

## Prioritise Rollout Of National Restorative Justice Programme

The Gleaner



Carla Maria Gullotta

Restorative justice is a model of dispute resolution that is reaping much success in the pilot communities in which it has been implemented. When citizens are provided with alternative avenues to discuss and resolve grievances, the pressure that is normally placed on the courts and

penal systems is significantly reduced.

Restorative justice allows conflicts to be diffused even before they escalate to a violent stage. This alternative is a proactive approach to justice and cuts down the number of cases that will have to go before the courts and also the number of persons who are sentenced to prison.

While it remains difficult to put an exact figure to the savings that accrue to Government through restorative justice, having one less mouth to feed in prison and one less case to clear in the courts is a tremendous benefit to the country.

This is why Stand Up for Jamaica (SUFJ) is appealing to the newly-appointed Minister of National Security, Robert Montague, to fast track the rollout of a national restorative justice programme along with the attendant legislation.

Work had already begun in this regard and should now be prioritised by the new security minister. We know that many things will compete for the minister's attention as he tries to bring Jamaica's crime under control and we highly recommend a national restorative justice programme as one initiative that can aid him in this regard.

SUFJ's work in the island's correctional facilities has been advanced by use of the principles of restorative justice. A large part of the rehabilitation of inmates, through the various SUFJ programmes, is providing them with sustainable tools for conflict-resolution.

SUFJ has partnered with the Restorative Justice Unit within the Ministry of Justice to sensitise inmates about restorative justice. In fact, some of them have actually indicated strong interest in going through the process.

SUFJ remains committed to the rehabilitation of inmates and views restorative justice as a viable path for their reintegration into the society. Restorative justice bridges the gap between inmates and their victims and can serve as a bulwark against recidivism. It is through restorative justice that the problem of overcrowded prisons can be addressed over a long-term basis as it helps in keeping people out of prison and advances the exit of inmates from correctional facilities.

Keeping petty offences out of the courts will mean that less Jamaicans will end up with a criminal record. The impact of this can be compared to that envisioned by the amendments made to the Dangerous Drugs Act, which makes possession of two ounces or less of marijuana a non-arrestable, ticketable offence, which attracts no criminal record.

As Jamaica faces a new chapter of hope with the transition to a new Government, we must redouble our efforts to use restorative justice as a tool to plant the seeds of a more forgiving and caring society. In doing so we will be creating an environment where reasoned discussion and conflict resolution becomes the norm and the elements of the society which breeds criminality can be effectively countered.

If we empower people to solve conflicts amicably through the tools of restorative justice we will undoubtedly keep more citizens out of prison and in so doing create a more humane society.

- **Carla Maria Gullotta is Italian Consulate to Jamaica and Executive Director of SUFJ, a human rights group that carries out rehabilitation work with inmates in the island's correctional facilities. Email feedback to [columns@gleanerjm.com](mailto:columns@gleanerjm.com)**

## **Lawyer Files For Injunction To Stop Magisterial Recount**

The Gleaner

[Adrian Frater](#)

Western Bureau:

Hugh Wildman, the attorney representing the Jamaica Labour Party's (JLP) Homer Davis in the magisterial recount of ballots cast in Southern St James in the recent general election, has filed for an injunction in the Supreme Court, citing grave jurisdictional errors on the part of Presiding Magistrate Ann-Marie Granger.

"It is my firm belief that the magistrate, in counting the ballots, especially PD (polling division) 31, committed grave jurisdictional errors. She ought not to have counted those ballots, and pursuant to that error, I have just served a copy of an application which will be heard (today) at 11 a.m., seeking to stay the magisterial recount," Wildman told the media at the end of yesterday's third day of counting.

### **ACTION TAKEN**

"I have actually taken out action against the magistrate to prevent her from continuing the count until this matter is determined in the Supreme Court."

