

NORMAN MANLEY LAW SCHOOL  
Council of Legal Education

LEGAL EDUCATION CERTIFICATE  
SUPPLEMENTARY EXAMINATIONS, 1979

EVIDENCE AND FORENSIC MEDICINE

Tuesday, September 4, 1979

Instructions to Students

- a) Time: 3½ hours
- b) Answer QUESTION 1 and FOUR OTHERS
- c) Answer Question 1 on the separate answer sheet provided.
- d) In answering any question a student may reply by reference to the Law of Jamaica, Bahamas or Belize, but must state at the beginning of the answer the name of the relevant territory.
- e) It is unnecessary to transcribe the questions you attempt.

---

QUESTION 1 (COMPULSORY)

EITHER A. A nineteen (19) year old woman's body with neck chopped was found in a vacant lot. How does the pathologist assist the Investigating Officer at the scene of crime.

OR B. A man aged about 45 years has been charged for drunken driving and taken for medical examination.

Describe the procedure of examination done by the doctor in such a case.

---

QUESTION 2

As a result of the death of a pedestrian Demon is charged with manslaughter. The main item of evidence the prosecution will seek to rely on is to come from the arresting constable who is to say that, on his approaching the scene of the accident he heard an old lady say: "Demon your car just hit down somebody and you are running away from the scene of the crime?" Another was heard to say: "Constable, the car that hit down the old lady has licence number DEM 1." The constable will also say that he went in search of Demon

and found him seated at the steering wheel of his car which had on licence number DEM 1. He arrested and charged Demon for manslaughter.

Will the prosecution be permitted to adduce all this evidence from the policeman at Demon's trial?

---

QUESTION 3

On a report reaching the headmaster of a Kingston boarding school that somebody had stolen money from one of the boy's lockers, the headmaster assembled all the boys in the school yard at midday on Friday and announced that no one would be allowed to go home that weekend until the person who stole the money admitted it. It was getting on to 3.00 p.m. and the sun was quite hot when Duncce, who was now feeling very dizzy, stepped forward and admitted taking the money. The headmaster called in the police and handed Duncce over to them. Duncce soon got bail the same day and was returning home on the 8.00 p.m. train, when he turned to his travelling companion and told him how it was that he succeeded in taking the money without being detected at the time.

Advise as to whether these admissions of guilt by Duncce can be kept from the jury at his trial.

---

QUESTION 4

Unlucky is charged with the murder of his wife Yutu on the seventh day of their honeymoon. The deceased had met her death by drowning in her bath and the circumstances in which the body was found were consistent with death through epilepsy. The prosecution has evidence which shows that two former wives of Unlucky had met their death in similar circumstances one year apart - in one case soon after Unlucky had insured her life for a considerable amount of money, and in the other case, soon after she had insured her life for a large sum of money. Yutu had inherited a substantial sum of money from her deceased father shortly before Unlucky had proposed to her. In all three cases Unlucky was the sole beneficiary of his deceased spouse.

At Unlucky's trial is the prosecution likely to succeed in its attempt to lead evidence of all the aforementioned circumstances surrounding the deaths of his two previous wives?

---

QUESTION 5

In the course of giving evidence in his defence to a charge of murder, Topsy made a severe attack on the character of the prosecution witnesses. In his cross-examination of Topsy the Attorney for the prosecution, with the leave of the Court, and in spite of resolute protests from Topsy's Attorney, proceeded to question Topsy about the occasions when two previous employers dismissed him after accusing him of stealing from their business places, and about the occasion when he was tried and acquitted on charges of indecently assaulting some young girls.

On his conviction on this charge of murder Topsy wishes advice as to whether it was proper for him to have been asked about all these things.

Advise him accordingly.

---

QUESTION 6

Steptoe is charged with indecently assaulting Jack and Jill in the presence of each other when they visited him at his house. Immediately upon leaving their Uncle Steptoe's house the children who were cousins, ran home and reported the matter to their respective parents.

At Steptoe's trial for these offences Jack and Jill both gave unsworn evidence as to what Steptoe did to each of them and as to what each witnessed him do to the other. The children's parents also gave evidence as to what they said Steptoe did to them.

Advise as to how the trial judge should direct the jury regarding the evidence given by the persons referred to above.

---

QUESTION 7

Bully had long wanted to get rid of his wife Aggie. In the first place he wrote her several letters threatening to murder her; secondly, he in fact attempted to murder her by preparing and offering her a cup of coffee in which he had placed what was by far a fatal dose of arsenic.

Fortunately, instead of drinking the coffee because it had got cold, Aggie poured it on one of her potted plants which appeared to be dying. She was very distressed when she noticed that this had hastened the plant's death. Eventually Bully saw Aggie and her brother sitting in the living room watching the television, he picked up his shot gun and fired it at them, killing Aggie's brother instantly and injuring her.

Advise as to whether the Court can properly receive evidence from Bully's wife where he is charged with -

- a) threats (in the case of the letters)
- b) attempted murder (in the case of the coffee with arsenic)
- c) attempted murder of her (the shooting incident)
- d) the murder of her brother.

---

QUESTION 8

(a) At the trial of Mary's negligence action against Jane, Mary's chief witness, Alice who had written a statement and delivered it to Mary describing in clear terms Jane's negligent behaviour, has been most uncooperative in her examination in chief and nothing which fell from her lips indicated anything negligent about Jane's conduct.

Mary knows that Alice has with her a diary in which is recorded a note of the negligent acts of Jane from which the statement was made, and she knows too that one of the two police officers who together took measurements at the scene of the accident and recorded them in a notebook has left the Island and his whereabouts are unknown.

Advise Mary as to what she can do to retrieve her case from the damage being done by Jane, and as to whether she can make use of Jane's diary and the police officers' notebook.

(b) Denzil is suing Jacob for damages for fraudulently misrepresenting the condition of a sewing machine purchased by him from Jacob. What directions will the trial judge give the jury (where the action is being tried by a judge sitting with a jury) regarding the burden and standard of proof pertinent to the facts in issue?

---