

Judiciary launches National Public Education Symposium

First Look – The Gleaner

Leighton Beckles

The Honourable Mrs. Justice Zaila McCalla OJ, Chief Justice of Jamaica, encouraged members of the public to embrace the reform programmes being implemented in Justice Sector. The Chief Justice was speaking at the Launch of a National Public Education Symposium at the Corporate Area Parish Court (Criminal Division) in Half Way Tree in Kingston. The Symposium was geared towards increasing public awareness of the reforms being undertaken in the Justice Sector and also the services provided by the courts and other stakeholders.

Speaking at the Opening ceremony, Chief Justice Zaila McCalla highlighted the strides that have been made to enhance access to justice. “This initiative is an important aspect of the thrust for justice reform as we seek to engage the public in an opportunity to be better informed about how the justice system works and strategies that have, and are being implemented to improve the justice sector,” said Chief Justice McCalla.

The symposium is the first of its kind for the Judiciary and the Chief Justice is hoping that hosting such events in Kingston and other parishes will assist members of the public in their quest for justice. Of note, is the fact that some members of the public are not aware of the reform initiatives being undertaken and as such disputes sometimes result in criminal offences being committed. Chief Justice McCalla highlighted Mediation, Legal Aid and Counselling as areas that can be utilised more by members of the public. Additionally, the Chief Justice reiterated the need for the courts to forge stronger ties with the communities that they serve.

Among the stakeholders present were: the Office of the Children's Advocate, the Office of the Children's Registry, the Office of the Public Defender, the Dispute Resolution Foundation, Victim Services Division (formerly Victim Support Unit) and the Bar Association. Members of the Public were issued with public education material from each booth holder and had pressing questions answered during the day's event.

The next Public Education Symposium is scheduled for the St. James Parish Court on Thursday June 23, 2016.

Tension At Trafigura Hearing ... Adjourned Indefinitely Pending Appeal

The Gleaner

There was tension at the Trafigura hearing this morning as Queen's Counsel K.D. Knight, the attorney for People's National Party (PNP) President Portia Simpson Miller, reacted to an instruction by Justice Lennox Campbell before the matter was adjourned indefinitely.

"Don't shout at me, because I can shout as well," Knight told Justice Campbell.

Assistant Director of Public Prosecutions (DPP) Andrea Martin Swaby had got up to address the court when Knight interjected prompting Campbell to tell him not to interrupt the crown counsel.

Simpson Miller, PNP chairman Robert Pickersgill, Region Three chairman Phillip Paulwell, former PNP general secretary Colin Campbell and businessman Norton Hinds, appeared in court after being subpoenaed by Justice Campbell to answer to questions under oath about a \$31 million to the party by Dutch oil trading firm Trafigura Beheer.

However, the hearing could not proceed this morning because of a ruling by the Appeal Court last Friday staying the matter until an appeal is heard as to whether the PNP functionaries should be questioned in open court.

On Friday, the Appeal Court also instructed that the court registrar consult with the relevant parties to set a date for the appeal to be heard.

This morning Campbell also asked Knight to agree on a date.

"I am not setting any dates," Knight responded to Justice Campbell.

In the meantime, the hearing has been adjourned indefinitely pending the hearing of the appeal.

In November 2011, Campbell had ruled that Simpson Miller and the other PNP functionaries should answer questions from the Dutch authorities under oath in open court.

However, the PNP lawyers appealed against the ruling.

Last week, the Director of Public Prosecutions filed an application seeking to have the appeal struck out claiming that since November 2011, the PNP lawyers have done nothing to advance the matter.

Assistant DPP Swaby told the Appeal Court that the PNP lawyers were awaiting the transcript of the hearing, which had been at the Supreme Court since December 2011.

However, Knight said he was never informed.

He also said the legal team had not yet received in writing, Campbell's reasons for his ruling that the PNP functionaries should answer in open court questions about the \$31 million Trafigura donation.

Testy exchanges at Trafigura hearing

BY TANESHA MUNDLE Observer staff reporter mundlet@jamaicaobserver.com



Opposition Leader and People's National Party President Portia Simpson Miller (centre) accompanied by her husband Errald Miller (left, background), exit the Supreme Court building, downtown Kingston, yesterday with attorneys KD Knight (left, foreground) and Patrick Atkinson

(right). (Photos: Antonio Graham)

HEATED exchanges between Queen's Counsel KD Knight and Justice Lennox Campbell dominated yesterday's hearing of the Trafigura matter, which was adjourned indefinitely after Knight refused to set a court date for the matter to be heard in the Court of Appeal.

