

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

ADVOCACY PROGRAMME

YEAR II

CRIMINAL BRIEF

R. v. ERIC CARTMAN

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. VERA STRICT, RESIDENT MAGISTRATE ON THE 22ND OF
FEBRUARY 2009**

REGINA

FOR

VS

KIDNAPPING

ERIC CARTMAN

**AND THIS DEPONENT: ANNAKAYE PETERKIN
ON HER OATH SAITH AS FOLLOWS:**

I live opposite the University Hospital, Mona, Kingston, Jamaica. I am 21 years old and I work as a store clerk at a jewelry store Down Town, Kingston, East Parade, called "Jewellery King".

On December 15, 2007, at about 6:00 pm., I was walking on Bell Road heading west to the bus terminal taking a shortcut. I was going to get a 'robot taxi' to go home. I had stayed late at work. As I was walking up the street I saw my ex-boyfriend's car. My ex-boyfriend is Eric Cartman. The car drove up and pulled up right next to me. I slowed down a bit and Eric rolled down the window and told me to get in the car then came out and grabbed my arm. He said to come with him now and not scream or he would hurt me. I tried to break out of his grasp, but his grip was very firm. My hand immediately became numb. I lost the fight as I was vigorously shoved into the car. There were not many people on the street at the time.

Eric then quickly got into the car. I slapped him. I was dumbfounded and startled. He drove off fast and immediately locked the car doors automatically from his side. As he drove, he continuously cursed me. He swerved vigorously to avoid oncoming vehicles. He said if I knew what was good for me I would come back to him.

We ended up outside his house in the Fort Royal area which is situated miles away and is near the sea. There are not many houses nearby. As the car came to a screeching halt I was forced out of the car. Eric grabbed my arm and told me don't play the fool and that I should act normal. It was at that time that I saw his neighbor Jeff. Jeff said hello to me and I said hello to him. I had known Jeff by seeing him around Eric's house. I went inside the house and Eric locked the door behind him. He then got two ties from the cupboard and tied my hands by the wrists to a table leg.

He proceeded to tell me that I was not leaving until I told him that I loved him and that I would take him back. He kept me there from Friday night until Monday morning. I was scared. During the entire time that I was there, Eric would shout at me and sometimes shake me vigorously. At other times he would speak to me very sweetly and hug me very tenderly. He told me that he loved me and wanted us to be together forever. I felt sorry for Eric, but I did not want him back. Whenever I refused him he would sometimes slap me.

On Sunday evening I told Eric that I was sorry to see him distressed like that and that I loved him. He took off the ties from my hands and gave me some food to eat. I ate it and we both fell asleep. I was exhausted. The next morning, Monday, December 18, 2007, Eric got up early and left for work. I woke up as soon as he was out of the door. I jumped through a window with the ties he used to tie me up. I went through the window because he had locked the doors. I ran to the nearest phone booth, about three minutes away from the apartment. I called my mother and told her where I was and what had happened. She came and got me.

She then took me to the Kingston Police Station where I spoke to Sgt. Constantine Hill. I gave him the ties. (WITNESS SHOWN TIES AND IDENTIFIES THEM. ADMITTED AS EXHIBITS 1 and 2). Sgt. Hill then took me to Kingston Hospital where I was examined by one Dr. Rachel Price. On December 22, 2007, I was at home resting, because I had not yet gone back out to work after my traumatic ordeal. I received a telephone call from Sgt. Hill, as a result of which I went to the Kingston Police Station. There I saw Eric on a bench. I said, "Officer that is my ex-boyfriend, Eric, who kidnapped me and held me in his house". Eric said, "Girl stop lying. I never did you anything. You came by me for your own reasons to beg me back and I said no. That is why you lying on me". I tried to slap him but the officer held me back. My mother tried to comfort me and eventually we went home.

Cross-examination by Mr. Chuck

Eric and I had dated each other for a year previously. I broke it off with him because he was a womanizer and he could not keep a steady job. That was some time in November 2007. He changed jobs like 5 times during the period of time that I dated him. He worked in a restaurant down town called Chasers. Then another called "Pipers" and another place doing some odd jobs. I am not sure of the name of that place, but he also operated his car as a taxi privately. I did not like that he was constantly changing jobs, because I had a steady job. He also had girls calling him all the time on his cell phone and I didn't like that.

