

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

**LEGAL EDUCATION CERTIFICATE
FIRST YEAR EXAMINATIONS, JULY 2020**

CRIMINAL PRACTICE AND PROCEDURE

WEDNESDAY, JULY 1, 2020

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 required.
- (g) Students shall number the pages of their examination script as follows: Page 1 of 12, Page 2 of 12, etc.
- (h) In answering any question, 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.**
- (i) 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.
- (j) 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 JULY 2020 EXAMINATIONS, CRIMINAL PRACTICE AND PROCEDURE DROP BOX** on TWEN by

Thursday, July 2, 2020, NOT LATER THAN 9:00 a.m. (Jamaica) 8:00 a.m. (Belize) and 10:00 a.m. (Eastern Caribbean).

- (k) 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 -1176 must upload script, cover page and Academic Integrity Statement to folder titled **“Drop Box A Year I - 1100-1176”**.
 - Year I students with Examination ID numbers between 1177 -1252 must upload script, cover page and Academic Integrity Statement to folder titled **“Drop Box B Year I - 1177-1252”**.
 - Year I students with Examination ID numbers between 1253 -1326 must upload script, cover page and Academic Integrity Statement to folder titled **“Drop Box C Year I - 1253-1326”**.

Lerrick Leir is charged with the offence of wounding with intent. This is Lerrick 's second trial for the same offence. He had been convicted in his first trial and had successfully appealed his conviction. His conviction was quashed, but a retrial was ordered.

It is alleged that he laid in wait for Marvin Matthews, a love rival, in a deserted neighbourhood, where he pulled him into bushes and stabbed him several times with a knife, leaving him for dead. He also stole Marvin’s iPhone.

Both the knife used to commit the offence and the iPhone were recovered. The knife was recovered at the scene of the crime and the iPhone was found in Lerrick’s possession.

Marvin also pointed out Lerrick on an identification parade.

Lerrick denies the allegations and asserts that he bought the iPhone in a nearby downtown market from a man he met there but did not receive a receipt. He also says

that he has an alibi witness, Tatiana Tale, who can state that at the time of the offence, he was in her company, on their way to the Dolphin Mall.

All of the statements and the transcript were served on the defence.

The Crown has statements from a number of witnesses, in which they describe a man they had earlier observed in the neighbourhood, acting suspiciously. Based on the Crown's case, this man, is the accused, Lerrick, en route to the locus of the offence. One of these witnesses, Jack, gave a description, contrary to that of the other witnesses, and which does not fit Lerrick. The Crown had called Jack at the first trial but decided not to call him at the retrial.

The Crown also has statements from two witnesses, Paul and Charles, who were former friends of Lerrick. Paul stated that Lerrick had told him of his plans to attack Marvin the day before he committed the offence. Charles claimed that Lerrick had told him of the offence, after he had committed it. At the first trial, both men retracted their statements and the Crown decided not to rely on them at the retrial.

The names of these three witnesses appear on the back of the indictment that the Crown has now served on the defence. However, the Crown indicated to the defence that they did not intend to call any of them.

The Crown also informed the defence that the iPhone and the knife had been inadvertently destroyed along with other exhibits.

At the beginning of the trial, the defence made two applications. The first application was in relation to the destroyed iPhone and knife. The defence contended that the trial should be stayed as it would be unfair to proceed without them, since the jury would be denied the opportunity of viewing them. Without calling on the Crown to respond the judge rejected the application.

The second application was to have the Crown call the three witnesses. The Crown objected to this application and submitted that all three witnesses were available. The judge ruled in favour of the Crown.

The Crown forgot to ask Marvin, while he was giving evidence, to point out his attacker in court.

At the close of the case for the Crown, the defence made a no case submission highlighting the failure to identify Lerrick as the attacker. The judge not only ruled that Lerrick had a case to answer, but also allowed the Crown to reopen its case and recall Marvin to identify Lerrick.

Tyler Truth represented Lerrick Leir. Lerrick instructed Tyler that he is to call Tatiana.

Tyler advised Lerrick that after interviewing, Tatiana, it is his opinion that she does not support his alibi.

Lerrick insisted that Tyler call Tatiana as a witness. Tyler did not call her. Lerrick gave evidence on his own behalf. In cross-examination he disclosed that he was in the company of Tatiana at the time of the offence. The only other witness called was Lerrick's mother, who gave character evidence on his behalf.

On the final day of the trial, just before the summation ended, the foreman asked to speak with the judge in chambers. There, in the presence of counsel on both sides and a shorthand writer, the foreman reported to the judge that one of the jurors had offered a bribe to the other jurors in exchange for a verdict of not guilty.

After the foreman had left, the judge asked the opinion of both counsel, neither of whom could give a definitive answer as to the approach the judge should take.

The judge only gave a warning to the jury reminding them of their oath by which they were bound to act fairly. Shortly after, the jury was sent out to deliberate.

One hour later, they returned with a unanimous verdict of guilty.

Lerrick would like to appeal his conviction.

Advise Lerrick whether he has any successful grounds on which to appeal.

Note:

Your answer should not exceed 2500 WORDS.

END OF PAPER