The controversial hearing was set for mention yesterday in the Supreme Court to facilitate the attendance of People's National Party (PNP) President Portia Simpson Miller and former Cabinet ministers, Robert Pickersgill, Phillip Paulwell, Colin Campbell, as well as PNP member, businessman Norton Hinds. They were last week subpoenaed by Justice Campbell to answer questions in relation to the \$31-million donation that was given to the party by Dutch oil trading firm Trafigura Beheer.

Knight and Justice Campbell locked horns over Campbell's decision to have an in-chamber meeting prior to the hearing of the matter in court, as well as the judge's decision to agree on a date for the matter to be heard in the Court of Appeal.

The hearing began going downhill after the judge summoned the lawyers to meet with him in-chamber. Knight, who is representing Simpson Miller and who had taken issue with the request, refused to attend and instead sent his junior lawyers to the meeting.

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When the matter resumed in court, the judge explained that he wanted to meet with the lawyers to deal with some “housekeeping matters” such as how to address the public officials, including Simpson Miller, whom he said he will address as Madam Prime Minister.

But Knight objected.

“She is not the prime minister. Every judge in Jamaica ought to know that she is the leader of Opposition,” Knight told the judge.

He also told the judge that he did not think that the meeting was substantive and that was why he did not attend.

The judge then pointed out that he also wanted to agree on a date for the hearing of the appeal. But Knight said there was no need for the registrar to meet with the parties in the judge’s chamber to set a date and that he was not going to be part of any “breach of protocol”.

The judge, however, insisted that they agree on a date but was strongly opposed by Knight. “I am not doing it because you have no jurisdiction to tell me that I have to set a date,” the Queen’s Counsel emphasized.

“A judge of inferior jurisdiction is now going to overrule a judge in the Court of Appeal, that has never happened in all my 40-odd years at the bar. I am not doing it! No judge in the Supreme Court has jurisdiction to tell me to set any date in the Court of Appeal,” Knight declared.

Justice Campbell then asked Knight if that was the posture he wanted to adopt.

“Very hostile, I have to be,” Knight quickly answered.

The judge later stated that: “This is being made into a fractious matter and all the court is trying to do is to use its power to fulfil a treaty obligation.”

Further to that. Justice Campbell said: “This is not a trial; nobody is seeking to make it into a trial and all the air and getting on, we are doing what we are doing and nobody has to tell us what to do.”

The judge then pointed out that he did not intend to put off the matter without setting a date, but was interrupted by Knight, who pointed out that the lawyers will be in touch with the registrar to set the date.

Justice Campbell then told Knight that he would proceed no matter how often he stood up. But Knight, in a quick response, told the judge that his orders would be disregarded as often as he made them.

At one point, Knight also shouted to Justice Campbell: “Don’t shout at me because I can shout as well.”

Justice Campbell later told Knight: “It’s a sad day when you, as a Queen’s Counsel, can get up and behave as you are.”

Director of Public Prosecutions Paula Llewellyn, following the war of words, told the court that the crown counsels will always behave courteous, while Knight said that he and his team would always be honest and truthful to the court.

In the meantime, Attorney Patrick Atkinson told the court that the hearing of the matter in the Appeal Court was being delayed because Justice Campbell has not presented the court with his reasons for ruling that the PNP officials should answer in open court questions about the \$31-million donation.

But the prosecuting counsel, Andrea Swaby, said that the Court of Appeal had not asked for Campbell's reason in writing but asked for a transcript of the hearing, which was handed over to the Appeal Court from last December.

The Trafigura case a matter of bad PR for Jamaica



Raulston Nembhard

The Observer



The anxiety to bring to rest any judicial matter in a timely and orderly manner should be foremost in the minds of those who believe in justice and who have sworn to uphold the law. It should be the remit of those who practise the law to ensure that matters are speedily dealt with, especially in situations where the

public has more than a passing interest.

