

COUNCIL OF LEGAL EDUCATION
NORMAN MANLEY LAW SCHOOL

LEGAL EDUCATION CERTIFICATE
FIRST YEAR EXAMINATIONS 2025

LAW OF EVIDENCE AND FORENSIC MEDICINE

(FRIDAY, MAY 16, 2025)

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.**
- (d) 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.**
- (e) It is unnecessary to transcribe the questions you attempt.
- (f) Answers should be written in black or dark blue ink. Erasable pens are not allowed.

PLEASE REMAIN SEATED UNTIL YOUR SCRIPT HAS BEEN COLLECTED.

PART A
Forensic Medicine

QUESTION 1

A group of law students formed an association called the Cold Case Club. They partnered with the Major Crimes Task Force of the police force to solve a case that occurred two years prior.

The body of a well known local artiste and social media influencer, who went by the name of Sassy Diva, was found washed up on a beach in Port Antonio at 6:00 a.m. On the previous two days, there had been an international hip hop festival in the town with many students on spring break from the United States of America in attendance.

- (i) When found, the body was warm and rigid.

Describe the two processes at play and use this as the basis of estimating the time of death.

- (ii) She had a horizontal ligature mark low on her neck along with petechial haemorrhage in the eyes.

Write short notes on the types of blunt force trauma that produces the ligature mark, and explain the process that would cause death by a ligature low on the neck.

- (iii) There was a gunshot wound to the palm of her right hand. This wound was associated with soot marks and tattooing.

Discuss the possible circumstance under which she was shot and account for the distance of the muzzle of the gun from her hand.

- (iv) Her Victoria Secrette underwear was halfway down her thighs. Her manager said she was last seen taking tequila shots with a local 'dread' and two caucasian college students with American accents.

Detail what samples could be retrieved from the body and how recent developments in forensic science could be used to crack this cold case wide open.

PART B
EVIDENCE

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

The facts below relate to both Questions 2 and 3

Delilah, a police officer of high rank and a licensed firearm owner, was tried and convicted of the murder of her husband who was shot and killed as a result of a single gunshot to his chest. Delilah's husband, Gary, was also a licensed firearm owner. The main prosecution witness at Delilah's trial was Jane with whom Gary had been having an affair. Jane gave evidence of events that occurred prior to the day of the shooting and, also, on the day of the shooting.

Jane gave evidence that her affair with Gary began a few months before the shooting and that Gary intended to leave his wife so that she, Jane, and Gary could live together. She said that Delilah would on occasion call Gary who would put her on speaker phone and let Delilah know that he did so. The phone calls were abusive in nature. On the phone calls, Delilah would refer to her, Jane, as a "no good whore." Delilah would also promise to have Gary pay the "ultimate price" for her humiliation in the police force that the affair had caused her. The defence attorney for Delilah had objected to Jane's evidence of the abusive telephone calls and threats on the basis that it was "prejudicial bad character evidence." The judge had overruled the objection.

Jane gave evidence that, on the day of the shooting, she drove Gary to the matrimonial home for him to collect his clothes so that he could finally move out and they, Gary and Jane, could live together. She said she stayed in the car and saw Gary enter the home. She then heard a loud argument between Gary and Delilah but could not hear the words being exchanged between them. Despite an objection by Delilah's attorney of inadmissible hearsay, the judge allowed Jane to give evidence that she then heard Gary scream "Delilah don't do it! don't do it!" Jane said that immediately after that, she heard a single gunshot. Delilah then emerged from the house with a gun in her hand causing her, Jane, to drive from the scene and report the matter to the police.

Under cross-examination by Delilah's attorney, Jane admitted that she harboured "ill will" towards Delilah prior to the day of the shooting because of Delilah's behaviour to herself and

Gary, and her, Jane's, deep love for Gary. She, however, denied the suggestion put to her that she fabricated her evidence as to what Gary screamed because of this.

The investigating officer, Bill, also gave evidence for the prosecution. He said that he visited the scene where he discovered the lifeless body of Gary with a single bullet wound to the chest. Delilah was present. He said he cautioned her and at that time she asserted firmly "I am innocent!" Bill, while under cross-examination by Delilah's attorney, agreed that Delilah, while at the scene, said that she would attend the police station to give a full statement. At this point of the trial, the judge invited the prosecutor and the defence attorney into his chambers.

The judge questioned the prosecutor in his chambers as to whether Delilah gave a statement at the police station and the prosecutor confirmed that she did. The prosecutor said that the full written statement of Delilah, given under caution, was on her file and the defence attorney conceded that he had received a copy of the statement from the prosecutor. The judge asked the prosecutor to summarise the statement. The prosecutor, in response, said that Delilah had said that when Gary entered the house a terrible argument ensued between them, and he reached for his gun at his waist. Delilah went on to say that in those circumstances, she feared for her life and shot him once in self-defence. The judge then indicated he would continue the trial in open court.

On the resumption of the trial in open court, the judge invited the prosecutor to put Delilah's statement into evidence. The prosecutor declined to do so on the ground that the statement did not assist in advancing the prosecution's case. The defence attorney then invited the judge to put it into evidence himself, but the judge asserted that he had no such power. When the defence then sought to put it into evidence, through Bill, the judge ruled against its admission on the basis that the defence could not do so.

After the prosecution closed its case, Delilah gave evidence in her defence along the lines of the statement she had given Bill, namely, that Gary had reached for his gun and she shot him in self-defence. She denied that she had abused and threatened Gary over the phone and also denied that she had insulted Jane in the derogatory manner Jane had alleged. She asserted that her telephone conversations with Gary were about their personal business.

Delilah gave evidence that she had no previous convictions. She also gave evidence of her exemplary record in the police force and called witnesses as to her good character.

In his directions on self-defence the judge said:

Delilah, the accused, gave evidence of the circumstances which, she asserts, caused her to act in self-defence. As a police officer of high rank, she is well aware of what constitutes self-defence in law and so she, having asserted it, must prove self-defence but only on a balance of probabilities, not beyond reasonable doubt.

In his directions on the good character evidence the judge said, in full, the following:

As to the good character evidence, that is only relevant to sentencing if the accused is convicted.

You are a junior counsel in a firm which specialises in criminal litigation. Delilah now seeks advice as to whether she has good grounds for appeal against her conviction. Your senior in the firm asks you to advise him as to the following issues under the headings “Admissibility Issues” and “Judge’s Directions Issues”.

QUESTION 2

Admissibility Issues

- (i) Whether the judge ought to have upheld the defence objection to Delilah’s evidence of Jane’s threats, and verbal abuse of Gary and Jane.
- (ii) Whether the judge ought to have upheld the objection to Jane’s evidence of hearing Gary screaming “Delilah don’t do it! Don’t do it!”
- (iii) Whether the judge erred as to his treatment of, and rulings on, the written statement of Delilah to the police and, if so, how.

QUESTION 3

Judge's Directions Issues

- (i) Whether the judge ought to have given the jury (or himself if a judge-alone trial) a warning as to Jane's evidence because of her admitted "ill will" against Delilah and, if so, indicate the reason for and terms of such a warning. (He had not given any warning.)
- (ii) Whether the judge's directions to the jury (or himself if a judge-alone trial), as to self-defence were proper, giving reasons.
- (iii) Whether the judge's directions to the jury (or himself if a judge-alone trial) as to the good character of Delilah were proper, giving reasons.

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