

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

ADVOCACY PROGRAMME

YEAR II

BRIEF FOR CIVIL EXERCISES

*JOHN DOGOOD (EXECUTOR OF THE ESTATE OF GARY DOGOOD,
DECEASED) v THE ATTORNEY GENERAL FOR JAMAICA*

*FOR
ASSAULT AND BATTERY*

NORMAN DAVIS

PARTICULARS OF CLAIM

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

CLAIM NO.

HCV 4 of 2008

BETWEEN

**JOHN DOGOOD
(Executor of the Estate of
Gary Dogood, deceased)**

CLAIMANT

AND

**THE ATTORNEY GENERAL
FOR JAMAICA**

DEFENDANT

1. The claimant is the father and the executor of the estate of Gary Dogood under his will dated December 2, 2006, probate having been granted on September 5, 2009.
2. The defendant is sued under sections 3 and 13 of the Crown Proceedings Act in respect of the actions of Sergeant Shooter a member of the Jamaica Constabulary Force. At all material times the said officer was acting in the execution of his duties and was thereby a servant and/or agents of the Crown.
3. At all material times Gary Dogood “the deceased” was a final year law student with no dependents. He worked part time at his father’s carpentry shop located on the premises where they both resided.
4. On June 14, 2007, the deceased was unarmed and lawfully on the roof of his house with only a cell phone in his hand when Sergeant Shooter and Constable Nosnitch entered the premises. Sergeant Shooter deliberately and without reasonable or probable cause, discharged his firearm at him hitting the deceased in his chest and causing his death. The claimant says that this act by Sergeant Shooter constituted an assault and battery by him on the deceased and his estate is entitled to damages in respect thereof.

5. At the time of his death the deceased was 24 years old, having been born on February 22, 1983. He was in good health. He was a final year law student and worked part-time in his father's carpentry shop and earned approximately \$250,000 per annum.
6. As a consequence of the aforesaid Gary Dogood lost the normal expectation of life and his near relations and estate have thereby suffered loss, damage and incurred expenses.

PARTICULARS OF INJURY

The claimant who was 24 years old having been born on February 22, 1983, suffered severe personal injuries leading to his death:

- a) Gunshot wounds to chest
- b) Injury to left lung
- c) Haemorrhagic shock
- d) Blood loss

PARTICULARS OF LOSS TO THE ESTATE

The deceased was self employed at the time of his death, earning \$250,000 per annum gross. Furthermore, he had a job offer from Legal Offices in the civil service and was scheduled to begin on September 1, 2007 and would have earned the following:

Gross salary - \$1,400,000

PARTICULARS OF SPECIAL DAMAGES

Hospital Expenses	-	\$50,000
Funeral Expenses	-	\$375,000

AND THE CLAIMANT CLAIMS

1. Damages under the Law Reform (Miscellaneous Provisions) Act for the benefit of the estate of the deceased
2. Special Damages
3. General Damages
4. Interest at such rate and for such period as this Honourable Court may deem fit.
5. Costs

Signed: Alaine Merit
Attorney-at-Law

I certify that all the facts set out in this Particulars of Claim are true to the best of my knowledge, information and belief.

Dated the 15th day of September, 2008

Signed: John Dogood

The claimant's address for service is that of h is Attorneys-at-Law, Merit, Gooden & Bright, whose telephone number is 862-3463 and fax number is 678-3738.

Filed by Alaine Merit, Attorney-at-Law, Merit, Gooden & Bright, 22 Mercy Avenue, Kingston whose telephone number is 862-3463 and fax number is 678-3738.