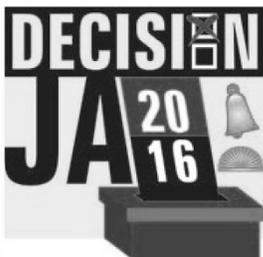
The magisterial recount was initiated by Davis after the People's National Party's (PNP) Derrick Kellier was declared the winner at the end of the preliminary count, which followed the February 25 election. The National Democratic Movement's Ras Astor Black and the Marcus Garvey Progressive Party's Joseph Hilton also contested the seat.

Wildman's court action stems from the court's rejection of his application to exclude ballots that did not have the presiding officer's initials or the polling date on them. In denying his request, the attorney is contending that the magistrate overstepped her jurisdiction by allowing the disputed ballots.

However, in explaining her decision to reject Wildman's request, Granger said she was satisfied that the disputed ballots were properly supplied by the presiding officer.

## **Supreme Court dismisses JLP's application, Kellier declared winner at recount**

The Gleaner



KINGSTON, Jamaica – The Supreme Court has just dismissed the application brought by Jamaica Labour Party lawyers headed by Hugh Wildman representing candidate Homer Davis in the St James Southern constituency, not to accept ballots at the magisterial recount because the date of the election and the presiding officer's initials were not present.

Attorney K D Knight who represented the People's National Party's candidate Derrick Kellier said after the decision was made by the Court that the application "lacked substance and merit and was simply out of place at the Supreme Court."

Wildman said the matter took a turn when news reached the Court that Kellier had been declared the winner in the magisterial recount.

Kellier was declared the official winner of the seat after the official magisterial recount by 62 votes polling 6,278 to Davis' 6,216.

**Tanesha Mundle**

## **PNP's Derrick Kellier Declared St James Southern Magisterial Recount Winner**

The Gleaner



[File Photo](#)

Following four days of counting, Kellier amassed 6,269 votes to the 6,216 received by the JLP's Homer Davis.

The People's National Party (PNP's) Derrick Kellier has been declared the winner of the St James Southern magisterial recount by a 53-vote majority. Following four days of counting, Kellier amassed 6,269 votes to the 6,216 received by the Jamaica Labour Party's (JLP) Homer Davis.

While the recount was underway, lawyers representing Davis were enroute to the Supreme Court to seek an injunction to block the continuation of the count.

The JLP candidate is contending that several ballots from one polling division should not have been accepted by the resident magistrate because they did not bear the signature of the presiding officer or the date of the poll.

Hugh Wildman, the attorney for Davis made this submission to Resident Magistrate Ann-Marie Granger.

However, she dismissed it.

Wildman then made the application in the Supreme court to have the recount halted.



## Double Defeat For JLP's Davis

The Gleaner



[Adrian Frater](#)

The PNP's Derrick Kellier, with supporters after he was announced the winner of the St James Southern constituency following a magisterial recount.

The Jamaica Labour Party's Homer Davis suffered two defeats within minutes of each other yesterday, as the Supreme Court in Kingston first refused an application for an injunction to stop the magisterial recount of votes cast in the St James Southern constituency before a magistrate ruled that he had lost the election.

As was the case on election night when he was declared the winner, the People's National Party's (PNP) Derrick Kellier emerged as the winner of the seat following yesterday's conclusion of the magisterial recount, which was initiated by Davis.

"It means that the people have triumphed ... it does not mean anything personally for me ... all the people of Southern St James triumphed because the process was fair," said Kellier.

At the end of the recount, which was done under the guidance of presiding magistrate Ann-Marie Granger, the final results were Kellier 6,278 to Davis 6,217.

Meanwhile, in downtown Kingston, Supreme Court Judge David Batts, QC, dismissed the application to stop the recount.

This was to the dismay of attorney-at-law Hugh Wildman, who had taken the matter to the court. "Our application was to prevent the count from going on, but the fact that she concluded the count while we were having the matter heard seriously impacted the result," said Wildman.

But attorney-at-law K.D. Knight, who represented Kellier, scoffed at Wildman's claim as he described his colleague at the Bar as "pathologically mendacious".

"It is wrong for him to have referred to the magistrate in the way that he did. A responsible counsel at the Bar does not speak like that about magistrates or any member of the Bench," said Knight.

