

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

**ADVOCACY PROGRAMME**

**YEAR II**

**CRIMINAL BRIEF**

**R. v. SALEM HINES**

**MODIFIED ACTUAL CASE**

**NORMAN DAVIS**

PRELIMINARY EXAMINATION HELD IN THE RESIDENT MAGISTRATE'S COURT FOR THE CORPORATE AREA HOLDEN AT HALF WAY TREE BEFORE HIS HON. RALSTON WILLIAMS, RESIDENT MAGISTRATE FOR THE SAID PARISH ON THE 26<sup>TH</sup> DAY OF APRIL 2009.

REGINA ) ( INF. NO. 12498/00

VS ) ( FOR

SALEM HINES ) ( WOUNDING WITH INTENT  
MS. S. CHAMBERS FOR CROWN  
MR. M. HUSSEY FOR ACCUSED

AND THIS DEPONENT: JASON JAMES

ON HIS OATH SAITH AS FOLLOWS: I am a farmer, living at Industry Village, Gordon Town in the parish of St. Andrew. On the 25<sup>th</sup> day of September, 2008 something happened to me. It was about 10:00 o'clock in the morning at Industry Village. I was out on the road buying some food at a stall; I got the food and sat down on a little bench at the stall eating the food. While eating the food, Salem Hines came behind the cart, which was near to the stall I was sitting. The distance from the stall to the cart was about 6 feet (witness points to accused in the dock as Salem Hines). I have known the accused for a long time, about seven years. I could see through the cart. This was a cart that had orange juice and beer. I was in front of the cart.

The accused Salem Hines came from behind the cart and come up in front of me. When he come up in front of me he had a knife in his hand, it was a tall knife. When he came up in front of me I was still sitting. Accused used the knife to stab me in the left forearm and left side of chest and say he want to kill me. Blood come from the places that the accused stabbed me. When I got all the stabs, I was still sitting.

When I was getting the stabs, I try to push him off but him still “suck” on to me, when I say he suck on to me I mean he hold me with one hand in front of my shirt and was stabbing me with the other hand. After accused stabbed me he just let me go and ran through the short cut in the direction where he lived.

The knife the accused used was a broad handle knife with a blade about 6 inches long. This resembles the knife used to stab me. It appears to be the knife. Knife marked “A” for identity. My shirt was torn and bloodied. This is the shirt. Shirt admitted as Exhibit 1. I felt weak when I was getting the stabs; after accused ran away I got up walked down the road, and got a drive to the University Hospital. When I reached the hospital I don’t know nothing more. I woke up and found myself in a bed with drip on me. I spent one week in the hospital, I got stitches to the left chest and left forearm.

On the day in question that is the 25<sup>th</sup> day of September 2008, I did not attack the accused Salem Hines and I was not armed with any weapon. I did not attempt to do the accused anything. Before the 25<sup>th</sup> September 2008, accused and I “had something”. Two days before the incident the accused and I had an argument. During the argument the accused flung stones at me. This incident took place in the night. The injuries I received on the 25<sup>th</sup> day of September, 2008 still pain me.

#### CROSS EXAMINED MR. M. HUSSEY

On the 25<sup>th</sup> of September I was sitting on a board by a stall.

When I first saw the accused he was about six to seven feet from me upon till the time he reach where I was sitting. I did not get up. When he come right upon me I notice he had a knife. Up to when accused come upon me I did not move because I did not expect him to do anything. The two days before the incident was the first time accused and I had some altercation. Before the first incident that is the one two days ago, I would regard the accused as a friend.

The incident two days before concerned the accused's small son. When this incident happened I did go to accused, Salem, and tell him I have problem with his son.

No other friends of mine were there. At that time I was not really angry with accused's son. Before I saw accused on that day I was not chasing his son.

On this day of the argument with the accused about his son, he start to talk to me some "bad man way".

Not true that after I became abusive. He flung the stones at me.

On the 25<sup>th</sup> September 2008 I could not got up off the bench because of the stabs.

Accused had the knife in his right hand. Accused just come over me and stab me. His hand movement was coming from above me. We were not the only two persons present that day.

I have a brother name Dwayne, when I got the stabs he was not there. My brother Gary was not present. The day when I got the stabs many persons were there.

Not true that my brothers Dwayne and Gary were there. Not true that it was Dwayne and Gary and I who came up to the stall and saw the accused there. Not true that I had a machete with me.

Not true that it was I who first attacked the accused. There was no struggle between the accused and me. I was not standing when I got the wounds.