DEFENCE

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

CLAIM NO. HCV 4 of 2008

BETWEEN

**JOHN DOGOOD
(Executor of the Estate of
Gary Dogood, deceased)**

CLAIMANT

AND

**THE ATTORNEY GENERAL
FOR JAMAICA**

DEFENDANT

1. Paragraphs 1 and 2 of the Particulars of Claim are admitted.
2. The defendant neither admits nor denies paragraph 3 of the Particulars of Claim and requires the claimant to prove the allegations therein.
3. Save that the defendant admits that Sergeant Shooter deliberately discharged his firearm at the deceased thereby causing his death, paragraph 4 of the Particulars of Claim is denied. The defendant says that at the time Sergeant Shooter discharged his firearm, he honestly and reasonably believed that his life was in imminent danger. In particular, Sergeant Shooter believed that the deceased was about to attack him with a firearm with the intention to kill him or cause serious bodily harm. Further, the defendant says that at the time Sergeant Shooter discharged his firearm, the deceased did not have a cell phone in his hand but was armed with a firearm at his waist which was subsequently recovered from his body.
4. The defendant says that in the circumstances set out in paragraph 3 above Sergeant Shooter acted lawfully and justifiably in self-defence and in these circumstances the defendant is not liable to the claimant.

5. The defendant neither admits nor denies paragraphs 5-6 of the Particulars of Claim neither does the defendant admit or deny the particulars of injury, loss to the estate and special damages set out in paragraph 6 and the Claimant is required to prove the allegations therein.

Signed: Donald Harding
Attorney-at-Law

I certify that all the facts set out in this Defence are true to the best of my knowledge, information and belief.

Dated the 10th day of October 2008

Signed: Ruth Justice
Attorney General

The defendant's address for service is that of his Attorney-at-Law, Donald Harding whose telephone number is 678-3264 and fax number is 847-3748.

Filed by Donald Harding, Attorney-at-Law, 13 Malted Avenue, Kingston whose telephone number is 678-3264 and fax number is 847-3748.

WITNESS STATEMENT OF JOHN DOGOOD

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

CLAIM NO.

HCV 4 of 2008

Made on behalf of: Claimant

Witness: John Dogood

Date: December 3, 2008

John Dogood states:

I am a small business operator of a carpentry shop in Inner City Gardens. I have operated this business there for all my working life.

I am married and had two sons, Donovan "Baddist" Dogood and Gary Dogood. Both of my sons are now deceased. Donovan died at the age of twenty five (25) in March 2006, shot and killed by the police. He was a member of a gang in this community named the 'We Run Dis' gang and was on the police's most wanted list. The police alleged that he was shot and killed when he engaged them in a shootout. His younger brother was Gary Dogood who was also shot and killed by the police in June 2007 and he is the subject of this claim.

Gary was devastated by the loss of his brother and he vowed as a result of his brother's death never to follow a life of crime and to help youngsters stay away from crime. He assisted me in operating the carpentry workshop on the premises. He was a final year law student in the Faculty of Law, University of Jamaica and as a result of his studies he had made a will on December 2, 2006. He was on a government scholarship at the time of his death. Gary earned approximately JA\$250,000 per year from assisting me in the carpentry workshop. Inner City Gardens is a garrison community and was "ruled" by a "don" Peter Strongmann. Donovan was a member of his gang up to the time of his death. As a result of the security forces' drive to root out gangs, our community became the centre of security operations including curfews. When these curfews were imposed, the police and military would engage in joint operations. During these operations, several of the young men would be gathered, detained and taken to the Inner City Gardens Police Station. There the young men would be "processed" that is, they would have their fingerprints and photographs taken and be questioned by the police over the periods of their detentions.

My premises has an illegal electricity connection on the roof of the building. The building is approximately 15 feet high. During these military police operations a JPS crew would sometimes be in tow to check for such connections and disconnect them. As a result of this, I kept my "ear to the ground" for when joint

police/military operations were taking place so that I could remove the connection and avoid prosecution.

On June 14, 2007 at about 1:00pm, I heard sirens in the community and by this became aware that the police and military were in the area. My son Gary was working in the workshop and I asked him to go to the roof quickly to disconnect the illegal connection. He immediately complied and climbed up towards the front of the roof where the illegal connection was situated. I telephoned Gary and told him to hurry and his response was "I'm done now, but the police dem in di yard wid dem gun, but nuh worry, me'll reason wid dem dads" He then hung up.

