

## Justice In Whose Interest?

The Gleaner

THE EDITOR, Sir:

In the Sunday Gleaner article 'Abuse of power?' (March 13, 2016), it was reported that the Director of Public Prosecutions (DPP) Paula Llewellyn halted a trial in its track before the presiding judge could make a no-case submission ruling in the Home Circuit Court.

Llewellyn argued that she made the entry of nolle prosequi as per the request of the prosecutor, in the interest of justice, so that disclosures could be made prior to the commencement of a new trial of the matter.

There are issues of seminal importance arising from this unusual decision to preempt the ruling of a judge, on a legal submission, that must be addressed in order to correct and prevent any abuse of power by the DPP, and unfairness to the accused in the proceeding, which is what obtains in this case.

Not only is it highly unusual for a prosecutor to halt a trial before a judge could make a ruling as submitted by the defence, but it was peculiar for the judge who controls the proceeding to have allowed it in the circumstance.

If the interest of justice is to be upheld and promoted in this case, then the judge should have made her ruling on the no-case submission and act to prevent the prosecution from halting the proceeding with the view to restarting the trial.

Llewellyn was reported as saying that she was guided by her constitutional authority and ethics when she acceded to the request of the prosecutor in making that entry.

It begs the question: What prosecutorial ethic is demonstrated when the right of the accused to a fair trial is being sullied, and that such action by a constitutional authority such as the DPP could pave the way for the unfettered infringement of the constitutional rights of accused persons that are on trial?

The pendulum of justice appears to have swung in one direction here. The accused was certainly not the beneficiary of fairness, nor were his rights respected. This is a travesty.

In any fair, just and independent legal system, the court would balance the accused's interests in finality against society's interest.

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## **Tenant ordered to pay rent money**

The Star Online



A woman was ordered by the Civil Division of the Corporate Area Resident Magistrate's Court to pay her landlord for rent owed up to February 29, plus costs.

The woman, Carmen Todd, was summoned to the civil court recently after rent totalling \$168,000 was owed over an extended period.

The premises was rented at a cost of \$12,000 per month.

When the matter was called up, the landlord, Mark Richards, told the court that he rented the property to Todd's son.

Carmen Todd, however, admitted that the rent was owed to Richards.

Resident Magistrate Opal Smith made the order that the money owed be paid, in addition to an attorney's cost of \$13,016.

Both parties signed to the order in the presence of officers of the court.

## **Bail extension for ward on assault charge**

By Bjorn Burke

March 16, 2016



A ward accused of getting into a scuffle with another had her bail extended when she appeared before the Corporate Area Resident Magistrate's Court recently.

Charged with assault occasioning bodily harm is Sharleen Daley, who pleaded not guilty to the offence.

Allegations are that on February 27, the accused and the 17-year-old female complainant who is also ward of the state, reportedly got into an altercation which involved name-calling.

Things rapidly became physical, which led to Daley allegedly biting the complainant on her finger three times causing pain.

### **ANSWER TO CHARGES**

The court heard that both Daley and the complainant, who did not appear in court, are involved in a case and cross case. The 17-year-old ward is to appear in the Children's Court to answer to charges.

Senior Resident Magistrate Judith Pusey ordered Daley to return to court on March 18 pending an outstanding medical certificate.

**The End**