

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

**ADVOCACY PROGRAMME**

**YEAR II**

**CRIMINAL BRIEF**

**R. v. JOHN TAYLOR**

**MODIFIED EUGENE DUPUCH LAW SCHOOL BRIEF**

**NORMAN DAVIS**

IN THE RESIDENT MAGISTRATES COURT FOR THE CORPORATE AREA

PRELIMINARY EXAMINATION HELD AT HALF-WAY-TREE BEFORE HER  
HONOUR, MRS. ABEL PATIENCE, RESIDENT MAGISTRATE ON THE 6<sup>TH</sup> OF  
JANUARY 2009

REGINA

FOR

VS

MURDER

JOHN TAYLOR

AND THE DEPONENT: CYNTHIA BROWN  
ON HER OATH SAITH AS FOLLOWS:

My name is Cynthia Brown. I live at 19 Beacon Street, Sunshine Gardens, Kingston 14. I am an informal commercial importer of clothing and household items.

I recall the morning of Tuesday, 17th December 2007. I was at home in bed. I heard my son, Paul shouting, "Help! Help!" I have 3 sons and I know all their voices. I got out of bed and ran outside to see what the matter was. The lighting conditions outside my house were good and I had all my lights on, at the four corners of the house, plus the one right on the porch. There is also a street light immediately in front of my yard.

When I got outside I looked to the left and saw Paul on the ground and two men on either side of him. My son was sitting down by the wall of the house.

One of the men was at one end and the other was by the wall near Paul.

I observed there was blood where Paul was sitting. It was nothing but blood.

I noticed the two men, the one nearer Paul, he had a cutlass in his hand in an upright position and the other man was just standing there.

I knew the man with the cutlass prior to that day. He lives in the area not far from my house. I say good morning to him. My family and this man never had any quarrel. I could see that man's face for as long as I stood there outside the

house. It was for about ten minutes. I spoke to him. He was 10 – 15 feet away. He is right there in the dock. (Witness indicates the accused). I was distressed. I shouted, "This is my son!" I shouted to him asking him what Paul did him. He said, "Your bwoy is a tief. He must not escape justice!"

Then Paul said, "Call the ambulance! Call the ambulance!" The man then gave Paul a chop on his leg and then when he turned around, he chopped him in his head. Paul slump on the side.

I said to the man with the cutlass, "You mad to do somebody like this!" He grabbed me and pushed me against a wall by a window. After a while he let me go. He still had the cutlass in his hand. I told him to come out my yard. I push him out my yard.

The man with the cutlass told me if Paul had run in the house he would have run in and chop him up. The ambulance came. It took Paul to the hospital; Paul appeared dead at that time.

Paul was 19 years old and unemployed.

I saw the other man's face. He was just standing right there. I did not know him before.

The man with the cutlass remained on the scene in the road until the police came. The other man by Paul did not move to help me nor Paul. He was shouting curse words at Paul. I did not see where this other man went.

### **Cross-examined by Mr. Harry Crooks for the Defendant**

I saw the accused chop Paul. I saw him for over ten minutes. He pushed me.

No one ever told me before that my son was burgling people's houses. Yes the man who chopped Paul spoke to me. He said Paul look for what he get and if he had run in the house he would have run in behind him and chop him up. I was outside when the man chopped Paul. I did not see where the other man who was cursing went.

No Re-examination

Signed: Cynthia Brown  
Date: 6/1/09

Signed: Abel Patience  
Resident Magistrate  
For the Corporate Area  
Date: 6/1/09

AND THE DEPONENT: PETER SAMUELS  
ON HIS OATH SAITH AS FOLLOWS

My name is Peter Samuels. I am a Sergeant of Police. I am presently attached to the North Street Police Station, Kingston. In December 2007, I was attached to the Mobile Division. On the morning of December 17, 2007, around 1:47 a.m. I was on mobile patrol in a marked police vehicle. Corporal Stanley Cooper accompanied me.

I received information with regards to a wounding complaint in the Sunshine Gardens Area. As a result, I proceeded to that area and arrived at 19 Beacon Street, where I saw a large gathering of persons in the road. I got out of the vehicle and I was approaching the crowd and I saw a dark male, clad in a blue jeans and a green shirt.

The man had a cutlass in his hand. He came upon me and said, "Mr. Samuels, I chopped up the youth over there who break into my house", and he pointed to an area.

I took the cutlass from him. I went to where he pointed. I saw a body of a dark male lying on the ground on the part of the yard near the rose bushes. The body had several wounds.

I observed the cutlass had blood on it. I initialed the cutlass by placing the marks on it PS 1234. I marked it on the handle. I arrested the accused and cautioned him. The accused was cursing at persons in the street. I do not know who those persons were but I believe it was persons related to the man he had chopped. The accused was hysterical when he spoke to me. I didn't do him anything to make him talk to me. I had Corporal Cooper place the accused in the back seat of the patrol car. Corporal Cooper only kept crowd control at the scene. He did not investigate the matter.