When justice is delayed, or denied for an inordinate length of time, it will not be long before Shakespeare's refrain in *Julius Caesar* becomes reality: "O judgment (justice)! Thou art fled to brutish beasts and men have lost their reason." (*Julius Caesar*, Act 3, Scene 2)

One is not saying that in the Trafigura Beheer case anyone has lost their reason, but it is palpably unreasonable for a case to have dragged on for more than 10 years without any reasonable assurance that it will be concluded any time soon. The latest upshot is that the case which the Office of the Director of Public Prosecutions (ODPP) hoped to have come up for deliberation in

the open court last Monday has been once again delayed. The lawyers for the People's National Party (PNP) functionaries in the case, as far back as 2011, had filed a motion not to have the matter heard in open court. But the Supreme Court, under the authority of Justice Lennox Campbell, had ruled that the hearings would not be in chambers but in the open court. The justice seemed mindful of the public importance of the matter and felt openness and transparency should be the governing hallmarks of how it is treated.

Now at least one of the PNP lawyers is arguing that they were not notified that the transcripts were at the Supreme Court. Not only were they awaiting the transcripts, but they had not been told the reasons for the learned justice's ruling. If the transcripts were available at the Supreme Court since December 2011, why wait until June 2016, five years later, to say this to the public? Should it not be clear even to the most disinterested that there is no real willingness in getting the information? If there was any anxiety to get it, wouldn't the parties concerned not creep on broken bottles to the Supreme Court to fetch it?

As a non-lawyer — but very concerned Jamaican — I am disturbed by these obvious delays and seeming prevarications on the part of the PNP to bring this matter to rest. We know that at any given time the wheels of justice in Jamaica grind slowly, ever too slowly to the extent that people are wont to take justice into their own hands. Also, at no given time is it a pleasant experience to be drawn before the courts against your own will. If you do not like the environment of a courthouse, and you are a litigant in a matter, you will drag yourself there as it is in your best interest to do so. But if you are a defendant there may be uncomfortable questions to answer and, quite apart from expensive lawyers' fees, you may do everything in your power to delay the inevitable. But the day of reckoning has to be faced — and the sooner the better for all concerned.

It is useful to remind ourselves that the case began when an alleged payment of \$31 million was sent to the PNP by the Dutch oil firm, Trafigura Beheer, which had an oil-lifting contract with the Government of Jamaica. The company claims that the money was a commercial transaction, but the PNP maintains that it was a donation or contribution.

The Dutch Government makes it illegal for any Dutch firm to make contributions to political parties, and for good reason. When the matter came to the attention of the Dutch Government it decided to investigate it and consulted with the Jamaican Government under its Mutual Assistance in Criminal Matters Act to do so. The ODPP is the local agency designated to assist the Dutch Government in this investigation.

Let us be clear about a number of things regarding this case. To begin with, and to my knowledge, the PNP is not being accused of any criminal wrongdoing in this matter. At this point it is an investigatory matter and the PNP functionaries are not even defendants in the technical legal sense as a case has not been proffered against them. Such considerations may or may not be for a future situation, but it is certainly not the case now. It is just a matter of the Dutch government ascertaining whether Trafigura Beheer, not the PNP, did anything illegal. They are merely trying to substantiate, by cooperation of the evidence given by the PNP functionaries and any other allied persons or entities, that this is the case. In other words, they just want the PNP to give a truthful account of what they know.

Secondly, the Jamaican people should have more than a superficial interest in this matter. After all, Trafigura Beheer is claiming that the money is a commercial transaction and not a gift to the PNP. If it should turn out that this was indeed a commercial transaction arising from its contractual obligations with the Jamaican Government, then this would be a game-changer. For the question that would be impatient of being answered is why did this money end up in a private account and not in the vaults of the Bank of Jamaica or Ministry of Finance?

Also, it has ramifications for the good public relations of Jamaica. The director of public prosecutions has already opined that the Netherlands might have already drawn their own conclusions from the long delay in getting the answers they have sought. One wonders what these conclusions might be and strongly suspects that they cannot be anything that inures to the good name of Jamaica. What should be abundantly clear to the PNP is that it is not doing itself a world of good by not working with more dexterity and fixity of purpose in getting this case behind them. Even by Jamaica's standards, 10 years is certainly a long time to have this matter languishing in the courts.

Most strikingly, it reinforces the narrative in the minds of many Jamaicans of the divisibility of justice; that if you have status and standing in the society, there can be different standards of justice that can be pursued at any given time. Although one is not saying that this is the intention of the PNP, the poor person certainly does not have the influence or the resources to clog up the justice system as do the rich and well heeled. But when others look on, as they should, they look at this continued delay and shake their heads at what they perceive to be the travesty that is being played out before their very eyes. Like the Finsac Commission of Enquiry report, Trafigura Beheer, must be laid to rest.

