

COUNCIL OF LEGAL EDUCATION
NORMAN MANLEY LAW SCHOOL

LEGAL EDUCATION CERTIFICATE
FIRST YEAR SUPPLEMENTARY EXAMINATIONS 2025

CRIMINAL PRACTICE AND PROCEDURE

(MONDAY, AUGUST 11, 2025)

Instructions to Students

- (a) Time: **3½ hours**
- (b) Answer **ALL** questions.
- (c) 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.**
- (d) It is unnecessary to transcribe the questions you attempt.
- (e) Answers should be written in black or dark blue ink. Erasable pens are not allowed.

PLEASE REMAIN SEATED UNTIL YOUR SCRIPT HAS BEEN COLLECTED.

QUESTION 1

Titus Rootsman is charged for the offences of abduction and possession of ganja/cannabis sativa.

Rootsman, a 42-year-old farmer, lived alone for many years, deep in the rural hills of the capital in your jurisdiction. Rootsman spent much of his time in the hills and did not conform to modern precepts nor lifestyles. Persons who lived in the nearby town viewed him as an enigma, and paid little attention to him.

The allegations are that two weeks prior to the incident, the complainant, 18-year-old Mavis Goodas, while alone at home, observed Rootsman standing across the road, intensely watching her as she washed clothes in her yard. He did this for almost two weeks. Even though she thought he was strange, she did not raise an alarm with anyone, because he had never approached her nor acted in a manner that was threatening. At the time, Goodas lived with her parents and two younger siblings.

On March 4, 2025, Rootsman rode his donkey into town, went to the complainant's home while she was alone, and forcibly took her away without her consent. Goodas tried very hard to resist Rootsman, but her strength was no match for his, and she eventually succumbed to his will. As she struggled to free herself, she asked him, "Why are you doing this?" and "Where are you taking me?" Rootsman merely muttered the words, "My woman now, my woman now", while attempting to smother her with kisses. He bound her hands and feet, put her across his donkey and took her to his home, where he kept her tied up so she could not escape.

A report was subsequently made to the police by her family.

Two days later, with the help of citizens and the police, the complainant was rescued at Rootsman's home. While at his home the police, who were dressed in uniform, conducted a search of his premises and found a large quantity of vegetable matter, resembling ganja/cannabis sativa, in his kitchen. Rootsman was arrested and taken into custody. Rootsman was subsequently charged for abduction and possession of ganja/cannabis sativa. When cautioned, he remained silent.

At the preliminary enquiry/committal proceedings held in the matter, Rootsman was committed to stand trial in the High/Supreme Court.

At trial, during the arraignment, Rootsman remained silent when he was pleaded. The learned trial judge said, “Sir, come come! You look strong and healthy to me. If you don’t answer, I can proceed with the trial just the same.” Rootsman again remained silent when repleaded. The learned trial judge commenced the trial by entering a plea of not guilty. Rootsman was convicted on both counts on the indictment.

You now represent Rootsman, and he wishes to appeal his conviction.

Advise, giving reasons:

- (1) whether the search of Rootsman’s home and the seizure of ganja/cannabis sativa were lawful; and
 - (2) whether the approach taken by the learned trial judge at Rootsman’s arraignment was correct.
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QUESTION 2

Poinsettia is being tried for the offences of burglary and larceny/theft.

Poinsettia is an alleged reputed gang leader in the community. There has been a spate of robberies and burglaries in the community in the last four months.

The prosecution alleges that on January 7, 2024, the complainants, sisters Rose and Blanche, retired to bed around 9:00 p.m. after securely locking up their house. Around 1:00 a.m., Blanche was awakened by the sound of a loud crash in the vicinity of the living room. The loud crash came from the television which had fallen to the ground. Blanche immediately alerted Rose, who was asleep in the next room. The two sisters carefully approached the living room, Blanche with a bat in her hand and Rose with a machete. Blanche, who was in front, turned on the living room lights, just in time to see a man and a woman making a hasty retreat through their front door, taking away some of their possessions. The complainants, however, did not get a good look at their faces. The thieves made good their escape. Based on police investigations, Poinsettia was subsequently arrested and charged for the offences.

The prosecution intends to rely on video footage from a security tape taken from a neighbour's home, clearly showing Poinsettia and a man (who has not yet been apprehended) running away from the scene, with the stolen items. However, 15 minutes of the video footage, capturing the identity of the persons entering the complainants' yard and house, are missing.

Poinsettia is relying on the defence of alibi, claiming that she knows nothing about the incident and was at a club with her friend. She further asserts that the 15 missing minutes would reveal that she left the community in a taxi, which she boarded in front of the said neighbour's house, just moments before the incident and, therefore, could not have been one of the persons who committed the offences.

At the trial, because of fear and Poinsettia's reputation as a gang leader, the complainants were allowed to give their evidence from behind a screen, despite objections from defence counsel.

Advise Poinsettia, based on her right to a fair trial:

- (1) whether the prosecution can rely on the video footage on the security tape and what application defence counsel could make; and
- (2) whether the complainants can be permitted to give evidence from behind a screen.

Give reasons for your advice in (1) and (2) above.

QUESTION 3

Julius is on trial for the offence of rape.

The prosecution's case is that the accused, a 26-year-old disc jockey, attended a popular party during spring break. While there, he approached the complainant, 15-year-old Cleopatra, who caught his eye because of her incredible dance moves. Julius convinced Cleopatra to leave the 'main action' and go to a place where they could be alone and "get to know each other better".

While in a secluded area, Julius made sexual advances towards the complainant. When she did not respond favourably, he took out a knife from his waistband and threatened to take her life. Out of fear, and with tears in her eyes, she submitted to his demands. Julius then had sexual

intercourse with her without her consent. After the incident, Cleopatra told her friends what had happened to her. She also made a report to the police, who were on duty at the event. Cleopatra then pointed out Julius to the police as the man who had raped her. Julius was arrested and later charged for rape. At the time of his arrest, the police did not find a knife in his possession.

At trial, the complainant gave evidence consistent with her report to the police. The prosecution also adduced evidence of the complainant's date of birth. It was put to her in cross examination that the defendant did not have sex with her and that she was lying, but she disagreed. The accused gave evidence denying the allegations, and said that he did not know she was just 15 years old. He further asserted that, during their encounter, the complainant tried to pick his pocket, but when he caught her red-handed and threatened to tell the police, she 'cried rape'.

At the end of the summation, the learned trial judge, Judge Stern, enquired of both prosecuting and defence counsel, whether there was anything else the jury should be told. The prosecution indicated that in the circumstances, the jury should be directed to consider the lesser offence of sexual intercourse with a person under 16 years/between 14 and 16 years. Judge Stern declined to leave the lesser offence to the jury. He then sent the jury to retire to consider their verdict for the offence of rape.

On their return, the foreman was asked if they had reached a verdict and whether it was unanimous. The foreman replied "Yes". The Registrar asked the foreman what was their verdict, to which the foreman replied, in the presence of the other jurors, "Guilty". The jury was then discharged. The following day, some of the jurors, including the foreman, approached the Registrar. The foreman stated that he did not understand the meaning of the word "unanimous", and that the verdict should have been "Not Guilty". The learned trial judge, as well as defence and prosecuting counsel, were informed about what the foreman told the Registrar.

Julius wants to appeal his conviction.

Advise Julius whether he has any good ground(s) of appeal.

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