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“So come put on de handcuff dem”; Jamaica’s Dancehall Superstar’s Self- Fulfilling Prophecy of Life in Prison

Amanda Preston*

In the United States, it was O.J. Simpson. In South Africa, it was Oscar Pistorius. But in Jamaica, it was Adidjah Palmer. Labeled by many as the trial of the century, the case against Palmer—a dancehall superstar better known as Vybz Kartel—saw controversial rulings, immense media scrutiny, and an unprecedented level of public discourse. When the 39-year-old music artiste was sentenced to life in prison, the island’s 2.7 million population was divided among those who applauded with approval and those who wept and cried foul. The latter category claimed that it was not Palmer who was prosecuted, but rather his image and all that dancehall music stood for. But does the government really hate dancehall, and if so, did that really make a difference?

This Note seeks to examine whether dancehall music plays as large a part in Jamaica’s agenda as many say it would,

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and therefore, whether Kartel's trial was more than just a murder case. This Note will first provide a background of dancehall music and the role that it plays among most Jamaicans, and will include a brief overview of the public's reaction to its controversial messages and imagery. This Note will also discuss Adidjah Palmer, the dancehall artiste popularly known as Vybz Kartel, and will provide a brief summary of his 2014 criminal trial for murder charges. This Note will also discuss the ways in which the Jamaican government demonstrates the position taken against dancehall artistes and the music they produce. In doing so, this provides an opportunity to consider the concerns of critics of Kartel's verdict, who opine that the favoritism displayed towards the prosecution—which many believe was responsible for Kartel's sentencing—was a case of the means justifying the ends. In other words, it was an opportunity to make an example out of the artiste and to show that no person is above the law.

INTRODUCTION

In the United States, it was O.J. Simpson. In South Africa, it was Oscar Pistorius. But in Jamaica, it was Adidjah Palmer. Labeled by many as the trial of the century, the case against Palmer—a dancehall superstar better known as Vybz Kartel—saw controversial rulings, immense media scrutiny, and an unprecedented level of public discourse. When the 39-year-old music artiste was sentenced to life in prison, the island's 2.7 million population was divided among those who applauded with approval and those who wept and cried foul. The latter category claimed that it was not Palmer who was prosecuted, but rather his image and all that dancehall music stood for. But does the government really hate dancehall, and if so, did that really make a difference?

This Note seeks to examine whether dancehall music plays as large a part in Jamaica's agenda as many say it would, and therefore, whether Kartel's trial was more than just a murder case. First, this Note will provide a background of dancehall music, and the role it plays as a cultural staple to most Jamaicans. The first section will

also provide a brief overview of the public's reaction to its controversial messages and their effect. The section will then introduce Kartel, who has been dancehall's most famous (but controversial) figure for over a decade. This section will also describe Kartel's music, and the messages of violence and sex celebrated in his lyrics.

Second, this Note will discuss the 2014 criminal trial against Kartel. Given the length of time that the trial took—in fact, it was the longest in Jamaica's history¹—the Note will focus on the most controversial ruling made by the public, which was the admission of unverified cell phone evidence.

Third, this Note contemplates the ways in which the Jamaican government demonstrates the position taken against dancehall artistes and the music they produce. In doing so, this provides an opportunity to consider the concerns of critics of Kartel's verdict, who opine that the favoritism displayed towards the prosecution—which many believe was responsible for Kartel's sentencing—was a case of the means justifying the ends. In other words, it was an opportunity to make an example out of the artiste and to show that no person is above the law.

BACKGROUND

Dancehall is the most influential form of popular culture in Jamaica.² Originally, the term referred to the venue—the “hall”—where dances and parties were held.³ However, contemporary use of the term refers to the name of the genre of Jamaican popular music that emerged in the early-1980s.⁴ While embodying traits from

¹ *Vybz Kartel Found Guilty of Murder*, THE GUARDIAN (Mar. 14, 2014), <https://www.theguardian.com/music/2014/mar/14/vybz-kartel-guilty-murder-lizard-williams>.

² NORMAN STOLZOFF, *WAKE THE TOWN AND TELL THE PEOPLE 1* (Duke Univ. Press 2000).

³ DONNA P. HOPE, *INNA DI DANCEHALL: POPULAR CULTURE AND THE POLITICS OF IDENTITY IN JAMAICA* 26 (Univ. of West Indies Press 2006) [hereinafter *INNA DI DANCEHALL*], available at <http://site.ebrary.com/lib/univmiami/reader.action?docID=10342248>.

⁴ *Id.* at 27.

classic Jamaican genres—such as mento, ska, roots rock, and reggae—dancehall manages to occupy its own unique role in late-twentieth century Jamaican culture.⁵

In addition to representing the island's lower-class black youths' favorite recreational activity, dancehall serves as a vehicle for them to create a unique identity for themselves within a local, national, and global context.⁶ Many interpret the dynamic and flamboyant fashion trends as opposition to the conservatism promoted by those who are higher up within Jamaica's class hierarchy.⁷ Lyrical and performance clashes provide a platform for individuals and groups to emerge as conquering heroes and household names. Moreover, dancehall's ability to infiltrate the daily lives of the middle and upper class communities—known as 'uptown'—who now celebrate it, has crystalized its title as the true and legitimate embodiment of what Jamaica has—and indeed wants—to offer.⁸