An ambulance came and attended to the chopped man, they took him away to the Kingston Public Hospital. I followed in the police squad car. He was pronounced dead on arrival.

I took the accused to the North Street police station where I charged him for the offence of murder. I cautioned him. He made no statement.

**Cross-examined by Mr. Harry Crooks for the Defendant.**

Yes I had known the accused before that day. No I had never arrested him. No I did not know the deceased before that time. The accused never approached me offensively. The accused was angry and agitated. The accused did not try to run away. The accused did not try to go back into the yard.

Yes other officers came to the scene but they were not in charge. I was in charge.

Yes there was another man on the scene. Yes this other man was cursing at the family of the man on the ground. He was upset and cursing the man who was chopped.

He said the man had looked for what he got and he would get him again if he had the chance. This was not the man with the cutlass.

Not true family of the deceased mentioned another person as being another assailant.

No I did not take the accused in the squad car along the route he said he chased the deceased.

Yes I know what burglary is. Yes I know there is an intention to commit a crime that goes with the offence.

No I did not examine the house of the accused.

Re-examination

No the accused did not tell me about any hacksaw that night. I am sure of that. No I did not see any hacksaw that night.

Signed  
Det. Sgt. Peter Samuels #1234  
Date: 6/1/09

Signed: Abel Patience  
Resident Magistrate  
for the Corporate Area  
Date: 6/1/09

AND THE DEPONENT: SEAN BROWN  
ON HIS OATH SAITH AS FOLLOWS:

My name is Sean Brown. I am a Security Guard at Super Center Supermarket. I live at #12 Glenmuir Terrace, Mona Heights. I know one Paul Brown. He was my brother. He lived at 19 Beacon Street, Sunshine Gardens, Kingston 14. He was 19 years old and unemployed.

On Tuesday, 20th December 2007 at 11:30 a.m., I went to the morgue at the Kingston Public Hospital. I identified my brother's body to Dr. Denise Dickson for the purposes of post mortem on my dead brother.

No Cross-examination

Signed:  
Sean Brown  
Date: 6/1/09

Signed: Abel Patience  
Resident Magistrate  
for the Corporate Area  
Date: 6/1/09

AND THE DEPONENT: DENISE DICKSON  
ON HER OATH SAITH AS FOLLOWS:

My name is Denise Dickson. I am employed as a Consultant Forensic Pathologist at the Kingston Public Hospital, Kingston, Jamaica since January 1998. I am the holder of a B.Sc. M.B.B.S, FRCFP. I am a registered medical practitioner and forensic pathologist.

The body of one Paul Brown was identified to me by his brother, Sean Brown. When post mortems are conducted, notes are kept of the findings of the Pathologist. They are kept in the Department. I made such notes of the post mortem I conducted on the body of Paul Brown on Tuesday 20<sup>th</sup> December 2007. I have access to those documents in my capacity as Consultant Pathologist. (Allowed to refresh memory from document).

This is the autopsy report of Paul Brown, post mortem number 10/99. Age 19. Male. He was brought in dead on 20<sup>th</sup> December 2007 (body found). Time of death 1:55 a.m. (body found). Date of post mortem, 20<sup>th</sup> December 2007 at 3:30 p.m.

Provisional Anatomical diagnosis: severe shock, massive hemorrhage and injury to the soft tissue, muscle and the bones due to multiple incised and slash wounds to the body brought about by a heavy curved cutting object.

On external examination the body was that of a dark male, at a height of about 5 feet 8 inches and 160 pounds. The body was clothed in blood-stained dark pants.

I observed a nine and half inch to two-inch (maximum width) old healed surgical laparotomy scar in the middle. A half inch and half inch old healed surgical scar drainage wound was seen in the left flank region.

The following multiple incised and slashed wounds (chopped injuries) externally on the body were noticed.

1. A chop wound in the right parietal region. Two and three-quarter inches above the right ear and 67 inches from the right heel.
2. A three and three-quarter into two and a half gaping deep incised bleeding wound vertically placed on the back of the left shoulder region and exposing the muscles and the left shoulder blade.
3. An gaping and deep slashed wound (chopped up injury) measuring 12 into four into two inches on the right leg resulting in the mutilation of the muscles, tendons and soft tissue of the leg.
4. A chop wound to the right hand extending to the wrist.

I believe these wounds to the body were brought about by a heavy, curved, sharp cutting object. There were injuries to the front and back of the body and right leg.

Injuries were noted to the front of the head, back of the head and the forehead.. Using a cutlass, it would need moderate to severe force to inflict these injuries. I think these injuries can be caused by a cutlass.

