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May 30, 2017

MEDIA RELEASE

RE: R V MARK HENRY FOR MURDER

On May 24, 2017, the murder trial of Mark Henry commenced in Home Circuit Court before His Lordship, Mr. Justice Bertram Morrison **where the Crown's case was based on the dying declaration of Jermaine Barrows** who was shot and mortally wounded by the accused. There was no eyewitness to the shooting.

The Crown led evidence that on the 30th of July 2007, at approximately 4:45 a.m., the Police were called to Wild Street in Allman Town, St. Andrew, and two officers then Cpl. Roderick Muir (now Det/Sergeant), and assisted by Constable Liston Tennant, from the Kingston Central Police Division went to the crime scene. On arrival, the officers observed a group of angry residents who gave them certain information. From there the Officers proceeded to the Kingston Public Hospital where they were directed to a man lying on a hospital bed whom they observed to be wrapped in bandages with tubes and other medical instruments attached to him, and appeared to be in a lot of pain.

The injured Barrows was able to give the following details to the officers who were taking notes:

“A twitch, a Twitch and him friend dem shoot me. If me never jump through the window me woulda dead ya now”

The officers further questioned him at which point the injured Barrows replied:

“You know Twitch man, him come from Hannah Street, a Carla Son. Him par with John Street man dem. Him have a sister name Trisha. Up to wa day yah him buss off a case and come back a Allman Town, you suppose to know him because you lock up everybody”

He further stated that:

“Me light did on Mr Muir. Me see him, me see him. The light supposes to still on down there. A it dis you know Elder me no think me aggo mek it. Me feel dizzy”

Immediately after, a nurse entered the room and informed the Police that the now deceased needed to undergo a medical procedure. The police officers were asked to leave the room; they complied, and left the hospital to continue the investigations. The officers were later informed that the injured man had died.

The Accused Mark Henry was eventually apprehended on 2nd August 2007, by the Investigating Officer who was known to him prior to the incident by his given name and alias ‘twitch’.

During the trial, evidence was led from both police officers who were also cross-examined. The Post mortem examination and the witness statement from the person who identified the body of the deceased were read into evidence. The Question and Answer document from the Accused was tendered into evidence as an exhibit.

At the close of the Prosecution’s case, a submission of no case to answer was made by the Defence citing that there was no nexus between the accused as identified by the now deceased in addition to concerns relevant to the issue of the settled ‘hopeless expectation of death’.

The Crown, in its response, highlighted that the seminal issue was one of credibility, which ought to be rightly put before the Jury with the necessary directions from the Learned Judge. Furthermore, the reference to **'twitch'** and **'twit'** were not phonetically dissimilar. Added to that, the **dying declaration** of the now deceased was in congruence with the details of the accused person's Q&A responses which corroborated the names of his mother and sister and that the investigating Officer knew him before. The Learned judge ruled that indeed there was a case to answer.

The Accused gave an unsworn statement from the Dock and his now 21 year old sister - who would have been 10 or 11 years old at the time - also gave sworn evidence.

The Accused was represented by Learned Counsel Mr. L. Wellesley and assisted by Dominique Martin while the Crown was represented by Ms Keisha Prince, Crown Counsel and assisted by Mr Hodine Williams, Acting Assistant Crown Counsel.

The Jury deliberated for 1hr & 25 minutes and returned a unanimous verdict of **guilty** on Friday 26th May 2017.

The Accused is scheduled to be sentenced on July 7, 2017.

Paula V. Lewellyn, QC

Director of Public Prosecutions