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PHOTO: General call

The Observer



Trinidad and Tobago's Attorney General Faris Al-Rawi is all smiles after meeting Jamaica's Director of Public Prosecutions (DPP) Paula Llewellyn, QC (left); Deputy DPP Lisa Palmer (second right), and Kelly-Ann Boyne, assistant DPP acting, on Tuesday. Al-Rawi was paying a

visit to the Office of the DPP in downtown Kingston. Photo: Karl McLarty

Trinidad and Tobago's Attorney General Faris Al-Rawi is all smiles after meeting Jamaica's Director of Public Prosecutions (DPP) Paula Llewellyn, QC (left); Deputy DPP Lisa Palmer

(second right), and Kelly-Ann Boyne, assistant DPP acting, on Tuesday. Al-Rawi was paying a visit to the Office of the DPP in downtown Kingston. (Photo: Karl McLarty)

Bert Samuels | First 100 Days - Right The Balance Of Justice

If the Andrew Holness administration is to convince the ordinary man on the street that it is committed to justice, it must commit to break the parliamentary tradition of passing laws only in favour of the prosecution in the past 15 years.

A defendant on trial for murder can now be tried with fewer jurors, and can now be convicted and sentenced to multiple decades in prison without a unanimous verdict. All this has been done to make it easier for the prosecution to secure a verdict in its favour. What piece of legislation has been fashioned in recent times to improve the rights of a defendant in a criminal trial?

To strike the necessary balance, this new administration must embark on a deliberate path to bolster the rights of a defendant who faces the all-powerful State apparatus. It has always baffled me that Parliament has in its ranks so many lawyers who have practised in the criminal courts, yet its legislative agenda excludes laws to benefit the defendant.

The prosecution, unlike the defence, can challenge a decision in favour of bail all the way up to the Court of Appeal. As the law stands, a High Court judge's denial of bail is not challengeable in the Court of Appeal. This new administration seems not to have learned from the striking down of the 2010 amendments to the Bail Act, collectively called the 'anti-crime bills', amending the Bail Act of 2000. These bills restricted the court's discretion to grant bail.

Unfortunately, the Holness administration has already signalled that they will be tinkering with the right to liberty, enshrined in the Charter of Rights, again. I call upon the minister of justice, a trained constitutional lawyer, to advise his prime minister that the Charter of Rights and the Bail

Act give the right to bail to all defendants, including those charged for the most heinous crimes. There are no rights protecting the victims of murder in the charter or the Bail Act. The victims are 'protected' only after there is a fair trial leading to a conviction. He should also be advised that no law or pronouncement by the head of state can take away the right to the presumption of innocence of all persons charged.

The Government has made an attractive argument for the amendment to Section 64 (2) of the Constitution, which sets out the maximum period a government can remain in power. It provides, without limit, that its five-year life can be "sooner dissolved". It is this freedom (to sooner dissolve) which the prime minister now enjoys that PM Holness wants to limit. He has argued that this power can be manipulated to hold an election so that tight fiscal measures to be taken can be delayed, to ensure victory at the polls. This, he argues, must stop, as "elections can no longer be allowed to supersede the fiscal cycle".

FIXED ELECTION DATE

Holness will definitely have a problem in seeking to have fixed elections become part of the law in Jamaica. He will need to have a two-thirds majority in the Parliament. This he must secure before he can move on to the constitutionally required referendum to have a repeal of the relevant provisions of the Constitution (Section 64 (4) (a)), which guarantees a maximum term of five years, without setting out a specific date for general elections.

From what I have heard, the PNP wants to marry support for this move to the Government's making a change and supporting the CCJ as the final Court of Appeal. The JLP wants a local Jamaican final Court of Appeal to replace the Privy Council. PM Holness, with his one-seat majority, will not achieve fixed-date elections unless he yields on the CCJ issue. Hamstrung by his razor-slim majority in the House, he will be forced to prioritise on the fixed-date election matter, failing which, this proposed amendment will be left to gather dust.

The arguments in favour of a regional final appellate court are, in my view, attractive enough for Holness to have another look at accepting them. He will be well advised to go down in history as

the great statesman, by giving in on the CCJ issue in order to achieve the benefits to nation-building he so eloquently argues that fixed-date elections can achieve.

