

**HIGHER RIGHTS OF AUDIENCE ASSESSMENT
IN RESPECT OF CRIMINAL PROCEEDINGS**

THE PRACTICAL ASSESSMENT

ANNEXURE A

**THE EVIDENTIAL MATERIAL PRESENTED IN
THE WRITTEN EXAMINATION QUESTION PAPER**

The Case

Tom, Dick and Harry are jointly charged with one count of robbery contrary to section 10 of the Theft Ordinance (Cap. 210) and one count of shooting with intent to do grievous bodily harm contrary to section 17(b) of the Offences Against the Person Ordinance (Cap. 212).

The case against the defendants is contained in the document below that is headed "Summary of the prosecution evidence."

The instructions of the defendants are contained in the notes headed "Defence notes".

Summary of the Prosecution Evidence

Factual Background

Frank is a member of staff at the Central branch of the Rise and Shine Jewellery Group. On 7 January 2019 at 11am, Frank opened the shop for business as usual.

At or around 11:45am, Frank noticed three men standing outside the store talking:- one had short black hair, one had bleached blond hair and one had red hair. They were talking for around 15 minutes. Then two of the men – black hair and bleached blond – entered the store whilst the third man with red hair stood outside the store smoking. The Prosecution alleges that the third man was acting as a “look-out” for the other two.

As the two men entered, the man with short black hair shouted, “I am robbing you”. Frank immediately crouched down behind a counter. He then heard a gunshot and a thud on the floor. When he looked up from behind the counter, he saw the branch manager Mike bleeding in the stomach and a gun on the floor. Frank then saw the two men putting jewellery pieces into a black bag.

A pedestrian outside the store saw the robbery and reported the case to the police, who arrived 2 minutes later at or around 12:05am, whilst the two men were still inside the store. Mike, who by this time was lying on the floor, was severely bleeding. He said to a police officer DPC 9898, “it was my cousin’s boyfriend Tom who shot me”. He then fell unconscious. The police also managed to capture the third man outside, who attempted to run away. Before the Police arrested and cautioned the three men, the man with the short black hair shouted, “Dick shot the manager!”

At or about 12:12pm, DPC 9898 arrested the three men Tom, Dick and Harry for robbery. Under caution, at this stage all 3 remained silent. They were taken by a police van to the Central Police Station.

At the police station

At or about 12:30pm, on arrival at the police station, Tom, Dick and Harry were taken into separate rooms for interviews.

Under caution, Tom and Dick made no admission.

Under caution, Harry eventually made an admission and said, “yes alright we were robbing the store.” Unusually, he was released from the police station (on police bail)

at the conclusion of an interview which concluded shortly after 9:30am the following morning.

The investigation

Identification parades were conducted for all three men. Frank positively identified Tom as the man with short black hair, Dick as the man with bleached blond hair and Harry with red hair.

An ambulance brought Mike to the Queen Mary Hospital. Police officers visited Mike later on with a view to obtaining a statement from him. However due to the huge loss of blood and the shot wound in the stomach, he has been in a coma since 7th January 2019. He will not be able to attend court as a witness.

At the scene of the jewellery store, the gun was seized as evidence. Forensic examination shows the fingerprints of both Tom and Dick on the gun.

The police tried to obtain the CCTV footage of the jewellery store at the time of the offence, however there was a malfunction with the CCTV system with the result that what happened at the time of the offence was not recorded.

Defence notes - Tom

Family Background

Tom was born in Hong Kong. He was 35 years old at the time of the alleged offence.

He obtained a degree in Civil Engineering from the University of Hong Kong when he was 23 years old.

His parents live and work in Taiwan. He is an only child.

Employment

After graduation in 2007, he worked as an entry level engineer at Union Group, a well established civil engineering firm in Hong Kong and remained there for the next 10 years. He earned HK\$60,000 per month. However, due to financial struggles of the firm, Union Group had to terminate a huge number of staff – and Tom was one of them.

From 2017 to 2019, Tom looked for work, but the competitiveness of his field meant that he could not find employment. He remained unemployed since the termination. However, during these two years, he joined the Hong Kong Shooting Club. He holds a licence for a gun that he owns. Normally he keeps it locked away in the Shooting Club. As he is an esteemed member of the club, he is sometimes allowed to take the gun away and keep it at his home.

Criminal Record

Tom has a clear record.

