

COUNCIL OF LEGAL EDUCATION
NORMAN MANLEY LAW SCHOOL

LEGAL EDUCATION CERTIFICATE
FIRST YEAR EXAMINATIONS 2025

LAW OF EVIDENCE AND FORENSIC MEDICINE

(TUESDAY, AUGUST 5, 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 in 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) Write short notes on the classification of burns according to “depth”.
 - (b) Explain the concept of “dry drowning”.
 - (c) Write short notes on “cadaveric spasm”.
 - (d) Explain the concept of an abrasion and discuss the types of gunshot wounds from a rifled barrel gun that would cause a “circumferential margin of abrasion”.
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PART B
EVIDENCE

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

The facts below relate to both Questions 2 and 3

Roger was tried and convicted of robbery/robbery with aggravation. The allegations were that he used a long knife to commit the offence on a tour bus owned and operated by James.

The trial took place one year after the incident. James gave evidence that, on the day in question, he was transporting a few tourists back to their hotel, after a brief tour of a scenic rural area in the jurisdiction. He stopped at 3:00 p.m. to purchase gas at a gas station in a small town.

James said that, while the bus was parked at the gas station, a man whom he did not know before, entered the bus brandishing a knife and demanded cash and jewellery from the tourists. The tourists all complied. The man then exited the bus and fled into one of the lanes off the only main road running through the town. James said the robbery took about five minutes, and that he observed the man for about that time through his inside rear-view mirror as he committed the robbery in the bus.

James said he called the police who arrived fifteen minutes after the robbery and he, James, gave a description of the robber to the investigating officer, Stephen. Stephen took him to search for the robber, using the service vehicle. James saw and identified Roger while he, Roger, was in the vicinity of one of the sidewalk stalls on the main road. Stephen took Roger into custody and James identified him at that time.

James also identified Roger in court, despite an objection by Roger's counsel on the ground that an identification parade should have been held.

A tourist in the bus, Mark, also gave evidence. He said that when James left with the policeman he, Mark, gave a statement to another police officer who was on the bus. Mark gave a detailed description of the man he said robbed him of his cash, and a watch given to him by his mother that was of deep sentimental value. The description matched Roger. However, Mark could not stay in your jurisdiction for an identification parade because he had to leave that very evening and could not return anytime soon. He said he returned to the island for the trial because of his wish for the man who stole his watch to be brought to justice.

Mark identified Roger as the robber for the first time in court, despite an objection to this from the defence counsel, again on the basis of an absence of an identification parade.

The investigating officer, Stephen, gave evidence that no cash, knife or jewellery was found on Roger's person. When Roger was arrested and charged, he remained silent. Stephen also said no identification parade was held and Mark was the only tourist on the bus who gave a statement as the others were afraid to do so.

The prosecution also led evidence, as part of its case, that Roger had two previous convictions for theft/larceny.

Roger gave evidence in his defence. He said that he had a stall from which he sells clothing and shoes, and it was there Stephen had arrested him. He further gave evidence that he had been in his stall all day and denied robbing the tourists on the bus. Roger called no witnesses in his defence.

Among the directions given by the trial judge was the following:

“Curiously and remarkably the accused remained silent on arrest and on being charged. Neither did he call any of the stall operators in the vicinity of his stall, whom he should know well, to give evidence of his alibi. These facts should be taken into account in deciding whether Roger has proven his alibi as he should.”

On the question of the identification of Roger by James and Mark, the full extent of the judge’s direction was to summarise their evidence as to the circumstances under which they had an opportunity to see him while on the bus.

You are a junior in a firm of attorneys-at-law which specialises in criminal litigation. Roger has retained your senior to advise him as to whether he has good grounds of appeal. Your senior, in turn, asks you for advice on the following “Admissibility Issues” and “Judge’s Directions Issues”.

QUESTION 2

Admissibility Issues

Whether the judge ought to have allowed:

- (i) James and Mark to identify Roger in court, despite the absence of an identification parade in either case; and
- (ii) the prosecution to lead evidence of Roger’s previous convictions.

QUESTION 3

Judge’s Directions Issues

Whether the judge’s directions (to the jury, or to himself, if a judge-alone trial) were proper and adequate on the issues of:

- (i) Roger’s pre-trial silence and his alibi; and
- (ii) the identification evidence.

END OF PAPER