The many members of the public who vocalize their opposition to Dancehall's crude messages cite numerous reasons in support. Primarily, civic disapproval of the genre often focuses on the effect that it has on its largest audience, i.e. teenagers and young adults. In an open letter to the Editor of the Jamaica Gleaner, the principal of Ardenne High School in Kingston, composed of nearly two thousand students ranging between 10 and 18 years old, wrote:

Dancehall is not just the music, but it is a culture which impacts dress, fashion and body language; it influences attitude . . . It is this mindset that is now affecting so many of our young people in school. They are following the dancehall culture of 'badmanism', 'hottie girls', 'nuff girls', 'nuff skin' and body parts exposed, 'nuff slackness', public wining and grinding, 'bling and more bling', and everything else that the culture promotes . . . There are parents who are indulging in this dancehall lifestyle and who, therefore, cannot guide their children to lead moral, self-disciplined lives. The children and the parents

⁵ *Id.*

⁶ STOLZOFF, *supra* note 2.

⁷ *See id.* at 2.

⁸ *See id.* at 69-70.

are now both indulging in the dancehall slackness . . . This exposure to unbridled slackness from an early age has ensured that we produce a generation whose morality has been warped from the beginning . . . It doesn't matter that the academicians say that dancehall is simply reflecting what is happening in society—Jamaicans know and teachers can testify to the fact that this culture is helping to erode the moral fibre of this society.⁹

Both local and foreign governments seem to share similar concerns regarding the effect that dancehall's messages may have, reflected in the measures enacted to limit the genre's reach. In Jamaica, the Broadcasting Commission responded to public controversy over the hypersexual dance called 'dagging' by banning radio and television stations from playing any songs which reference dagging.¹⁰ Overseas, various governments have yielded to the cries of pressure groups that protest its homophobic, violent, and sexually explicit lyrics. Countries such as the United States, United Kingdom, and Trinidad & Tobago, have not only cancelled performances from dancehall artistes such as Vybz Kartel, Beenie Man, Bounty Killer, and Elephant Man, but have also revoked or denied their visas to keep them out of the country.¹¹

Few have mastered the art of transforming controversy into a lucrative business quite like Kartel. Kartel, whose real name is Adidjah Palmer, released his first dancehall single when he was only 12 years old.¹² The artiste's rise to fame began in 2002, and featured highlights such as the release of the hit songs "Guns Like Mine" and "Badman," in addition to his on-stage triumph over Ninja Man at

⁹ Esther Tyson, *Slackness and More Slackness*, THE JAMAICA GLEANER (Apr. 6, 2008), <http://old.jamaica-gleaner.com/gleaner/20080406/cleisure/cleisure5.html>.

¹⁰ Roxanne Watson, "Dagging" and the Regulation of Questionable Broadcast Media Content in Jamaica, 16 COMM. L. & POL'Y 255, 256 (Summer, 2011).

¹¹ Clyde McKenzie, *Dancehall's Decline*, THE JAMAICA OBSERVER (Apr. 4, 2010), <http://www.jamaicaobserver.com/entertainment/dancehall-s-decline>.

¹² Billboard, *Vybz Kartel — Biography*, BILLBOARD, <http://www.billboard.com/artist/431111/vybz-kartel/biography> (last visited Oct. 26, 2014).

Sting, Jamaica's largest performance clash.¹³ The deejay's success continued to steamroll over the next decade with the release of countless songs, leading him to become one of Jamaica's most popular dancehall artiste.¹⁴ Kartel has also managed to build an incredible fan base overseas, due to his numerous collaborations with international acts such as Rihanna and Major Lazer.¹⁵

At the height of his career, Kartel cultivated the 'Portmore' or 'Gaza' Empire, a ring of dancehall artistes, producers, entertainers, and fans who have pledged allegiance to him as their 'boss.'¹⁶ Many speculate that the 'empire' emerged due to Kartel's determination to reinvent his neighborhood's image, which was rumored at the time to be a haven for homosexuals.¹⁷ Kartel chose to rename his hometown to affiliate it with one of the most violent and deadly geographic territories—Gaza.¹⁸ The branding of the Gaza Empire caught fire with Jamaica's lower and working classes; such groups are commonly considered to have embarked on a never-ending search for an identity to be proud of, which often requires belligerence and aggression towards other subjugated groups in an effort to preserve the appearance of power and masculinity.¹⁹

Kartel's lyrics make no effort to mask their true messages, as rawness is one of dancehall's defining characteristics. Song lyrics depicting violence and confrontation are alarming by design, such as: "Kill dem all and done, tall rifle or handgun, bwoy life ah done, body deh pan di f*cking ground"²⁰; "Di war nah done till di whole

¹³ *Id.*

¹⁴ See Max Glazer, *Essential Kartel: Vybz Kartel's 30 Most Essential Tunes*, LARGEUP (2016), <http://www.largeup.com/2014/03/31/toppa-top-30-vybz-kartels-30-most-essential-tunes/>.

¹⁵ See Jesse Serwer, *Vybz Kartel Speaks: After Five Years in Prison, He Still Rules Dancehall*, ROLLINGSTONE (Nov. 16, 2016), <http://www.rollingstone.com/music/features/vybz-kartel-still-ruling-dancehall-after-years-in-prison-w448510>.

