

Chuck Throws Out Challenge To Developers To Build Courthouses

The Gleaner



[File](#)

Chuck

In recognition of the fact that the Government has an abundance of land on which to build new courthouses but a shortage of capital with which to do so, Justice Minister Delroy Chuck is mooting a system of public-private

partnership (PPP) by which the much-needed facilities can be constructed.

"I accept that the court facilities are, in many cases, in a shabby condition," Chuck told lawyers present for the General Legal Council Law Conference held yesterday at the Jamaica Conference Centre in downtown Kingston.

"The problem is not that we don't have land to build courts. What we don't have is money, and this is where creativity must be used. So I am now in a process to get into PPP."

Pointing to the five acres of land owned by the Ministry of Justice in St Ann, Chuck indicated that he had proposed that developers come on board to utilise the land for projects that would include the construction of courthouses.

"We want the developers to develop the five acres, put together five six-storey buildings, a shopping centre, but just give me about five courthouses secure away from the crowds," he said to the gathering of lawyers.

RENOVATION OF FACILITIES

Another proposal for which Chuck is pleading for developers to engage in PPP with the Government is the renovation of court facilities in the Half-Way Tree, St Andrew, area. "I am now looking at a bigger proposal to renovate the whole of Half-Way Tree between Constant Spring Road, Eastwood Park, South Avenue and Hagley Park ... and if I show you this development, it looks good. The problem now is to find the money to put it out there, and the idea is to make Half-Way Tree a real centre for court services," he said.

Chuck also has his eye on commercial development for the old Attorney General's Chambers, which he hopes to achieve through a memorandum of understanding with investors who have already expressed an interest.

"We would put a nice food court on the first floor and then another four storeys to house the Ministry of Justice, the Attorney General's Chambers, and the Court Administration Division. These are areas I am vigorously working on to see if PPP can come into place to assist us in a creative way," he added.

Chuck also mooted a proposal for developers to buy out facilities in Montego Bay as the location is unsuitable for a court.

This, he said, would provide some of the much-needed funds to build modern courthouses elsewhere.

"I am hoping that some of you will introduce some of the investors because at the end of the day, it will be an open, transparent process, and once I am there, I will pressure and press for it to

happen because that is the only way I can see additional modern court facilities coming to us in the next five to 10 years," he told the lawyers.

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Appeal Court Only Completed 10 Per Cent Of Cases In 2015



The Gleaner

The latest Economic and Social Survey has revealed that the Court of Appeal only completed 10 percent of the cases it was scheduled to hear in 2015.

Last year, the Appeal Court had 1,640 cases listed but only completed 169.

According to the survey, of the 1,640 cases only 253 were new as the others were brought forward from previous years.

Civil cases also outnumbered criminal cases in the Appeals court last year accounting for 57 per cent of the caseload.

Meanwhile, the Resident Magistrate's Court performed better than the Appeal Court last year completing 46 percent of its caseload.

Editorial | Justice Delayed

The Gleaner

There's one more reason why confidence in the administration of justice in Jamaica is being steadily eroded. It has to do with the tardiness of judges in handing down their judgments after a case has been concluded.

People who feel they have been wronged look to the courts to correct those wrongs and to punish the guilty parties. If a citizen has to wait six years for a matter to be decided, going to court in search of a speedy resolution becomes a useless and costly exercise. When a citizen feels he or she cannot depend on the courts to provide relief in an efficient and timely manner, it is at this point the thought of personally 'dealing' with such matters begin to formulate. These decisions usually have disastrous outcomes for all involved.

The Judicial Services Commission, which has the responsibility of appointing judges, should be seeking to identify persons having good character, probity, and integrity, but the prospective appointee to the Bench should have previously demonstrated an ability to efficiently deliver sound judgments and display an appetite for demanding court work. In other words, a candidate's work ethic should score high in the decision to make an applicant a judge.

During his time as president of the Court of Appeal, Seymour Panton set up a time frame of three months for judges to dispose of simple matters and six months for the more complex appeals. Alas, a shortage of personnel meant the court was never able to meet this schedule. Since then, some new judges have been appointed. Mr Panton also pointed to the caseload being carried by each judge. Finding more efficient methods of carrying out the court's business, whether it means installing audio devices to eliminate the tedium of taking notes by long hand or boosting research capabilities, is crucial to making the justice system work.