The Plea and the instructions

Tom intends to plead NOT GUILTY to both offences.

(1) The evening of 6th January 2019

Tom first met Dick at a party in Lan Kwai Fong in 2014. They soon became best friends and have been living together in Central for 5 years. In the evening, they were at home watching a thriller involving 3 robbers.

During the course of watching the film, Dick said to Tom that he wanted to propose to his girlfriend. Tom suggested they go to the Rise and Shine Jewellery store down the street managed by his girlfriend's cousin to look at rings the next day at or around 12 noon, but Tom told Dick that he could not stay with Dick for very long because he was planning on meeting some other members of the Shooting Club at their practice grounds at 1pm.

(2) On 7th January 2019

Tom and Dick left their apartment to walk over to the Rise and Shine Jewellery store as planned at around 11:45am. They saw their friend Harry walking down the street and stopped outside the jewellery store for a chat.

As Tom and Dick entered the store, Dick pulled out the gun that Tom kept in his jacket pocket and shot the manager of the store in the stomach.

Dick went over to a counter to put jewellery pieces into his black bag. At this point, Tom froze and did not know what to do. Dick saw this and said to Tom, "well come on then!" Tom then proceeded to help Dick with the jewellery pieces.

The police arrived shortly. As Tom was pushed down to the floor by the police officer, he shouted, "Dick shot the manager!" The police then arrested Tom, Dick and Harry.

(3) At the police station

When Tom arrived at the police station at 12:30pm, he was taken to a report room for an interview to be conducted by a police officer DPC7654.

Tom remained silent and did not answer any questions. Despite Tom's silence, DPC7654 kept firing questions at him and kept him detained.

At 6pm, DPC7654 became impatient and punched Tom in the head 4 times. He also hit Tom on the back with a chair. Tom continued to remain silent. The interview ended at 9pm.

Defence notes - Dick

Family Background

Dick was born in Hong Kong. He was 30 years old at the time of the alleged offence.

He started his tertiary education at the University of Hong Kong studying Biology. However he was always more interested in his music. He played in a hugely successful band Amplify, but as he was always touring around the world, he could not catch up with his studies. Eventually he quit university in 2009 after 2 years of his degree at 20 years old.

His parents live in America. He is an only child.

Employment

After he quit university, he committed to his band Amplify as a full time musician and has been touring the world in promotion of the albums that they release. However, in light of the increase in illegal downloads of music, Dick's revenue has significantly declined since 2015. As a result, he has had to play gigs at the Blue Bar in Central to support his living.

Criminal Record

Dick has a clear record.

The Plea and the instructions

Dick intends to plead NOT GUILTY to both offences.

(1) The evening of 6th January 2019

In the evening, they were at home watching a thriller involving 3 robbers. Tom then said to Dick, "what if we tried this out ourselves on the jewellery store down the street?"

(2) On 7th January 2019

Tom and Dick left their apartment to walk over to the Rise and Shine Jewellery store as planned at around 11:45am. They saw their friend Harry walking down the street and stopped outside the jewellery store for a chat.

As Tom and Dick entered the store, Tom pulled out the gun in his jacket pocket and shot the manager of the store in the stomach. He then threw the gun on the floor.

Tom snatched the black bag out of Dick's hand and went over to a counter to put jewellery pieces into the bag. At this point, Dick froze and did not know what to do. Tom saw this and said to Dick, "well come on then!" Dick then proceeded to help Tom with the jewellery pieces.

The police arrived shortly. As Dick was pushed down on the floor, he heard Tom shout, "Dick shot the manager!" The police then arrested Tom, Dick and Harry.

(3) At the police station

When Dick arrived at the police station at 12:30pm, he was taken to a report room for an interview to be conducted by a police officer DPC1234.

Dick remained silent and did not answer any questions from him.

The interview ended at 9pm.

Defence notes - Harry

Family Background

Harry was born in Canada. He was 29 years old at the time of the alleged offence.

He graduated from the University of Toronto in 2014 with a degree in finance.

His parents and younger brother live in Canada.

Employment

After his graduation, he came to work in Hong Kong. He was offered a position at the Fast Forward Investment Bank in 2014 and has been working in their Central office since.

He earns \$100,000 per month for his job, but the workload is highly demanding and he is often under extreme stress.

Criminal Record

Harry has a clear record.

The Plea and the instructions

Harry intends to plead NOT GUILTY to both offences.

