

COUNCIL OF LEGAL EDUCATION

NORMAN MANLEY LAW SCHOOL

ADVOCACY PROGRAMME

YEAR II

CRIMINAL BRIEF

R. v. PETER BONHOMME

MODIFIED EUGENE DUPUCH LAW SCHOOL BRIEF

IN THE RESIDENT MAGISTRATE'S COURT
 FOR THE PARISH OF ST. THOMAS
 PRELIMINARY EXAMINATION HELD AT YALLAS
 BEFORE HER HONOUR, MRS IVAN CARROLL, RESIDENT MAGISTRATE
 ON 14TH DAY OF JANUARY 2011

REGINA FOR
 VS MURDER

PETER BONHOMME

AND THIS DEPONENT: GRACE ROLLE

ON HER OATH AS FOLLOWS:

My name is Grace Rolle. I live at 9 Hardrock Road in a village by the sea called Retirement in St. Thomas. I am a 62 year old registered nurse formerly employed at the Princess Margaret Hospital in the parish. On the evening of 22 November 2010 I and my husband, Warren Rolle, went for a walk. He was a 65 year old retired primary school Principal. We went for a walk on the beach side of the road. About 20 minutes into our walk, a young man rode pass us on his bicycle towing another young man. The young man who was riding the bicycle looked at me as he rode by slowly on his bicycle.

I knew Snake as a former Haitian refugee now Jamaican citizen. My husband, had previously given him work as a gardener at our home in order to assist him. 'Snake's' cousins live across the road from my home. They are illegal immigrants. I however, asked my husband to dismiss him because I was uncomfortable with his association with his cousins the Bonhommes who live across the street in the village. He visits their house on the other side of the road regularly. They are a house of Haitian illegal immigrants who I understood were involved in the guns for drugs trade. This is why I asked my husband to dismiss Snake.

I continued to walk with my husband in the direction that Snake and the man he was towing were heading. A few minutes later as we were passing some bushes on the beach side, the same young man I know as Snake jumped out at us from behind the bushes. The other young man was with him trying to restrain him. Snake threw his bicycle at my husband and it hit him in the chest. My husband fell down. Snake then pointed a gun at me and said, "Give me your money. Give me your money!" My husband stepped between the gunman and myself and said "put away the gun, put the gun away, we don't have any money". The other young man stood there begging him to stop. The young man turned to walk away. I heard Snake say, "If you try to run I will shoot you too." The young man stayed.

My husband then told me to keep walking. I turned my back to walk away while doing so, I heard my husband say, "Put the gun away we don't have any money". I then heard a gunshot. I turned and saw my husband take a swing at the Snake. I turned to run away when I heard another shot. I turned around

in time to see Snake turn from my husband and run across the street. The other young man was running with him.

They were both running very fast. I saw Snake look over his shoulder. Snake had on a blue and white striped shirt, dark heavy pants.

My husband said, "Snake just shot me. I think I am going to die. Take me to the hospital." I saw blood on my husband's clothes. He took a few steps and collapsed. I called out loudly for help. A passing car stopped. It was the neighbour who lives two streets away from us, Mr. King. We put my husband into the car and took him to the Princess Margaret Hospital (PMH). On the way to the PMH I called the police and spoke to an officer Saunders. I told him that Snake had just shot my husband. When we got to PMH Officer Saunders met us there. I saw them take my husband into the emergency section. Sometime later Doctor Cave emerged and told me that my husband was dead.

On Tuesday November 23rd, 2010 I accompanied Inspector Saunders to the Princess Margaret Hospital to identify my husband's body in his presence to Dr. Cave.

On Friday November 26th, 2010. As a result of a telephone call I went to the Retirement Police Station. There I saw Inspector Saunders. I saw 'Snake' sitting on a bench. I said to him, "Snake why you kill my husband?" He looked at me, cut his eye and sucked his teeth then he turned his head away from me. I started to cry and left the station soon after that.