I did not scream out on the street since I did not want to make a scene. I did not think Eric would have done what he did to me. I was afraid of him. I have slept away from home before. It was at my cousin's house. I have visited Eric's home before but I never slept over. I didn't know that Eric was seeing my cousin Heather Spence. I have never seen them out together; I do not want Eric back. Eric did not have sex with me that weekend that I was held hostage.

(Sgd): *Anakaye Peterkin*

Date: February 22, 2009

Annakaye Peterkin

(Sgd): *Vera Strict*

Date: *February 22, 2009*

Vera Strict, Resident Magistrate of the Corporate Area

IN THE RESIDENT MAGISTRATES COURT FOR THE CORPORATE AREA

**PRELIMINARY EXAMINATION HELD AT HALF-WAY-TREE BEFORE HER
HONOUR, MRS. VERA STRICT, RESIDENT MAGISTRATE ON THE 22ND OF
FEBRUARY 2009**

REGINA

FOR

VS

KIDNAPPING

ERIC CARTMAN

**AND THIS DEPONENT: SYLVIA HUNT
ON HER OATH SAITH AS FOLLOWS:**

I live opposite the University Hospital, Mona, Kingston, Jamaica. I am the mother of Annakaye Peterkin. She is 21 years old and she works as a store clerk at a jewelry store Down Town Kingston, East Parade, called "Jewellery King". I know the accused, Eric Cartman. He used to date my daughter, Annakaye for about a year or so, and then they broke up. That was some time around November 2007. I had spoken to Eric several times. I had always encouraged Annakaye to end the relationship because he wasn't good enough for her.

I know that it was my daughter, Annakaye who ended the relationship because Eric would call all the time and Annakaye would not accept his calls. Several times when Eric called, I answered the phone and Annakaye made me tell him that she was not at home. A few times Annakaye herself answered the phone and I listened in on the extension without her knowing. I heard Eric ask her to get back with him since he loved her and could not live without her. I heard my daughter say no to Eric's request.

On the evening of Friday, December 15, 2007, I did not see my daughter come home. I know that she is normally home by 6:00 p.m. because the store closes about 5:00 p.m. I waited at home to see if she would come home. By 9:00 p.m. when I did not see Annakaye come home I got worried. I know she would sometimes go for an after work cocktail with her girlfriends from work. So I called the store to see if they had worked late and were going out. No one answered the phone, so I deduced that the store was closed. I called my daughter's cell phone but only got a recording that the phone was off or out of range. I drove my car down to the store and it was closed. No one was around. I then called my daughter's friend but she did not know where Annakaye was. I went to the Kingston Police Station and made a report about the situation, but they didn't record any of the information. I had a very sleepless night. I was very concerned. I returned to the police station the following day, Saturday morning, and reported the situation to Sgt. Constantine Hill. He recorded the report and I in turn returned home to see if my daughter had come home. Again, I had a sleepless night on the Saturday night. By this time I had notified all the family members and friends that I could think of about the situation. We all sat around the house waiting for some news. On Sunday no news came and I had to take a pill to sleep. I cried all day and night.

On Monday morning at about 9:00 a.m. the phone rang and when I answered, it was Annakaye. Immediately I went to Fort Royal to pick her up, she was standing by a phone booth. It took me around 25 minutes to get there. Annakaye appeared to be disheveled, her face was swollen and she had marks on her arms. She looked distressed and her clothes were filthy. They were the same clothes that she had left home in on Friday morning. She looked a mess. I took Annakaye directly to the Kingston Police Station. There I saw Sgt. Constantine Hill. My daughter made a report to Sgt. Hill about what had happened.

Sgt. Hill took Annakaye to the Kingston Hospital where she was taken into an examination room. About an hour after, they all came out of the room and I saw the doctor sign a form and gave it to Sgt. Hill. I then took my daughter and we went home. About a week later on Friday, December 22, 2007, I was at home when the phone rang. Annakaye answered the phone and then said something to me. I then drove Annakaye to the police station. As we got to the police station I saw Eric there and several other persons including Sgt. Constantine Hill. Annakaye told Sgt. Hill that there was the man, Eric that had kidnapped her and held her against her will. Eric calmly said that he didn't do it. I can't remember him saying anything else. Annakaye tried to slap Eric but the police restrained her. I left the station with my daughter and went home.