(1) On 7th January 2019

In the morning at 11:30am, Harry successfully closed a \$30million deal on behalf of Fast Forward Investment Bank. This was a deal that Harry had been working on for over 2 months, so he felt extremely relieved when the deal completed. He decided to leave the office for an early lunch.

As he was walking over to his favourite restaurant, he bumped into Tom and Dick on the way, outside the Rise and Shine Jewellery store. He met Tom and Dick at a party in Lan Kwai Fong in 2014 when he first came to Hong Kong. The three of them grew very close until 2 years ago when Harry received a promotion, which led to him becoming very busy. As a result, he lost contact with Tom and Dick.

When Harry saw Tom and Dick, they were about to go into the store but stopped when they saw him. Outside the jewellery store, Tom and Dick caught up with Harry on their lives. They talked about Dick's band Amplify, Tom's constant hunt

for a job in the civil engineering field and the deal that Harry just closed. Harry asked Tom and Dick if they would like to join him for lunch. Tom then said to Harry, "Dick and I are going to rob the store. Just wait here and let's go for lunch after we are done." Harry thought Tom was joking. Harry then took this opportunity to have a cigarette outside the store as Tom and Dick went inside.

As Harry was having a cigarette, his back was against the shop and he was looking out onto the busy road. On the day, there were two musicians singing on the street with microphones and amplifiers. As he was smoking and listening to their music, he began reminiscing about the times when he would attend the concerts held by Dick's band Amplify. Suddenly he heard a gun shot behind him in the store. He turned around and saw Tom throw a gun to the floor. He then saw a man in store uniform bleeding in the stomach. At this time, he saw Tom standing over a counter in the middle of the store putting jewellery pieces in a black bag. He also saw Tom muttering something to Dick. Dick then started helping Tom with the jewellery pieces.

Harry did not know how to react when he saw this scene. He did not know if he should go inside the store and talk to Tom and Dick or stay outside the store. As he was pondering, he saw police officers arriving at the jewellery store. In a moment of panic, he began running. An officer saw this, outran him and captured him.

The police then arrested Tom and Dick inside the store and Harry outside.

(2) At the police station

When Harry arrived at the police station at 12:30pm, he was taken to a report room for an interview to be conducted by a police officer DPC9898.

Harry remained silent and did not answer any questions from him.

DPC9898 refused to provide Harry with any food and drink. Harry asked to see a lawyer, but this was refused by DPC9898. Under these conditions, he was detained for 20 hours until 8:30am the next day.

At 8:30am, DPC9898 told Harry that if he gave the police some information, they could turn Harry into a prosecution witness instead of being a defendant and he would get bail. Under caution, Harry made an admission and said, "yes alright we were robbing the store."

The interviewed ended an hour later at 9:30am.

**HIGHER RIGHTS OF AUDIENCE ASSESSMENT
IN RESPECT OF CRIMINAL PROCEEDINGS**

THE PRACTICAL ASSESSMENT

ANNEXURE B

BUNDLE OF EVIDENTIAL MATERIAL

The evidential material given to you in this practical assessment is based on the evidential material already presented to you in your written assessment.

The bundle contains the following:

Prosecution material

1. The indictment
2. Witness statement of Frank
3. Witness Statement of Penny
4. Witness Statement of DPC9898
5. Record of Interview by 3rd Accused Harry on 7th January 2019
6. Acknowledgement of Receipt of a copy of a Statement/Document

For the purpose of the practical assessment, it is to be noted that:

1. The 3rd Accused's Record of Interview has been ruled inadmissible by the trial judge;
2. The 3rd Accused's instructions continue to be that he thought Tom's comment outside the store about robbing the store was a joke.
3. Tom the 1st Accused continues to fight the trial, whilst Dick the 2nd Accused has pleaded guilty and will not testify as a witness for any party.

(For the purpose of the practical assessment, it is to be assumed that the evidence of other prosecution witnesses has been adduced and cross-examined in the usual course of a trial.)

Defence material

1. The statement given by Mr Arsène, a work colleague of Harry's at Fast Forward Investment Bank.

Indictment

HCCC 42/2019

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
CRIMINAL CASE NO.42 OF 2019

HKSAR

V

TOM	(1 st accused)
DICK	(2 nd accused)
HARRY	(3 rd accused)

Charged as follows -

First Count (against all accused)

STATEMENT OF OFFENCE

Cap. 210	Robbery, contrary to section 10 of the
Sec. 10	Theft Ordinance, Cap.210

PARTICULARS OF OFFENCE

Tom, Dick and Harry, on the 7th day of January 2019, jointly robbed the Rise and Shine Jewellery Store at G/F, Victory Building, No. 35 Fountain Road, Central Hong Kong.

