

Ramdeen to challenge CJ's decision on Marcia's cases

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The decision taken by Chief Justice Ivor Archie to restart 53 matters left behind by former chief magistrate Marcia Ayers-Caesar is facing a legal challenge, as the CJ is being told he acted outside of the law and the Constitution.

The CJ has been given until 4 pm on Monday to withdraw the decision, failing which attorney Gerald Ramdeen says he will go to the High Court to seek an order that the decision of the body of stakeholders be quashed and declared null void and of no effect.

Ramdeen wrote to Archie yesterday on behalf of his client Akili Charles, who is incarcerated at the Frederick Street, Port-of-Spain prison charged with a May 2010 murder. Charles, who is represented in the matter by attorney Wayne Sturge, has been in jail for five and a half years.

Ramdeen said the matter was before Ayers-Caesar, who was elevated to the High court on April 12 before she was forced to resign after an issue arose over how the part-heard matters she left behind in the magistracy would be dealt with.

Ramdeen said on April 19 the Judiciary issued a statement assuring that her resignation "will in no way affect the lower courts." He said on April 27 Ayers-Caesar tendered her resignation and the Judiciary, in another statement,

indicated that they had agreed to "restore" her to the magisterial bench.

But on Thursday the Judiciary issued a statement whereby "the public and my client was informed that you, Chief Justice, had convened a stakeholder meeting" which comprised the DPP, the Law Association, the acting chief magistrate, senior magistrates and the registrar of the Supreme Court to determine the way forward for the 53 part-heard matters.

Ramdeen said at no time was his client or his legal advisers invited to the meeting to make representation or given notice of the meeting and agenda.

The meeting, he said, reached consensus that the matters would be restarted de novo.

Ramdeen said section 15 of the Judicial and Legal Service Act defines the persons who can exercise control and supervision of judicial officers. He noted the jurisdiction to determine the manner in which "my client's matters proceeds vests exclusively in the court as conferred by the summary courts act chapter 4:20."

He said for the body led by the CJ to "arrogate unto itself the power to determine the future conduct of my client's judicial proceedings is unlawful, unconstitutional, in breach of the rule of law and violates the fundamental tenets of the rule of law and the protection of law to which my client is entitled."

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