

**COUNCIL OF LEGAL EDUCATION
NORMAN MANLEY LAW SCHOOL**

**LEGAL EDUCATION CERTIFICATE
FIRST YEAR EXAMINATIONS, MAY 2021**

CRIMINAL PRACTICE AND PROCEDURE

THURSDAY, MAY 6, 2021

Instructions to Students

- (a) Duration: **24 hours**
- (b) Students shall enter their Examination ID Number **only**, not their names, on the cover page, the Academic Integrity Statement and on every separate page of the examination script.
- (c) The examination should be answered on letter-sized (8.5 x 11) paper only.
- (d) The examination should be submitted in Arial font 12 line spacing 1.5.
- (e) Students should clearly indicate the names of any cases with the citation and legislative provision/s (section number and Act) on which they rely to support their arguments. Consider using italics and/or bold text to make references prominent. (For example, *Rylands v Fletcher* [1868] UK HL1; **s.69 Real Property Act**). Sufficient detail is required to allow the examiners to understand the source of law that is being cited.
- (f) Footnotes, endnotes and bibliography are not to be used.
- (g) Where word limits have been given, the actual word counts must be included at the end of your answer. Students who have exceeded the word limits will be penalised.
- (h) Students shall number the pages of their examination script as follows: Page 1 of 12, Page 2 of 12, etc.
- (i) In answering any Part, a candidate may reply in accordance with the law of a Commonwealth Caribbean territory zoned for this school, **but must state at the beginning of the answer the name of the relevant territory**.
- (j) Each Student **must** ensure that their Anonymous ID in TWEN is changed to their four digit Examination ID Number, prior to submitting their examination script.
- (k) The examination script, with the cover page and Academic Integrity Statement saved in **ONE PDF DOCUMENT**, must be submitted in

ELECTRONIC format via the **Year I MAY 2021 EXAMINATIONS, CRIMINAL PRACTICE AND PROCEDURE DROP BOX on TWEN** by **Friday, May 7, 2021** **NOT LATER THAN** 1:00 p.m. (Jamaica), 12:00 p.m. (Belize) and 2:00 p.m. (Eastern Caribbean).

- (l) To upload the examination script which has been saved as one pdf document which includes the cover page and Academic Integrity Statement, you must follow these steps:
- Go to ***www.lawschool.westlaw.com***.
 - Log in using your username and password credentials and select the **TWEN** button.
 - Click on the link for **“Assignments and Quizzes”** located on the left-hand side of the navigation screen.
 - Select the relevant examination and the examination drop box as follows:
 - Year I students with Examination ID numbers between 1100 -1192 must upload script, cover page and Academic Integrity Statement to folder titled **“Drop Box A Year I - 1100-1192”**.
 - Year I students with Examination ID numbers between 1193 -1283 must upload script, cover page and Academic Integrity Statement to folder titled **“Drop Box B Year I - 1193-1283”**.
 - Year I students with Examination ID numbers between 1284 -1376 must upload script, cover page and Academic Integrity Statement to folder titled **“Drop Box C Year I - 1284-1376”**.

Amir Anderson was brought before the court in January 2018 charged with wounding with intent and possession of child pornography.

The Crown alleged that he had attacked and wounded his ex-wife, Lana. He was upset because she had left him, taking their children with her to her parents' home. One night, when he knew her parents were out with the children, he went to their house and confronted her. At the end of the confrontation, she suffered a serious wound to her neck. Amir was arrested fleeing from the scene. The police searched his cellphone and found evidence of child pornography.

Amir's matter was committed to trial in December 2019 but the trial did not occur until 2020.

In the first half of 2020, a firm trial date was set three months in advance of the trial.

The day before the trial, Amir fired his counsel, Ryland Ramirez.

The day of the trial, the trial judge attempted to assign a lawyer to him, however Amir rejected the offer and insisted on defending himself.

An attempt was made to arraign him, however Amir refused to answer to the charges against him and remained silent. The judge adjourned the matter to the following day to allow Jennifer Todd, one of the attorneys-at-law present in court, to speak to Amir. Jennifer had volunteered to appear *amicus curiae* on behalf of Amir.

The next morning, Jennifer informed the court that she had made “zero progress” with Amir. The judge, with a show of annoyance, directed the registrar to plead Amir again to the charges. Amir again remained silent. The judge then instructed the registrar to enter a plea of “not guilty” for Amir and proceeded with the trial.

Before the empanelment of the jury began, the judge explained the jury selection process to Amir. He informed Amir that he could “challenge” any or all of the potential jurors proposed to try the matter. Amir remained silent and did not participate.

A jury was empaneled, and the trial was set to begin the following day, a Tuesday.

On Tuesday, defence counsel, Ryland Ramirez, who had earlier represented Amir in the said matter, and whose services Amir had re-engaged, appeared on his behalf. Amir was repleaded before the present jury and this time he answered “not guilty”. The trial proceeded.

At his trial, the Crown relied on Lana’s evidence that Amir had attacked her with a knife.

The Crown also relied on the evidence of a witness named Grassy who corroborated Lana’s evidence. Grassy stated that, on the day of the incident, he had gone to the home of Lana’s parents (who lived next door to the Brown’s) to visit them. As he approached the house on foot, he heard Amir arguing with Lana over her leaving him for another man. Both of them were in the yard in front of the house. He hid behind a banana tree, out of the sight of both and observed what was happening.

Grassy stated that Amir grabbed a knife, which was on the verandah, and lunged at Lana. Grassy ran from the scene to the house of the Brown’s.

Mr Brown gave evidence at the trial that shortly after he heard the dogs barking and a loud uproar from next door, he saw Grassy run over to his (Mr Brown’s) house.

Mrs Brown did not give evidence but had given a statement to the police in which she said that at the time of the uproar, Grassy had been at her house and he had not left there until the following morning. This statement of Mrs Brown had been served on the defence just before the Crown closed its case. However, defence counsel decided not to call Mrs Brown.

In his defence, Amir stated that Lana had attempted to commit suicide after they had quarreled with each other. He said she had been depressed for a while, and he had gone to visit her because he was concerned about her psychological state. He explained that he did not see where she got the knife from, but it happened so quickly that he was confused and ran to get help, not to escape.

In relation to the count of child pornography, Amir explained that the phone was not his and that his friend had loaned it to him the day of the incident. His original phone had fallen into water and was being repaired and he denied having knowledge that it was on the phone.

After two hours in the jury room, the jurors asked to return to the court. They informed the judge that they could not reach a verdict on either of the counts. The judge asked if they needed more time but, before the foreman could answer, a juror asked what would happen if they could not decide.

The judge said that the matter would have to be tried all over again. The foreman then asked, "by us or another jury?" The judge did not answer and repeated his inquiry as to whether or not they needed more time. The jurors answered in the affirmative. One hour later, they returned with a unanimous verdict in relation to the count of guilty of wounding with intent and a majority verdict of guilty of possession of child pornography.

Amir would like to appeal his conviction.

Advise Amir whether he has any grounds on which to appeal.

Note:

Your word count should not exceed **3,500 WORDS**.

END OF PAPER