The issues of bail, fixed-date elections, and the CCJ, are inextricably linked to justice for Jamaicans who narrowly voted in this new Government. The Government will gain great political advantage should it make the right decisions on these issues.

- Bert Samuels is an attorney-at-law. Email feedback to columns@gleanerjm.com and bert.samuels@gmail.com.

Cops In Pregnant Woman Shooting To Stand Trial

The Gleaner

Western Bureau:

Senior Superintendent of Police Anthony Castelle and District Constable Rohan McIntosh, who were arrested and charged in connection with the shooting of a pregnant woman in Montego Bay, are slated to stand trial in the St James Parish Court on September 19.

Castelle and McIntosh, who are both facing charges of unlawful wounding, were given the trial date when they appeared in the Montego Bay RM Court yesterday.

The date was given to facilitate the outcome of a ruling from the Court of Appeal, where submissions are expected to be made in the matter on behalf of the Police Federation.

During Tuesday's proceedings, the court was told that the Independent Commission of Investigations (INDECOM) would be making fresh submissions to argue its right to prosecute the case against Castelle and McIntosh.

But attorney-at-law Althea Grant, who is part of the defendants' legal team, told presiding magistrate Sandria Wong-Small that the two officers should not have to wait on the outcome of that ruling before their case is tried.

"We are ready to proceed with the matter, and I do not think it would be fair to ask our clients to wait and see what the Court of Appeal is going to do, to see if they (INDECOM) will prosecute the matter or not," said Grant.

Castelle and McIntosh were arrested and charged by INDECOM on May 18, following an incident on January 22 in which a police team reportedly chased and opened fire on a motor car after the driver disobeyed the officers' order to stop.

The policemen reportedly chased the motor car, which subsequently ran into the back of another.

At this point, the lawmen allegedly fired on the vehicle, hitting 19-year-old Janice Hines, who was sitting in the back of the car.

Hines, said to be pregnant at the time, was rushed to the Cornwall Regional Hospital, where she was admitted in serious but stable condition.

At the time of the incident, her family members expressed fear that the medication she was receiving to relieve her pain would harm the unborn child.

Editorial | Come Clean On Trafigura

The Gleaner

The rule of law and, its handmaiden, a free and independent judicial system, are critical allies in the preservation of democracy and freedoms guaranteed thereby. That is why this newspaper respects the use by individuals of the processes of the courts to protect their rights, or perceived

attacks thereon, and why we make no argument against the ongoing legal manoeuvres of the People's National Party (PNP) officials caught in the so-called Trafigura Affair.

But Trafigura transcends the strict legal issues being argued before judges in the Supreme and Appeal courts. Implicit in its discussion are issues of moral and transparent governance and what ought to be expected and legislated conduct of political parties, especially against the backdrop of the low level of trust enjoyed by Jamaican political institutions. That is why it may be useful that in engaging Trafigura, the PNP might wish to recast the discourse, separating the clearly legal and moral issues.

Trafigura Beheer is a Dutch commodity trader and logistics company that from time to time receives contracts to buy and sell oil on behalf of Jamaica, as was the case in 2006 when the PNP formed the government. That year, the company caused to be transferred to an account in Jamaica, controlled by officials of the PNP, the equivalent of J\$31 million. What, up to now, has not been clarified is the basis of this transactions, which the Dutch government wants to know, and why it has invoked its mutual legal assistance treaty with Jamaica.

If the money were an unreported gift to the PNP, that apparently would be illegal under Dutch law. And if it were payments for business deal with the then PNP general secretary, Colin Campbell, and party associate and businessman Norton Hinds, there would be questions about the services they provided.

THE BENEFIT OF TRAFIGURA

In the event, all of this happened before Jamaica passed legislation requiring political parties to report political contributions, so there has been no suggestions that the PNP breached any rules. Nor has anyone claimed that either Messrs Campbell or Hinds, or the PNP's president, Portia Simpson, who the Dutch wants witness statements from, engaged in corrupt behaviour, in breach of Jamaican laws, to the benefit of Trafigura.

What primarily is at issue now is a judge's insistence that the examination of the PNP officials should be in open court, rather than the privacy of chambers, when they are not on trial or

accused of a crime. That is a matter to be resolved by appeal judges, based, in part, we suspect, on an interpretation of Section 19 (1) of the mutual assistance law that such examinations, subject to the provision of that act, should be "in accordance with relevant laws in force in Jamaica and the procedures applicable under those laws".