Second Count (against all accused)

STATEMENT OF OFFENCE

Cap. 212	Shooting with intent to do grievous
Sec. 17(b)	bodily harm, contrary to section 17(b) of
	the Offences Against the Person
	Ordinance, Cap. 212

PARTICULARS OF OFFENCE

Tom, Dick and Harry, on the 7th day of January 2019, jointly shot male Mike inside the Rise and Shine Jewellery Store at G/F, Victory Building, No. 35 Fountain Road, Central, Hong Kong, with intention to cause him grievous bodily harm.

(signed)
Senior Assistant Director of Public
Prosecution
For and on behalf of the Secretary for
Justice

Date: 30th January 2019

To:	Tom	(1 st accused)
	Dick	(2 nd accused)
	Harry	(3 rd accused)

TAKE NOTICE that you will answer to the Indictment whereof this is a true copy at the High Court, Queensway, Hong Kong, on the 1st day of February, 2019.

.....
Registrar

PERSONAL DATA
HONG KONG POLICE FORCE
STATEMENT/REPORT

Report No.: RN 12099202

Central Police Station

Name of informant/witness : Frank C.C.C. No.
Age : 30
Sex : Male
Identity Document Type & No. : [REDACTED]
Address : [REDACTED]
Tel. No. : [REDACTED]
Occupation : Shop Assistant at Rise and Shine Jewellery Store (Central Branch)
DOB : [REDACTED]
Nationality & Dialect : English
Taken by PC4938 in English language from 1815 – 1930 hours on 10-01-2019 at RHQ Room 156
Interpreter : --

States:-

I am willing to make a statement to the Police. The statement I am about to make is true to the best of my knowledge and belief and I make it knowing that if I wilfully state anything which I know to be false or do not believe to be true, I may be liable to prosecution for a criminal offence.

Signed Frank
Witnessed by --
Interpreted by --

1. I am the abovementioned person Frank. I am single. I was born in Hong Kong and have been educated up to higher secondary level.
2. I am a Shop Assistant at Rise and Shine Jewellery Store (Central Branch). I have been at this job position for 3 years. My duties include advising customers and answering their queries on stock availability and special offers; restocking goods when they are selling out; working on the tills and handling customer transactions.
3. At around 1100 hours on 07-01-2019, I began my shift duty. I started cleaning the counters and making sure that the jewellery pieces within the display windows are attractively displayed.

4. At around 1145 hours, I noticed three men standing outside the store in front of the entrance. There was one male [later referred to as AP1, about 35 years old, about 5 feet 7, medium build, short black hair, wearing a white short-sleeve T-shirt with blue jeans], another male [later referred to as AP2, about 30 years old, about 5 feet 8, very thin with bleached blond hair, wearing a long-sleeve black shirt with blue jeans] and a third male [later referred to as AP3, about 30 years old, about 5 feet 7, slightly overweight with red hair, wearing a grey suit with a white shirt and a blue tie].
5. The three men were talking for about 15 minutes until AP1 and AP2 walked into the store. As they walked in, AP1 suddenly shouted, "I am robbing you." This comment caused instant chaos within the store – whether customers or staff. Out of fear, I crouched down behind a counter.
6. Suddenly I heard a sound of gunshot and a thud on the floor. I looked up from behind the counter and saw Mike the store manager standing near the store alarm. He was bent over with his hands pressing on his stomach, which at this point was bleeding. There was a gun 3 feet away on the floor.
7. At this point, the people within the store were frantically crying and screaming. I then saw AP1 and AP2 walk over to an opened counter near Mike and started taking the jewellery pieces from inside. This continued for about 3 minutes.
8. 2 minutes later at around 12:05pm, I saw 5 police officers rushing into the store with guns. 3 officers ran towards AP1 and AP2 and pushed them down on the floor. It was only at this point that I stood up from behind the counter.
9. When I stood up, I saw that Mike was already lying on the floor, bleeding heavily and looking very weak. One police officer approached him. Mike said something to the police officer and then became unconscious. As I was standing too far away, I could not hear what Mike said to the officer.
10. When AP1 was being pressed down, he shouted, "Dick shot the manager!" Shortly after this, the police put AP1 and AP2 in handcuffs and took them out of the store. I saw that standing outside the store, an officer also placed AP3 under handcuffs. The three men were then taken into a police van. I told the police officers later that the man shot was Mike.