¹⁶ See *Former Members of Kartel's Portmore Empire Say Happy Birthday*, THE STAR (Jan. 7, 2016), <http://jamaica-star.com/article/entertainment/20160107/former-members-kartels-portmore-empire-say-happy-birthday>.

¹⁷ DONNA P. HOPE, *MAN VIBES: MASCULINITIES IN THE JAMAICAN DANCEHALL*, 53 (Ian Randle Publishers 2010).

¹⁸ *Id.* at 54.

¹⁹ *Id.*

²⁰ Vybz Kartel Lyrics, "Kill Dem All & Done," A-Z LYRICS, <http://www.azlyrics.com/lyrics/vybzkartel/killdemalldone.html>.

ah dem dead . . . Gunshot gash him slow foot like orange wid peg”²¹; “Dem bwoy deh nahve nuh gun . . . dem collapse like twin tower,”²² and; “Sumaddy haffi get gunshot, somebody face a fi puncture.”²³ Lyrics describing sex are similarly graphic, comparing male genitals to handguns²⁴, and commanding that no man “pon di Gaza” could perform oral or anal sex.²⁵

THE VYBZ KARTEL TRIAL

On September 30, 2011, police arrested Kartel on marijuana charges.²⁶ The following month, the artiste was again charged, this time for the murder of Clive ‘Lizard’ Williams.²⁷ Police stated that Williams was murdered on August 16, 2011; however, the body was never recovered.²⁸

Kartel’s trial began on November 18, 2013.²⁹ The prosecution also named Shawn ‘Shawn Storm’ Campbell, Andre ‘Mad Suss’ St. John, Shane Williams, and Kahira Jones, as defendants.³⁰ A number of witnesses were called in the first month, including: the victim’s

²¹ Vybz Kartel Lyrics, “4 Star,” A-Z LYRICS, <http://www.azlyrics.com/lyrics/vybzkartel/4star.html>.

²² Vybz Kartel Lyrics, “Gun Session,” A-Z LYRICS, <http://www.azlyrics.com/lyrics/vybzkartel/gunsession.html>.

²³ Vybz Kartel Lyrics, “Get Gun Shot,” A-Z LYRICS, <http://www.azlyrics.com/lyrics/vybzkartel/getgunshot.html>.

²⁴ See Vybz Kartel Lyrics, “Romping Shop,” A-Z LYRICS, <http://www.azlyrics.com/lyrics/vybzkartel/rompingshop.html>.

²⁵ Vybz Kartel Lyrics, “Gaza Commandments,” A-Z LYRICS, <http://www.azlyrics.com/lyrics/vybzkartel/gazacommandments.html>.

²⁶ Patricia Meschino, *Vybz Kartel, Jamaican Dancehall Star, Charged with Murder*, BILLBOARD (Oct. 4, 2011), <http://www.billboard.com/articles/news/466879/vybz-kartel-jamaican-dancehall-star-charged-with-murder>.

²⁷ Glenroy Sinclair, *Kartel Slapped with Another Murder Charge*, THE JAMAICA GLEANER (Oct. 25, 2011, 12:00 AM), <http://jamaica-gleaner.com/gleaner/20111025/lead/lead5.html>.

²⁸ *Id.*

²⁹ *Vybz Kartel Murder Trial Set for Today*, THE JAMAICA OBSERVER (Nov. 18, 2013, 7:05 AM), <http://www.jamaicaobserver.com/news/Vybz-Kartel-murder-trial-set-for-today>.

³⁰ Karyl Walker, *Witness Testifies Seeing ‘Lizard’ Motionless in Kartel’s Living Room*, THE JAMAICA OBSERVER (Nov. 23, 2013), http://www.jamaicaobserver.com/news/Witness-testifies-seeing--Lizard--motionless-in-Kartel-s-living-room_15532544.

sister and girlfriend, who described his state of mind in their last conversations with him; the law enforcement personnel who testified regarding what they found during several home searches; the Assistant Commissioner of police, who testified that in August 2011 the prosecution's main witness willingly gave a statement and identified a house to the police as belonging to Kartel, and; the government forensic analysts who visited Kartel's home in late August, and determined that several fires had been intentionally set.³¹

The testimony that received the greatest reaction, however, came from the same witness who provided the initial statement that led to the arrest of Kartel and his co-defendants. The witness—whose identity was never released in the press—said that in the days leading up to the attack, he and Williams were worried about two illegal firearms that had gone missing while in their care.³² The witness testified that on August 14, 2011, he overheard a cell phone conversation between Williams and Jones.³³ The witness said that Williams asked Jones to plead with Kartel on his behalf, to which Jones responded that no harm would come to him.³⁴

The witness stated that on August 16, 2011, he and Williams were summoned to a house owned by Kartel to account for the missing firearms.³⁵ He stated that Campbell accompanied himself and Williams to the house in a taxi, where Kartel himself invited them inside.³⁶ The witness testified, "Lizard say he gave 'Browns' then gun to put back, so Mr. Palmer say, 'So wah unnu plan fi do?'"³⁷ Lizard say we plan fi buy dem back. Kahira hold Lizard backway. I saw that, and after that I ran in a room. I think something was going happen to me to."³⁸ He claimed that he attempted to lock himself in a room at the back of the house, but was stopped by Kartel and Campbell who forced open the door.³⁹ Kartel allegedly embraced

³¹ Barbara Gayle, *VYBZ KARTEL TRIAL: Fire Was Deliberately Set at Murder Scene – Forensic Expert*, THE JAMAICA GLEANER (Nov. 25, 2013, 4:05 PM), <http://jamaica-gleaner.com/power/49502>.

