



MCM CASE STUDY EXERCISE 5 – WITNESSES

CONTEXT

In exercise 4, your team analyzed information that came from various documents; however, documents can rarely “speak for themselves”. Usually they need to be interpreted by someone or they need someone to explain their relevance. For example, a sales invoice becomes relevant when a witness can say they knew about the circumstances surrounding the invoice and that the invoice pertains to the facts surrounding the allegation.

Part of your case planning for **PROJECT SILVER** includes determining the witnesses that can provide evidence in your case. You want to identify the people who might have witnessed events, created documents or handled things.

ADDITIONAL CASE FACTS

For the purposes of this exercise, there will be 4 witnesses that have been identified for each group in order to conduct this exercise.

1. **Alessandro Kerr**, owner of **Mercury Limited**, a client who participated in the OPP – identify what you would want to learn from any of the participating clients.
2. **Antonio Robbins**, partner of Corporate Services firms **Latitude 10 Corporate Solutions** and **Bluewater Business Group** in Pacifica – Identify what you would want to learn from the corporate services firms.
3. **Kelly Fairbank**, director of an offshore company (who was a senior officer of a corporate service firm involved in the OPP).
4. **Marcia Yeung** of the **Pacifica Income Tax Department** – Identify any information the tax department may be able to provide to assist in your investigation.



FOR YOUR ACTION: NOTE: this is a 2 part exercise.

Part 1 – Preparing for the Interview

Your group will be assigned a witness(s) to interview. ***In your breakout group(s)*** take the following actions:

COMPLETE the first 3 columns the spreadsheet titled “Exercise 5 Witness Interviews” for the interview(s) assigned to your group. Make sure you complete all of the columns, specifically:

- Outline the reason for the interview or nature of inquiry (specifically what do you want to learn from this witness) – This column helps you to prepare for your witness interview by first determining what information / evidence this witness might be able to provide you;
- Documents this witness can speak to – Witnesses can speak to documents that they have personal knowledge of i.e. prepared or handled. When preparing to interview the witness, identify what documents you want to ask the witness about. Additionally, add in any documents you learn about as a result of the interview.

At this stage notify the instructor that you are ready to start part 2.

Part 2 – Analyzing the results of the Interview

You are to assume that you conducted the interview that you prepared for in Part 1. You will receive a witness statement summarizing the interview. Use this information to **COMPLETE** the final two columns of the spreadsheet, specifically:

- New information learned as a result of this interview – Identify what you have learned from this witness. You can continue to use the “Fact Tracking Template” you had started in previous exercises to help your group to identify any new facts that you learn as a result of your analysis, along with the source document; and
- What questions do I still want to have answered? – Identify any outstanding questions you have as a result of this interview. For example, are there now additional witnesses that you want to interview? By doing this you will be able to determine what investigative steps are still needed to prove the theory of the case.



HANDOUTS:

- Fact Tracking template (carried forward from previous exercises) ¹
- Any case information provided in exercises 1 – 4
- Exercise 5 Witness Interviews spreadsheet
- 5-1 Will Say of Alessandro Kerr
- 5-2 Will Say of Antonio Robbins a partner in the corporate service firms
- 5-3 Will Say of Kelly Fairbank a director of the offshore companies
- 5-4 Will Say of Marcia Yeung Pacifica Tax Dept

¹ *This template is an evergreen document that you can use throughout the exercises to help track the facts you are learning about the case study.*