO CITY POLICE FORCE

Statement Sheet

Name: Theela Singano, Witness
Employment: Student
Age: 19 years
Residence: 356 Sclater Road

NPS 1/5/2010 18:30 hrs

Declaration: I declare that this statement is true to the best of my knowledge. I am making this Declaration knowing that it can be used as evidence in court. I also know that if the statement is not true or I have said anything which I do not believe, then severe measures will be taken against me according to the Criminal Code.

My Signature: Theela Singano

I remember that on 1/5/09 at about 17:00 hours in the evening as I was coming from the market where I went to buy some of my necessities. I was with my sister by the name of Louisa, daughter of Singano. When we reached Browns Road, there were two young boys who were following us from behind. I did not pay particular attention to them, although I knew that boys like that often steal from people who go to the market. When I see boys like that, I make sure that I protect my property.

The boys approached us very quickly. All of a sudden, I saw them run ahead of us holding Louisa's bag. One boy passed the purse to the other.

Fortunately, there was a young man by the name of Said Mohamed, a good Samaritan, who had seen the youths who stole from us by cutting our bag and stole our purse which had in it 900 KUDU-BUCKS. I saw Mohamed run by us in pursuit of the boys who stole the purse. A short time later, he came back with one of the boys who was wearing a blue T shirt. Then the police arrived. I told the police that the boy I now know as Desmond was the boy who cut my sister's bag. He was the boy who took out the purse and passed it to his colleague who then ran away and has not been caught.

This is my statement.

Signature: Theela Singano

P/O Phiri confirms to have written the statement of the complainant correctly and faithfully.

Thomas Phiri, P.O.

HIPPO CITY POLICE FORCE

Statement Sheet

Name: Said Mohamed
Employment: Business
Age: 25 years -
Residence: 238 Stephen Road

MPS 1/5/2010 18:05

Declaration: I declare that this statement is true to the best of my knowledge. I am making this Declaration knowing that it can be used as evidence in court. I also know that if the statement is not true or I have said anything which I do not believe, then severe measures will be taken against me according to the Criminal Code.

My Signature: *Said Mohamed*

Statement: I am the addressee above and this is my statement. I am a petty trader selling second hand clothes in the Municipal Market. I remember that on 1/5/2010 in the evening when I was doing my business two young boys who are pickpockets passed. The two boys were Desmond and his friend. I do not know Desmond's friend's name. These boys are a nuisance in the marketplace. I have asked the police on many occasions to keep them out to the market. When I saw them I decided to follow them as I know they were carrying a plastic bag. In the bag there were some items. After a short time I saw the boys cut the bag with a razor and ran off. I was about 50 feet away from the boys when they stole the bag. The boys ran. Then I told the ladies that they have been robbed by the boys who are running. Then I ran after the boys. I lost sight of them and few times after they stole the purse. It took me about 5 minutes to catch up with them. When I caught Desmond, he was walking. He was not out of breath. I took him back to the victim. He said that he didn't cut the ladies' bag. A police officer was at the scene when I returned there with Desmond. I told the ladies we caught one of the boys and sent him to the police station where we left him. The boy we caught, Desmond, did not have any of the stolen property in his possession.

This is my statement.

Said Mohamed
Signature

P/O Phiri confirms to have written the statement of the complainant correctly and faithfully.

Thomas Phiri, P.O.

HIPPO CITY POLICE FORCE

Confession

Name: Desmond Peters

Employment: Selling second-hand clothes at the Municipal Market

Age: 12 years

Residence: Unknown

MPS 1/5/2010 13:00

Statement: My occupation is petty trading of selling second hand clothes at the Municipal Market area. This business is owned by my uncle who is known as Joseph Peter. I am a salesperson advertising the business to clients. I go through the market telling people about my uncle's business. I was born near Lake Malawi and later my parents came to Hippo City. Unfortunately all my parents are dead and I was left with my brothers whom I live with. My education is standard three, I could not continue with school as I did not have any person to pay for studies. I do not remember when I left school.

I know Said Mohamed. He is a very unpleasant man. Two weeks ago, my uncle and I sold clothes to Mohamed and received cash for the sale. Mohamed later complained to me that he did not get his money's worth. The day before I was arrested, Mohamed threatened to have my uncle and me arrested if we did not refund the money that he paid us for the clothes.

I remember on 1/5/2010 at about 16:00 hrs near the Municipal Market I saw one young boy giving a purse to another boy. He began to run. I was walking behind him. All of a sudden I heard say "this is his colleague," and they arrested me and brought me to this station. The truth is I did not grab the purse. I am not involved in doing that act. I have once been arrested and charged with negligence and loitering.

I also have a habit of pickpocketing and stealing when I do not have money for food. I steal some money but I have never been charged with this act. I know the person who stole the purse. His name is Mole. I do not know the boy who was with Mole. On this charge the person who stole is known as Mole. He lives near my residential area.

Mohammed took me back to the victim of the robbery, the lady whose property was other said "he is one of the boys who stole my purse".

This is my statement.

Signature: Desmond

Confirmed: P/O Phiri has written the statement faithfully and obediently.

Signature: Thomas Phiri, P.O.

