

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

**LEGAL EDUCATION CERTIFICATE  
FIRST YEAR EXAMINATIONS, MAY 2021**

**LAW OF EVIDENCE AND FORENSIC MEDICINE**

**MONDAY, MAY 10, 2021**

**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 to be used.
- (g) Where word limits have been given, the actual word counts must be included at the end of your answer. Students who have exceeded the word limits will be penalised.
- (h) Students shall number the pages of their examination script as follows: Page 1 of 12, Page 2 of 12, etc.
- (i) In answering any Part, 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**.
- (j) 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.
- (k) 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 MAY 2021 EXAMINATIONS, LAW OF EVIDENCE AND FORENSIC MEDICINE DROP BOX on TWEN** by **Tuesday, May 11, 2021 NOT LATER THAN** 9:00 a.m. (Jamaica) 8:00 a.m. (Belize) and 10:00 a.m. (Eastern Caribbean).

- (l) 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 -1192 must upload script, cover page and Academic Integrity Statement to folder titled **“Drop Box A Year I - 1100-1192”**.
    - Year I students with Examination ID numbers between 1193 -1283 must upload script, cover page and Academic Integrity Statement to folder titled **“Drop Box B Year I - 1193-1283”**.
    - Year I students with Examination ID numbers between 1284 -1376 must upload script, cover page and Academic Integrity Statement to folder titled **“Drop Box C Year I - 1284-1376”**.

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## **PART A**

### **FORENSIC MEDICINE**

During their study break, a group of Norman Manley Law School students spent the holiday weekend at a youth camp located at Bellefield District in Manchester.

After breakfast they decided to go for a brisk hike in the cool Manchester climate. They stopped to rest under a mango tree and rehydrated with water purchased from a nearby shop owned by a Chinese family. The shopkeeper was very friendly and he was noted to have linear abrasions to his left cheek.

In the vicinity of the Mango tree, they stumbled on the body of a female. She appeared to be in her early 20's, of light complexion and dressed only in a T-shirt.

Beside her, a pair of jeans, Savage-X-Fenty underwear, a Chanel purse and Bridgette slippers were neatly placed on a flat rock.

1. The body was found lying on the right side, but there was purple colouration of the skin on the posterior surface of the body. When pressure was applied to the purple colouration, the colour changed back to the normal skin colour. The body was warm and stiff.

**Explain the forensic significance of the processes involved and how the time of death can be determined.**

2. There was a single gunshot wound to the right temple. This wound was noted to have an eccentric margin of abrasion, with the crescent on the posterior aspect of the wound. There were no other markings associated with the wound.

**Explain the location, direction, distance and the type of gun used.**

3. A 9mm pistol was found resting on her wide open palm.

**Explain why it is unlikely that this was suicidal.**

4. Semen was noted to be on the medial aspect of her right proximal thigh (this was later tested and found to contain the DNA of her boyfriend who is a local, married, successful banker and has been reported missing). DNA of material found under her fingernails matched semen found in her hair (later traced to a male of Chinese ancestry).

**Postulate a logical scenario to explain these findings.**

5. Beside her body were multiple pellets, blood spatter and a spent shotgun shell, as well as a blood trail leading to the nearby road.

**Explain what has likely occurred and if the pellets can be traced to a particular gun.**

## **PART B**

### **EVIDENCE**

**(This Part must be commenced on a new page and titled Part B)**

Roger was tried and convicted of the murder of his wife, June, at the matrimonial home where they lived alone; murder was the sole charge against him. At the time Roger was a security guard and licensed firearm holder. June was a secretary at a law firm. However, months before her death, she and others, had been laid off, because of the negative impact of the COVID-19 pandemic on the firm's business.

The prosecution's case was that Roger shot and killed his wife in the home and that she died from a single gunshot wound. The prosecution had no eyewitness to the killing.

The key prosecution witness was Mary, a neighbour and friend of the couple, who gave evidence in two main areas despite objection by the defence.

Mary gave evidence that she visited June's home in order to give her moral support because she had been laid off. Mary said that a month before the killing, she heard loud quarrels on two different nights, about a week apart, involving Roger and June; she had never heard any quarrels before. Roger, she said, on both occasions was shouting that June was not trying hard enough to find a job and the bills were piling up on his shoulders only. Mary said she visited June in the mornings following the quarrels she heard. On both occasions she saw bruising to the arms and face of June.