**- Adrian Frater and Corey Robinson contributed to this story.**

# Magistrate erred in St James South recount — JLP lawyer

The Observer



Attorneys representing the Jamaica Labour Party Tom Tavares Finson (left) and Hugh Wildman as they arrive for the magisterial recount last Wednesday.

ST JAMES, Jamaica – There is an interesting development in the St James South magisterial recount, which has led to attorney-at-law representing the Jamaica Labour Party's (JLP) Homer Davis giving an early indication that his team “has been forced to move in another direction”.

"Well, we will not tell you much at this point in time, but what I am prepared to say is that we will have to change gear and go in a different direction," Hugh Wildman, attorney representing Davis told reporters following the day's count on Thursday.

This, as during Thursday's recount, a number of ballots cast in the February 25 general election, which had no authorizing marks were accepted by the presiding Resident Magistrate, Ann-Marie Lawrence Granger despite opposition from Wildman.

The ballots in question from polling division 31 had neither the signature of the presiding officer nor a date.

During the proceeding, Wildman had argued that without the initials of the presiding officer and the date of the election, the integrity of the ballots in question was compromised.

However, Gordon Brown, lead Attorney for the People's National Party's (PNP) incumbent, Derrick Kellier, pointed out that although the initials and date of the election held were missing, the voters should not be disenfranchised, and therefore should be accepted.

The Magistrate, in her ruling after taking a break, stated that she was satisfied that the ballots in question were legitimate.

She added that the ballots had the polling division number, the names of the constituency along with the names and symbols of the four candidates who contested the elections.

However, following the count, Wildman told reporters that the magistrate had erred in her decision.

He said there was a similar case in Hanover Eastern (in the 2007 general election) contested by the JLP's Barrington Grey and the PNP's Dr DK Duncan, which supports his argument for the ballots to be rejected.

**Anthony Lewis**

## **UPDATED: Wildman Seeks Injunction Halting St James South Magisterial Recount**

The Gleaner



Wildman: It is my firm belief that the magistrate in counting the ballots, especially (those from) PD 31, committed grave jurisdictional errors.

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Adrian Frater, News Editor

WESTERN BUREAU:

Hugh Wildman, the attorney representing the Jamaica Labour Party's (JLP) Homer Davis in the magisterial recount of ballots cast in St James South is seeking a Supreme Court injunction halting the continuation of the count.

The matter is to be heard on Saturday morning at 11 o'clock.

Wildman has cited grave jurisdictional errors on the part of presiding magistrate, Ann-Marie Granger.

"It is my firm belief that the magistrate in counting the ballots, especially (those from) PD 31, committed grave jurisdictional errors. She ought not to have counted those ballots, and pursuant to that error, I have just served a copy of an application which will be heard tomorrow morning (Saturday) at 11, seeking to stay the magisterial recount," Wildman told the media at the end of today's third day of counting.

"I have actually taken out action against the magistrate to prevent her from continuing the count until this matter is determined in the Supreme Court," he said.

The magisterial recount was initiated by Davis after the People's National Party (PNP's) Derrick Kellier was declared the winner at the end of final count following the February 25 elections, which the JLP won by a razor-thin 32-31 seat margin.

The National Democratic Movement's Ras Astor Black and the Marcus Garvey Progressive Party's Joseph Hilton also contested the seat.

Wildman's court action stems from Granger's rejection of his application to exclude ballots that did not have the presiding officer's initials or the polling date on them.

The attorney is contending that the magistrate overstepped her jurisdiction by accepting the disputed ballot.

However, in explaining her decision to reject Wildman's request, RM Granger said she was satisfied that the disputed ballots were properly supplied by the presiding officer.

At the end of today's count, which saw 87 of the 106 boxes counted, the tally was as follows:

Homer Davis (JLP) – 5,105

Derrick Kellier (PNP) – 4,880

Ras Astor Black (NDM) – 33

Joseph Hilton (MGPP) – 28.

\*NOTE: Earlier, this story had incorrectly stated that Wildman had obtained the injunction. He, in fact, had only applied for it. The hearing to determine whether it is to be granted was scheduled for Saturday at 11.30 a.m.