HIPPO CITY POLICE FORCE

Statement of Edwin Kwaza

As I was leaving my bar on January 5, 2010 at about 5:00 p.m., I saw two women who I now know as Theela and Louisa Singano walking past my bar. They walked past, two boys both wearing white T shirts and brown pants, snatched a plastic bag from Louisa. This happened very quickly. The boys ran. I then saw Said Mohamed run past my door in pursuit of the robbers.

I know Desmond Peters. He is a bit of a free spirit, but he is not a thief. He was not one of the boys who stole Louisa's bag.

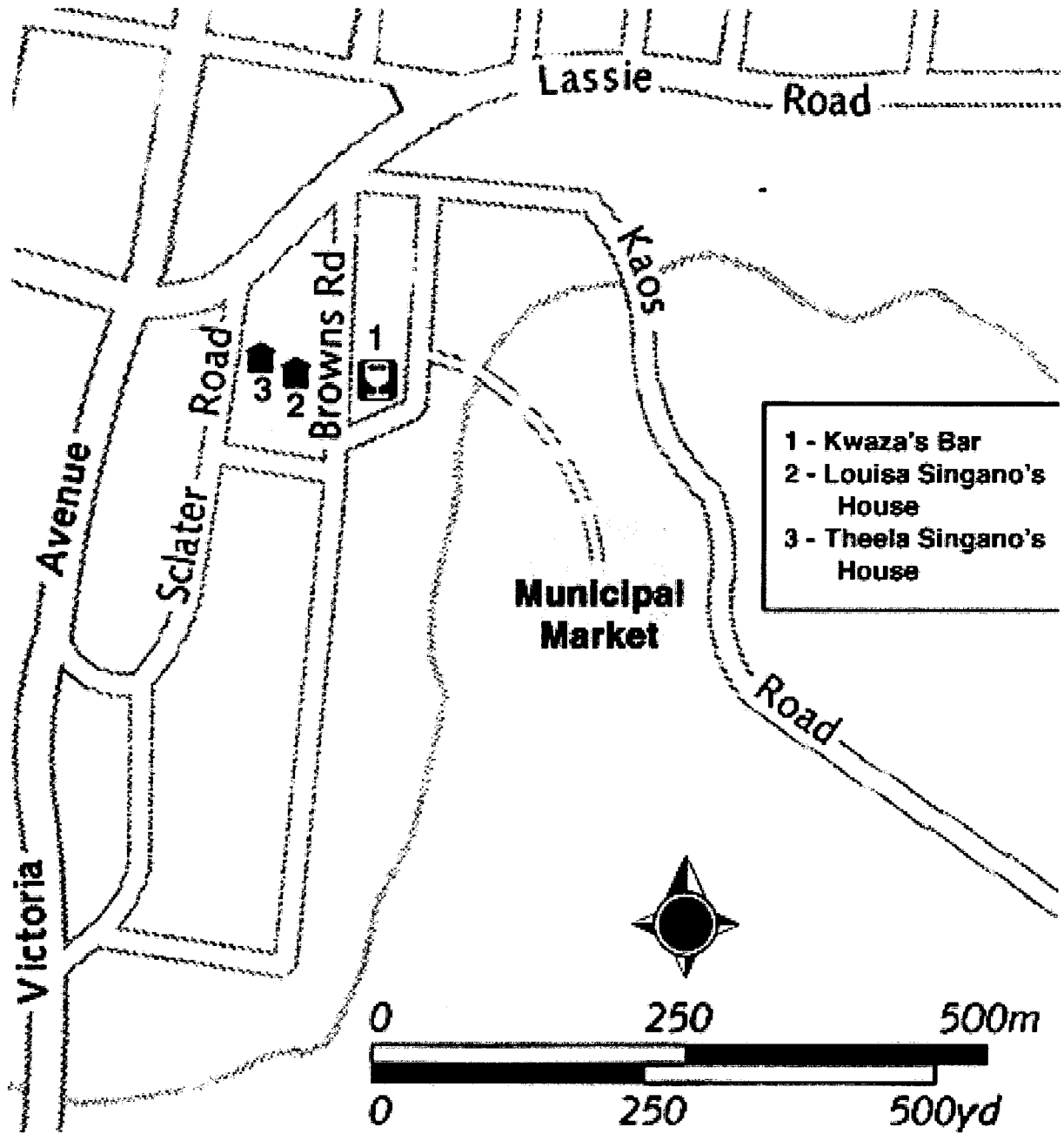
When Desmond was brought back to the scene by Mohamed, Louisa could only say that she was about 80% sure that Desmond was one of the boys who stole her bag. Theela said the same thing.

I know Mohamed. I also know that there is bad blood between Mohamed and Desmond's uncle over a clothing deal that went bad. Desmond's uncle is one of my very good friends. When Desmond's uncle told me that Desmond had been arrested, I told his uncle that Desmond had nothing to do with the robbery. I then went to the police station to make this statement.

This is my statement.

Signature: Edwin Kwaza

City of Hippo v. Desmond Peters
Sketch Plan
Prepared by Officer Thomas Phiri



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City of Hippo v. Desmond Peters
Photograph of Purse
Given to Officer Thomas Phiri by Louisa Singano