I went to stay with my wife towards the rear of the premises because after the death of Donovan, she was terrified of police. While there, I heard a loud banging on the front door to the premises. It was the police demanding entry. I let in a uniformed policeman who demanded a search of Gary's room. Gary now solely occupied a room that he previously shared with Donovan. I led him to the room where he made a quick search while I watched. He bucked into a loose floorboard and lifted it. Underneath it, he found a gun. I protested immediately that Gary had nothing to do with it, that he had turned his life around and that the gun had apparently been hidden there by his brother Baddist without Gary's knowledge. The policeman then said "Wait, a Baddist bredda him be? Watch me an him!" He ordered me back to my room and threatened to shoot me if I didn't comply. I complied.

The next thing I heard was a loud explosion in the area at the front of the premises and I ran to the front door only to find one of the policemen blocking it.

When he saw me he shouted "Stay inside, mi seh fi stay inside!" and pointed the gun towards the door. I looked through the window beside the door and I saw my son's body on the ground. I could see that he was moving and still alive.

Some time after that, a crowd had gathered so the policeman left the door to help other police men, who had arrived by then, keep them in check. I rushed outside into the yard to my son who was writhing in pain and covered in blood. I saw a police truck arrive at the gate within a minute. I have seen similar trucks on several occasions before, transport young men detained in operations in Inner City Gardens. The truck appeared to have detainees in the back under police guard and they were apparently on their way to the station to be processed. Two of the other policemen who had arrived on the scene and were controlling the crowd, placed my son in the back of the truck. At this time, he was writhing and crying in pain.

The nearest hospital was Kingston City Hospital. I rushed to the hospital but by the time I reached, my son had died. I later went to the Inner City Gardens police Station and requested my son's cell phone as it was his property but no one could account for it. At the end of the month I received my cell phone bill from

Digilime which showed that I had made a call from my cell phone to Gary's cell phone number (273-3843) on June 14, 2007 at 1:06 pm for one minute.
I paid hospital expenses of fifty thousand dollars and funeral expenses of three hundred and seventy-five dollars.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed: John Dogood

Date: 3/12/08

WITNESS STATEMENT OF DAPHNE GENTLES

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

CLAIM NO.

HCV 4 of 2008

Made on behalf of: Claimant

Witness: Daphne Gentles

Date: December 8, 2008

Daphne Gentles states:

I am 65 years old. I live at 25 Wishpeace Lane which is a small lane and my premises are directly in front of the premises owned by my neighbour John Dogood. I have a full frontal view of his premises. I am a retired Registered Nurse and I survive by remittances sent by my children from the USA.

The front of my premises is about 50 feet from the front of Mr. Dogood's premises and our buildings are each one storey buildings. He and I have lived in the area for over twenty years. My children, who are older, often kept an eye on his children when they were young.

On June 14, 2007 in the early afternoon, I was inside my house cooking a meal. I heard male voices coming from the direction of Mr. Dogood's premises. As a result I went outside on to my front verandah. There I saw Gary Dogood at the edge of the roof with his left hand by side and his right hand raised with a cell phone in it. I came out just in time to hear the police say: "Wha u a do pon di roof bwoy! Community policing done u nuh, a fi wi turn again" I then heard Gary say "This state of emergency not right. Is jus an excuse fi round up poor people. I'm a law student and you have no right to question me on my private property" I heard the police ask him for his full name and he said Gary Dogood. The policeman then said "dis house haffi search! Di bwoy a gwaan like him a lawyer an betta dan wi!" I then saw the policeman bang on the door until someone inside opened it and the policeman pushed his way inside.