Whatever the ruling of the Court of Appeal, it would be useful, we believe, for the PNP to declare if it got the money from Trafigura, why and for what it was used. A gift of that size will, as soon as the party and campaign financing laws come into force, have to be reported to the Electoral Commission and be made public. Coming clean on this issue doesn't prevent the party from proceeding with its case in the courts.

Auditor General Raises Concern About Legal Costs Racked Up By FCJ

The Gleaner

Auditor General Pamela Monroe Ellis has raised a red flag over several issues involving the Factories Corporation of Jamaica, which, over the period March 2011 to December 2015, spent tens of millions of dollars on legal services when an in-house attorney could have done the job.

In a Regulatory Audit and Financial Statements Assessments of the Factories Corporation of Jamaica (FCJ), the Auditor General's Department indicated that the FCJ engaged attorneys to provide conveyance services instead of using an attorney employed to the corporation.

Monroe Ellis reported that based on the FCJ's salary scale, her department estimated that its legal costs for emoluments would have been about \$26.9 million for the period March 2011 to December 2015 had the corporation used an in-house legal officer at the current salary level.

However, the auditor general pointed out that in one instance, the FCJ incurred legal fees of \$48.9 million because the entity paid two separate firms of attorneys in relation to the same transaction.

It was revealed that the FCJ engaged two board members to provide conveyance services for the purchase of 200 acres of land valued at \$900 million from the Urban Development Corporation.

"The lawyers charged and were paid legal fees totalling \$26.4 million. FCJ terminated the services of both board members in September 2012 after the sale agreement was stamped and the letter of possession received," Monroe Ellis reported.

It was further highlighted that the FCJ engaged another attorney in December 2014 to complete the same transaction for \$22.5 million. Monroe Ellis added that in both instances, the lawyers charged two and a half per cent of the sale price of \$900 million.

The auditor general noted that the vendor, which was the UDC, utilised its own internal legal team for the transaction.

She pointed out that the post of legal officer in the FCJ's organisation structure has been vacant since January 2013.

In its response on April 29, 2016, the FCJ told the auditor general that the corporation received legal advice and opted not to use a staff attorney as he or she "cannot give an undertaking in a conveyance matter unless they are in possession of the funds".

The FCJ added: "This would also be contravening the ethics of the governing profession. Government guidelines do not allow staff to be in possession of public funds."

However, the FCJ did not furnish evidence of the legal advice it received to the auditor general.

The auditor general's report was tabled in Gordon House yesterday.

OCG cites breaches in sale of Gov't vehicle to former Lucea mayor

'Haughton in more pickle'

The Observer



Former Lucea Mayor Shernet Haughton
FORMER Lucea mayor Shernet Haughton is again caught in controversy after the Office of the Contractor General uncovered what it said were breaches concerning the sale of a Government-owned motor vehicle to her.

The OCG said it found that the 2009 Land Cruiser Prado — which was assigned to Haughton in March 2012 when she became mayor and chair of the parish council — was sold to her in 2014 for \$2.2 million at a time when she was ineligible to submit a bid for the vehicle.

According to the OCG, the parish council received two valuations for the vehicle for \$950,000 and \$3,150,000, respectively from the Ministry of Finance and Planning Board of Survey Unit, and an independent valuator. The recommended sale price of the vehicle was \$2,050,000.

In its 108-page report tabled in Parliament on Tuesday, the OCG outlined that Haughton was only employed to the Hanover Parish Council as mayor and chairperson for two years, from March 2012 to August 2014, and thus did “not meet the requirement of three years as stipulated by the Revised Comprehensive Motor Vehicle Policy for the Public Sector”.

The OCG also took issue with the copy of the “referenced” policy that was provided by the

parish council, noting that it “excluded the provision that makes it mandatory for Ms Haughton to have been assigned the motor vehicle in her capacity as mayor for at least three years”.

“The OCG is of the opinion that the action of the Hanover Parish Council in this regard, is bridled with suspicion and can be interpreted, at best, as an attempt to mislead or feign ignorance. Moreso, the stated policy is made available by the Ministry of Finance and Planning and consequently in divesting or disposing of the Government asset, the parish council ought to be acquainted themselves with, and abide by all relevant policies, guidelines and legislation,” the OCG said.