³² *See id.*

³³ *See* Walker, *supra* note 30.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.* ("So what do you plan to do?")

³⁸ *See* Walker, *supra* note 30.

³⁹ *Id.*

him, assured him that everything was alright, and brought him back into the living room.⁴⁰

The witness stated that, “mi notice Lizard was on the ground, and him wasn’t moving. Kahira was over him and ‘Mad Suss’ (St. John) was beside him with a block.”⁴¹ When asked what kind of block was being held, he described it as the kind of, “block what you use to build.”⁴²

The witness claimed that he attempted to escape, slipping from Kartel’s grasp, jumping over the gate of the property, and running down the road.⁴³ While running, he heard Kartel shout that everything was all right, and that his (Kartel’s) pit bull had bitten him.⁴⁴ The witness said that he stopped a taxi and that he and Kartel traveled together to a local hospital, where a physician treated the dog bite.⁴⁵ Once they were discharged, Kartel allegedly went to a guesthouse while the witness returned home.⁴⁶ The witness testified that once home, he asked Campbell about Williams’s status, but was told that, “[if] anybody ask me, mi must tell them say Lizard never come inna the car.”⁴⁷

In January 2014, Joseph Simmonds, group business risk director for telecommunications company Digicel, was called to testify.⁴⁸ Simmonds stated that the police requested that he provide records for calls and text messages made between July 2011 and August 2011 by forty phone numbers—none of the numbers were registered to Kartel or any of his co-defendants.⁴⁹

In response to the police’s request, Simmonds prepared a witness statement and provided two discs named “JS1” and “JS2.”⁵⁰

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *See* Walker, *supra* note 30.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *See* Walker, *supra* note 30.

⁴⁹ Paul Henry, *None of 40 Phone Numbers Registered to Kartel*, THE JAMAICA OBSERVER (Jan. 10, 2014), http://www.jamaicaobserver.com/mobile/business/None-of-40-phone-numbers-registered-to-Kartel-and-co-accused_15757745.

⁵⁰ *Id.*

JS1, a copy sealed with evidence tape, was to serve as a means of comparing and authenticating any messages introduced at trial.⁵¹ JS2 was a working (and modifiable) copy to be used by the police, prosecution, and defense in preparation for trial.⁵²

It was revealed at this point in the trial that JS1 was missing—Simmonds testified that without it, any cell phone data presented to the jury was unverifiable and could not be authenticated.⁵³ Similarly, Kemar Wilks, the government’s digital forensic analyst, testified that he would not be able to vouch for the integrity of any data—such as voice notes and videos—contained in JS2.⁵⁴ Wilks acknowledged that the information could be manipulated.⁵⁵ Despite this testimony, Judge Lennox Campbell ruled that all information relating to the cell phone records would be admissible—in finding the evidence to be relevant, the various cell phone records were attributed to Kartel and the other defendants.⁵⁶

Following this ruling, the prosecution entered into evidence data collected from one iPhone and three BlackBerry cell phones.⁵⁷ Evidence presented to the jury included, but was not limited to:

August 14, 2011 Voice Notes: Nine voice recordings were played for the jurors, even though the prosecution did not offer any evidence identifying the voices or specifying the phone number of the senders or recipients.⁵⁸ One recording contained the following statements:

“den yuh nuh know seh [expletive deleted] Lizard
and Wee a go call my phone today an tell me seh dem

⁵¹ *Id.*

⁵² *See id.*

⁵³ *See id.*

⁵⁴ Henry, *supra* note 49.

⁵⁵ Paul Henry, *Vybz Kartel Trial: Witness Says he Can’t Vouch for Integrity of Electronic Evidence*, THE JAMAICA OBSERVER (Jan. 30, 2014), http://www.jamaicaobserver.com/news/Vybz-kartel-trial-_15911375.

⁵⁶ Karyl Walker, *BB Message Tells of ‘Lizard’ Being Chopped Up and Thrown Away*, JAMAICA OBSERVER (Jan. 28, 2014), http://www.jamaicaobserver.com/news/CHILLING-EVIDENCE_15897491.

⁵⁷ *Id.*

⁵⁸ *Id.*

cyan find di two [expletives deleted] new shoes⁵⁹
 dem weh mi gi dem dawg. Seh dem lock dem up inna
 a house . . . you lock two shoes and cyan find . . . mi
 [expletive deleted] shoes brethren and a come tell me
 [expletive deleted] . . . mi jus tell dem seh mek sure
 mi get mi shoes by eight o'clock”⁶⁰

August 16, 2011 Text Messages Sent by Shawn Campbell, Kartel’s Co-Accused, to Kartel:

- **3.09 pm – Campbell:** “Mi boss wi haffi get back dem ting deh, mi boss.”
- **3.28 am – Campbell:** “Cuz right now, mi not even can sleep, mi boss.”
- **3.29 am – Campbell:** “Jah know di likkle time mi close mi eye.”⁶¹

August 16, 2011, Text Messages Sent by Shawn Campbell, Kartel’s Co-Accused, to (876) 844-5320:

- **1.11 pm - Campbell:** “Something a gwaan pon di ends and a serious some ting cuz ppl ago ded don’t tell mammy nottin.”