Cross-examination by Mr. Chuck

I knew that my daughter was seeing Eric for a while. It was my daughter that broke up with Eric and not him that broke up with her. My daughter has not slept at Eric's house. She has stayed over at my cousin's house from time to time as my cousin has a daughter about the same age. I have heard Eric on the phone begging my daughter to get back with him. I took my daughter to the police station as soon as I collected her from Fort Royal. I do not know that Eric is seeing my cousin's daughter, Heather Spence.

(Sgd): *Sylvia Hunt*
Sylvia Hunt

Date: February 22, 2009

(Sgd): *Vera Strict*
Vera Strict, Resident Magistrate of
the Corporate Area

Date: *February 22, 2009*

IN THE RESIDENT MAGISTRATES COURT FOR THE CORPORATE AREA

PRELIMINARY EXAMINATION HELD AT HALF-WAY-TREE BEFORE HER HONOUR, MRS.
VERA STRICT, RESIDENT MAGISTRATE ON THE 22ND OF FEBRUARY 2009

REGINA

FOR

VS

KIDNAPPING

ERIC CARTMAN

AND THIS DEPONENT: DR. RACHAEL PRICE
ON HER OATH SAITH AS FOLLOWS:

On December 18, 2007, at about 2:15 p.m I was on duty at the Kingston Hospital, Downtown Kingston. At that time Annakaye Peterkin attended accompanied by her mother and a Sgt Hill.

Miss Peterkin was allegedly injured by her former boyfriend who allegedly kidnapped her.

I examined her and took notes at the time. (WITNESS REFRESHES HER MEMORY FROM NOTES WITH PERMISSION OF THE COURT).

My examination showed a young lady who appeared depressed but in no respiratory distress. She was slightly disheveled.

Contusions as follows:

1.5 cm x 1.5 cm contusion and the right cheek.

2 x 1 cm contusion associated with an abrasion to the anterior aspect above the left wrist located centrally.

2 x 2 cm contusion to the right wrist.

(Sgd): *Rachael Price*
Rachael Price

Date: *February 22, 2009*

(Sgd): *Vera Strict*
Vera Strict, Resident Magistrate of
the Corporate Area

Date: *February 22, 2009*

IN THE RESIDENT MAGISTRATES COURT FOR THE CORPORATE AREA
PRELIMINARY EXAMINATION HELD AT HALF-WAY-TREE BEFORE HER
HONOUR, MRS. VERA STRICT, RESIDENT MAGISTRATE ON THE 22ND OF
FEBRUARY 2009

REGINA

FOR

VS

KIDNAPPING

ERIC CARTMAN

AND THIS DEPONENT: SGT. CONSTANTINE HILL
ON HIS OATH SAITH AS FOLLOWS:

I have been a police officer for the past 22 years. I am at present attached to the Kingston Police Station. I was stationed on December 15, 2007. On that day I was on duty at the Kingston Police Station when later that night one Mrs. Sylvia Hunt came to the station. She made a report to me that her daughter had not come home that evening. I spoke to her and then she left the station. Mrs. Hunt returned to the station on December 16, 2007. She reported to me that her daughter had not come home the night before. I took the report down in writing. I asked Mrs. Hunt several questions and took down the answers. Mrs. Hunt then left the station. Later that day on December 16, 2007, I left the station on enquiries.

On December 18, 2007, I was stationed in the said Kingston Police Station when Mrs. Hunt came to the police station. She was accompanied by a young lady who appeared to be about 21 years old. The young lady appeared to be disheveled and her clothes seemed ruffled. The young lady told me that her name was Annakaye Peterkin and her mother was Mrs. Sylvia Hunt. The young lady told me her story and I took a statement. She submitted two ties to me

which she said were used to tie her up. (EXHIBITS 1 AND 2 SHOWN TO WITNESS AND HE IDENTIFIES THEM.)

