

JUSTICE DELAYED

JADA LOUTOO Thursday, May 18 2017

SEVERAL part-heard cases in the Port-of-Spain Eight Magistrates Court remain in limbo as no decision has been taken by the Judicial and Legal Services Commission (JLSC) — led by Chief Justice Ivor Archie — on the way forward following the imbroglio surrounding former chief magistrate Marcia Ayers-Caesar, who presided over those matters.

A number of cases including that of Jamaat al Muslimeen leader Yasin Abu Bakr; a criminal complaint against local television station CCN TV6; prison escapee Christopher Selby and a few murder inquiries had to be adjourned by acting Chief Magistrate Maria Busby Earle-Caddle yesterday, who repeatedly had to tell accused persons: “My hands are tied.” All the part-heard cases called yesterday were adjourned to June 1, after Earle-Caddle said she received no instructions for those matters. Among those who were vocal with their annoyance were three men before the court on a murder charge Nigel Mayers and the other two complained to the acting chief magistrate and asked whether their matters will have to be restarted by another magistrate.

Mayers said for the last six years his case has been adjourned every 28 days and he was being kept away from his children. “Is six years now,” he complained. “Who going to pay my lawyer fees if it have to start over,” he asked. Earle-Caddle was insistent that her hands were tied and informed Mayers and the others that the law was that neither she nor any other magistrate could continue with a case another magistrate had already started.

“Ms Caesar just pack up and leave...allyuh have to fix allyuh problem,” said one of the men to which Earle-Caddle responded, “I am not in charge of Mrs Ayers-Caesar, sir.” “I am doing whatever I can to get your matter completed,” she assured.

Ayers-Caesar, who presided in the Eight Magistrates Court in Port of Spain up until her elevation to the Supreme Court on April 12, resigned as a judge on April 27, following a public uproar on her unfinished case load she left behind in the magistrates’ court.

She, in a statement, admitted then that it would have been preferable that she advised the Judicial and Legal Services Commission of the full slate of her list and request further time to bring matters to completion before confirming her readiness to assume duties as a judge of the High Court. Archie on the same day accused Ayers-Caesar of failing to manage the transition from the magistracy to the High Court in a way which ensured that undue hardship was not placed on stakeholders.

At first a decision had been taken by the JLSC to return her to the magistracy for her to complete the matters she left unfinished but the commission later said emphatically that Ayers-Caesar will not be presiding on the magisterial bench and invited ‘constructive suggestions from interested parties for the efficient disposition of the part-heard matters that remain outstanding.’

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