Yes the accused ran off through short cut to his home. Not true that accused had to jump over a wall to get away from me, Gary and Dwayne.

I was pushed back against a brown box when he held me and stabbed me. The bench was about 3 – 4 feet of ground; it was made out of board.

When I was being stabbed I did not hold on to accused.

I did not attack accused on 25<sup>th</sup>. Not because of incident with accused two (2) days before did I attack him on the 25<sup>th</sup>. Since the 25<sup>th</sup> of September 2008 I have had no altercation with the accused.

NO RE-EXAMINATION CLERK OF THE COURTS

*SIGNED: JASON JAMES*  
*26<sup>TH</sup> APRIL 2009*

*SIGNED: R. WILLIAMS*  
*RESIDENT MAGISTRATE FOR*  
*THE CORPORATE AREA*  
*26<sup>TH</sup> APRIL 2009*

PRELIMINARY EXAMINATION HELD IN THE RESIDENT MAGISTRATE'S COURT FOR THE CORPORATE AREA HOLDEN AT HALF WAY TREE BEFORE HIS HON. RALSTON WILLIAMS, RESIDENT MAGISTRATE FOR THE SAID PARISH OF THE 26<sup>TH</sup> DAY OF APRIL 2009.

**AND THIS DEPONENT: BENJAMIN DANVERS**

**ON HIS OATH SAITH AS FOLLOWS:** I am a farmer living at Industry Village, Gordon Town. My farm is located next to Jason James. I know Jason James and the accused Salem Hines. They were friends.

I saw the accused Salem Hines on 25<sup>th</sup> September 2008. I passed Salem Hines. He said he was on his way to the market. I had not seen him or Jason James for about a week.

Salem appeared angry and I pointed this out to him while we were talking. He told me that he and Jason had a serious argument and that "Jason can't hide". He also said anyhow him see him is "War!" I tried to calm him down but he refused to listen.

We went on our separate ways.

*SIGNED: BENJAMIN DANVERS  
26<sup>TH</sup> APRIL 2009*

*SIGNED: R. WILLIAMS  
RESIDENT MAGISTRATE FOR  
THE CORPORATE AREA  
26<sup>TH</sup> APRIL 2009*

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AND THIS DEPONENT:                    BRIAN HALL

ON HIS OATH SAITH AS FOLLOWS: I am a registered Medical Practitioner attached to the University Hospital of the West Indies, St. Andrew.

On 25<sup>th</sup> September 2009 I was on duty at the Emergency Ward at the hospital.

On that date sometime after 10:30 am, I saw a patient by the name of Jason James. The patient was suffering from stab wounds. I had him admitted to the hospital. I made notes of the injuries I saw on the patient. I wish to refresh my memory from my notes.

COURT GRANTS WITNESS PERMISSION TO REFRESH HIS MEMORY

I noted that there were two stab injuries to the left chest and left forearm. Both were deep injuries.

The patient was bleeding heavily and was in respiratory distress. I regarded the injury to the chest as a serious injury which, in my opinion, could have been inflicted by a very sharp instrument. There was clinical evidence of a collapsed lung. An incision was made in the chest wall and a tube was inserted to drain blood and air from the lung. I would think that a moderate to severe degree of force was necessary to inflict the injuries I saw.

The patient received stitches to the wounds. He spent 4 days in hospital to recover.

NO CROSS EXAMINATION

*SIGNED: BRIAN HALL*  
*26<sup>TH</sup> APRIL 2009*

*SIGNED: R. WILLIAMS*  
*RESIDENT MAGISTRATE FOR THE*  
*CORPORATE AREA*  
*26<sup>TH</sup> APRIL 2009*



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**REGINA** )

**VS** ) **FOR WOUNDING WITH INTENT**

**SALEM HINES** ) **MS. S. CHAMBERS FOR CROWN**  
**MR. M. HUSSEY FOR ACCUSED**

**AND THIS DEPONENT: SAMUEL MYRIE**

**ON HIS OATH SAITH AS FOLLOWS:** I am a Det/Constable stationed at Gordon Town Police Station in the parish of St. Andrew. On Thursday 26<sup>th</sup> September, 2008 about 12 midday I was on duty at Gordon Town Police Station whilst there I received certain information and went to the University Hospital where I saw Jason James, the complainant at the Emergency Room. I was unable to communicate with him. I saw what appeared to be blood all over his body.

Having seen the complainant I returned to the Gordon Town Police station at about 2:00 p.m I saw the accused Salem Hines come to the police station. I knew him before.