⁵⁹ Susan Zalkind, *Can Prison Silence the Sound of Vybz Kartel*, VICE MEDIA, LLC. (Apr. 9, 2014, 12:18 PM), <http://www.vice.com/read/will-prison-silence-vybz-kartel>. (“Shoes” is slang for guns.)

⁶⁰ Paul Henry, *Court Hears Damaging Voice Notes in Kartel Trial*, THE JAMAICA OBSERVER (Jan. 25, 2014), http://www.jamaicaobserver.com/news/Court-hears-damaging-voice-notes-in-Kartel-trial_15874774. (This roughly translates to: “You know that Lizard and Wee called my phone today and told me that they can’t find the two [expletive deleted] new shoes which I gave them. They said they are locked up in a house. You locked two shoes and can’t find . . . My [expletive deleted] shoes brethren and now told me [expletive deleted] . . . I just told them to make sure that I get my shoes back by eight o’clock . . .”).

⁶¹ Barbara Gayle, *Vybz Kartel Trial: Text Messages Detail Plot to Kill*, THE JAMAICA GLEANER (Jan. 13, 2014, 6:41 PM), <http://jamaica-gleaner.com/latest/article.php?id=50516>. This roughly translates to:

-**3.09 pm – Campbell:** “Boss, we have to get those things, boss.”

-**3.28 am – Campbell:** “At the moment boss, I’m not even sleeping properly.”

-**3.29 am – Campbell:** “Lord knows, I’ve hardly slept at all.”

- **1.12 pm - Campbell:** “And delete dem txt yah wen mi don txt you.”
- **1.20 pm - Campbell:** “No mi gd.”
- **1.21 pm - Campbell:** “And who tief it ago ded.”
- **1.21 pm - Campbell:** “Soon mek yuh know waah go gwaan.”
- **1.43 pm - Campbell:** “How much fi deal with every ting fi Lizzy.”
- **1.45 pm - Campbell:** “ok.”⁶²

August 16, 2011, Text Messages Exchanged Between Williams and Onieka Jackson, his Girlfriend:

- **6.53 pm - Williams:** “baby, teacha sen call”
- **6.55 pm - Jackson:** “What are you going to do bbz”
- **6.57 pm - Jackson:** “I couldn’t answer, bbz. Sorry”
- **6.58 pm - Williams:** “I’m really SCARED baby, please call police. You have to save me, plz”
- **6.58 pm - Jackson:** “jus u alone?”

⁶² *Id.* This roughly translates to:

- 1.11 pm - Campbell:** “Something is happening on the ends and it is quite serious because people are going to die, don’t tell mummy anything.”
- 1.12 pm - Campbell:** “And delete these texts messages after this conversation.”
- 1.20 pm - Campbell:** “Fine.”
- 1.21 pm - Campbell:** “And the person who stole it is going to die.”
- 1.21 pm - Campbell:** “I will soon let you know what is going to happen.”
- 1.43 pm - Campbell:** “How much will it cost to take care of everythin with respect to Lizzy.”
- 1.45 pm - Campbell:** “ok.”

- **7.00 pm - Williams:** “Please tell Nadine to call police for me please. U have to do it now, please”
- **7.08 pm - Williams:** “tell dem that Vybz Kartel ago kill we, please baby”
- **7.09 pm - Williams:** “please you have to hurry up”
- **7.11 pm - Williams:** “Shawn can’t save we, plz. We in a need a drive go up there”
- **7.13 pm - Jackson:** “baby are u sure? Wats the address, bbz?”
- **7.13 pm - Williams:** “tell Nadine to call the police”
- **7.16 pm - Williams:** “baby, please all mi know a Havendale. Please tell dem fi look for Neepha car”
- **7.18 pm - Williams:** “mi deh a Red Hill Road a go up please please”
- **7.18 pm - Jackson:** “ok baby, i’m praying for u. Yhou tht ntn doesnt happen i will call” [sic]
- **7.20 pm - Williams:** “tell Nadine don’t stop. Please call every min”⁶³

⁶³ *Id.* This roughly translates to:

- 6.53 pm - **Williams:** “Baby, teacher has sent for me”
- 6.55 pm - **Jackson:** “What are you going to do babes”
- 6.57 pm - **Jackson:** “I couldn’t answer, babes. Sorry”
- 6.58 pm - **Williams:** “I’m really SCARED baby, please call police. You have to save me, plz”
- 6.58 pm - **Jackson:** “Is it just you?”
- 7.00 pm - **Williams:** “Please tell Nadine to call police for me please. U have to do it now, please”
- 7.08 pm - **Williams:** “Tell them that Vybz Kartel is going to kill us, please baby”
- 7.09 pm - **Williams:** “Please, you have to hurry “
- 7.11 pm - **Williams:** “Shawn can’t save us, please. We are in Need’s car, were on the way there (in a car)”

August 16, 2011, Video Footage — The prosecution offered a 2 minute 17 second video allegedly recorded at the Havendale house linked to Kartel.⁶⁴ While movement of the persons in the video was detectable, their faces remained indistinguishable.⁶⁵

In the beginning of the clip, a man holding a pickaxe stated, “Rocky, yow hear we me say a dis me ago use and kill him enuh.”⁶⁶

Other voices in the video were heard saying:

- “Chop him inna him neck.”
- “Hold him down and cut him throat.”
- “Stab him inna him neck.”
- “You have a knife?”
- “Me nuh have no knife.”
- “You have a gun?”
- “Me nuh have no gun.”
- “How unnu a par wid the Worl’ Boss and nuh have nutten?”⁶⁷

-7.13 pm - **Jackson:** “Baby are u sure? What’s the address, babes?”