DISCIPLINE JUDGES

Lawyers at the private Bar are fed up with the delays. Recently, the Jamaican Bar Association (JBA) vented its frustration by highlighting 62 outstanding judgments going back some 10 years. They have called on the chief justice to outline the steps to remedy the situation. Prior to this, the JBA suggested that the proposed Judicial Code of Conduct include specific sanctions to discipline judges who are habitually tardy in handing down judgments. It is nothing short of a scandal the alarming statistics coming out of the Supreme Court. For example, one judge has retired leaving on his plate 10 undelivered judgments.

What confidence can be placed in a judge's ability to recall facts and reconstruct arguments after an inordinately long period? Is this not an abuse of an accused person's right? Chief Justice Zaila McCalla has publicly cited this tardiness as a problem. What she has not done, however, is to articulate a vision for a complete overhaul of the system to address the problem and produce more efficiently run courts.

Tardiness of the judiciary is not unique to Jamaica. In sister CARICOM territory Trinidad & Tobago, a proposal has been put on the table to withhold the pay of judges who fail to deliver their judgments within six months of the conclusion of a case. And in the United Kingdom, delays longer than six months usually result in a retrial. Some judges are given time off to concentrate on writing judgments. And in what may seem like an extreme case, South Africa has moved to impeach four judges over tardiness in delivering judgments.

The judiciary is an independent body but cannot be a law unto itself. Where is the accountability? It is an affront to the administration of justice to have judgments delivered years after a case has ended.

If we embrace the principle that justice delayed is justice denied, the chief justice must take up this matter with vigour by directing her concerns to the powers that be so that corrective measures can be taken to flag undue delays.

UN MICT: Justice Seymour Panton of Jamaica appointed Mechanism Judge

The Secretary-General of the United Nations has appointed Justice Seymour Panton of Jamaica as Judge of the Mechanism for International Criminal Tribunals (MICT), following the resignation of Judge Patrick Lipton Robinson of Jamaica.

Before joining the Mechanism, Justice Panton served as President of the Court of Appeal of Jamaica. From 1998 to 2007, he served as Acting Judge and then Judge of the Court of Appeal of Jamaica. Justice Panton also occupied other judicial positions in Jamaica, including as Puisne Judge at the Supreme Court of Jamaica and Resident Magistrate. In addition, since 2001, Justice Panton has been serving as Acting Judge of the Grand Court of the Government of the Cayman Islands and, since 2008, as a member of the Commonwealth Secretariat Arbitral Tribunal.

Justice Panton has received many awards for his contributions to the legal profession, including the Order of Jamaica in July 2007, the Commander of the Order of Distinction (CD) for “Outstanding service to the Judiciary” in 2006, and the award of the Cornwall Bar Association for “Outstanding Service to the Legal Profession” in 2007 and 1995.

The Hague Justice Forum

<http://www.haguejusticeportal.net/index.php?id=13551>

'Protect First-Time Offenders' - Appeal Court Overturns Landlord's 20-Day Prison Sentence

The Gleaner

[Barbara Gayle](#)



[Norman Grindley](#)

The Tower Street Adult Correctional Centre: The Court of Appeal has laid down guidelines to protect first offenders from being sent there for some offences.

A landlord who broke the law and forced a delinquent tenant out of his property has not only received sympathy from other landlords, but also from the Court of Appeal which overturned a 20-day prison sentence imposed on him.

The Court of Appeal has laid down guidelines to protect first offenders from being sent to prison for some offences.

One of the guidelines states that when a judge is considering an immediate term of imprisonment for a self-represented, first-time offender, it is desirable that the judge should give consideration to the assignment of a legal-aid counsel if the offender cannot afford his own legal representation to assist with a plea of mitigation.

The Court said the assistance of a lawyer is for the offender's case in mitigation to be presented in the best possible light and for all possible alternatives to imprisonment to be explored.

The appellant was 41-year-old Dwayne Strachan, who is the father of two young children.

"He still has not come to grips with why he was sent to prison," said attorney-at-law Leroy Equiano, who represented Strachan on appeal.

HAPPY BUT TRAUMATISED

He said his client is happy with the outcome of the appeal "but is still traumatised by his experience in custody. Equiano said the incident had also traumatised Strachan's children who were left in the care of a neighbour when he went to court.

Strachan was sentenced immediately after he pleaded guilty to breaching the Rent Restriction Act.

Equiano regards the ruling in the appeal last week as very important and added, "we treat incarceration very slightly and it should only be in circumstances where no other appropriate method of punishment."

Fellow attorney-at-law Leonard Green argued that it is the duty of the court to protect an undefended person.

According to Green, where the statute expressly states that a custodial sentence ought to be imposed, then the judge should so advise the offender before accepting the guilty plea.