I then took Annakaye Peterkin and her mother to the Kingston Hospital. At the hospital, I saw and spoke to Dr. Rachel Price. I gave Dr. Price certain instructions. As a result of which she took both me and Annakaye into an examination room. There I witnessed Dr. Price examine Annakaye. Dr Price then filled out a report and she took me and Annakaye out of the room. Dr. Price then filled out a report and gave it to me. Mrs. Hunt then took Annakaye by the hand and they left the hospital. I then left the hospital and went back to the station. Over the next few days I conducted several enquiries into the report Annakaye Peterkin made to me.

On the day of December 22, 2007, I was on duty at the Kingston Police Station. At about 4:30 a.m., I left the station along with Constable Delroy Higgins. I proceeded to the Fort Royal area to a house that had previously been indicated to me. I knocked on the door and said, "This is the police. I am Sgt. Constantine Hill". I heard movement inside the house. I then saw a male run out of a side door of the house. I apprehended the said male by holding on to his shirt as he ran past me. I again identified myself to him as a police officer. I asked him his name and he replied, Eric Cartman. I told him that I am Sgt. Constantine Hill and that I was investigating a report that he had kidnapped and held one Ms. Annakaye Peterkin against her will. He said to me, "Officer, I know the girl. I used to date her but I broke it off with her. She came and spent the weekend with me last week". I cautioned the accused. I asked him if he wished to say anything and he made no reply.

I arrested him. "I took him to the Kingston Police Station". I duly processed him at the Kingston Police Station. I later put him to sit on a bench. The accused had a few minor looking marks or scratches on his arms that I could see, nothing more than that.

Later that day I made a phone call to Mrs. Hunt and to Annakaye Peterkin. Some time later, Annakaye Peterkin came to the Kingston Police Station. As she entered the station she immediately saw the accused seated on the bench. She turned to me and said, "Officer that is the man that kidnapped me and held me against my will in his home". The accused said, "Girl I did not do anything to you. You came with me for your own self". Annakaye Peterkin made a grab at the accused, but I restrained her. Annakaye Peterkin left the station crying. I then placed the accused in a holding cell. Later that day I showed the accused the ties and he said Miss Peterkin clearly took them to bolster her false story. He denied using them to tie her up. I then charged the accused with the offences for which he now appears before the court. This is the report that I collected from Dr. Price. My signature is affixed on the report with the date being 18/12/07.

Cross-examination by Mr. Chuck

I spoke to the accused and he said nothing more than what he had said to me the day that I had arrested him. I did conduct several enquiries into this complaint that had been made to me. I did not interview one Mr. Jeff Sang. The accused had not given that name to me. I conducted a thorough investigation into this matter. I was not given the name of Ms. Heather Spence by the accused. I did not take the accused to the hospital as he had no injuries to speak of.

(Sgd): *Sgt. Constantine Hill*
Sgt. Constantine Hill

Date: February 22, 2009

(Sgd): *Vera Strict*
Vera Strict, Resident Magistrate of
the Corporate Area

Date: *February 22, 2009*

STATEMENT OF ERIC CARTMAN:

My name is Eric Cartman I live at # 12A Alyerdyce Close, Fort Royal, Kingston, Jamaica. It is a house. A duplex. I occupy one side. I live alone and I am 25 years old. I am at present working at Treasured Jewels Lounge & Bar, Kingston, Jamaica. I used to date Annakaye Peterkin for about a year. We met sometime in 2005 and I broke it off with her in November 2007. I broke it off because we weren't compatible; she is very controlling and jealous. I had several jobs while we were together; this only occurred because I am highly ambitious. I am always looking for opportunities to better and uplift myself. Annakaye never understood. Instead she became very suspicious of my female friends especially if they called me on my cell phone.

On Friday, December 15, 2007, I was driving up Bell Road heading west when I saw Annakaye walking along the road. I was on my way to meet up with a girl that I had just started checking recently when Annakaye flagged me down. I stopped to speak to her and she asked me if we could speak privately. I told her that I had plans and I wasn't able to speak to her now. She immediately got into a rage and started to create a scene. I got out of the car and reprimanded her, "telling her that she couldn't speak to me like that". She started to climb into the vehicle and I grabbed her hand. Annakaye started to fight me; I tried to resist her. Immediately she jumped in the front seat of the car, then I went in. As soon as I got in Annakaye slapped me across the face.

