

**IN THE RESIDENT MAGISTRATES COURT  
FOR THE CORPORATE AREA  
PRELIMINARY EXAMINATION HELD AT HALF WAY TREE  
BEFORE HER HONOUR, MS. LAUREN FAIRCHILD,  
RESIDENT MAGISTRATE  
ON 21<sup>TH</sup> DAY OF APRIL, 2006**

**REGINA**

**FOR**

**VS**

**WOUNDING WITH INTENT**

**DAMIEN BURRITO**

**AND THIS DEPONENT: STANLEY MARTIN  
ON HIS OATH SAITH AS FOLLOWS**

My name is Stanley Martin. I live at 53 Old Hope Road, Kingston. I work as a labourer with Buildwell Contractors. I am 24 years old.

I recall January 31<sup>st</sup>, 2005. I went to a dance hall session in Standpipe. I was there with my friends from work. About 11:00 pm I was by the jerk man. He was selling inside the session. They had a few people around the stall. I was waiting for my turn. Then this man, Damien, who I knew before from school days came up. He pushed in front of me and stepped on my foot. I said "Yow bredren, watch wha yuh a do nuh man. Yuh cyaan wait like everybody else?" He turned and said "gweh fram yah so." He then pushed me hard in my chest. When he did this I fell backwards and grabbed his hand as a reflex to balance. This caused him to fall into me. After that we started to fight. He grabbed my throat and punched me several times. I also punched him a few times.

After about five minutes of fighting, some guys pulled him away from me. When they pulled him away he was saying, "watch me an yu!" He was saying this loud. At this time I was feeling some aches and pains. About 10 minutes after, I was talking to one of my friends when I heard somebody say "look out!" I turned around and I saw Damien coming at me with a knife. He was on me already. Damien stabbed me. I could not do anything. I get a stab on the right side of my chest. I get one on my right shoulder. It started to bleed and I was feeling weak. I just fell down. I did not know myself after. I wake up in the hospital.

A police lady came to the hospital and took a statement from me. When Damien mashed my foot one of my friends, Roger Brenner, was right there.

There was good lighting by the jerk man with light from the stall and the stands. I saw his face. I always see him around.

I see Damien Burrito here now. He is in the dock (points to accused).

### **CROSS EXAMINATION**

I used to be called Stinky in school. I don't know why. I did not like that. Yes, the accused said Stinky. He said "Stinky, gweh fram yah so." I had a few beers up to then. No, I was not vex and getting on saying, "fiyah bun pan yuh" and "I gyan limb up you." I am not called "Snake Eye." I was not there with no posse. I have a conviction for marijuana possession in 2002.

Signed: *Stanley Martin*  
Date: 21/4/06

Signed: *Lauren Fairchild*  
Resident Magistrate  
for the Corporate Area  
Date: 21/4/06

**AND THIS DEPONENT: THERESA SCOPE  
ON HER OATH SAITH AS FOLLOWS**

I am a police constable attached to the Matilda's Corner Police Station. My number is 5678. On February 1<sup>st</sup>, 2005 at 1:00 am I was on duty at the Kingston Public Hospital. A bleeding man was brought in by ambulance. His name was given as Stanley Martin. He was bleeding from a wound to his chest. He went in to emergency surgery. I took brief facts from his friend who brought him in, Roger Brenner.

I then went to a session in Standpipe in search of one Damien Burrito. He was not located. Based on other information I received I later went to the Matilda's Corner Police Station. There I located Damien Burrito. I cautioned him and told him of a report of wounding made against him. He said, "is he attack me after I mash his foot by mistake. During the struggle I cut him with a penknife I had for protection." I took the knife from him. I placed the knife in an envelope, I sealed it and placed my mark "TS1" on the envelope. I then signed the envelope and secured it with the store officer. This is the knife. Knife admitted as Exhibit 1. After this I arrested Damien Burrito. I later charged him for this offence.

About two weeks later I made efforts to locate Roger Brenner but I was told by his family members that he had returned to the United States where he lives.

**CROSS EXAMINATION**

I know it was a session. I spoke to persons on the scene. I did not investigate if Stanley Martin was with friends. I learnt he was called Snake Eye. I did not think anything of that.