Cross examination of the deponent by Mr. Snooks for the defendant:

I know Snake. I have seen him at the house across the road from me. I do not have anything against the Bonhommes except for my suspicions. Yes I know that the Bonhommes are not a family originally from Jamaica. Yes I know they have been living in Jamaica for the last ten years. When I told Inspector Saunders that Snake shot my husband I did not mean I actually saw him do it. I never made any report to the Immigration authorities about the Bonhommes. Yes I have seen him and a girl walking in the area. I do not know why she is with him.

Signed Grace Rolle

14.01.2011

Signed: Ivan Carroll

Resident Magistrate

For the Parish of St. Thomas

14.01.2011

AND THIS DEPONENT: MICHAEL KING

ON HIS OATH AS FOLLOWS:

I am a retired civil servant and I live in Retirement village. On November 22, 2010, around 4:40 p.m. I was in the area of the beach road driving home. I live around the corner. I saw two young men run across the road from the beach side in front of my car and I had to stop suddenly. I know one of the men as 'Snake'. The other one I do not know. My car almost hit them. They turned around and cursed at me. I cursed them back. They continued running across the road. At that time I heard a cry for help from the side of the beach. I pulled aside and went to investigate. I saw Mrs. Rolle and her husband, Warren. She was kneeling next to him. He had blood on his clothes. Mrs. Rolle told me that Snake and another man had just shot her husband. She asked me for help to take him to the hospital. I have known the Rolle's for more than twenty years. We put Mr. Rolle into my car and took him to the hospital. On the way to the hospital I gave Mrs. Rolle my cell phone. And she called the police and told them that Snake and another man had shot her husband and to meet us at the hospital.

I know Snake's face from the area. I have seen him in the village on various occasions. I had never spoken to him as he appeared to be a gangster. He and his family would make a lot of noise in the area at night. I have seen police cars there from time to time.

I remember the clothes that Snake was wearing. A blue and white striped shirt, dark pants. There appeared to be blood on Snake's clothes. He also had on a pair of dirty looking sneakers. I can recognize that man if I saw him again. Yes there he is sitting in the dock. Witness identifies the accused.

Cross-Examination of the deponent by the Mr. Snooks for the Defendant:

When I saw Mr. Rolle lying on the beach in his wife's arms he was alive, but his eyes were closed. Yes I know Snake. I never spoke to the defendant before. He was someone I had seen in the area a several times, perhaps once or twice a week over the last 3 years. I cannot remember if Snake had a gun in his hand when he ran in front of my car. I cannot remember if the other young man had a gun in his hand when he ran in front of my car. Yes I know that the Bonhommes are not originally from Jamaica. Yes Snake's clothes had blood on it. I am not lying. I do not like persons living here illegally. Yes I have made reports on the Bonhommes to immigration authorities. Snake and his kind causing too much crime. They need to go. I do not like persons here living illegally or involved in illegal activity. Yes I have made secret reports on the Bonhommes.

Signed Michael King

14.01.2011

Signed: Ivan Carroll

Resident Magistrate

For the Parish of St. Thomas

14.01.2011

AND THIS DEPONENT: Inspector Roy Saunders

ON HIS OATH AS FOLLOWS:

My name is Roy Saunders. I am attached to the Retirement Police Station. On November 22, 2010 I was stationed at the police station. I received a telephone call from a female. She gave her name as Grace Rolle. She reported to me that a young man named 'Snake' had just shot her husband, Warren. She asked me to meet her at the hospital.

I proceeded to the Princess Margaret Hospital. There I met Mrs. Grace Rolle. She made a report to me and pointed to the body of a male on a stretcher. The male appeared alive. I saw Dr. Cave and emergency medical personnel take the body of said male into the emergency room. Sometime later, Dr. Cave emerged and informed Mrs. Rolle that her husband had died.

The next day I attended the morgue at the hospital in company of Mrs. Rolle. I saw her identify the body of her husband to Dr. Cave. I later saw and spoke to Dr. Cave, pathologist. He gave me certain information.