-7.13 pm - **Williams:** “Tell Nadine to call the police”

-7.16 pm - **Williams:** “Baby please, the only thing I know is that we’re going to Havendale. Please tell them to look for Neepha’s car”

-7.18 pm - **Williams:** “I am at Red Hill’s Road, we’re on the way, please”

-7.18 pm - **Jackson:** “Ok baby, I’m praying for u. Yhou tht ntn doesnt happen I will call” [sic]

⁶⁴ Walker, *supra* note 56.

⁶⁵ *Id.*

⁶⁶ *Id.* This roughly translates to, “Rocky, you hear what I am saying this I am going to use and kill him you know.”

⁶⁷ This roughly translates to, “How are you hanging with the World Boss and don’t have nothing?”

- “You nuh haffi swing it so hard and mek it ketch me.”⁶⁸

- “Weh Wee deh? Me want him see wha a go gwaan, is him a go die anyhow him keep up any likkle f . . . y again. Weh Wee? Weh Wee?”⁶⁹

August 19, 2011, Text Message Sent By Kartel:

- “Tween me an u a chop we chop up the bwoy Lizard fine fine and dash him way inuh. As long as u live dem can never find him”

- “Yeah man a mince meat dat.”

- “Me tell Shawn say him haffi buy dem back and mi still gi him a new 45 weh me just get fi watch him head and me tell him say any man missin dis same treatment.”

- “Member say a me name WORL BOSS so a mi dem a go send fah. But only ‘wee’ or ‘Shawn can sink we so we haffi watch if police ago pick dem up.”

- “Forensic and Crime Scene de a Havendale a look blood sample and DNA.”

- “Dawg a bare f . . . y me ago tek weh meself pan a boat or somn. It look serious as f . . . “

- “From you a do crime you ever see forensic get involve like this?”

- “Me deh far dats if anything me can leave.”

- “If me haffi lef di island fast you can assist me?”

⁶⁸ This roughly translates to, “You don’t have to swing it so hard and make it catch me.”

⁶⁹ Walker, *supra* note 56. This roughly translates to, “Where Wee is? I want him to see what going to happen, he’ll die anyhow he keeps up any little f . . . y again. Where Wee is? Where Wee?”

- “U have a link that can make me lef the island fast?”
- “Yeah by boat.”
- “Make me know before it get too hot.”⁷⁰

During the defense’s cross-examination of prosecution witness Sergeant Patrick Linton, it was revealed that the cell phone attributed to Kartel had been used to make several phone calls while in police custody.⁷¹ Linton did not have an explanation for this event, and stated that the phone was stored in the police exhibit locker, but admitted that the key was left on top of the locker.⁷² He testified that he could not confirm whether the phone’s integrity had been compromised as a result of this event.⁷³

As the trial closed in February, the prosecution asked the jurors to consider the apparent arrogance showcased by Kartel, as reflected

⁷⁰ *Id.* This roughly translates to:

-“Between you and me, we chopped up the boy Lizard into very fine pieces and discarde the body. As long as you’re alive they can never find him.”

-“Yes man, that’s minced meat.”

-“I told Shawn that he has to buy them back and I even gave him a new 45 (pistol) which I had just received for his protection and I told him that if any went missing, this would be the treatment.”

-“Remember that my name is WORDL BOSS so it’s me they are going to pick up. But only ‘wee’ or ‘Shawn can sink so we have to watch if police are going to pick them up.”

-“Forensic and Crime Scene are in Havendale looking for blood samples and DNA.”

-“Man, a lot is happening. I’m getting away from here on a boat or something. It look’s really serious”

-“Ever since you’ve been involved in crime, have you ever seen forensic get involved like this?”

-“I am far away, so that if things get hot I can leave.”

-“If I have to leave the island quickly, can you assist me?”

-“Do you have any connections that could facilitate me leaving the island quickly?”

-“Yeah, by boat.”

-“Let me know before it gets too hot.”

⁷¹ *VYBZ KARTEL MURDER TRIAL: Blackberry Used While In Police Possession*, DANCEHALL HIPHOP (Jan. 29, 2014), <https://dancehallhiphop.com/2014/01/29/vybz-kartel-murder-trial-blackberry-used-while-in-police-possession/>.