## Chuck Wants Criminal Cases Against Cops Completed Soon



The Gleaner

- Justice Minister Delroy Chuck says the speedy completion of criminal cases involving members of the security forces is a priority for his Ministry.

Today, he met with Terrence Williams, the Commissioner of the Independent Commission of Investigations (INDECOM) and noted that the lives and careers of police personnel remain uncertain when cases against them languish in the court system.

Chuck's meeting with INDECOM came a day after bail was denied for two policemen who are charged by INDECOM with several counts of murder in the so-called Clarendon 'death squad' probe.

The lawyers representing Detective Kevin Adam and Constable Collis 'Chucky' Brown made the bail application in the Supreme Court.

Adams, who is charged for the fatal shooting of Anthony Trought is to go on trial on September 19 while the plea and case management for Brown is set for April 1.

In 2014, a total of eleven policemen were arrested and placed before the courts on several counts of murder and shooting with intent arising from incidents which investigators say were initially reported as homicides committed by civilians.

Last month INDECOM won a case against police Commissioner Dr. Carl Williams after a High Court judge ordered the Commissioner to hand over the personnel records of all the policemen charged in the case.

## **Why would a court grant an order behind someone's back?**

The Observer



**Abe Dabdoub**

Gorstew Limited, Gordon 'Butch' Stewart's holding company, is questioning why a court would grant an

order behind Stewart's back while related challenges were pending.

In a statement responding to a *Gleaner* report, Gorstew said yesterday that nowhere in papers filed on behalf of Jamaica Tour Limited by Dabdoub Dabdoub and Company was any mention made of Stewart's pending applications.

Following is the full text of the statement:

1. On March 11, 2016, an article was published on *jamaica-gleaner.com* regarding a court order obtained earlier that day regarding shares in Gorstew Limited.
2. Prior to the filing of the application by Jamaica Tour Limited's lawyers Dabdoub Dabdoub and Company, that resulted in the order, lawyers on behalf of Gordon 'Butch' Stewart, principal of Gorstew, had filed applications to the Court of Appeal and Supreme Court of Jamaica challenging previous related orders.

Nowhere in the court papers filed on behalf of Jamaica Tour Limited was there any mention of Mr Stewart's pending applications (one of which is to be heard on March 31, 2016) nor any justification for why the application which led to the order of March 11, 2016 was heard within two days of filing.

3. The article of March 11, 2016 contained several false statements which are now being taken up with *The Gleaner*. This would have been avoided if the newspaper had sought comment from Gorstew Limited and its representatives prior to publishing the article.

# Two Clarendon Cops In 'Death Squad' Case Denied Bail



The Gleaner

• Two policemen who were slapped with several murder counts for allegedly being part of a 'death squad' in Clarendon, were both denied bail this week.

Lawyers representing Detective Corporal Kevin Adams and Constable Collis 'Chuckie' Brown, were denied bail when they appeared before the Supreme Court.

Detective Adams who is charged for the fatal shooting of Anthony Trought is to go to trial on September 19 while the plea and case management for Constable Brown is set for April 1.

In 2014, a total of 11 policemen were arrested and placed before the courts on several counts of murder and shooting with intent arising from incidents which investigators say were initially reported as civilian homicides.

The investigations are being handled by the Independent Commission Of Investigations (INDECOM).

Last month INDECOM won a case against police Commissioner Dr Carl Williams after a High Court judge ordered him to hand over the personnel records of all the policemen now facing criminal charges for allegedly being part of a 'death squad' in Clarendon.

# University student conned out of \$290,000, birthday cake

Covering the courts

Tanesha Mundle

The Observer



A university student, who was conned out of a \$290,000 that he had taken out to purchase a car, held back tears as he related in the Corporate Area Resident Magistrate's Court last week how the accused had tricked him and drove away with his birthday cake and other personal items.

The young man, whose voice cracked as he spoke in court on Friday, explained that the accused, Dwayne Thompson, after collecting his money, left him hanging at the tax office after he told him to go and check if the office was crowded.