I conducted several enquiries and spoke to several persons who gave me certain information. As a result at about 3:30 a.m. on Friday November 26, 2010 I and other officers went to the nearby village of Rockspring. I knocked on the door and indentified myself as a police officer. A young lady opened the door. I told her that I was on enquiries with reference to an offence and that I was looking for one Peter Bonhomme also known as 'Snake'. She told me that Snake was her boyfriend, but that he was not home.

She allowed me to enter and search the premises. I and the other officers did a complete search of the premises, but found no other person present in the home. As the other officers stepped outside the small apartment I heard a sound in the ceiling close to the 'manhole'. I got a broom and pushed the manhole. A young man fell through the 'manhole' onto the floor in front of me. I seized the young man and told him that I was a police officer. I asked if he was Peter Bonhomme, also known as, 'Snake'. He replied, " Yes". I informed him that I was conducting investigations into a report that he had shot and killed Warren Rolle. He said, "Officer, I tell 'Blacks' look pon di people dem who nuh like mi family and try to get them in trouble with Immigration. I was there but I didn't do anything.

I arrested the accused, cautioned him and informed him of his rights. I then took him to the Retirement Police station and placed him on a bench to sit. Sometime later that day around 6:00 a.m. Mrs. Grace Rolle came into the station. Upon seeing Mr. Peter Bonhomme she said to him, "Why you kill my loving husband, Warren? He was a good man." He made no reply to this, but turned his face away from her. Mrs. Rolle left the station sometime after this.

I then arrested and charged the accused with murder. I cautioned him and informed him of his rights. He made no requests he made no reply.

Cross-Examination by Mr. Snooks for the Defence:

Yes, I visited the locus in quo but there was nothing remarkable about same as there were heavy rains on the night of November 22nd, 2010. No I do not always tell lies. I do not lie in Court. The story I gave the Court today is not fabricated. I conducted proper investigations into this matter. I did not rush to charge the accused because his family may be illegally living in Jamaica. Yes I searched for a gun. I did not find a gun. Yes I searched for a striped shirt and dark jeans but did not find any. I did not arrest anyone named 'Blacks'. No the accused never told me that it was a fellow called 'Blacks' who shot Mr. Rolle.

Signed Inspector Roy Saunders

14.01.2011

Signed: Ivan Carroll

Resident Magistrate

For the Parish of St. Thomas

14.01.2011

AND THIS DEPONENT: Dr. Clifton Cave

ON HIS OATH AS FOLLOWS:

I am a registered medical practitioner and also a qualified pathologist. On the 23rd November 2011 I performed a post mortem examination on the body of Warren Rolle age 65 at the Princess Margaret Hospital in St. Thomas. I took notes of my examination WITNESS ALLOWED TO REFRESH MEMORY FROM HIS NOTES.

His body was identified by his wife Grace Rolle. The body was approximately 5'10 inches and the estimated weight was 180lbs. The body had two gunshot wounds to the chest.

The first gunshot wound was a size of 1' in diameter was discovered without gunshot powder deposition on front of left side of chest. It is about 47cm below top of head and 10cm from midline.

The second gunshot wound was about 45cm below top of head and 10cm from midline. Bullets moved in chest cavity posteriorly on the same side, injured both lobes of left lung with resultant haemoglobin-2L of liquid blood.

They exited through an irregular exit wound (2 ½ inches) on the back of left side chest, 46cm below top of head and 10cm from midline.

In my opinion the cause of death was due to haemorrhagic shock consequent upon gunshot wounds to chest, with injury to left lung, accompanied by blood loss.

Signed Dr. Clifton Cave

14.01.2011

Signed: Ivan Carroll
Resident Magistrate
For the Parish of St. Thomas
14.01.2011

DEFENCE BRIEF

STATEMENT OF PETER BONHOMME

My name is Peter Bonhomme, some people call me 'Snake'. I live at #12 Freedom Lane, in Rockspring village which is approximately three miles down the coast from Retirement village in St. Thomas. I am Haitian and came to Jamaica as a refugee. I have since earned citizenship. I am 21 years of age and I have never been in trouble with the police. I am a handy man. I work various odd jobs. I cut lawns and paint houses and do many other things for persons, including persons in Retirement Village. I have a girlfriend, Bonnie Francis who also lives in Rockspring village. She likes me for who I am, though I do not have a lot of money.

