

COUNCIL OF LEGAL EDUCATION  
NORMAN MANLEY LAW SCHOOL

LEGAL EDUCATION CERTIFICATE  
FIRST YEAR EXAMINATIONS 2023

LAW OF EVIDENCE AND FORENSIC MEDICINE

(FRIDAY, MAY 05, 2023)

Instructions to Students

- (a) Time: **3 ½ hours**
- (b) Answer **ALL** questions from Part A and Part B.
- (c) **Answer Part A and Part B on separate answer booklets.**
- (a) 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.

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**PLEASE REMAIN SEATED UNTIL YOUR SCRIPT HAS BEEN COLLECTED.**

**PART A**  
**Forensic Medicine**

**QUESTION 1**

You are a part of a group of law school students who are spending the holiday weekend at a popular tourist destination on the north coast. The group decides to go riding on all-terrain vehicles (ATVs) along the course of the Rio Mango close to a beach. A straw hut along the trail that is famous online for foreigners wishing to sample the local herbs and spices is seen on fire. The group quickly extinguishes the flame with water from the nearby river. The body of a popular social media influencer is seen on the floor in the middle of the hut, it is that of a female in her early 20's.

- (a) Tightly gripped in her left hand is seaweed and sand.

**Name the process leading to this phenomenon and explain how it could be used to determine the cause of death, location of death and time of death.**

- (b) The body was lying face down but there was evidence of pooling of blood in the skin on her back.

**Name this phenomenon of pooling of blood and account for the position of the body at the time of death and the duration since death has occurred.**

- (c) There was gunshot wound to anterior chest with a circumferential margin of abrasion as well as another gunshot wound to the posterior chest also with a circumferential margin of abrasion. X-rays of the body showed no bullets present.

**Explain the characteristics of entry wounds by bullets fired from a gun with a rifled barrel and account for the possible reason why there are two wounds with the same characteristics.**

- (d) Autopsy showed that there was semen in her genitalia and a confidential informant has told the police that the crime was committed by three men, one Jamaican and two from the USA.

**Explain how this semen could be used to determine the identity of the two suspects from the USA.**

(e) There is a ligature mark around her neck.

**Give four characteristics of this ligature mark that could assist in differentiating between hanging and strangulation.**

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## **PART B**

### **EVIDENCE**

**(This Part must be answered on a new answer booklet and titled Part B)**

#### **QUESTION 2**

Tim was charged with rape and his trial is pending. The complainant is Jane who is the ex-girlfriend of Tim's best friend.

You are a prosecutor assigned to prosecute the case. You note on the file a statement from Jane, a statement from her best friend Sandra, and a statement from the investigating officer, Det. Cpl. Jameson.

In her statement, Jane admitted to seeing a therapist in the past about her break-up with her ex-boyfriend. She said she had told the therapist she had the desire of getting revenge by hurting anyone close to him. However, she said she overcame the desire, with therapy, about two months before Tim raped her.

As to the rape itself, Jane said she invited Tim to her apartment to watch a movie, and talk about fonder old times when her ex-boyfriend, Tim and herself had fun outings together. Tim accepted her invitation and it is on this visit, she said, the rape occurred.

Jane went on to say in her statement that, later that night, she telephoned her best friend Sandra and told her that Tim had raped her. Sandra encouraged her to report the matter to the police. They both attended the police station and gave statements to the police.

In his statement, Det. Cpl. Jameson said that he called Tim to attend the police station. Det. Cpl. Jameson said he arrested and cautioned Tim, and in response, Tim said he did not visit Jane's

apartment on the night in question and asserted that Jane fabricated the allegation against him. However, when Det. Cpl. Jameson showed Tim security footage of Tim visiting the apartment, only then did he admit that he had visited Jane, where they had sex but he asserted that it was consensual.

At trial, Jane gave evidence of her visit to the therapist and her reason for doing so. She also sought to give evidence of the fact and contents of her report of the rape that night to Sandra. Sandra, was also expected to give evidence of that report by Jane to her. The trial judge prevented you, the prosecutor, from adducing that evidence, from Jane and Sandra on this point. The judge ruled that “It is elementary, counsel, that a trial is based on the oral evidence of witnesses at trial itself, not on any out-of-court statement.”