A few minutes later, this policeman returned. He faced Gary and I heard him say "so u a Baddist bredda, U kno how much a my police bredrin him kill?! And u a gunman to, wi find di gun!" Gary, with his hands upraised and his cell phone still in his hand replied "Is not my gun officer, Baddist mussa hide it. I'm filming this with my phone for my own safety, let me come down and talk to you." On hearing this, the policeman shouted in response "u tink is Ocho Rios dis bwoy? U tink I goin let u mek smaddy charge me! Put weh di phone in yuh pants pocket." I then saw Gary slowly bring down his arm to his waist to put the phone away. I then heard a loud explosion and saw fire coming from the policeman's gun and Gary dropped immediately from the roof to the ground.

I then saw the policeman reach down towards the body. I could not at that time see what they were doing because their backs were to me but it appeared as if they were either taking something from or placing something on the body. They then turned towards the car which was parked at the front of the premises. The other policeman's eyes met mine and I heard him say "Granny was a watch wi!"

At this time I felt threatened and fearful for my life and I left the veranda and remained inside for the rest of the evening.

Out of fear, I did not speak to anyone after the incident. About three months later I broke my silence when I heard that the policeman in question had been shot and killed in a shootout. Since I then became aware that there would be no prosecution of this policeman I decided to come forward. I told Mr. Dogood what I saw and he referred me to this attorney.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed: Daphne Gentles

Date: 8/12/08

WITNESS STATEMENT OF JOANNA BROWN

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

CLAIM NO.

HCV 4 of 2008

Made on behalf of: Claimant

Witness: Joanna Brown

Date: December 10, 2008

Joanna Brown states:

I am the Chief Personnel Officer for the Independent Commission of Investigations which has oversight for investigation of alleged violent crimes committed by the police during the course of their duties.

In this capacity, I am aware of the emoluments payable legal officers employed by the Commission.

Mr. Gary Dogood was on a government scholarship at the time of his death in June of 2007 and so we kept track of his grades. We had been informed by the law school that he had placed on the Principal's Honour List. He had just completed his final examinations. He had already been earmarked for employment at the grade applicable to persons entering the system just after graduation from the law school. He had been offered a job with our organization.

At his grade, Mr. Dogood would have earned:

Gross salary - \$1,400,000

TOTAL: \$2,583,600

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed: Joanna Brown

Date: 10/12/08

WITNESS STATEMENT OF MICHAEL NOSNITCH

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

CLAIM NO.

HCV 4 of 2008

Made on behalf of: Defendant

Witness: Michael Nosnitch

Date: December 10, 2008

Michael Nosnitch states:

I am a Police Constable stationed at the Inner City Gardens Police Station. Sergeant Daniel Shooter was also attached to this station in 2007 and he was my senior.

In June 2007 a state of emergency was declared in the corporate area. The security forces embarked upon an intense drive to root out crime in garrison communities and to dismantle the power of the dons ruling these communities.

The community of Inner City Gardens which was within the jurisdiction of my police station was one such garrison community. As a result of this drive, we started to undertake joint JDF/Police operations in these communities. These operations involved teams of police and soldiers entering the community, then dividing into groups of 2-4 officers, who would then search persons and homes for guns and also, detain persons for varying periods. Detained persons would be transported to the police station in a closed police truck fingerprinted and photographed taken for our records. Often, a JDF helicopter would be part of the operation and would circle the area on the lookout for suspicious activity.

On June 14, 2007, we embarked upon one of these operations in Inner City Gardens. I teamed up with Sergeant Shooter in a marked police car and we were in uniform at the time. Approximately ten minutes into the operation we received a message from radio control based on information obtained from the JDF helicopter. Based on this message, we proceeded to premises at 24 Wishpeace Lane to investigate suspicious activity of an individual on the roof of the building on those premises. Often in these operations, gunmen would situate themselves on roofs to alert each other by cell phone or to act as snipers.