11. On 9.1.2019 I attended an ID Parade and was able to point out the three men concerned.

Q1: Have you ever met AP1, AP2 or AP3 before?

A1: No, I have never seen them before until the day of the robbery.

Q2: Who did the bag belong to?

A2: I do not know, but I saw AP2 holding it as AP1 and AP2 entered the store.

I have read the above statement, consisting of 3 pages in English, each signed by me. I have been told that I can correct, alter or add anything I wish. This statement is true. I have made it out of my own free will.

(signed)

-End-

PERSONAL DATA
HONG KONG POLICE FORCE
STATEMENT/REPORT

Report No.: RN 12099202

Central Police Station

Name of informant/witness : Penny C.C.C. No.
Age : 70
Sex : Female
Identity Document Type & No. : [REDACTED]
Address : [REDACTED]
Tel. No. : [REDACTED]
Occupation : Restaurant manager
DOB : [REDACTED]
Nationality & Dialect : English
Taken by PC7374 in English language at 1615- 1715 hours on 14-01-2019 at RHQ Room 156
Interpreter : --

States:-

I am willing to make a statement to the Police. The statement I am about to make is true to the best of my knowledge and belief and I make it knowing that if I wilfully state anything which I know to be false or do not believe to be true, I may be liable to prosecution for a criminal offence.

Signed Penny
Witnessed by --
Interpreted by --

1. I am the abovementioned person Penny. I am married. I was born in Hong Kong and have been educated up to higher secondary level. I am the manager at the Japanese Sushibox Restaurant in Central.
2. For the last few weeks, I have been walking instead of driving my own car because I recently underwent eye surgery. The doctors have advised against driving because my vision would be blurry after the surgery for a month. As a result I have been walking to work since. One little joy resulting from the surgery is that I walk past the Rise and Shine Jewellery Store on Fountain Road, Central every day. I love accessories, so I would normally stop by the display window at Rise and Shine to see their newest collections of jewellery pieces. Sometimes I would also go into the store. I have become very good friends with Frank who works at the store.

3. On 7th January 2019 at around 12:03pm, I was on my way to work as usual. However when I walked past the store, I heard a lot of noise inside despite the loud volume of street music playing in the background, so I stopped and looked inside the store.
4. When I looked inside, I saw a man bleeding in the chest and his hands were pressed on his wound. There were two men at a counter, putting jewellery pieces into a black bag. One male had short black hair, white short-sleeved T-shirt and blue jeans [AP1], whilst another had bleached blond hair, long-sleeved black shirt and blue jeans [AP2]. The people in the store crouched down on the floor, some with their hands on their heads. They looked intensely frightened.
5. When I saw this, I immediately called the police. I waited outside the store until a team of police officers arrived 2 minutes later. When the officers arrived, I noticed a man standing outside the shop by the entrance starting to run away. One police officer chased after him and captured him. 5 police officers rushed inside the store. Of those, 2 officers ran up to AP1 and AP2 to pin them down.
6. AP1 and AP2 were taken out of the store. When they were outside the store, police officers placed handcuffs on them. An officer also placed handcuffs on AP3. They were all subsequently taken to the police station in a police van.

Q1: Have you ever met AP1, AP2 or AP3 before?

A1: No, I have never seen them before until today.

Q2: What did you notice about the man who was bleeding?

A2: I only noticed him when I looked into the store for the first time on 7th January 2019. My attention was all along with AP1, AP2 and AP3. I did not see what happened to him afterwards.

I have read the above statement, consisting of 3 pages in English, each signed by me. I have been told that I can correct, alter or add anything I wish. This statement is true. I have made it out of my own free will.

(signed)

-End-

PERSONAL DATA
HONG KONG POLICE FORCE
STATEMENT/REPORT

Report No.: RN 12099202

Central Police Station

Name of informant/witness : Hamish C.C.C. No.
Age : 30
Sex : Male
Identity Document Type & No. : [REDACTED]
Address : [REDACTED]
Tel. No. : [REDACTED]
Occupation : DPC9898
DOB : [REDACTED]
Nationality & Dialect : English
Taken by PC7374 in English language at 1000 – 1100 hours on 08-01-2019 at Room 156
Interpreter : --

States:-

I am willing to make a statement to the Police. The statement I am about to make is true to the best of my knowledge and belief and I make it knowing that if I wilfully state anything which I know to be false or do not believe to be true, I may be liable to prosecution for a criminal offence.