Additionally, the OCG said that the method used to dispose of the vehicle “exhibited impropriety and irregularity on the part of the principal accountable officer” who was identified as the then secretary manager.

The OCG said the vehicle was sold by way of a closed auction, but only made available to the council’s employees. It said that such an auction should be open to all Government employees as stipulated by the policy.

“By removing the possibility of all Government employees participating in the referenced auction, the OCG questions the extent to which the process could be deemed to be competitive, fair and impartial,” the OCG said.

“The process which was employed demonstrated a disregard for the applicable policy and guidelines in the process of disposal, and the naming of Ms Haughton as the successful bidder was impartial and without merit. The failure to determine whether all committees should approve the sale is a question that should be answered,” the OCG added.

In the meantime, the OCG outlined what is said were other irregularities, including a flawed inspection process, and significant disparities between the council’s assessment of the vehicle and that conducted by an independent valuator.

The report comes on the heels of another alleging incidents of gross impropriety, favouritism, and other breaches involving the awarding of government contracts by Hanover councillors. Last year, Haughton was forced to resign as mayor after similar allegations were levelled against her. She is now before the courts on charges of misconduct in a public office and breaches of the public sector procurement regulations of 2008.

Flippa's lawyer vows to appeal

BY BRIAN BONITTO Associate Editor — Auto and Entertainment

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Flippa Mafia

MIKE Farrell, attorney-at-law for embattled dancehall deejay Flippa Mafia, vows to appeal his client's 25-year conviction when he returns to court in September.

In an exclusive interview with the Jamaica Observer, the top-flight Philadelphia defence attorney said the court made several missteps, which will form the grounds of his appeal.

“We were disappointed at the severity of the sentence. All he's guilty of is being loyal and faithful in the support of his family,” Farrell told the Observer yesterday.

“We're appealing the entire trial as they (the court) made several legal errors,” he continued.

After a three-year legal battle, Flippa Mafia (given name Andrew K Davis) was found guilty of first-degree distribution of cocaine, second-degree money laundering and second-degree conspiracy. He was sentenced to 25 years in the Camden Superior Court in New Jersey, last Friday.

The 37-year-old entertainer will have to serve 12 years before being eligible for parole. He was also ordered to pay a US\$250,000 anti-money laundering profiteering penalty.

Prosecutors are also seeking a retrial on the charge of leading a narcotics trafficking network, which carries a maximum sentence of life in prison.

“That would amount double jeopardy,” said Farrell. “We have a September date for status appeal as well as the retrial.”

In legal parlance, double jeopardy is prosecuting a person twice for the same offence.

The deejay’s brothers — Kemar and Roger Davis — were sentenced in March to 20 and 10 years, respectively.

According to court documents, the deejay ran an international drug ring that used the United States Mail and other delivery services to ship cocaine from California to New Jersey. More than 26 kilos of cocaine and over US\$500,000 in cash were seized from the network.

Also known as the Flossing King and Flippa Moggela, the entertainer was known for hurling hundreds of dollar notes into the audience during his performances. He appeared in the 2002 movie *Shottas* and his better known songs include *Unfinished House* and *Hear Mi Hear*.

Corey Todd to go on trial for alleged assault



Corey Todd

KINGSTON, Jamaica - Businessman Corey Todd is set to stand trial on August 22 in connection with an alleged altercation with

dancehall artiste Devin Di Dakta earlier this year at one of Todd's nightclubs.

Todd was reportedly pointed out during an identification parade.

He is facing charges of malicious destruction of property and assault occasioning bodily harm.

It is alleged that in January, Devin Di Dakta was taken to the parking lot of the nightclub and beaten by several members of Todd's security because of a song done by the artiste and perceived to be disrespectful to Todd.

Manchester Couple Charged With Illegal Possession Of Firearm, Ammo

A Manchester couple has been charged with illegal possession of firearm and ammunition following a seizure at their home in Spring Ground district in the parish today.

Charged are 23-year-old Orlando Boucher and his 18-year-old girlfriend Chevanese Swaby.

Reports from the Christiana Police are that between 1 a.m. and 5 a.m. a team conducted an operation in the community where the home of the couple was searched and a homemade firearm along with one 9mm cartridge was seized.

Boucher and Swaby are scheduled to appear in the Manchester Parish Court on Thursday, June 16.

The End