Mary also gave evidence that at about 6:55 pm on the night of the killing she heard June crying, "Help! Help!". At 7:00 pm, she heard a single gunshot and then she called the police.

The prosecution also called Sandra, a wealthy widow, who gave evidence that she had been having an affair with Roger for the past year leading up to the killing.

The defence had objected to Sandra's evidence and Mary's evidence at the trial but the judge overruled the objections.

As to the quarrels between Roger and June and the bruises to June, Roger's counsel submitted that there was no history of violence between Roger and June, and no direct evidence that Roger had inflicted bruises to June at anytime. In any event, Roger's counsel submitted that evidence of any alleged previous misbehaviour and misconduct on the part of Roger would be inadmissible under the "*Makin rule*".

As to the evidence of Mary as to what she allegedly heard June shouting five minutes before the gunshot, Roger's counsel submitted that it had no probative value and in any event was inadmissible hearsay. Roger's counsel argued that no exception to the hearsay rule applied because Mary allegedly heard June shout before the gunshot and so any such shouting was not associated with the event of the shooting.

Another prosecution witness was the investigating officer, Inspector Sharpe. The prosecuting counsel adduced evidence, in examination in chief of the Inspector, that on the night of the killing he went to the matrimonial home, arrested Roger, and took him to the police station. Inspector Sharpe said that he charged Roger that night when there was word that June was pronounced dead on arrival at the hospital. The prosecuting counsel did not adduce evidence of any oral or written statement under caution by Roger to the police.

Under cross-examination by Roger's counsel, however, Inspector Sharpe, admitted that Roger had given him a brief statement under caution at the police station, before word reached the station that June had died. Roger's counsel then sought to tender Roger's statement under caution into evidence and the judge so admitted it.

In his statement under caution Roger said, *"I had just returned home from work and was sitting down to have dinner and watch the 7:00 p.m news on television. My licensed firearm was still on my person. June would ordinarily bring me dinner. She brought dinner to me and was placing the plate down when I noticed she had a kitchen knife concealed in her hand under the plate. She raised the knife to stab me and I heard her shout "Help! Help!". Her hand came down viciously with the knife to stab me in the chest but I managed to dodge it. I immediately pulled my firearm and shot her in self-defence as she attempted to stab me again."*

Roger gave evidence at the trial in his defence to the same effect as what he had said in his statement to Inspector Sharpe under caution. He also gave evidence that he had no previous convictions and had never been charged with any other offence.

In his summing up to the jury (or in the jurisdiction of Belize in his reasons for judgment/verdict) the trial judge said the following:

*"The accused Roger has sought to rely on the defence of self-defence and the fact that he has no previous offences or charges against him. As to the absence of previous offences or charges, all I can and will say on this is that that fact is not a defence to the charge.*

*The accused, also in furtherance of his defence, sought to rely on his statement under caution to Inspector Sharpe. I must say that that statement has no evidential value at all whether tendered by the prosecution or defence. I fully therefore understand the reason the prosecution did not seek to tender it. I only admitted it into evidence to complete the narrative as to Inspector Sharpe's treatment of the accused while he was in custody on the night of the killing.*

*Now the focus must turn to the evidence by the accused as to self defence. Of course, this is a complete defence to murder. The accused only has an evidential burden as to this defence and so he need only prove it on a balance of probabilities."*

Answer the following questions:

1. As to the trial judge's rulings on admissibility, advise on the correctness of the admission of:
  - (a) Sandra's evidence generally; and
  - (b) Mary's evidence as to:

- (i) the quarrels between Roger and June prior to the killing; and
  - (ii) the shouts for Help! Help! by June heard five minutes before the gunshot.
2. As to the judge's summing-up, advise on the correctness of the judge's analysis of the law as to:
- (i) the omission by the prosecuting counsel to tender Roger's statement under caution to Inspector Sharpe into evidence, and the evidential value of that statement; and
  - (ii) the evidential significance of the absence of previous charges or convictions against Roger, and the issue of self defence.

**Note:**

Your answer to this Part should not exceed **4,500 WORDS**.

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**END OF PAPER**