On the evening of November 22, 2010 I rode from my house about two miles away to the home of my cousins, the Bonhommes, who live in Retirement village. They are not yet citizens and are in Jamaica illegally. I occasionally spend some time with my cousins at their house. My cousins and I sat on the wall chatting and talking. A youth named 'Blacks' who is not really my friend was also at my cousin's house that evening. I understand that he lives somewhere in the village and recently started a relationship with my female cousin. I did not want to ask too many questions about him because the relationship with my cousin had just started and so I did not think it right to ask too many questions. 'Blacks' was smoking ganja with my cousins at their house. I have seen my cousins' smoke but I have never seen them involved in any guns for drugs trade.

When I was ready to go 'Blacks' asked me for a ride to the beach. He asked me for a ride because I was going in that direction. I did not refuse because of his relationship with my cousin. He ask if I want him tow me or me to tow him. I say I will tow him because I did not trust him with my bicycle. I jumped on the bicycle and he got on at the handle bars and I gave him a ride. We ride to the beach. When I was just getting there I saw two people who I know the Rolles. They live on the same street as my cousins, the Bonhommes, just a few houses away. I worked for them once but they dismissed me.

I tell 'Blacks' I thought that they were the people who reported my cousins to the immigration authority. He started to curse badwords. As we reach round the small building he jump off the bike. He pushed me off and flung the bike at the people. I could not stop him. It hit the man square in his chest and knock the man down. I say, "Man stop that. Leave them people alone". He pushed me away. Next thing I see a gun in his hand and I hear him telling the woman to give him the money. I tried to stop him, but he tell me if I don't shut up he will deal with me. I was afraid for my life. The man get up between 'Blacks' and the woman. The man tell 'Blacks' to stop. 'Blacks' shoot the man. I tell him stop. When I see that I start to run. 'Blacks' turn to run too. The man make to move and 'Blacks' turn around and shoot him again. The man said to me, " 'Snake' , he just shot me!"

I was frightened so I ran across the road to get a bus to go to Rockspring. I don't know in which direction 'Blacks' ran. I remember a car almost hit me. I got on a passing bus and went to my girlfriend's house. When I reach there I told her, " 'Blacks' just shoot a man and I was there. He say he go shoot me if I talk".

She tell me come inside. I went inside and lie down. I was really tired and afraid. I stayed by her house for a few days.

One night in the wee hours of the morning on Friday November 26, 2010, I was in the house with her. I hear a loud banging on the door and a voice shouting, "Police, police, come out now." I got frighten and I run to hide. I went under the bed.

I hear the voices over me talking. I hear several male voices. I hear a big man voice say, we come for your boyfriend he murder an old man and we come for him. I hear her tell the man that I was not there. I could hear them searching around downstairs. Then it got quiet.

A police bway grab me from under the bed and slap me twice. He say, "Police boy! You are a murderer"! I told him officer, "I was there but I didn't do anything. It was 'Blacks' that shoot the man'.

He then arrested me and handcuffed me. He took me to the police station in Retirement. He put me to sit down on the bench. I was very tired.

Sometime later that day I see the woman from the Western Esplanade come in the station. She come up to me and say," Why you kill my husband"? I say, "Mammy I did not kill your husband it was 'Blacks' ".

Officer Saunders charged me for the murder of Warren Rolle.

I had to run because my family came here illegal and they don't have any papers. I was afraid if I got caught that they would send my family back to where they come from. I did not want to ruin my whole family.

I run because I thought that 'Blacks' would have killed me if I had tried to stop him robbing the people. I was so frighten that he was going to kill me. I did not go to the police as I thought they would have blamed me.