We proceeded up a lane lined with small one storey residences to these premises where we saw a young man on the roof as we had been informed. We parked one house down and alighted from the vehicle armed with M16 rifles and proceeded on foot in the direction of the premises. Whilst taking cover and moving in the direction of the premises, we shouted to the young male to walk to the edge of the roof facing the lane with his empty hands up. There was no cell

phone in either of his hands. He complied with his hands in the air the whole time. He faced us as we entered the premises through the gate which was open and we kept our guns pointed at him

As we entered, we noticed a bulge at the young man's waist. We stopped at a distance of about 12-15 feet from the edge of the roof and Constable Shooter asked the man "What's your name? What you doing on the roof? What's in yu waist" The young man refused to answer except to say in an angry manner "my name is Dogood, hug up dat, mi nah answer nuh question!" Sergeant Shooter then asked "wait, a Baddist was u bredda?" Instantly, the young man became enraged and shouted "Yes and a you police kill him. All police fi ded!" He then suddenly used his right hand to reach for his waist where the bulge was, whereupon Sergeant Shooter fired a shot in his direction. He then fell injured from the roof to the ground. Even though Sergeant Shooter only pulled the trigger once, due to the semi-automatic nature of the M16 rifle, pulling the trigger once fires three bullets. We carried these types of weapons because of the dangers of the inner city communities.

I kept my gun pointed at the young man on the ground while Constable Shooter frisked him and recovered a Luger gun from his waist. Shooter immediately ran to the car where he radioed for backup and for transport to take the young man to the hospital. A closed police truck which was in the area transporting detainees arrived on the scene within minutes and took the young man to the hospital. At about this time a crowd also gathered on the scene. The backup policemen who arrived advised Sergeant Shooter and myself to leave the scene for our own safety.

Two days after this incident, Sergeant Shooter was shot and killed allegedly by a member of the We Run Dis gang in the community during the security operations. It was alleged that it was in reprisal for the killing of Gary Dogood.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed: Michael Nosnitch

Date: 10/12/08

WITNESS STATEMENT OF MARK SOLDIER

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

CLAIM NO.

HCV 4 of 2008

Made on behalf of: Defendant

Witness: Mark Soldier

Date: December 15, 2008

Mark Soldier states:

I am Corporal Mark Soldier and I am a member of the Airwing Fleet of the Jamaica Air Force. I am a qualified helicopter pilot.

In June 2007 the Jamaica Air Force assisted the police in joint operations in inner city communities as part of a state of emergency. My duty in respect of an operation on the 14th of June in the Inner City Gardens Community was to offer surveillance services. This involved keeping a lookout with my co-pilot James Flier for suspicious activity during a curfew then in operation. We had radio contact with Police Radio Control who would then relay our messages to police mobile units on the ground.

While flying above the Inner City Gardens community, I noticed a young man on a roof behaving suspiciously. I am on the alert for this kind of behaviour because often in these operations, persons would situate themselves on roofs in the community to monitor and alert others of the movement of the police or to place themselves in positions as snipers.

I alerted police control as to the location of the premises considered and of the presence of the young man. I continued to circle that particular location to monitor events. I gave instructions to my co-pilot, who also doubled as an observer, to keep a lookout on the environs surrounding the premises lest the young man was communicating with criminals who were nearby who could take the two officers on the ground by surprise by possible I circled at a distance of about 500 feet so as to be out of shooting range if a firearm were to be fired in the direction of the helicopter. I circled in a clockwise direction, as a result of which, they were in my direct view. My co-pilot was to my left and therefore did not have the direct view to the roof that I had as I circled because I partially obstructed his vision. I had also instructed him to keep a lookout for other persons in the area who might pose a threat to the officers on the scene and take them by surprise

Within minutes, a mobile unit arrived at the scene and I saw two uniformed policemen enter the premises. The young man approached them with his arms

raised and faced them at the edge of the roof. The policemen had their guns trained on him and there was clearly a conversation taking place between them and the young man. I suddenly saw the young man move his hand to his waist and in response, one of the policemen fired a shot in his direction and I saw the young man fall to the ground. I continued to circle until a police truck arrived at the scene along with backup police units. I submitted a statement to the police on their request. My co-pilot James Flier explained that he did not see the incident because of his position in the helicopter and so the police did not take a statement from him.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed: Mark Soldier

Date: 10/12/08

WITNESS STATEMENT OF DAVID SLEUTH

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

CLAIM NO.