The complainant told Resident Magistrate Maxine Ellis that he met the 31-yearold electrician online where he had advertised a 1993 Honda Civic for sale.

However, the complainant said the accused had identified himself as Ricardo Barnes and after disappearing with the car and his money, blocked the complainant from calling his phone.

The complainant then went and did his own probe and tracked down the accused at his son's school and alerted the police.

The prosecutor, in outlining the allegations, said that the Thompson placed an advertisement online and was contacted by the complainant who paid over \$290,000 to him from January 4-6. The court further heard that complainant met the accused at his home on January 6 and paid him the final tranche of the money, which was part-payment for the car.

However, it was reported that Thompson told the complainant that he needed to use the car to pick up his son at his school but the complainant insisted on going with the accused as they both needed to attend the tax office.

Eventually, when they arrived at the tax office, Thompson reportedly asked the complainant to go inside and check if it was crowded and the complainant agreed and went to check, but when he returned the accused and the car were nowhere in sight.

The complainant reportedly made numerous calls to Thompson's cellular phone, but they all went answered.

The complainant, having remembered the location of Thompson's son's school, after further investigation went to the school where he saw the accused and summoned the police who made the arrest.

Thompson was subsequently charged with obtaining money by false pretence. "The complainant is out of pocket of \$290,000 and need his money or the car," the prosecutor told the magistrate after reading allegations.

However, Thompson's lawyer, Carol DaCosta, told the court that her client did not collect any money from the complainant and that the money was paid over to the owner of the car.

"The owner having exited the scene, they held onto my client," she said. The complainant then told the court that the accused had given him a receipt in the name of Ricardo Barnes and that he had given it to the police.

The complainant also told the court that he had carried out his own investigation and had found out that the accused man's correct name was Dwayne Thompson, and that he had also conned someone else out of \$70,000.

"I lost my birthday cake, my bag.... everything was in his car, " said the complainant, who had to pace his words to control his emotions.

The complainant told the court that Thompson, after he made off with the car, called and told him to meet him at Parade in downtown Kingston, but the complainant said he became suspicious and did not go.

"I actually took out a loan," the complainant said as he fought back tears. "I found out that he had five kids with three different females."

The magistrate then injected saying: "His wife already knows, but you're saying this to say that he has responsibilities and should understand that you have responsibilities too."

The distraught complainant then agreed that that was the point he was trying to make.

The magistrate then told the court that she was very concerned about the issue of identification, and told the police that they should follow up on the information that the complainant has provided and should verify Thompson's name and address before she considers bail.

"I thank the complainant for his detective work because before we had no address for him on this file," she said. Thompson was remanded and the matter was set for mention on March 17.

## Shady car deal



The Star Online

An electrician who allegedly attempted to defraud a buyer after he advertised a motor vehicle for sale and collected

part payment in January, then vanished, was nabbed earlier this month while at his son's school. The accused man, Dwayne Thompson, was dragged before the Corporate Area Resident Magistrate's Court yesterday where he did not enter a plea.

However, his attorney, Carol Dacosta, said the agreement was made between the owner of the car and the complainant, not her client.

Allegations are that between January 4 and January 6, 2016, the sum of \$290,000 was paid over as part payment on a 1993 Honda.

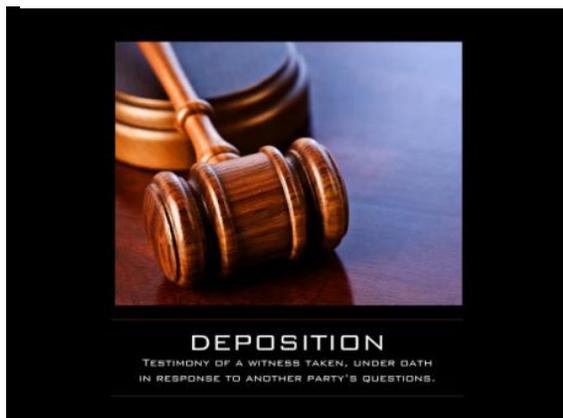
The complainant told the court that he needs back his money or the car as he acquired the funds through a loan which he is now servicing.