**Cause of death in my opinion was severe shock, massive hemorrhage and injury to the soft tissues, muscles and bones.**

**Cross-examination by Harry Crooks for the defendant**

Yes other scars were noted on the report. The report says that nine old healed scars were observed on the body.

Some scars on the elbow and one on the abdomen. Also some old healed scars on the knees were mentioned. An old healed scar over the left thigh medially in its lower third.

I cannot say how deep they were, but some are as large as the ones he would have received that caused the traumatic injuries I described.

I do not know what could have caused these healed scars. I agree some of these old healed scars could have been caused by a sharp cutting weapon.

No I have no report for blood or for urine. No I do not know if the internal organs were weighed, they may have been.

No Re-examination.

Signed:  
Denise Dickson  
Date: 6/1/09

Signed: Abel Patience  
Resident Magistrate  
for the Corporate Area  
Date: 6/1/09



## STATEMENT OF JOHN TAYLOR

I am a security guard. I live at 4 Marigold Close, Sunshine Gardens. On the morning of December 17, 2007, I was at home with my family namely my wife and two year old son. We had retired to bed and I had locked up.

At about 1:00 a.m. I heard noise in the vicinity of the living room. I became suspicious and reached under the bed for my cutlass. I went to the living room to investigate. I was just in time to see a man, with something in his hand entering the house through a window. The grill appeared to have been sawn off. I cried out, "Tief! Tief!" and he fled. I immediately pursued him.

While chasing the man down the street I continued to bawl out, "Tief! Tief!" Another man joined the chase. I did not know this other man before and I did not see where he came from. There is a house under construction in the area and it seemed he was the night watchman for the house.

I caught up with the burglar and he confronted me with what appeared to be a hacksaw. I chopped him in the hand with the cutlass and the hacksaw fell in the street. The burglar fled. I chopped him in the right shoulder area while he was running in an effort to apprehend him.

The other man and I chased him into a yard in the area. He ran into this yard where he fell by the wall of the house.

A woman identifying herself as the mother of the deceased came out of the house. There was blood flowing from the wound to the hand but not a lot of blood. The other man with the cutlass was still there. He was angry and cursing the burglar accusing him of breaking into his house.

The mother of the burglar confronted me. I may have slapped the burglar with the cutlass to prevent him escaping at that time, but I did not chop him at that time. The mother pushed me out of the yard. At that time I did not know what was happening with the other man with the cutlass but he was near to the burglar and he still appeared to be angry.

By the time the mother of the burglar had pushed me out of the yard, a crowd had gathered there. My cutlass dropped in the crowd. When we reached out to the gate I heard the burglar cry out in pain as if a person or persons were attacking him. At that time I saw the other man with the cutlass in the yard directly over the burglar with his cutlass. I saw him chop the young man once. Other persons from the crowd had entered the yard at that time.

The mother of the burglar then rushed back inside the house.

My neighbour and friend Carlton Jones who was in the crowd handed me my cutlass. I did not go back in the yard because I did not wish to be accused of harming the burglar in any serious way.

I went to the back of the crowd and waited for the police to arrive. I handed over the cutlass.

I was trying to explain to the policeman that I had not chopped the burglar in any serious way and that the burglar had a hacksaw at the time. He did not wish to hear me. I became angry and agitated because he would not listen.

It must have been the other man or a member of the crowd who chopped up the burglar so badly.

Signed: John Taylor

Carlton Jones states:

I am a mason and I live at 18 Sunflower Ave in Sunshine gardens. I know the accused, John Taylor. He is my neighbour.

On December 17, 2007 at about 1:00 am I woke up to cries of "Tief! Tief"! coming from the direction of John's house. I immediately rushed from my house, armed with a piece of iron pipe. My cell phone was in my trousers pocket.

On leaving my house I saw John chasing a young man down the street. The young man had something shiny in his hand and John had a cutlass.

I saw when John caught up with the young man and a struggle ensued. The burglar and John confronted each other for a short while and John chopped at him. I don't know where John chopped him but I saw when the burglar dropped the object and run.

By this time I saw a man from a house under construction in the area joined in the chase. All three ran into a yard.

I stopped outside because John shouted to me to call the police. A crowd began to gather while I tried to get through to the police. While trying to call the police I noticed a lady pushing John and I went to his assistance. He dropped his cutlass and I retrieved it for him. I did not get the police because my phone went dead because it had lost its charge.

When the lady returned to the yard I left the scene because John was now outside and my wife was home alone at the time and I knew she would be worried about me.

While I was outside the yard I did not see John chop the young man. I saw John slap him with the cutlass but I did not see him chop him. The other man appeared to be aggressive and angry and was cursing the young man. He still had a cutlass with him and held it in a menacing manner to the young man. I could not see much of what was happening in the yard between trying to call the police, retrieving the cutlass for John and moving between the gathering crowd.

The crowd was angry and hostile. I saw some members of the crowd enter the yard.

Signed: Carlton Jones