Signed: *Theresa Scope*  
Date: 21/4/06

Signed: *Lauren Fairchild*  
Resident Magistrate  
for the Corporate Area  
Date: 21/4/0

**AND THIS DEPONENT: DR RACHEL BARNSFIELD  
ON HER OATH SAITH AS FOLLOWS**

I am a registered medical practitioner. I was on duty at the Kingston Public Hospital on Saturday, February 1<sup>st</sup>, 2005 about 1:00 am. A man identified to me as Stanley Martin was brought in. He had a stab wound to his right chest. It looked to be about 5 to 7 cm deep with sharp edges. There was blood on a cloth by the wound. Some blood was coming out of it, oozing. There was also a small stab on the right shoulder, about 4 cm from the top. I did not look for any other injuries. I took measures to stop the bleeding. After which another doctor took over the patient.

The first injury was a serious one. Without treatment it would have been life threatening. This injury was most likely caused by a sharp object with moderate to severe force. The second injury was a flesh wound, about 1.5 cm deep. It was most likely caused by a sharp object with slight to moderate force. I did not notice any other injuries.

**CROSS-EXAMINATION**

He was kept in the hospital. I can't say when he was discharged. I was the Casualty Officer. I cannot say if the first injury was a defence wound or an attack wound. It was a stab. My job was to assess him and do emergency treatment before a surgeon attended to him.

Signed: *Rachel Barnsfield*      Signed:  
Date: 21/4/06

*Lauren Fairchild*  
Resident Magistrate  
for the Corporate Area  
Date: 21/4/0

## **WITNESS STATEMENT OF DAMIEN BURRITO**

My name is Damien Burrito. I live on Slipe Road in Crossroads. I work as a mini bus driver. I am 24 years old.

I went to a dance hall session in Standpipe on January 31<sup>st</sup>, 2005. I was there with my girlfriend. I went to a pan chicken man to buy jerk chicken around 11:00 pm. There was no line so I just went up to the jerk man. In doing so I mashed a youth's foot. I knew the youth before. I went to primary school with him. He started to yell at me and go on bad. I say "Stinky, you don't have to get on so." Stinky was the name we use to call him in school. He was smelling of alcohol and talking like he was angry.

It seemed that when I called him Stinky he get mad. He rushed at me. He grabbed my hand and pulled me into him. He punched me several times in my chest and face. He then said "fiyah bun pan yuh" and "I gyan limb up you." He also threatened that his brethren dem would deal with me.

I struggled with him. At one point during the fight, he started to choke me. I was suffocating. I don't know how but with my left hand I was able to pull out a pen knife from my pocket. I keep it to peel oranges and fruit and with all the strength I had I pushed him off and I give him one stab in his chest in self defence. In the struggle he get cut on his shoulder with the knife. He started to bawl. I then run towards the entrance. There I received a call from a friend, Randy telling me that some of Stanely Martin's brethren were looking for me.

I saw my girlfriend and we quickly left. I went home where we live because I was afraid. About 5:00 am I went to the Matilda's Corner Police Station to make a report. The officers kept me there.

Later a lady police came and charged me. I told her what happened. She ask me if I had the knife for protection and I say, yes. It just came out. I really keep the knife to peel orange and grapefruit. She then asked me for the knife and I gave it to her.

I told the police lady about Roger Brenner, a guy I knew who see everything. She say she will look for him. However, two weeks later Roger went back to the States. I don't know how to contact him.

I have one conviction for larceny.

Signed: *Damien Burrito*

**WITNESS STATEMENT OF SHELLEY SANTANA:**

I am a hairdresser. I live with Damien. I went to a session in Standpipe in 2005 with my boyfriend Damien Burrito. Damien went to buy jerk chicken from the jerkman. I was standing about 35 feet away. I see a man push Damien and start to fight him. I do not know the man but I later found out his name was Stanley Martin. With the noise and music I couldn't hear what they were saying. They were struggling. When I saw this I went to find Damien's friends to get help. I see Damien's friend Randy and same time Randy called Damien on the cell and say to get out of here, Snake Eye brethen might find you. Randy tell me Damien by the exit and to meet him there. I met him and he told me how the guy attacked him and he think he stab him. He say the man was threatening him and we better get out of here because something might happen. We left immediately and went home. Around 5:00 am Damien left to go make a report at the police station.

Signed: *Shelley Santana*

**WITNESS STATEMENT RANDY APPLEBY:**

I know Damien Burrito and Stanley Martin also called Snake Eye. I went to a session in Standpipe in January, 2005. I went with Damien and Shelley, Damien's girlfriend. Shelley came up to me and told me how a man fighting with Damien. I went up and saw the guy was stabbed. He was on the ground and there was a crowd around him. Some of Snake Eye's brethren were saying that they going to look for Damien and they were going to do things to him. I called Damien on his cell phone and tell him to get out of there. Earlier that night I saw Stanley pushing by the bar and cussing people to get out of the way. He looked like he had too much to drink.

Signed: *Randy Appleby*