Signed: Peter Bonhomme

STATEMENT OF BONNIE FRANCIS

My name is Bonnie Francis. I am 20 years old. I live at Rockspring a village in St. Thomas. I am a teacher of Rockspring Primary School.

My boyfriend's name is Peter Bonhomme. He lives at #12, Freedom Lane in Rockspring village St. Thomas. I met him about six months ago. He is a nice man and I like him. He does not have a lot of money but he is a hard worker. I like that he is ambitious. I see him about once or twice a week.

On the evening of November 22, 2010 Peter came by me around 6:00 p.m. His clothes were all dirty up and he looked scared and frightened. He knocked on the door and as I opened it he run in and said, "My friend 'Blacks' just try to rob some people and he kill the man. I tried to stop 'Blacks' but he threatened to kill me, so I run away."

I told him to go to the police but he said that he was afraid that since his family were here illegally and never had any papers that they would be deported. He said that the police would blame him for the death since his people not from Jamaica.

I was home on Friday November 26, 2010. It was early morning me and Peter were sleeping and I hear a knock on the door. I hear a voice say police. I got frightened. Peter get frightened. He dove under the bed and I started to cry. He say don't cry go answer then I see like he run out towards the back door. I went out front and answer the door. It was a police man, who identified himself as Inspector Roy Saunders. He told me that Peter killed a man and he had come for Peter. I tell him that Peter was not here. He and a set of police man pushed past me and entered into my house and started to search up everywhere. They turned everything upside down and mashed up a lot of things. They found Peter under the bed.

The police man Saunders slap Peter and told him that he was under arrest for murder. I hear Peter say to the policeman Saunders, "Officer, I was there. I did not do anything. Is Blacks who shoot the man". He handcuff Peter and took him away. I stayed home and cried.

Peter is a good guy. He has never done anything wrong in his life. He just smoke little bit of weed sometimes.

Signed: Bonnie Francis

STATEMENT OF BERNARD LENNARD

My name is Bernard Lennard. I am 25 years old. I work as a route taxi driver along the beach road. I know 'Snake' because he is a regular passenger on my route taxi. On Tuesday November 22, 2010 sometime around 4:40 p.m. I was in the area of the Retirement village. I had just bought a patty to eat quickly I got off the road quickly and stopped by the beach area so I could eat without being disturbed. My car was parked facing the beach near to bushes between the road and the beach.

While parked on the beach I heard a commotion to my right. I looked to my right and about 90ft away I saw my friend 'Snake' and another man and two elderly people, a man and a woman. I did not know the other young man. I saw the other young man turn to the woman and I heard him shouting, "Give me the money"! I hear the woman saying they don't have any money. I saw the elderly gentleman get up off the ground and stand between the other young man and the woman. I heard the man telling the other young man to put down the gun and that they have no money. I heard him tell the young man to leave them alone. I heard him say something after that and I saw the elderly woman turn to walk off. I then heard a loud explosion like a gunshot. I saw the elderly man slump to the ground. I saw 'Snake' pulling at the arm of the other man. The other man hit 'Snake'. I heard him tell 'Snake', "Leave me alone or I will deal with you". I heard 'Snake' say something but I did not hear what he said then I saw the elderly gentleman turn as if to go at the man with the gun. I heard another explosion. The elderly gentleman fell to the ground. I heard the elderly woman scream.

I then saw 'Snake' take off running and I saw the other young man take off running too. They were running towards the road. The other young man had a gun in his hand. I saw them run and then I heard that car screech and I heard the other young man scream some badwords apparently at the driver of a car.

I panicked and started the engine of the vehicle and drive off. I did not want to get involved.

Sometime later I heard that 'Snake' was charged with the murder of the elderly gentleman. I went to the police station to tell them what I saw. I saw one Inspector Saunders. I told him what I saw. He tell me that I need to stop lying and leave the station before he charge me too. He say anything I have to say to tell the Judge.

Signed: Bernard Lennard