

COUNCIL OF LEGAL EDUCATION
NORMAN MANLEY LAW SCHOOL

LEGAL EDUCATION CERTIFICATE
FIRST YEAR EXAMINATIONS 2026

CRIMINAL PRACTICE AND PROCEDURE

(WEDNESDAY, MAY 6, 2026)

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

- (a) Frank Fury was arrested for larceny/theft.

Constable Dennis alleged that, while shopping in a supermarket, he observed Fury browsing the aisles and removing items of groceries from the shelves. He noticed that Fury eventually left the supermarket without going to the cashier. Dennis stated that after Fury went outside of the supermarket, he observed Fury pulling a bag of groceries from beneath his clothing.

Dennis stepped outside and called to Fury, "Thief, thief!" Fury looked in his direction and immediately began to run. Dennis chased him, threw him to the ground, sat on his back, and placed him in handcuffs.

Fury was taken back to the supermarket by Dennis, along with the bag of groceries, where an investigation was initiated to determine whether the items had in fact been stolen.

The supermarket has a policy that goods purchased elsewhere must be left with an attendant stationed at the entrance to the supermarket. Fury stated that he had purchased the groceries earlier from another shop. When he entered the supermarket, instead of leaving the items with the attendant as required, he placed them inside his jacket to avoid the inconvenience.

The bag of groceries was searched and was found to contain items identical to those sold in the supermarket. Fury was also searched and a receipt for the items was found in his pocket.

Approximately one hour later, the handcuffs were removed, and Fury was released. The groceries were returned to him.

Fury is angry about the way he was treated. He stated that he ran because he did not understand what was happening. He explained that other people had begun to run, and that he heard shouting but did not know what was being shouted. He therefore attempted to leave the area before any trouble began.

Fury further stated that he did not know that Constable Dennis was a police officer because Dennis was not dressed in uniform. Fury also claims that he has suffered back injuries as a result of the force with which he was thrown to the ground. He has produced medical certificates confirming that he sustained injuries to his back and is currently receiving physiotherapy.

Advise Fury on the legality of his arrest and the searches conducted.

- (b) Jaze has been charged with murder. It is alleged that he murdered his friend, Wavers, by stabbing him three times in his back with a knife.

The Crown possesses strong circumstantial evidence, including the presence of Jaze's fingerprints on the knife believed to be the murder weapon. However, the Crown has no evidence of motive and there are no eyewitnesses to the incident.

In a statement given to his counsel, the details of which were shared with the Crown, Jaze claimed that his friend provoked him incessantly by repeatedly flirting with Jaze's girlfriend, Karina, and then boasting to him about doing so.

Jaze stated that Wavers was in the act of boasting about his last act of flirtation with Karina, when he lost control and stabbed Wavers.

Jaze now wishes to plead guilty to the lesser offence of manslaughter.

Since that time, the Crown has obtained a statement from Karina, who ended the relationship with Jaze after the incident. In her statement, she denies that Wavers ever flirted with her.

You are counsel for the Crown.

With reference to relevant legal authorities and prosecutorial principles, evaluate whether the Crown should accept Jaze's proposed plea to manslaughter.

QUESTION 2

Noel DaSilva was charged with the attempted murder of his wife, Sally DaSilva.

The Crown alleged that Noel shot Sally once in the throat with his licensed firearm, and left her lying on the floor of their bedroom to die. Sally survived, but sustained injuries resulting in paraplegia, and is unable to speak.

Noel was arrested while fleeing the scene. He was subsequently indicted for the attempted murder and placed on trial. Defence counsel, Alysha Scott, appeared on his behalf.

The Crown relied on the evidence of a number of witnesses, including a witness called Parrot, as well as several exhibits.

Parrot testified that on the day of the incident, he had gone to visit his friend, Garfield Grimms, who lived next door to the DaSilvas. As he approached the DaSilvas's house on foot, he heard Noel shouting at Sally about her leaving him for another man.

Both Sally and Noel were in a room to the front of the house. Although the room was partially obscured by curtains, Parrot stated that each of them was visible at different times.

Parrot testified that he saw Noel holding a gun, which he pointed in Sally's direction before firing. He further stated that the sound from the gun was not as loud as he expected.

Approximately a minute later, Parrot said he saw Noel run from the house toward a nearby landfill, throw an object into the bushes, enter his vehicle, and drive away.

Parrot further stated that he ran from the scene to Grimms's house.

The Crown also called a police officer who testified that the bushes near the landfill were searched and a silencer was found. The silencer was dusted for fingerprints, but none were detected. The Crown tendered the silencer into evidence and it was admitted.

The police had also obtained a statement from Grimms. However, the Crown did not call Grimms as a witness.

In his statement, Grimms said that at the time he heard the shouting from the DaSilvas's house, Parrot had been with him inside his house and had remained there until the following morning. Grimms also stated that he did not hear any gunshot.

Grimms's statement was served on the defence immediately before the Crown closed its case. Defence counsel, Scott, did not object to the late service of the statement.

In his defence, Noel gave evidence. He claimed that Sally had attempted to commit suicide after an argument between them. He said she had been suffering from depression for a while, and that he was concerned about her psychological condition.

Noel testified that during their conversation he placed his licensed firearm on a nearby table. He claimed that he did not see when Sally picked up the firearm. He said he drove away in order to obtain help, not to escape. He denied going to the landfill and throwing away any object into the bushes.

Defence counsel, Scott, did not call Grimms as a witness.

Noel was convicted. You have been retained to represent Noel on appeal.

He wishes to appeal on the grounds that both defence counsel, Scott, as well as counsel for the Crown, engaged in misconduct in their handling of the case.

You contacted Scott to inquire about her decision not to call Grimms. She replied, in writing, that she made the decision for two reasons, namely:

- (i) the late service of Grimms's statement; and
- (ii) after speaking with Grimms, she considered him unreliable.

When asked to explain in what respect Grimms was unreliable, she did not respond.

Advise Noel on the merits of the following grounds of appeal:

- (a) the alleged misconduct of counsel for the Crown; and
- (b) the alleged misconduct of counsel for the defence.

QUESTION 3

Tio Jay is on trial for burglary before Burnell J and a jury. During his trial, the following issues arose.

- (a) Tio Jay elected to give evidence. During his examination-in-chief, the court adjourned for the lunch break.

As the jurors were being led out of the jury box, juror number 4 began to sing, *“tell me lies, tell me sweet little lies.”*

Juror number 5 chuckled and whispered, *“I’m tired of you singing that song.”*

Defence counsel immediately rose and stated, *“My Lady, I object. I’m applying for the discharge of this jury.”*

- (b) After the close of its case, the defence made an application to visit the *locus in quo*. Defence counsel argued that if the jury were to see the building themselves, they would see that it was impossible for Tio Jay to have entered the premises through the aperture the Crown alleges he used.

The Crown objected on several bases, namely:

- (i) that the accused’s body type had changed significantly since the incident, and that he was now older and larger than he was at the time of the alleged offence;
- (ii) that the defence had waited until it was too late to make the application; and
- (iii) that the area where the incident occurred was too dangerous to be secured.

You are the clerk to Burnell J. The judge asks you to advise her on how the court should address the issues raised in (a) and (b).

Advise accordingly.

END OF PAPER