HCV 4 of 2008

Made on behalf of: Defendant

Witness: David Sleuth

Date: December 16, 2008

David Sleuth states:

I am a retired Police Inspector and now civilian investigator at the Independent Commission of Investigations. This body investigates alleged crimes committed by policemen.

On June 15, 2007, I was assigned to investigate an alleged extra judicial killing of Gary Dogood that took place on June 14, 2007. I interviewed the father of the deceased, John Dogood and several of his neighbours from Wishpeace Lane.

No one assisted with any material information, which is not unusual due to the distrust in these communities of the police and the fear of reprisal generally, either from police or gunmen.

I recall in particular, speaking to Ms. Daphne Gentles who lives at number 25 Wishpeace Lane, the premises directly in front of Mr. Dogood's house. She informed me that she had heard a commotion on the day and time in question but was inside cooking a meal at the time and did not see what took place. She declined to give me a statement. Among other statements, I took a statement from Peter Busshot at the suggestion of Sergeant Shooter.

I took photographs of the scene. The premises in the lane were all one storey buildings and were a short distance from a narrow lane.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed: David Sleuth

Date: 10/12/08

WITNESS STATEMENT OF PETER BUSSHOT

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

CLAIM NO.

HCV 4 of 2008

Made on behalf of: Defendant

Witness: Peter Busshot

Date: December 18, 2008

Peter Busshot states:

I reside at 24 Rocky Street, Inner City Gardens. I am unemployed.
In June 2007, intense joint security operations were taking place in the community. As part of these operations, many youth were detained and taken to the Inner City Gardens Police Station. There they were processed.

On June 14, 2007, the police, including Sergeant Shooter, came to my house and ordered me out. They informed me that they were detaining me for questioning and I was escorted to a police truck with a closed cabin area where prisoners are held. I was shoved into the back and the doors locked behind me.

There were four other prisoners in the truck at that time who were also being taken in to the police station.

I recall that the van was driven to a scene where it stopped. A young man who I knew as Gary Dogood was placed in the back of the van on the floor in front, nearest to and facing me. He was bleeding from a gunshot wound in the region of his chest and writhing and gasping in pain.

Immediately as the van began to drive off he said "mi reach fi mi gun but me never get off a shot, 'We Run Dis' and 'Shotta Fire' mus come together fi keep up the war gainst the dutty police who kill mi bredda"

I was a former member of the 'Shotta Fire' gang which is at war with the 'We Run Dis' gang and this is why he told me both gangs have to work together. He died on the way to the hospital.

I was detained at the station for 3 days during which time I was questioned about Shotta Fire's activities. While I was detained, Sergeant Shooter approached me to give a statement to David Sleuth from the Independent Committee of Investigations that Gary had been alive when placed in the truck and had been taken to the hospital. I did so and was released from custody immediately after that by Sergeant Daniel Shooter.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed: Peter Busshot

Date: 10/12/08

POST MORTEM EXAMINATION REPORT

I hereby report that on the 19th day of June
year 2007. I have viewed and examined the body of *a male deceased*
GARY DOGOOD o/c Rightpath in the parish of **Kingston**
and have noted the following particulars after careful enquiry and examination.

PARTICULARS OF ENQUIRY	
a. When, where and by whom the body was discovered.	On June 14, 2007, Kingston City Hospital by doctor on duty, while undergoing treatment.
b. The position of the body when discovered and its surroundings.	Lying on its back on a hospital bed.
c. If the body had been moved, the object thereof and by whom.	Removal to the hospital morgue for post mortem examination.
d. The name address, calling, sex, age and colour of the deceased.	GARY DOGOOD, o/c Rightpath , 24 Wishpeace Lane, Kingston, male, 24 years old, law student, single, dark complexion.
e. The name, calling and address of the person identifying the body.	John Dogood, self-employed of 24 Wishpeace Lane, Kingston. Tel: 543-3746 (father)

All statements made in this report should be to the personal knowledge of the operator.

