

## STATEMENT OF WITNESS

**GOOD EXAMPLE**

**Name:** Victoria Good

**Address:** Hibiscus House, 16 Skyline Road, Nassau, The Bahamas

**Age:** 28

**Occupation:** Manager – Dog House Dog Rescue

**States:** At about 1130pm on Saturday 29 April 2006 I was at home and heard a car arrive next door, at 17 Skyline Road. I heard raised voices. I recognised my neighbour, John Rolle's voice, shouting his German Shepherd dog's name "Rudi". Then I heard a dog scream out loud three times. It was clear the voice and dog cries were coming from John's front yard as my lounge window was open. I peered between the open curtains and saw John's yard floodlight was on. I saw John, clearly, chasing Rudi around his yard with a baseball bat only about 40 feet from where I stood. I watched for about 90 seconds and as I saw John Rolle hit the dog with the bat around the head and shoulders twice I heard the dog scream out loud with each blow and saw Rudi cower and stumble each time. I immediately ran out of the house while I was dialing 911 for the police on my cell phone. I asked the police to hurry.

I shouted at John to stop and he swore at me and said "mind your own business and go indoors". At this point John's wife struggled to pull the bat from John. Rudi was unconscious on the ground. I could see he was breathing and snorting blood from his nostrils. His front left leg was twisted in an unnatural position with the foot pointing backward. While I had been watching I did not see the dog retaliate.

I knew Rudi well. He was a friendly dog with everyone. I had seen him at 6pm in the yard that same evening and he had no injuries and there was no blood at that time and he looked healthy. Mrs Rolle and I pacified John, who had been very angry. Two police officers arrived at about 1150pm and I identified Rudi to them on the front lawn but he had stopped breathing and the police photographed him and took his body away. Mr & Mrs Rolle were in the house at this time.

**Signed** *V Good*

**Date** *30 April 2006*

## STATEMENT OF WITNESS

**BAD EXAMPLE**

**Name:** Avery Tardy  
**Address:** Belle Vue, 18 Skyline Road, Nassau, The Bahamas  
**Age:** 40  
**Occupation:** Convenience store keeper

**States:** Late one Saturday, a few weeks ago, (TOO VAGUE) I heard my neighbour at number 17 making a noise (WHAT KIND OF NOISE – HOW LOUD) in his yard (FRONT OR BACK) and I heard his dog too (WHAT NOISE WAS HIS DOG MAKING). I looked through my curtains (HOW CLEARLY CAN SHE SEE 'THROUGH' CURTAINS) and saw him (WHO) chasing the dog (DESCRIPTION OF DOG IS MISSING) around.

I went into my yard and looked through the shared hedge and saw he (WHO) had a wooden pole (OR WAS IT A BASEBALL BAT – THIS QUESTIONS HOW CLEARLY SHE COULD SEE) in his hand. He was screaming at the dog. I didn't get too close because he doesn't like me. He parks his car blocking my driveway and we had fallen out over that (IRRELEVANT).

That poor animal suffered so much (SHE IS NOT A VET SO CANNOT GIVE AN OPINION REGARDING THE DEGREE OF SUFFERING, IF ANY, CAUSED TO TH DOG). From what I heard that night he (WHO) must have really done that dog terrible harm (SHE CANNOT DEDUCE DEGREE OF HARM FROM WHAT SHE HEARD AND DOES NOT CLARIFY WHAT SHE SAW. THIS MAY ONLY HAVE LIMITED CIRCUMSTANTIAL USE PROVIDED THERE IS OTHER SUPPORTIVE EVIDENCE)

I saw my other neighbour, Vickie Good from number 16, come out and shout at him (IF THIS WITNESS HEARD THE WORDS SHE COULD REPEAT WHAT WAS SAID BECAUSE IT WAS WITHIN EARSHOT OF THE SUSPECT / ACCUSED AND IS NOT HEAR SAY) and, a few days later, she told me he swore at her (HEAR SAY) that night (WHICH NIGHT) and he had beaten the living daylights out of that poor dog (HEAR SAY). He used to have a poodle which he starved to death and nothing was done about that (IRRELEVANT TO THIS OCCASION). His children loved that dog and why his wife stays with him is a mystery to me (IRRELEVANT – ALSO IMPLIES BIAS).