Signed DPC9898
Witnessed by --
Interpreted by --

1. I am the abovementioned person DPC9898. I joined the Hong Kong Police Force on 6th April 2013.
I am currently attached to the Central Criminal Investigation Department Team 3.
2. On 7th January 2017, I was on shift duty from 1100 hours to 2300 hours. At 1203 hours I received instructions by consol to head to Rise and Shine Jewellery Store located at G/F, Victory Building, No. 35 Fountain Road, Central to assist with a case of "Robbery". At 1205 hours on the same day, I arrived at Rise and Shine Jewellery Store and arrived at 1205 hours with PC3478. When we arrived, there were 5 officers also arriving at the same time.
3. I saw from outside two men putting jewellery pieces into a black bag. One male [later referred to as AP1] looked about 35 years old, about 5 feet 7, medium build, short black hair, wearing a white short-

sleeve T-shirt with blue jeans], whilst another male [later referred to as AP2] looked about 30 years old, about 5 feet 8, very thin with bleached blond hair, wearing a long-sleeve black shirt with blue jeans]. PC3478 and I along with 3 officers rushed into the store. The three officers rushed over to the two men and pinned them down on the ground. PC3478 was trying to maintain order in the store.

4. I saw a man bleeding on the floor. He had his hands on his stomach, which was heavily bleeding. I rushed over to see how he was. As he saw me next to him, he said weakly, "it was my cousin's boyfriend Tom who shot me". After he said this, he became unconscious. I immediately called for an ambulance. Suddenly I heard AP1, who was pinned down on the floor, shout "Dick shot the manager!"
5. At 1208 hours, the ambulance arrived. PC3478 accompanied the man to Queen Mary Hospital. At 1209 hours, upon questioning, a store staff Frank told me that the injured man is Mike the branch manager.
6. At 1210 hours, AP1 and AP2 were placed in handcuffs and taken out of the store. When I left the store, there was another man suspected to be involved with the robbery [later referred to as AP3] looking about 30 years old, about 5 feet 7, slightly overweight with red hair, wearing a grey suit with a white shirt and a blue tie, standing outside the store with a police officer.
7. At 1212 hours, I declared arrest on AP1, AP2 and AP3 for an offence of "robbery" and administered caution. Under caution, they all remained silent.
8. At 1215 hours, I went back inside the store and seized a gun on the floor, the black bag and the jewellery pieces within as exhibits. At 1217 hours, I drew a sketch on the scene.
9. At 1220 hours, I brought AP1, AP2 and AP3 together with the exhibits to go to the Central Police Station in the police van AM7322. At 1225 hours, we arrived at the Central Police Station.
10. At 1226 I brought AP1, AP2, AP3 and the exhibits to the Duty Officer DO/CPS SGT. Chan and reported the facts of the case.

11. At 1227 hours, I issued Pol. 153 to AP1, AP2 and AP3, which they all read and signed.
12. At 1228 hours, I took over the investigation for AP3. DPC4678 took over the investigation for AP1 and PC8976 took over the investigation for AP2.
13. At 1230 hours, I conducted a record of interview with AP3 at Interview Room No. 3. Under caution, AP3 admitted the offence saying, "yes alright we were robbing the store."
14. At 0930 hours on 08-01-2019, I concluded the interview with AP3.
15. At 0935 hours on 08-01-2019, I handed over to AP3 a copy consisting of 2 pages of his record of interview. He signed and confirmed his receipt of this.
16. At 0940 hours on 08-01-2019, AP3 was released under police bail.
17. At 1000 hours on 08-01-2019, I took photos of the exhibits. At 1015 hours, I handed over the case exhibits to the Duty Officer for storage.

I have read the above statement, consisting of 3 pages in English, each signed by me. I have been told that I can correct, alter or add anything I wish. This statement is true. I have made it out of my own free will.