I enquired what had happened to himself and the complainant. Having identified myself to accused I cautioned him. Accused said it was Jason who had used a machete to chop at him on the 25<sup>th</sup> September 2008 and that was why he stabbed him. I asked him for the knife used in the attack. He produced a knife. This is the knife. Knife previously marked 'A' for identity now admitted as Exhibit 2.

I arrested and charged the accused Salem Hines for the offence of Wounding with Intent. I cautioned him. Accused made no further statement. (Witness points to accused on the dock as Salem Hines).

I next saw complainant Jason James on the 9<sup>th</sup> day of October 2008 at Gordon Town Police Station, where he made a report to me and I collected a statement from him. He submitted the shirt he wore the day. Exhibit 1 shown to the witness. This is the shirt.

CROSS EXAMINED MR. HUSSEY

The incident that happened on the 23<sup>rd</sup> September was being investigated by another police officer. The officer was Cons. Garnett Shand.

Prior to speaking to the accused Salem Hines, I had knowledge of what happened between him and the complainant on the 23<sup>rd</sup> September 2008. I know of a complaint that was made by the accused against the complainant.

I informed other persons about the incident that took place on the 25<sup>th</sup> day of September between the accused and complainant. I interviewed two persons but only collected one statement. I visited the place where the incident is said to have taken place.

On the 26<sup>th</sup> of September 2008, after I left the hospital, I went to the market at Industry Village. I did not find a machete.

*SAMUEL MYRIE, CONS. #5150  
26<sup>TH</sup> APRIL 2009*

*SIGNED: R. WILLIAMS  
RESIDENT MAGISTRATE FOR THE  
CORPORATE AREA  
26<sup>TH</sup> APRIL 2009*

SALEM HINES STATES:

I am a 35-year-old mechanic. I live at Industry Village, Gordon Town.

I know Jason James. I would call him a friend. We both grew up in Industry Village. He lives nearby to me within walking distance. He has two adult brothers who live in the area named Gary and Dwayne.

I have a son aged 13 years old whose name is Justin Hines. Prior to the incident on September 23, 2008, there was an argument involving Jason James and myself about my son.

On the 23<sup>rd</sup> September 2008, Jason James came to my home. He was angry and told me he had a problem with my son. He accused my son of constantly taunting him on his way home from school by calling him "Farmer Joe" in an insulting way.

An argument developed which got heated and in the course of it Jason James, who had his machete with him, became abusive, and threatened to kill me. I drew back and flung stones at him to get him to leave. None hit him but he retreated, shrugged off in anger and left.

On the 25<sup>th</sup> September I went into the village. On the way to the village I saw a friend of ours, Benjamin Danvers. I told him that there was war between us and asked him to talk to Jason so that peace could reign. He said, "You know how that man stubborn! Next thing I get drawn into the war".

When I went to the village I saw Jason James, he was eating food at a stall. I also saw his brothers Gary and Dwayne nearby, on the other side of the stall from where Jason James was. When I first saw Jason James I was about 6 feet away. There was a cart between him and me and this is why I did not see him before then. On reaching this distance from

Jason I saw when he looked up, our eyes met, he reached immediately for his machete. He shouted to his brothers "See Salem deh, get the bwoy!"

In no time at all Jason had reached up to me with the machete in his left hand. I feared for my life. In order to avoid being chopped I pulled my knife from my back pocket, moved into him quickly and stabbed him with my knife to the left side of the chest and left forearm. He fell to the ground and the machete fell from his hand. I fled to escape from his two brothers who were both chasing me at that time. I escaped.

I have no previous convictions.

Salem Hines

VERNA LITTLE STATES

I am a 40-year-old market vendor with a stall in Industry Village, Gordon Town, and St. Andrew. I live in Industry Village.

On 25<sup>th</sup> September 2008 at about 10:00 a.m. I was at my stall doing business. There was a handcart nearby.

Salem Hines was there that morning. He had bought something to eat from my stall and was sitting down on a piece of board. He is my regular customer.

While I was catering to other customers I heard a commotion and turned around in the direction of the cart.

When I turned around I saw Jason James and Salem Hines caught up in a struggle. At this time both of them were standing. I saw a knife in Salem's hand and a machete was on the ground at their feet. I saw when Jason fell to the ground. Salem fled from the scene.

I then saw two men who I recognized as brothers of Jason rushing towards the scene from nearby. At the time I first saw them they had virtually reached the scene.

Signed: Verna Little