⁷² *Id.*

⁷³ *Id.*

in the cell phone evidence.⁷⁴ In their own closing arguments, the various defense attorneys described the prosecution's case as having too many gaping holes, such as a 15-minute window during the timeline of the events where the victim's cell phone was recorded as being in another parish.⁷⁵ The defense presented the jury with the theory that the police used the phone to fabricate text messages while in their custody, such as the message claiming the victim was chopped finely.⁷⁶

The trial culminated on March 13, 2013, when a ten-to-one jury found Kartel guilty of the murder of Clive 'Lizard' Williams.⁷⁷ Kartel has been sentenced to life in prison, with the condition that he serve 35 years before becoming eligible for parole.⁷⁸ Three of Kartel's co-accused, Shawn 'Shawn Storm' Campbell, Kahira Jones, and Andre St. John, had also been found guilty and were also sentenced to life in prison.⁷⁹ The verdict was delivered after a 65-day trial, making it the longest in Jamaica's history.⁸⁰

DISCUSSION

The announcement of Kartel's sentence was met with outrage and indignation from those who had supported him. Many Jamaicans have vocalized their belief that the entire prosecution against the artiste stemmed out of a police vendetta against dancehall artists. The best articulation of the position of those who believed that Kartel was pre-judged based on his music and image, is offered by literary and cultural studies professor, Dr. Carolyn Cooper:

⁷⁴ Barbara Gayle, *World Boss Says Nothing Can Happen To Him' — Prosecution Tells Jury to Note Kartel's Arrogance*, THE JAMAICA GLEANER (Feb. 21, 2014, 12:00 AM), <http://jamaica-gleaner.com/gleaner/20140221/lead/lead4.html>.

⁷⁵ Barbara Gayle, *Prosecution Case Full of Holes, Says Defence in Kartel Matter*, THE JAMAICA OBSERVER (Feb. 25, 2014, 12:00 AM), <http://jamaica-gleaner.com/gleaner/20140225/lead/lead5.html>.

⁷⁶ Barbara Gayle, *VYBZ KARTEL TRIAL: Police Accused of 'Malicious Intent' to Mislead.*, THE JAMAICA OBSERVER (Feb. 25, 2014, 12:25 PM), <http://jamaica-gleaner.com/latest/article.php?id=51316>.

⁷⁷ Barbara Gayle, *Vybz Kartel Sentenced to Life in Prison, to Serve 35 Years Before Parole*, THE JAMAICA GLEANER (Apr. 3, 2014, 11:24 AM), <http://jamaica-gleaner.com/latest/article.php?id=52072>.

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *See id.*

Life often imitates art. And Kartel's lyrics, however clever, can also be quite deadly. Much blood and gore, like many a Hollywood film! A man who deejays about gun violence must be a gunman in exactly the same way that the author of a crime novel must be a criminal. Not quite. In the respectable worlds of literature and film, we don't assume that the author is identical with her or his fictional characters. We know better than that.

Not so for dancehall culture. We do not allow DJs the luxury of role play and artistic freedom. The same people who danced merrily to Buju Banton's *Driver* soon decided that the song was autobiographical when the DJ got arrested and charged with intent to distribute cocaine. 'Seet deh! 'Im done confess.' Why would he? In exactly the same way, we perversely refuse to concede the possibility that 'Vybz Kartel' is a persona, a mask worn by an actor to project a fabricated character.

As a consequence, it is not Adidja Palmer who has been on trial for murder. It is Vybz Kartel. I wonder if the media's insistence on calling Adidja Palmer by his stage name may not have been prejudicial. Has Adidja Palmer's right to be presumed innocent perhaps been violated by the constant assertion that his 'real' identity is actually Vybz Kartel? Has Adidja Palmer been proven guilty beyond reasonable doubt? Or is it the cardboard cutout, Vybz Kartel?⁸¹

Whether or not Dr. Cooper's beliefs are true, the idea that law enforcement has been scrutinizing artistes for their music may have been already corroborated. After Kartel's arrest, the Jamaica Constabulary Force issued a statement explaining that, "[w]e have an interest in at least 10 other members of the entertainment industry, some of whom have been implicated in a number of murders and

⁸¹ Carolyn Cooper, *Kartel: Beyond Reasonable Doubt?*, THE JAMAICA GLEANER (Mar. 16, 2014, 12:00 AM), <http://jamaica-gleaner.com/gleaner/20140316/cleisure/cleisure3.html>.

shootings.”⁸² The unidentified entertainers were said to have strong connections to major criminal gangs in the island, and that some have been implicated in gunrunning.⁸³

Ironically, one prominent dancehall artiste disagrees with the idea that it is the police who have a vendetta against dancehall artistes. Anthony Moses David, also known as ‘Beenie Man’ and the King of Dancehall, has publicly dismissed the idea that it is the Jamaican police force which profiles dancehall artistes—instead, he described officers as liking “to vibe and flex with us.”⁸⁴ Rather, Beenie Man believes that it is politicians who publicly target dancehall artistes.⁸⁵ In his opinion, “they don’t like that we live in the big houses and drive big cars and live beside the Prime Minister.”⁸⁶ Expressing further anger at the government’s attitude towards politicians, the artiste has stated that:

The present state of dancehall is that the government think[s] they have it on lock⁸⁷ . . . But you don’t have anything on lock. The only way you can have Jamaica on lock is to give the people what they want. People need to enjoy themselves after a hard week work. On a weekend you can’t have dance a lock off⁸⁸ one or two o’clock.⁸⁹

One does not have to dig very deeply to determine whether politicians believe that dancehall music is associated with the perver-

⁸² Glenroy Sinclair, *Kartel Jailed — Entertainer Faces Ganja Charges*, THE JAMAICA GLEANER (Oct. 1, 2011, 12:00 AM), http://jamaica-gleaner.com/gleaner/20111001/lead/lead1.html?utm_source=twitterfeed&utm_medium=twitter.