It must have started (IF THIS WAS OF ANY USE IT SHOULD HAVE BEEN AT THE BEGINNING) when he arrived home from the club (SUPPOSITION & IRRELEVANT). After speaking to Vickie I met Valerie, my neighbour's wife. She (IS THIS THE WIFE OF THE MAN WHO BEAT THE DOG) said their dog had chewed up the new picket-fencing and he (WHO – THE MAN OR THE DOG) got angry very quickly (ALL HEAR SAY).

**Signed** *V TARDY* **Date** *13 MAY 2006* (TWO WEEKS LATER & MEMORIES FADE)

**EVIDENCE HAS TO BE RELEVANT & PERMISSIBLE BUT EVERYTHING REFERRED TO IN RED TYPE IS NOT PERMISSIBLE, SO SHOULD NOT BE IN THIS STATEMENT. MAY STILL BE KEPT AS BACKGROUND INFORMATION ONLY. IT IS VERY GOOD PRACTICE TO TYPE ALL SUCH REPORTS OR STATEMENTS 'DOUBLE SPACED' IN ORDER THAT THE LAWYERS CAN WRITE NOTES ON A COPY. YOU ARE WELL ADVISED TO WRITE ALL REPORTS TO THE HIGHEST STANDARD, WHETHER OR NOT THEY ARE TO BE USED IN COURT.**

## SALIENT POINTS FROM THIS CASE STUDY

### Victoria Good's Statement

1. Start with time, date & place. Set the scene in the first sentence. Be accurate.
2. She knew the man & dog and sticks simply to what she heard. She even takes care to say "*I heard a dog ...*" as it would not be possible to confirm it was Rudi at that point.
3. She is deliberate. She "*peered between the curtains*" not through them. The yard light was on, explaining how she could see clearly late at night. Try to anticipate critical questions from a defence lawyer. Cases are won or lost at this early stage.
4. She explains how she could hear due to her window being open and all this happening within only 40 feet of where she was.
5. She is specific about watching for 90 seconds and gives a clear, detailed account of the two blows which hit the dog. There is no ambiguity.
6. The force of the two blows she witnessed was indicated simply by hearing "*the dog scream out loud*" and seeing the dog "*cower and stumble each time*". This supports her previous circumstantial evidence when she heard three previous yells from "**a** dog". The court may deduce it was the same dog but the witness may not.
7. Saying she asked the police "*to hurry*" shows real concern and urgency.
8. The short encounter with John is clear and relevant. She avoids exaggerating what happened and what was said. If someone swears it is best to include the actual words regardless of how offensive they are.
9. She describes the dog vividly mentioning "*snorting blood*" and the "*front left leg was twisted in an unnatural position etc.....*". She avoids saying it is broken. Unless the broken bone was protruding she cannot give an opinion as she is not qualified.
10. Her observation that Rudi did not retaliate, and that she knew he was a friendly dog, is based on what she had seen before and during this event and anticipates John Rolle saying he was defending himself. She also confirms his good health 6 hours earlier.
11. Saying she identified the dog to the police proves continuity in the same way as the police identifying the dog to a veterinarian later for a post mortem examination, where upon the vet **can** give an opinion on suffering. Saying she saw the police photograph the dog is good corroboration of their evidence.
12. Remember a good statement is objective, concise and reports the witness' sensory recall e.g. what she heard, saw, felt, smelt or even tasted. The witness cannot report these on behalf of others.

### Avery Tardy's Statement

1. Most of the observations on this statement appear in red within the text.
2. An additional observation is that we should not dismiss a witness as having nothing to offer because she wrote her own very poor statement, as most people do have something to offer. It is our job to find out what it is.
3. Ms Tardy's contribution is the comment that Valerie (one question would clarify she **was** Mrs Rolle) said "*their dog had chewed up the new picket-fencing*" thus providing John Rolle with a motive. Photos of the chewed new picket fencing now become relevant evidence as a wife cannot be forced to testify against her husband and Ms Tardy's reference to this conversation remains 'hear say', and is thus inadmissible. This would provide the police with the opportunity to put this as a question to Mr Rolle who would probably agree it was the reason for his anger by way of justification.

**Where unnecessary suffering has to be proven the vet usually proves "suffering" and other witnesses usually prove it was "unnecessary". The latter is your role.**