Jamaican judge lauded by peers in Bermuda on her retirement



The Observer

Norma Wade-Miller (Photo:
royalgazette.com)

HAMILTON, Bermuda (CMC) –
Bermuda’s legal community have paid
tribute to Jamaican puisne judge Norma

Wade-Miller at a special ceremony in Hamilton.

Her peers, friends and family packed into Court one of the Dame Lois Browne Evans Building to wish her well in retirement.

Chief Justice Ian Kawaley called Wade-Miller “the complete judge” and “an outstanding role model” in her 35 years of service since arriving on the island from her native Jamaica.

Once married to an Opposition Leader, she was the first woman in Bermuda to be appointed as a substantive magistrate, then as a high court judge, as well as the island’s first female acting chief justice.

Wade-Miller also served as chair of the Criminal Injuries Compensation Board for the past 25 years, she chaired the Judicial Training Institute of Bermuda since 2008, and as Bermuda’s representative in the International Hague Network of Judges since 2012.

Kawaley spoke about Wade-Miller’s time as chair of the Justice System Review Committee and the Family Law Reform Subcommittee, calling them “important initiatives which have borne bountiful fruit”.

Larry Mussenden, the newly appointed Director of Public Prosecutions, was among those who shared their memories of working with her, as well as their admiration and gratitude.

“Your presence in the courtroom has always been a calming factor in trials,” Mussenden said. “You have a way of making sure the most serious matter is heard properly and fairly on both sides.”

Richard Horseman, president of the Bermuda Bar Association, said: “You set a path for others and through your efforts you have helped shape the direction of law in Bermuda. All my brothers and sisters recognise your distinguished career. From the bottom of our hearts, we thank you.” Wade-Miller thanked the speakers for their “thoughtful and generous” tributes, and called the event “a bitter-sweet moment”.

“I leave the bench in a reflective mood, but with many happy memories,” she said.

“I look forward to continuing to make a contribution towards the betterment of our society in the meaningful, albeit less conspicuous ways, that retirement allows.”

Wade-Miller was the second wife of Frederick Wade, who was Opposition Leader for 11 years under the Progressive Labour Party (PLP).

The couple later divorced. Wade died at the age of 57, two years before the PLP ousted the now defunct United Bermuda Party from power in 1998.

The PLP named Bermuda’s international airport after him.

Magistrate Nicole Stoneham has been appointed a puisne judge of the Bermuda Supreme Court in Wade-Miller’s place, having served as a magistrate since 2010, mainly in the Family Court.

Legal Aid Council Hosts Justice Fair Today

The Gleaner



[JIS](#)

Faulkner

The Legal Aid Council (LAC) is hosting a justice fair today, at the JosÈ MartÌ Technical High School in Spanish Town, St Catherine.

The fair will be conducted in collaboration with the community services component of the Citizen Security and Justice Programme (CSJP) III.

Executive director of the LAC Hugh Faulkner said that four fairs will be hosted across CSJP-targeted communities by year-end.

"The public will have access to free legal advice, consultation and information from a number of public-sector entities. We understand that citizens sometimes do not even have money to travel to us, so we are taking the services to them," he said.

Among other things, citizens will get information on the expungement of criminal records (the new provisions under the Dangerous Drugs Amendment Act 2015); how to apply for a Minister's (Marriage) Licence as well as the responsibilities of justices of the peace.

For details, contact the Legal Aid Council at 948-4861, 967-1372 or 948-6999.

Immigration Corner | I Want To Cancel My Application



The Gleaner

Dear Mr Bassie,

I recently applied for a visa to go to the United Kingdom, but I have changed my mind. Can you please advise whether I am able to cancel the application? If so, how this can be done?

- K.N.

Dear K.N.,

Persons who have made visa, immigration or citizenship applications are able to ask to cancel (withdraw) an application for a visa, visa extension or citizenship. The way an application is cancelled depends on where the application originated.

If the application was made from outside the United Kingdom, generally speaking, persons should contact the United Kingdom Visa and Immigration Service (UKVI) to find the correct method to cancel the application.

If persons have been unable to find information which can help or they have a general enquiry about United Kingdom visas and immigration application process, they can make contact by telephone or email. They can phone or email the international enquiry service if they have a general enquiry about applying for or cancelling a visa from outside the United Kingdom. Please be aware that enquiry service staff do not play any part in, or influence the outcome of, any visa application.