Thompson was remanded in custody and is to return to court March 17.

Resident Magistrate Maxine Ellis said she was not denying the accused man bail, however, insufficient information was before her for a decision to be made at this time.

## **Elderly man fined for bringing machete to police station**

The Star Online by  
SHANICE WATSON



An elderly man, who visited the Denham Town Police Station armed with a machete, escaped the maximum sentence for his offence when he appeared in the Corporate Area Resident Magistrate's Court on Monday.

The accused, Vernon Myrie, pleaded guilty to the charge of being armed with an offensive weapon in a public place.

According to the police report, Myrie visited the station to file a report, however, when he approached the officers, they observed a machete tucked in his waistband.

In court, the senior citizen sought to explain the circumstances surrounding the situation.

"I was chopping grass with the machete and some boys was stoning me, so me stop and put it in my waistband to go to the police station to report it [the incident]," Myrie said.

On hearing the explanation, Resident Magistrate Shancia Burrell was moved to issue a reduced sentence.

Instead of the maximum fine of \$5,000 or 30 days' imprisonment, Burrell ordered Myrie to pay \$1,000 or serve 10 days for his offence.

In justifying her ruling, Burrell said, "He [Vernon] went to the station to report an incident which occurred while he was using the machete, so that explains why he was there with the weapon in the first place."

## Editorial: Bats In The Tower!

The Gleaner



Recent revelations about the bat infestation that has once again brought the Ministry of Justice to a standstill, serve to demonstrate the important role of health and environmental systems in the proper management of a country's affairs.

Sickened by the noxious fumes emitted by bats that reportedly live in the elevator shaft of the NCB South Tower, the Ministry staff has been unable to effectively carry out its work. More recently, the Public Health authorities have ordered the building evacuated. Amazingly, the bat infestation problem has been plaguing the Ministry since 2014 when the offices were first shut down after staff members were forced to seek medical attention, while others found relief from wearing masks on the job.

Former Justice Minister Mark Golding has outlined the difficulties that existed between the Ministry and its landlord, AIC Jamaica Limited. He said AIC had tried to fix the problem but had failed to find a permanent solution to eliminate the infestation of bats. One reads into this some indifference by the landlords to the health risks facing the staff. Given these risks, the former administration had taken a decision to move its operations.

Once again workflow at the Ministry has been interrupted by closure and the new Justice Minister Delroy Chuck is said to be spending time in the library ahead of pending relocation to premises on Constant Spring Road.

How the landlord/tenant problems are resolved between the ministry and AIC is a matter which ought to be of concern to the public, for at the very least, rent payments should have been withheld over the landlord's non-performance. There is also the matter of compensation for the workers who were sickened. Employers have an awesome responsibility to ensure the well-being and safety of their workforce, no less is expected of Government, which is the largest employer of labour in the island.

The situation at the Ministry of Justice is a trigger to the broader issue of the control and management of Government properties and how property decisions are made. For many years there has been robust discussion about the reconciliation and consolidation of Government assets as part of the much trumpeted public-service reform. However, wanton waste, inaction and indecision continue to exist where there should be a comprehensive policy governing the acquisition and disposal of State properties.

Take the Trelawny Multi-Purpose Stadium. Reports are that this multi-million dollar world-class facility remains largely unused and is home to stray animals while the public purse is pressured to pay huge security costs on a monthly basis. This is wholly unacceptable.

As of November 2014, the National Land Agency (NLA) reported that tenants who leased lands, as well as commercial and residential properties owed the Government more than \$77 million in arrears. The Auditor-General's report for the period 2014/2015, which points to a messy affair regarding property management, stated also that 16 of 60 Government-owned residential properties were vacant and in need of repairs. These houses were generally in deplorable condition and there was no routine maintenance or repairs scheduled.

As the Andrew Holness-led administration goes about setting its economic agenda for the country, prudence demands a most rigorous examination and comprehensive review of Government real estate and assets.

The new mantra of change extends to the development and promotion of property management principles to eliminate waste and create efficiencies for the effective stewardship of State resources.

**The End**