⁸³ *Id.*

⁸⁴ *Government Accused of Targeting Dancehall Artistes*, RJR NEWS (June 22, 2014, 3:06 PM), <http://rjmewsonline.com/local/government-accused-of-targeting-dancehall-artistes>.

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ “On lock” is a colloquial term synonymous with “under control.”

⁸⁸ Referring to legislation and city ordinances requiring permits issued for parties to stipulate a 2:00 AM end time. Police enforce these rules by arriving at the parties and shutting off the music due to noise violations.

⁸⁹ *Beenie Man Blast Jamaican Government for Fighting Dancehall*, URBAN ISLANDZ (June 15, 2013), <http://urbanislandz.com/2013/06/15/beenie-man-blast-jamaican-government-for-fighting-dancehall-video/>.

sion of justice. In the same month that the damaging cell phone evidence was allowed into Kartel's trial, Peter Bunting, National Security Minister, explicitly described how popular culture hampers government's efforts to fight crime.⁹⁰ The politician opined that Jamaicans seemed to love an anti-authoritarian element in their culture.⁹¹

In defense of the view that dancehall music encourages crime, Bunting used the St. James 'Lottery Scam' as an example.⁹² The lottery scam refers to a scheme originating in 2006, where individuals would place calls to persons living in the United States—particularly elderly residents of Maine, New Hampshire, and Vermont—and falsely announce that they had won a lottery, but needed to submit processing fees to recover the award.⁹³ The scheme skyrocketed, generating approximately \$30 million USD, and catching the interest of gangs who saw it as an opportunity to extort the scammers.⁹⁴ The violence surrounding the scamming enterprise has been linked to the deaths, since 2006, of more than 400 persons in the parish, which is home to the world famous tourist city of Montego Bay, including an elderly American citizen.⁹⁵

Bunting highlighted dancehall's support for the crime scheme by quoting none other than Kartel in his song titled "Reparation." Specifically, the song states: "Big up every scammer, weh mek U.S. dollar, build up di house fi you mama, western union people fi give we more honor . . . every ghetto youth fi ah live like Tony Montana, presidential like Barrack Obama."⁹⁶ The song was banned from radio stations in 2012, presumably for the reasons articulated by Bunting, who called it, "an amazing piece of propaganda for scammers."⁹⁷

⁹⁰ Corey Robinson, *Dancehall pushing crime — Bunting*, THE JAMAICA OBSERVER (Jan. 13, 2013), http://www.jamaicaobserver.com/news/Dancehall-pushing-crime---Bunting_13362231.

⁹¹ *Id.*

⁹² *Id.*

⁹³ Tyrone Reid, *Customs Squeezes Scammers—Sharp Dip in Seizures of Lottery Scam*, THE JAMAICA GLEANER (Oct. 20, 2013, 12:00 AM), <http://jamaica-gleaner.com/gleaner/20131020/lead/lead1.html>.

⁹⁴ *Id.*

⁹⁵ Robinson, *supra* note 90.

⁹⁶ VYBZ KARTEL, *Reparation* (Adidjahiem Records 2012).

⁹⁷ Robinson, *supra* note 90.

Indeed, nothing has been more reflective of the government's firm opposition to dancehall music's apparent support of crime than the controversial proposal of Clause 15(1).⁹⁸ This amendment would have added a provision to the Criminal Justice Act (popularly known as the "Anti-Gang" Bill) which prohibits persons from producing, recording, or performing songs that promote or facilitate the criminal activities of gangs.⁹⁹ The government described such songs as "measures used by criminal gangs to recruit members and to deter them from leaving, to intimidate witnesses and dissuade them from communicating with the police and to promote the kind of culture within the communities that will see informers and witnesses being visited with violence."¹⁰⁰

CONCLUSION

The above examples make it fair to say that Jamaican authorities identify dancehall as a thorn in their policy agenda. But does this answer the ultimate question, whether the government's attitude to dancehall resulted in making an example of Kartel? For the moment, we cannot be absolutely sure. However, subsequent trials of the same nature may provide an answer to this question.

Indeed, a pattern of legislative behavior cannot prove—*beyond a reasonable doubt*, as Dr. Cooper chimed in above—a conspiracy to eliminate an entire portion of Jamaica's culture. It remains possible that due to the public nature of the trial, the opinions of those members of society who do not support dancehall music weighed in heavily. The reality that it was the island's first murder trial that was fully reported on is a fact that cannot be ignored.

If and when similar cases arise in the future, they may provide context for a re-evaluation of the judge's decision to admit unverifiable evidence in the proceedings against Kartel. Until then, the Jamaican government will have to deal with public perception that the case name was not "The Queen v. Palmer" but rather "Jamaica v. Dancehall."

⁹⁸ Alicia Dunkley-Willis, *Crawford Takes Issue with Anti-Gang Bill Clause*, THE JAMAICA OBSERVER (Nov. 13, 2013), http://www.jamaicaobserver.com/news/Crawford-takes-issue-with-Anti-gang-Bill-clause_15417366.

⁹⁹ *Id.*

¹⁰⁰ *Id.*