The enquiry staff is able to provide a tracking service for submitted visa applications. They will require the number allocated to the applicant during the application process and his/her date of

birth to provide this service. Persons can only get fee refunds if the applications have not yet been processed.

If persons have applied in the United Kingdom, they will need to cancel their application using the online form. It should also be noted that applicants who wish to cancel their applications will not get their fee refunded if they cancel an application that was made in the United Kingdom. However, please be aware that it is sometimes possible for applicants to get their passport or other documents returned without withdrawing their application. The applicant will be advised of this when he/she is filling in the form. In addition, persons withdrawing or cancelling their application should be aware, if they are in the United Kingdom, they may lose permission to stay in the United Kingdom by choosing to cancel the application.

It is worth noting that persons cannot stop the cancellation once the application has been received by the Home Office.

I hope this helps.

- John S. Bassie is a barrister/attorney-at-law who practises law in Jamaica. He is a justice of the peace, a Supreme Court-appointed mediator, a fellow of the Chartered Institute of Arbitrators, a chartered arbitrator and a member of the Immigration Law Practitioners Association (UK). Email: lawbassie@yahoo.com

Tivoli residents shun D'Aguilar's justice forum

The Observer



Lloyd D'Aguilar addresses the few gathered yesterday at the community centre in Tivoli Gardens, west Kingston. (Naphtali Junior)

THE organiser of a justice forum for victims of the May 2010 police-military operation in Tivoli Gardens was left

disappointed yesterday after only a handful of people, literally, turned up for the event.

Lloyd D'Aguilar's Tivoli Committee organised the Labour Day of Justice and Solidarity to mark the anniversary of the deadly operation.

"In Tivoli you don't really see people fighting for their rights; that says volumes for what is going on," D'Aguilar told the nearly 10 people, including performers and speakers, who were in attendance yesterday.

"This is why the State is able to do what it does and get away with it. They can go to Montego Bay tomorrow and get away with it; it can go to Clarendon tomorrow and get away with it; it can go to Spanish Town, it can go to any inner-city community and do the same thing because people are not going to fight for their rights and take chances and risk. They are going to sit down and say, 'Bwoy, look weh dem come do to wi'. And if that is the attitude, then this is going to be done to you over and over and that is unfortunate," D'Aguilar lamented.

The event, which was scheduled to start at 2:00 pm, only managed to get underway at minutes after 4:00 pm with a performance by Dr Michael Abrahams.

Yesterday marked the sixth anniversary of a two-day police-military operation to apprehend then Tivoli Gardens don Christopher ‘Dudus’ Coke. At least 77 people, including a member of the Jamaica Defence Force, were killed in the operation.

Coke, who was wanted in the United States of America on drug-trafficking and firearms charges, was captured a month later and extradited to the US after waiving his right to an extradition hearing.

— Racquel Porter

Man told to enrol in school to shorten court sentence



The Observer

A 20-year-old man, who attempted to lodge a fraudulent cheque at a bank on the campus of the University of the West Indies, Mona, has been given until the end of June to enrol in an institution to avoid a possible prison sentence.

Jordan Chong of a Kingston address was last Thursday advised by Senior Parish Judge Judith Pusey to return to the Kingston and St Andrew Parish Court on July 1 with proof that he has enrolled in a school.

On the said date, Chong, who has pleaded guilty to uttering a forged document, will know his fate.

The court heard that Chong went to the Mona campus branch of the Bank of Nova Scotia on April 27 and attempted to lodge a cheque for \$1,189,000 purported to be from Tank-Weld Limited.

He was held on the same day after irregularities with the cheque were discovered and the police were summoned.

Chong, on his last occasion before the court, had indicated that he received the cheque from two men who drove up to him in a motor car.

However, yesterday after he pleaded guilty, his attorney, Donovan Williams asked the judge to consider a non-custodial sentence, as his client was remorseful and contrite.

Williams also told the court that Chong had the potential to turn his life around.

The parish judge, however, told Chong that she was in no mood to “kiss him and send him home” because bank fraud involving fraudulent cheques had become too prevalent.

She then enquired as to what Chong was doing with himself and was told that he works with his family, who own a wrecker company. But the investigating officer told the court that he no longer worked with that company and that the wrecker company was, in fact, owned by the family of a girl that Chong was friends with, but that they were no longer together.

Chong’s attorney then told the judge that his client has five Caribbean Examination Council subjects and wants to enrol at Heart NTA to become a chef.

The magistrate then told him that he should have that sorted out and return for his sentencing. “If him not enrol, I can have all the fun I want with him,” the judge warned.

— Tanesha Mundle

The End