

# Ayers-Caesar admits she failed to tell CJ of unfinished cases before appointment... I regret my actions, says ex-judge

PORT OF SPAIN  
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AFTER only two weeks as a High Court judge, former chief magistrate Marcia Ayers-Caesar has resigned amid concerns over her backlog of unfinished cases in the lower court, which Chief Justice Ivor Archie said yesterday had not been declared.

Ayers-Caesar's resignation yesterday evening, which she made public via a media statement, was closely followed by an immediate response from Archie.

In his statement, Archie noted it was customary for successful candidates to the High Court bench to ensure the fulfilment of all previous obligations before declaring themselves available.

Archie also indicated that Ayers-Caesar was now to be returned to the magistracy to finish her work.

Ayers-Caesar's appointment resulted on Wednesday in a bloody fracas in the cellblock area of the Eighth Court in Port of Spain when some prisoners awaiting trial before her became enraged on hearing that due to her elevation to the High Court, their matters would be further delayed.

The melee left several prisoners, and the police officers with whom they had faced off, in need of medical attention.

Ayers-Caesar received her instrument of appointment on April 12 from President Anthony Carmona. On April 19, the Judiciary issued a statement addressing rumblings about a void left in the system by the promotion of Ayers-Caesar, saying her departure would not negatively affect the lower court.

At the time, court and protocol information officer Alicia Carter-Fisher, said what was before Ayers-Caesar were "paper committals".

In the statement yesterday on her decision to resign, Ay-



FLASHBACK, April 12: President Anthony Carmona, centre, and Chief Justice Ivor Archie, second from right, pose for a photo with the three new High Court judges when they were sworn in, from left, Kevin Ramcharan, Marcia Ayers-Caesar and Avason Quinlan-Williams, at the Office of the President, St Ann's.

Ayers-Caesar said she acknowledged concerns raised with respect to the various matters not completed before her as chief magistrate by the time of her appointment to the bench of the Supreme Court of Justice.

## Failure to complete matters

Ayers-Caesar said she recognised "the effect that the failure to complete these matters will invariably have on the stakeholders in the criminal justice system, including accused persons, victims of crime and members of the legal profession".

"Upon mature reflection, I am of the considered view that it would have been preferable that I advise the Judicial and Legal Service Commission of the full state of my list and request further time to bring matters to completion before confirming my readiness to assume duties as a judge of the Su-

preme Court," she stated.

Ayers-Caesar also said after "careful deliberation, prayer and consultation" with her family, she sought an audience with Archie, following which she delivered her letter of resignation as a judge of the Supreme Court to President Anthony Carmona.

She concluded: "I continue to regret the effect which my actions have caused on the very persons whom I strive to serve, and thank His Excellency the President and the Honourable Chief Justice for the confidence placed in me."

## CJ and JLSC not aware

In a statement issued shortly after Ayers-Caesar's, Archie said he noted while she had been selected for elevation to the High Court following a robust process by the Judicial and Legal Service Commission (JLSC),

Ayers-Caesar had "failed to manage the transition from the magistracy to the High Court in a way which ensured that undue hardship was not placed on stakeholders".

Archie said he also noted Ayers-Caesar "departed from established practice whereby successful candidates ensured they have fulfilled all outstanding professional obligations before advising the commission of their availability for appointment to the High Court".

"The Chief Justice and the JLSC were not made aware of the full extent of her obligation before the Lower Court before His Excellency fixed the date for the swearing in of Mrs Ayers-Caesar. The Chief Justice is however fortified in Mrs Ayers-Caesar's renewed commitment to place her duty and responsibility to the administration of justice ahead of personal interests, and has noted her willingness to attend to those

matters which were pending before her in the magistrates' courts," Archie said.

Archie said given Ayers-Caesar's commitment to addressing her outstanding matters and having regard to the hardships likely to be experienced by accused persons, witnesses and the legal fraternity should matters be restarted, the JLSC has met and agreed to restore her to the Magisterial Bench.

Archie urged members of the legal profession and other stakeholders in the criminal justice system to continue to render the support needed to ensure the efficient disposition of matters in the criminal justice system."

## PoS court calm

The Port of Spain Magistrates' Court was back to normal yesterday following Wednesday's incident.

Officers attached to the court told the *Express* there

had been a smooth flow of matters being heard at the court, with none of the previous day's chaos.

On Wednesday morning, acting Chief Magistrate Maria Busby Earle-Caddle informed some prisoners charged with murder, whose matters were being heard by Ayers-Caesar, that she was unable to listen to the enquiries and had no option but to adjourn to a later date "for further instructions".

This resulted in some prisoners expressing displeasure with Ayers-Caesar being appointed before she had completed all partly heard matters before her.

Those matters, most of which are more than two years old, were close to completion before the elevation of Ayers-Caesar, but would have had to be restarted in her absence, said attorneys at the court.

The "protest action" escalated when some prisoners became physical with officers, but the police were eventually able to bring the situation under control and take the accused back into prison custody.

Government Minister Stuart Young yesterday took note of the chain of events, and speaking at the post-Cabinet news conference at the Diplomatic Centre, St Ann's, said Government is observing what is happening.

He noted the Constitution speaks to the separation of powers and, therefore, the Government cannot interfere in the Judiciary.

"At this stage, there is no role for the Government in what is going on; we of course would want to encourage a properly functioning criminal justice system and stand by, ready to continue assisting the Judiciary in ensuring that happens for the citizens of Trinidad and Tobago," he said.

—with reporting by Rickie Ramdass and Anna Ramdass

## Ramdeen: Chief Justice and entire JLSC must resign too

PORT OF SPAIN  
Renuka Singh

THE entire Judicial and Legal Service Commission (JLSC), including the Chief Justice, Ivor Archie, is responsible for the resignation of High Court judge Marcia Ayers-Caesar and must resign as well.

That is the view of United National Congress (UNC) Senator Gerald Ramdeen, who first brought the matter of outstanding cases before the former chief mag-

istrate to public attention earlier this month.

"How is it that a sitting judicial high court officer is forced to resign and those people responsible for the appointments must go scot-free? That can never be right," he declared last night, shortly after Ayers-Caesar resigned as a judge.

Ramdeen said Archie publicly defended and justified his position on the appointment of judges.

"How is one to reconcile the statements that the Chief Justice

made when these appointments were made with the decision that a High Court judge has to make today?" he asked.

Ayers-Caesar yesterday resigned as a High Court judge just two weeks after she was appointed by Archie, citing a leftover case load that needed to be completed. Her resignation also comes one day after a fracas at the Magistrates' Court over postponements of the cases that were previously before her.

"It was the only solution one could arrive at in these circumstances. It clearly has been the public pressure brought upon these appointments," Ramdeen said.

## Cloud over other appointments

He said a judicial officer has now resigned and as such, it casts a "greater cloud" over the other two appointments of attorney Kevin Ramcharan and magistrate Avason Quinlan-Williams, wife of acting

Police Commissioner Stephen Williams.

"And now, we wait and see if they will suffer the same fate," he said.

Ramdeen said this resignation is supportive evidence that there is a need for greater transparency in the appointments of judges.

"It must be an open process because it is an embarrassment to the institution, as well as an indictment upon the JLSC, based on what has transpired today," he said.

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