

QUT High School Moot Problem 2024

On Friday 16 June 2023, Mr Tano Fett was shopping at Woolworths Coorparoo on Brisbane's southside. He had a Friday evening ritual where he would walk to Woolworths to pick up some Prime Sports Drink and some Pringles. Tano called this his 'P & P time'.

When Tano went to purchase some Prime at approximately 8:30pm on Friday 16th June, he was told by a Woolworths employee restocking the shelves that Prime was out of stock. Tano was heard to say the following to the employee:

Tano: Go out the back and find me some Prime.

Employee: We don't have any sir, and can I ask you not to raise your voice.

Tano: I will tear your arm out of its socket if you don't get me some Prime you little rat (whilst saying this Tano took two steps forward so that his face was approximately 10cm away from the employee's face).

Employee: My sensei has told me about bullies like you. You run scared the minute someone stands up to you. Put your fists up and let's dance bully. Nothing too violent ey?

Tano: Nothing too violent indeed.

A written statement provided to police by another customer stated that the employee rolled his eyes and smirked when saying, 'nothing too violent ey'.

Tano then began to throw a series of punches at the face of the employee. As a result, the employee fell to the floor. He was later taken to hospital where he was diagnosed with an indirect orbital floor fracture (a form of fractured eye socket). Aside from a heavily bruised black eye, there was no other cosmetic damage to the employee's face. Surgery was not performed as the doctors agreed that the fracture would likely heal by itself with no short to medium term consequences.

As a result of the incidents on Friday 16 June 2023, Mr Tano Fett was charged with:

- One count of common assault s 335 (the threat made to the employee)
- One count of assault occasioning bodily harm s 339 (punches to face resulting in fractured eye socket)

Assume that this matter will be heard in the Queensland District Court without a jury. The prosecution must prove each charge beyond a reasonable doubt. The defence is not permitted to raise any defences/excuses contained in the Code (for example provocation or self-defence). The focus of the hearing is on the elements that must be proved to constitute each offence. You can assume that as no defences or excuses may be raised, that the actions of Mr Fett satisfy the element of unlawfulness.

Reading list

Textbook and Legislation:

Schloenhardt, Lelliott and Tessmann, *Criminal Law in Queensland: Principles, Offences and Defences* (Thomson Reuters, 2nd edition, 2023) Chapter VIII.

Burton, Crofts and Tarrant, *Principles of Criminal Law in Queensland and Western Australia* (Lawbook Co, 3rd edition, 2020) Chapter 5.

Relevant sections of the Queensland Criminal Code.

Case Law:

Isitt v The Commissioner of Police [2016] QDC 308

Lergesner v Carroll [1991] 1 Qd R 206

R v Agius [2015] QCA 277

R v Dale [1969] QWN 30

R v Scatchard (1987) 27 A Crim R 136

Rozsa v Samuels [1969] SASR 205