(signed)

-End-

PERSONAL DATA
HONG KONG POLICE FORCE
RECORD OF INTERVIEW

Report No.: CPS RN 12099202

<i>Person interviewed</i>	:	<u>Harry</u>	<i>Age/DOB:</i> <u>29; 02-07-1990</u>
<i>Occupation</i>	:	<u>Investment banker</u>	
<i>Type of Identification Document & No.</i>	:	<u>[REDACTED]</u>	
<i>Address & Tel. No.</i>	:	<u>[REDACTED]</u>	
<i>Interviewing Officer</i>	:	<u>DPC9898</u>	
<i>Other Persons Present</i>	:	<u>=</u>	
<i>Language/Dialect</i>	:	<u>English</u>	
<i>Place of Interview</i>	:	<u>Room 3, CPS Police Headquarters</u>	
<i>Date & Time Commenced</i>	:	<u>07-01-2019 1230 hours</u>	Interviewee should be cautioned with the appropriate caution when necessary. Interviewee should be invited to write and sign the following Certificate at the end of the record:- "I...(name)..., have read the above record of interview, consisting of pages. It is an accurate record of questions asked, and answers I have provided." (Signed)
<i>Date & Time Concluded</i>	:	<u>08-01-2019 0930 hours</u>	

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1. On the above date, time and place, I used English to say to male Harry, "I am DPC9898, Hamish, now of Central Criminal Investigation Team 3. I am now conducting an investigation with you on a case of "Robbery".
 2. The incident happened on 7th January 2019 at around 12:00pm at Rise and Shine Jewellery Store, G/F, Victory Building, No. 35 Fountain Road, Central. At the time, you were outside the jewellery store when the police officers arrived. You then started running, but was captured by a police officer.
 3. I have reason to believe that you have committed the offence of "Robbery". I now caution you. You are not obliged to say anything, unless you wish to do so, but anything that you say may be taken down in writing and used against you as evidence.

Q1: Do you understand?

A1: Yes.

At 0830hours on 08-01-2019, Harry said the following,

Yes alright we were robbing the store.

I, Harry, have read the above record of interview, 2 pages in total. This is an accurate record of the interview.

I have read this statement. I understand that I can make alterations, corrections and additions as I wish. The whole content of this statement is truthful and I gave evidence voluntarily.

(signed)

-End-

Acknowledgement of Receipt of a Copy of a Statement/Document

Document Details

Nature of Document (Statement/document etc): Record of Interview

No. of Pages: 2

Date Original Document Created: 07-01-2019

Case Reference No. CPS RN 12099202

I Harry acknowledge the receipt of a copy of the above-mentioned statement/document consisting of 2 pages in the English language. This copy was issued to me on 08-01-2019 at 0935 hours.