PARTICULARS OF EXAMINATION	
a. The time and place of the examination and the number of hours after death.	June 19, 2007, 3:00pm Kingston City Hospital Morgue, Kingston Approx. 5 days after death.
b. The result of the examination of the position of the clothing or coverings and of the external appearances of the body with special reference to any marks or signs of violence or injury.	<p>Dead body was that of a well built nude young male of 5'9" height and 180lbs estimated weight with a surgical chest tube wound on left side of chest.</p> <p><u><i>EVIDENCE OF INJURIES (3 Gunshot wounds)</i></u></p> <p>Three entry gunshot wounds of size 1" in diameter were discovered without gunshot powder deposition on front of left side of chest. First wound is about 47 cm below top of head and 10cm from midline, second and third wounds are about 45 cm below top of head and 10cm from midline. Bullets moved in chest cavity posteriorly on the same side, injured both lobes of left lung with resultant haemoglobin – 2L of liquid blood before they exited through an irregular exit wound (2½ inches) on the back of left side chest, 46cm below top of head and 10cm from midline.</p>

The particulars that I have been able to ascertain by enquiry and external examination of the body being insufficient to enable me to determine for legal purposes the cause of death. I have made such dissections as were necessary and have observed and noted the following appearances:-

c. 1. The head, brain, spinal cord, organs of special sense, etc.	Unremarkable
2. The thorax and contents	Showed injuries as described earlier.
3. The abdomen and contents.	Unremarkable.
4. The extremities	Unremarkable

Having reason to believe that death may have been caused or accelerated by poison, I have placed the following substance in a separate which I

have carefully stoppered, secured and handed to
transmission to the Government Analyst at

for

- a)
- b)
- c)

Information obtained respecting the history and symptoms observed before
death:-

*Deceased was allegedly shot and injured by the police, he died later on the
same day on 14.6.2007 after approximately 1 hour while undergoing
treatment.*

SUMMARY OF OPINION AS TO CAUSE OF DEATH

From the above mentioned information and appearances I am of the opinion
that:-

*Death was due to haemorrhagic shock consequent upon multiple gunshot
wounds to chest, with injury to left lung, accompanied by blood loss.*

Adrian Fixer

(Signed): DR. ADRIAN FIXER, MD
Regional Consultant Forensic

Pathologist

Place: Kingston City Hospital

DIGILIME

John Dogood
24 Wishpeace Lane
Inner City Gardens
Kingston

Account #64724
Billing Date: 25 June 2007

Regular Service Charges (25 May to 25 June)
\$500.00

Local Calls

Date	Time	Minutes	Dialled Number	Rate (\$/min)	Amount (\$)
26/05/07	3:00pm	4.3	273-3843	6	25.80
26/05/07	5:20pm	14	343-2596	8	112.00
28/05/07	9:30am	8.7	384-2749	8	69.60
29/05/07	12:15pm	26.2	273-3843	6	157.20
30/05/07	4:01pm	3.8	245-5430	7	26.60
03/06/07	8:19pm	2	273-3843	6	12.00
05/06/07	11:11am	1.2	743-3720	7	8.40
09/06/07	6:14pm	0.8	313-4739	8	6.40
12/06/07	7:56am	9.5	245-5430	6	57.00
14/06/07	1:06pm	1	273-3843	6	6.00
15/06/07	5:30pm	2	245-5430	6	12.00
19/06/07	12:47pm	15	967-3746	6	90.00
23/06/07	9:30pm	5	354-7398	7	35.00

Total Local

Calls.....\$618.00

Total Current

Bill.....\$1,118.00

CASE NO: 34253

JAMAICA CERTIFICATE

For the purpose of the Firearms Act, Act 1 of 1967 – Subsection 4 of Section 46A

I, the undersigned, a Ballistics Expert for Jamaica, do hereby certify that I received on the

12:30pm 17th day of July, 2008 from: No. 1425, Sergeant
D. Shooter (deceased)
Inner City Gardens Police Station

Sealed

} on delivery, the undermentioned articles.