During her evidence at trial, Jane also gave evidence that Tim turned up at her apartment unannounced. She said that he said he just wished to check up on her to see how she was coping with the breakup. The trial judge prevented Tim’s counsel from cross- examining Jane, in relation to her previous statement on this point, again on the basis that it was an out-of-court statement, not the oral evidence of Jane at trial.

Det. Cpl. Jameson gave evidence at trial in accordance with his statement.

Tim gave evidence in his defence at trial that Jane invited him to her apartment and that he had consensual sex with Jane.

Advise, giving reasons, on the following:

- (i) The correctness of the trial judge’s two rulings in relation to the questioning by counsel on Jane’s out-of-court statements, and, if the questioning in both instances were allowed, the evidential value of answers yielded by the lines of questioning. Would your answer be different if Sandra had not been available to give evidence at trial?
- (ii) Special directions, if any, in relation to the evidence admitted at trial, the judge should give to the jury (or to himself or to bear in mind if it is a judge alone trial in your jurisdiction).

### **QUESTION 3**

Adrian was a junior member of a gang dealing in illicit drugs. Jack, the gang leader, was charged for the gun murder of Adrian, and the trial is pending. Jack sports a dreadlocks hairstyle.

The prosecution's case is that, on the night in question, Christopher, another junior member of the gang, drove Jack to the border of Adrian's home. Once there, Jack exited the car, and discharged several shots into Adrian's living room from a high powered AK47 rifle. Jack then fled the scene, in the car.

You are the prosecutor assigned to the case. Among the statements on the file are statements from Adrian's mother, Christopher, Nicholas, and the investigating officer.

In her statement, Adrian's mother said that a few days before the shooting, Jack had come to their house. Jack, on discovering that Adrian was not at home, complained to her that Adrian had stolen drugs he had been ordered to sell. Adrian's mother also said that, on the night of the shooting, she left Adrian in the living room watching television while she went to rest in her room. The living room windows were open and there was a street light 20 feet away from it. She said she heard gunshots, and immediately after that, Adrian burst into her room wounded and exclaimed that he saw Jack, through the living room window, under the street light, open fire from outside into the house and he was shot. Adrian collapsed and died within minutes.

Christopher was offered immunity from prosecution and he accepted. This was done so that he could give evidence for the prosecution against Jack. This arrangement was in collaboration with Christopher's attorney-at-law. In his statement, Christopher confirmed that he had driven Jack to and from the scene of the shooting on Jack's orders, and that Jack had done the shooting.

Nicholas is Adrian's neighbour. Nicholas said that he did not know Jack before, but identified Jack on an identification parade, as the man with the dreadlocks hairstyle he had seen twice on the day of the shooting.

Nicholas said he had seen Jack earlier in the day at about 4:00 p.m. He saw Jack's face for about a minute while he was seated in the front passenger seat of a Toyota Mark II car with his upper torso outside the car, while looking in the direction of Adrian's house. Jack was wearing a red

polo T-shirt. Nicholas said he was on his porch at the time, and said he saw Jack, from a distance of 50 feet.

Nicholas went on to say that, on the night of the shooting, he was again on his porch, when he saw the same car he had seen earlier stop at the border of Adrian's house. He said he saw Jack emerge from the car, wearing the same red polo T-shirt and sporting the same hairstyle. However, on this occasion, he was wearing a bandana from the tip of his nose to his chin. He had a long rifle in his hand. Jack fired several shots in the direction of Adrian's house. He said he could see Jack's face for about 20 seconds, as Jack was within four feet of a street light. Jack was approximately 40 feet from him.

Jack was later arrested, charged and cautioned by the investigating officer. Jack then asserted that he was innocent and that he was at his girlfriend's home for that entire day and night.

Advise, giving reasons, on the following:

- (i) Whether Jack's alleged verbal statement to Adrian's mother prior to the shooting is admissible, and also whether Adrian's verbal statement to her after the shooting is admissible.
- (ii) Whether the trial judge should give any special directions to the jury (or himself or bear in mind if the trial is by judge alone) in relation to Christopher's expected evidence, Nicholas's expected evidence and Jack's expected evidence as to his alibi. (Assume that if any notice of alibi requirements apply in your jurisdiction, that these have been complied with).

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**END OF PAPER**