I slapped her back, in the face. Annakaye then started to fight me and scratch at me and I had to restrain her. I did so, sort of forcefully, as she was fighting me. I then decided to drive off since it seemed she wanted to have a fight with me right there in the street. I drove to my apartment in Fort Royal which is some 4½ miles away, it did not take me long to get there. For the entire drive Annakaye was crying and begging me to take her back. She seemed to have a split personality; at times she screamed and hollered while other times spoke to me like the Annakaye that I knew. I thought if I took her to my place she might calm

down a bit, she agreed to this. When I got to my house I saw my neighbor Jeff, and both Annakaye and Jeff exchanged hellos. I didn't say anything else to Jeff since we are not really friends.

Annakaye came into the house and we talked for a while. I offered to take her home but she insisted on staying for the weekend. She had spent the weekend with me on previous occasions while we were dating. I told her to call her mother so that her mother wouldn't be overly concerned. She told me that she would tell her mother that she would be staying at her cousin's house, like usual.

Annakaye spent that weekend trying to get back with me. She cooked for me and even offered me sex on several occasions during the course of the weekend. One minute she would curse me and break things in the house. At times she tried to slap me and I had to restrain her forcefully by holding her wrists firmly, another minute she would be laughing and acting like her old self. I realized that she was under stress and not dealing with the break up well. I felt sorry for her.

On Monday, December 18, 2007, I got up to go to work as usual. I left the house at about 9:00 a.m. I worked that day and came home as usual. Later that night I got a call that my boss wanted me to come in because the lounge had a problem. I had to work two days straight to solve the problem. I got home on the night of Wednesday, December 20. I went straight to bed. I hung out with some friends on the Thursday and then came home about 3:00 a.m. that Friday morning. I was asleep, when at about 5:00 a.m. there was a knock on my door. I woke up startled and heard some sort of sound coming from outside. I did not know who it was and then I heard the door knob being forced open. I got scared as I thought it may have been gunmen. I opened the side door and ran out. As I ran out I felt a hand grab on to me and I heard a voice say. "This is the police, where you going'? The officer held on to me. A male police officer identified himself to me as Sgt. Constantine Hill. He told me that he was investigating a report that I had kidnapped Annakaye Peterkin and held her against her will. The officer read me my rights and booked me.

At the station the officer processed me, showed me two of my ties and put me to sit on a bench. I told the officer repeatedly that I didn't commit any of the crimes she had accused me of. I also told him that she must have taken the ties to help her fabricate her allegations against me. I told her to ask my neighbor Mr. Jeff Sang to vouch that Annakaye usually spent weekends at my home. In addition, I told the officer that she could contact Annakaye's cousin, Heather, who could state that Annakaye had spent the weekend with me on several occasions. The officer told me that I had better shut up and anything that I had to say; I could say it in court.

Sometime later that day I was still on the bench at the station when Annakaye walked in with her mother. Annakaye looked at me and said, "Officer, this is my ex-boyfriend, Eric that kidnapped me and held me against my will". I said "Girl why you doing this to me? You come to my house for your own self." Annakaye then tried to hit me but the police officer restrained her. She then left the station with her mother. The police then formally charged me with the offence.

I have been talking to Annakaye's younger cousin, Heather Spence. Heather is 19 years old. She had been eyeing me since the time that I was seeing Annakaye. When Heather found out that I was finished with Annakaye she called me and we started chatting. Annakaye knew that I was talking to Heather, since she had seen us at a party the week before this whole thing happened. I did not have sex with Annakaye that weekend when she was at my house. I knew it would have complicated things and she would become more attached to me.

(Sgd): *Eric Cartman*
Eric Cartman

STATEMENT OF JEFF SANG:

My name is Jeff Sang. I live at 12B Alyerdyce Close, Port Royal, Kingston, Jamaica. I live alone; it is a house, one side of a duplex. The other side occupied by Eric Cartman. I have lived there for about 18 months and when I came to live there, Eric was already living there. I would see Eric come and go and say hello to him and maybe have a small chat with him sometimes. We are not the best of friends but we live next to each other. I would see different girls come and go from Eric's house from time to time.