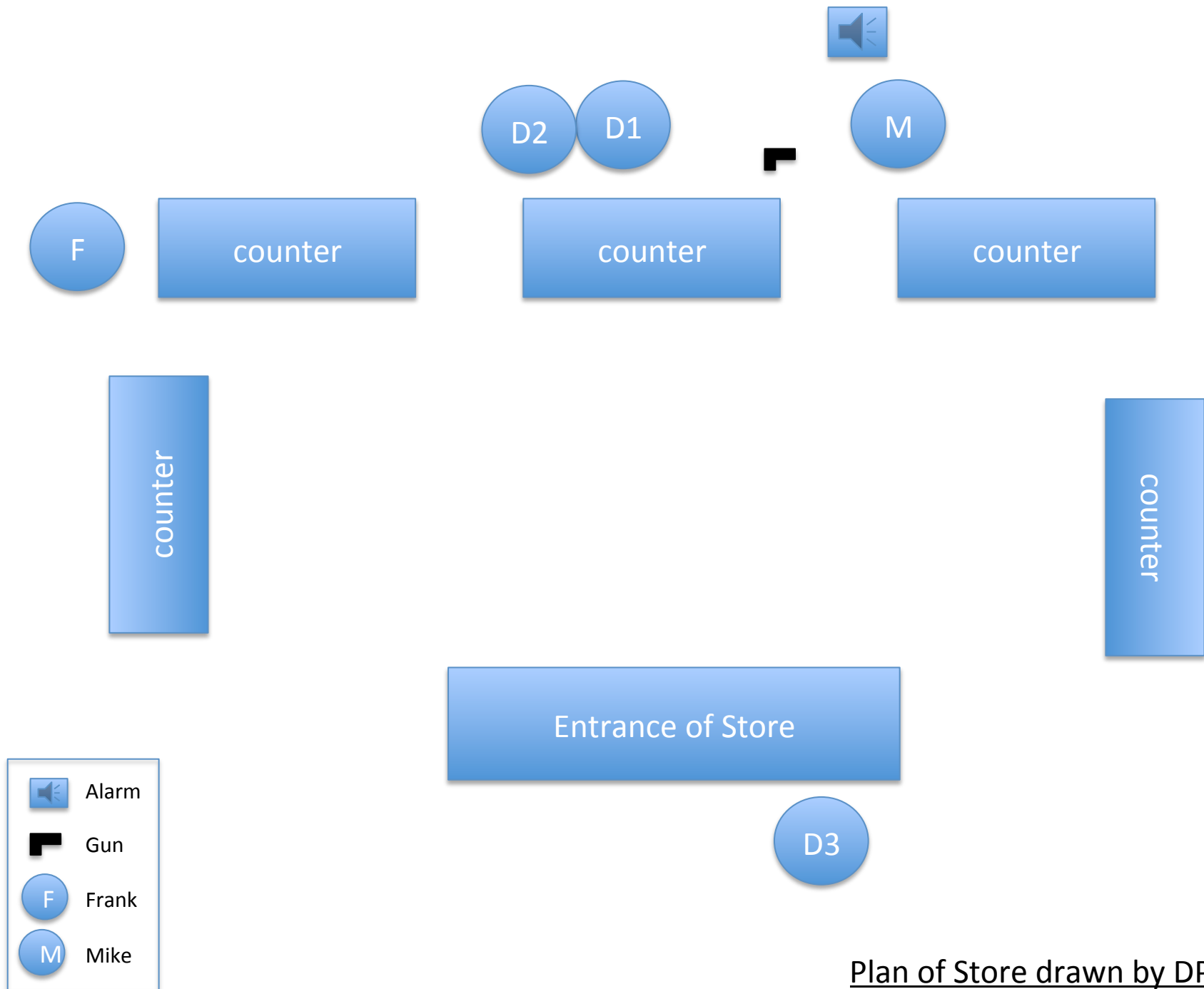
Statement given by Arsène

1. I am Arsène, aged 40.
2. I joined at the Fast Forward Investment Bank in 2010 as senior analyst. I am still employed in the same position. I work closely with Harry. Outside work, we are also good friends.
3. Sometime in January 2019, I came to know that Harry was arrested by the police for robbery at the Rise and Shine Jewellery Store in Central with two other people Tom and Dick. In light of this, I wish to give information about what I heard in a bar on 6th January 2019.
4. At around 11pm on 6th January 2019, I just finished work in the office. As I had been under high stress for most of the day, I decided to go to the Pony's Bar for a drink before heading home.
5. When I arrived at the bar at around 11:05pm, I saw Tom and Dick sitting in the corner of the bar. I first knew them through Harry in 2014. Harry was very close to Tom and Dick at that time and sometimes Harry would invite me to join them for dinner or drinks. However, 2 years ago, Harry received a promotion and became very busy. Since then, he did not see Tom and Dick as often. Consequently, I did not see Tom and Dick anymore.
6. As I have not seen Tom and Dick for a long time, I decided to go over to them in the bar and say hello. When Tom and Dick saw me, they invite me to join them for drinks. Tom and Dick asked me about how Harry was. They explained that they had not seen Harry for 2 years and they were hoping to catch up with him sometime. There was nothing out of the ordinary about the conversation. At around 11:45pm, I left the bar and went home. Tom and Dick stayed in the bar.
7. The next morning on 7th January 2019 at around 11:35am, Harry came to my room in the office to tell me about a deal that he had just closed. I took this opportunity to tell Harry about seeing Tom and Dick in the Pony's Bar. Harry did not take much notice of this

comment. He then said that he wanted to go down to have an early lunch because he has been feeling very stressed for the last 2 months. I thought it was unusual for Harry to go down for lunch so early, as I had never seen him do it. However, I did not pay too much attention to this. The next thing I knew was Harry being arrested.

8. I have known Harry for 5 years – he is an honest man. He would not, and *need* not, commit robbery, given his generous salary every month. Harry is very smart and he would not risk his career for actions that he knows would result in criminal convictions which would destroy his investment banking career.
9. I am willing to testify in Court for Harry if required.

-End-



Plan of Store drawn by DPC9898