

Chaos in court as matters put off

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THE Judiciary had assured there was no need to be concerned about outstanding matters when then-chief magistrate Marcia Ayers-Caesar was appointed a High Court judge, but yesterday chaos erupted at the Port of Spain Magistrates' Court.

There was a face-off between prisoners and police officers, triggered by the non-hearing and subsequent adjournment of several matters.

A number of prisoners and police officers had to seek medical attention for injuries sustained in the fracas, which took place shortly before midday in the cell block area located in the downstairs part of the courthouse on St Vincent Street.

Prisoners in the Eighth Court became enraged after acting Chief Magistrate Maria Busby Earle-Caddle informed attorneys and several of their clients, who are charged with murder, she was unable to preside over their matters and had no choice but to adjourn them to a later date "for further instructions" on how the matters were to proceed.

This situation arose following

the elevation of Ayers-Caesar to the High Court earlier this month.

Ayers-Caesar previously sat in the Eighth Court and had presided over the capital offences. However, since her promotion, there has been some uncertainty as to how matters that had already come to a start prior to her becoming a High Court judge would proceed.

Attorneys, including Senior Counsel Israel Khan, have said there was no option but to restart all of those part-heard matters regardless of how far along they had already made their way before the court.

Unfair treatment

According to sources, after Earle-Caddle announcement of adjournment of matters yesterday, prisoners started to hurl obscenities as they were taken away from the courtroom by officers, citing unfair treatment as the cases failed to proceed.

Other prisoners, some of whom were not affected, also joined in the protest, which eventually spread to and escalated in the cell block area.

Sources told the *Express* that by 12.30 p.m. all prisoners who had been brought to court were either

taken back into prison custody or to hospital to receive treatment for injuries sustained. The *Express* was also informed that most, if not all, of the matters that were being presided over by Ayers-Caesar have been adjourned to May 17.

The Law Association and Opposition Senators Gerald Ramdeen and Wayne Sturge have voiced concern about how the outstanding matters Ayers-Caesar presided over were to be dealt with.

On April 11, President Anthony Carmona, in the presence of Chief Justice Ivor Archie, presented instruments of appointment as judges to Ayers-Caesar, who formerly served as the country's first woman chief magistrate; former magistrate Avason Quinlan-Williams (wife of acting Police Commissioner Stephen Williams) and attorney Kevin Ramcharan.

Paper committals

Ramdeen, in a letter to Archie dated April 19, utilised the Freedom of Information Act to question the appointments of the three judges.

"The fact that one of the persons appointed had a number of part-heard matters that were not

required by the Judicial and Legal Service Commission to be completed before her appointment is a matter that triggers rationality and reasonableness consideration in the decision-making process," Ramdeen stated.

'Dangerous development'

On April 19, the Judiciary issued a statement denying Ayers-Caesar's elevation would in any way negatively affect proceedings in the lower court.

Court protocol and information manager Alicia Carter-Fisher said at the time of her elevation, Ayers-Caesar had before her paper committals for consideration.

"Paper committals are based on a consideration of written statements by the prosecution and defence which are submitted to the court for the purpose of determining whether or not there is a case to answer. Statements were tendered into evidence and defence attorneys are now to be called upon to indicate the witnesses, if any, for cross-examination.

"Progression of these matters can be continued by the simple expedient by issuing a subpoena to the clerk of the peace to produce

the statements that were tendered and the matter will proceed from that point before another judicial officer of the magistracy," the release from the Judiciary stated.

On April 21, Government Minister Fitzgerald Hinds, also an attorney, accused Ramdeen and Sturge of attacking the Chief Justice over the judges' appointments, and called on the Law Association to speak out on this "dangerous development".

On April 24, the Law Association did speak out, and also raised concern over Ayers-Caesar's outstanding matters.

"We do, however, have immediate concerns about the fact that a judge was appointed and took up office leaving behind outstanding, part-heard matters. It is unfair that anyone should suffer the expense and anxiety of an avoidable, repeat trial. The full extent of the prejudice which may have been caused is not yet known.

"We will be seeking to engage with the Honourable Chief Justice, the Honourable Attorney General and the Director of Public Prosecutions over the coming days to assist in finding a workable solution," Law Association president Douglas Mendes, SC, stated in a release.

Hot spell continues: 'stay hydrated. avoid sunburn'