I know that some time around mid 2006, Eric was seeing a girl, her name was Annakaye Peterkin. I would see her more often than the other girls. I saw Annakaye more on weekends than during the week. We would exchange pleasantries from time to time. I still saw other girls from time to time. There was a young girl that I saw there some time in early December 2007, her name was Heather Spence. I spoke to her a few times as she sometimes came when Eric was not home and would ask me if he was home.

On Friday, December 15, 2007, I saw Annakaye come to the house with Eric, she appeared a bit upset, but she still smiled and said a quiet hello to me. Eric said his usual short hello and they went inside. That was sometime around 6:00 p.m. that evening. Annakaye appeared to be attired in her work clothes. I did not see them for the weekend, but I heard the voices of Eric and Annakaye. Often I would hear Annakaye laugh at times and I would also hear her crying out at times. Nothing seemed odd to me about that, since I had heard her cry out several times before when she was there on other occasions.

On Monday, December 18, 2007, I got up to go to work for my 11:00 a.m. shift. It was about 9:00 a.m. when I woke up. I looked out my window and I saw Annakaye walking in the garden, she appeared quite normal. Her hair and face looked like she had just awoken. She had that rumpled look and so did her clothes. I did not notice anything unusual about her face per se. It was like a

wake-up face, a bit scruffy and puffy. She walked to the phone booth and I saw her like she was making a phone call. I do not think that she saw me and I made no attempt to talk to her. I saw a car come about 15 minutes later and Annakaye got into the car. I went back to my business and got ready and went to work.

I saw Eric that evening when he came in from work and he said hello to me and we chatted for a while. I did not see him for a few days after that. I hung out with Eric for a short while on Thursday evening at the community bar then he left and went out with some of his friends.

I was not at home on Thursday night since I worked overtime that night until Friday night. I later learnt that Eric had been arrested for kidnapping Annakaye for the weekend that she had spent at his townhouse. To me she appeared to have been there of her own free will.

(Sgd): *Jeff Sang*
Jeff Sang

STATEMENT OF HEATHER SPENCE:

My name is Heather Spence. I am 19 years old, a college student at the University of Technology in Kingston, Jamaica. I live at # 23 Manor Park Mews, Kingston, Jamaica. I know Annakaye Peterkin, her mother and my mother are cousins. Annakaye has spent time at our house on several occasions since we are family and are about the same age. I also know Eric Cartman. Eric used to date my cousin, Annakaye but they have been broken up for some time. I would notice him looking at me.

I had liked him because he was very ambitious and would always be trying to find ways to move up in life and to make some money. I know sometimes he even used his car as a robot taxi to earn extra money. I also know that he took over-time shifts at his job to make extra money. When Eric broke up with Annakaye, I gave him a call and we started talking. I knew they had broken up because I overheard Annakaye's mother talking to my mother about it. Eric and I never had sex we just talked, however we kissed on more than one occasion. I have been to his house to visit him in Fort Royal; I like to study there because it is near the beach.

On one occasion about a week before the weekend of December 15, 2007, I went to a party a week before with my friends and I saw Eric there. He bought me a few drinks at the party and we danced and chatted the rest of the night. During the course of the night I saw my cousin there observing us. Annakaye didn't come over and address any of us but her facial expression indicated her displeasure that Eric Cartman was enjoying himself with me. She glared at me and then walked off. Eric and I both laughed at her behavior. While Annakaye was dating Eric, there were several times she would tell her mother that she was at our house for the weekend, when she would really be at Eric's house. I would answer the phone and tell her mother that she was either sleeping or in the bathroom. I would then call Annakaye and have her call her mother from her cell phone to talk to her. I have covered for Annakaye on several occasions. I have

never slept out and lied to my mother; I am concentrating on my studies. I know for a fact that Annakaye wants Eric back, because on several occasions she told me so.

(Sgd): *Heather Spence*
Heather Spence