



**DIRECTOR OF PUBLIC PROSECUTIONS**

**-V-**

**JOANNE O'DONNELL**

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**BOOK OF EVIDENCE**

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## **STATEMENT OF OFFENCE**

Theft contrary, to Section 4 of the Criminal Justice (Theft and Fraud Offences) Act, 2001

## **PARTICULARS OF OFFENCE**

That you, Joanne O'Donnell, on or about the 13<sup>th</sup> of February, 2015 at The Sweet Shop at Donegal Street, in the Dublin Metropolitan District, did steal a box of Cadbury's Chocolates, value €26.50, the property of one Cecilia Dillon

Contrary to Section 4 of the Criminal Justice (Theft and Fraud Offences) Act, 2001



## **Statement of Garda Gerard Muldoon**

I am a member of the Garda Siochana station at Michael's Street. On the 13th of February 2015, as a result of a complaint, I went to the premises known as "The Sweet Shop" in Donegal Street, where I spoke to the owner Miss Cecilia Dillon. While she was telling me about the theft of a box of chocolates from her shop in the morning, she suddenly shouted "That's her!" and pointed to a girl who was walking past the shop window. Miss Dillon said "That's the girl who stole my chocolates." I recognised the girl as being Joanne O'Donnell of 17 O'Malley Gardens, Dublin 7, who I knew from coaching the local basketball team.

Later that day I obtained a warrant to search 17 O'Malley Gardens for a box of stolen chocolates. I went to O'Malley Gardens where I met Mrs. O'Donnell, the mother of the accused, and showed her the warrant and told her that I was looking for a stolen box of chocolates. She immediately brought me into the living room and pointed to a box of Cadbury's chocolates that were on the table beside the fireplace. I seized the chocolates.

On the following day I showed the box of chocolates to Miss Dillon and she identified it as the box that had been stolen from her shop by the girl she had pointed out to me. That was the accused, Joanne O'Donnell.

On the 15th of February, 2015, I met the accused, Joanne O'Donnell, with her mother by appointment at Michael's Street Garda Station. I told them that Joanne was not under arrest and that she was free to go at any



time. I cautioned her in the usual manner and told her what I was investigating. She stated that she wanted to make a statement about the matter.

I wrote down the statement. When it was finished I read it over to her in the presence of her mother and she said it was correct. She then signed it, as did her mother and I witnessed it.

I later charged Joanne O'Donnell with this offence.



## **Statement of Cecilia Dillon**

I am the owner of the premises known as “The Sweet Shop” in Donegal Street.

At approximately 10.30 a.m. on the 13th of February, 2015, I was working in my shop attending to some customers when I noticed a young girl over by the shelves where the boxes of chocolates are stored. She was holding a box of Cadburys Chocolates, which were the most expensive chocolates that I sold in the shop. She looked suspicious to me so I kept an eye on her. I was distracted by a customer for a short while and when I looked back to the shelves the girl had gone.

I immediately suspected that the girl had stolen the box of chocolates so I rang the local Garda Station and told the Garda I spoke to what had happened.

Later that same day Garda Muldoon came to the shop and I told him what had happened earlier. While I was speaking to him I saw the same girl who had stolen the chocolates walking past the shop window and I shouted “That’s her” to Garda Muldoon. I am positive that this girl was the same one who had stolen the box of chocolates.

On the following day, the 14th of February, 2013, Garda Muldoon came into my shop and showed me a box of chocolates that I identified as the ones the girl had stolen the previous day.



## **Statement of Vincent O'Toole**

Statement of Vincent O'Toole, Managing Director, Cadbury's (Ireland) Ltd. of Cadbury's Industrial Estate, Dublin 22.

I am the Managing Director of Cadburys. Garda Muldoon has shown me a box of chocolates and I can say that my company manufactured the box. Each of our boxes has a special identification mark and every time we make a delivery to a shop, we record the identification mark on each box in our delivery records.

We are the sole supplier of our chocolate to shops in Dublin. At the time Derek Maguire was our delivery man for that area. The records show that on the 10<sup>th</sup> of January, 2015 he delivered this box of chocolates to "The Sweet Shop".

This statement has been read over to me and is correct. I do not wish to change or alter it.



## **STATEMENT OF JOHN BRENNAN**

Statement of John Brennan (age 82), of 45, Primrose Gardens, Dublin 7.

I remember the 13th of February, 2013. I went to Mrs. Dillon's shop at around 10 o'clock in the morning to buy the Irish Mirror newspaper. I saw a girl aged about 10 years old hanging about the back of the shop. I thought she was up to no good. She seemed to be hiding something up her jumper, but I couldn't see what it was.

A couple of days later Garda Muldoon showed me some photographs of girls of this age. I recognised Joanne O'Donnell as the girl I saw in "The Sweet Shop".



**DIRECTOR OF PUBLIC PROSECUTIONS**

**-V-**

**JOANNE O'DONNELL**

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**DEFENCE WITNESSES**

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## **Statement of Joanne O'Donnell**

Statement of Joanne O'Donnell (age 12) of 17 O'Malley Gardens, Dublin 7, taken in the presence of her mother Mrs. Mary O'Donnell.

I remember the 13th of February, 2015. I went to Mrs. Dillon's shop in the morning to buy a box of chocolates when I saw Mrs. Dillon looking at me in a weird way. I didn't like the way she was looking at me so I put the box of chocolate back on the shelf and left the shop. I then went to Mr. Oliver's shop in Clifden Street, called "Posh Sweets" where I bought a box of the same chocolates and gave them to my mother. I didn't steal any chocolates from Mrs. Dillon's shop.



## **Evidence of Derek Maguire**

I used to be the Cadbury delivery man for the Dublin City area. On the 10<sup>th</sup> of January 2013, I was delivering boxes of chocolates to a number of shops including “The Sweet Shop” and “Post Sweets”.

At the time I had only been working for Cadbury for a few days. I didn’t really understand how the delivery recording system worked. I know the records show that this box went to “The Sweet Shop”, but I really couldn’t be sure if this is right. I know I made many mistakes with the delivery recording around that time. I found the delivery recording system very complicated. I made so many mistakes that Cadbury fired me the other day, so I don’t work for them anymore.