Unsealed

**JOHN DOGOOD VS THE ATTORNEY GENERAL FOR JAMAICA FOR ASSAULT AND
BATTERY AND SHOOTING OF GARY DOGOOD BY THE POLICE ON 2007.06.14**

I have analyzed the same and find as follows:-

EXHIBITS:-

One sealed envelope marked 'A'
Containing:-
black

magazine,
twist,

Unparcelled and labeled 'B':-
carbine,

and

One 9MM luger 'RUGER' dual action,
autoloading pistol, black finish metal slide with

plastic receiver and grip, 10 shot capacity

9.8cm long barrel, 6 lands and grooves, right

Serial No. **645-72950**.

One 5.56MM NATO 'COLT' model M16A2

30 shot capacity magazine, 36.83cm long barrel,
6 lands and grooves, right twist, semi-automatic

Automatic 3-burst action, Serial No. **8768368**

As witness my hand this 13th day of September, 2007

**At the Forensic Laboratory, Kingston, Jamaica
21 Rendon Boulevard
Kingston**

Pamela Checker
Detective Inspector
GOVERNMENT BALLISTICS EXPERT
FORENSIC LABORATORY

CASE NO: 34253

JAMAICA CERTIFICATE

For the purpose of the Firearms Act, Act 1 of 1967 – Subsection 4 of Section 46A

I, the undersigned, a Ballistics Expert for Jamaica, do hereby certify that I received on the

12:30pm 17th day of July, 2008 from: No. 1425, Sergeant
D. Shooter (deceased)
Inner City Gardens Police Station

Sealed

} on delivery, the undermentioned articles.

Unsealed

**JOHN DOGOOD VS THE ATTORNEY GENERAL FOR JAMAICA FOR ASSAULT AND
BATTERY AND SHOOTING OF GARY DOGGOD BY THE POLICE ON 2007.06.14**

I have analyzed the same and find as follows:-

EXAMINATION AND TEST:-

Examination and test conducted on Exhibits 'A' and 'B' revealed that Exhibit 'A' was fired but likely prior to 2007 and Exhibit 'B' was fired and could be on the 14th

June,

2007

Exhibit 'A' was test-fired using two 9MM luger cartridges from Laboratory stock. Bullets and cartridge cases were recovered.

cartridge

Exhibit 'B' was test-fired using two 5.56MM NATO cartridges in each from Laboratory stock. Bullets and cases were recovered.

REMARKS:-

dual

Exhibit 'A' was a 9MM luger 'RUGER' model P95DC, action, autoloading pistol that was in good working order (although there was some rust present indicative of lack of recent use) and capable of discharging deadly bullets from the barrel by firing 9MM luger cartridges on semiautomatic

action

pulling
case,
from
pull on

(a cartridge is chambered or loaded manually. Upon the trigger, the weapon fires, ejects the fired cartridge cocks the firing mechanism and feeds a fresh cartridge the magazine). This action will be repeated with each the trigger.

5.56MM
burst
of the

Exhibit 'B' was a 5.56MM NATO 'COLT' model M16A2 carbine that was in good working order and capable of discharging deadly bullets from the barrel by firing NATO cartridges on semiautomatic and automatic 3-Action (a burst of 3 shots are discharged with each pull Trigger).

As witness my hand this 13th **day of** September, **2007**

***At the Forensic Laboratory, Kingston, Jamaica
21 Rendon Boulevard
Kingston***

Pamela Checker
Detective Inspector
**GOVERNMENT BALLISTICS EXPERT
FORENSIC LABORATORY**