COMMONWEALTH OF THE BAHAMAS

IN THE SUPREME COURT

CRI/CON/2020

IN THE MATTER OF The Constitution of the Commonwealth of the Bahamas

AND

IN THE MATTER OF an application by Salathiel Thompson for redress pursuant to Articles 20 (1), 20 (2) (e) and 28 of The Constitution of the Commonwealth of The Bahamas.

BETWEEN:

SALATHIEL THOMPSON

APPLICANT

AND

THE DIRECTOR OF PUBLIC PROSECUTIONS

AND

THE COMMISSIONER OF POLICE

RESPONDENT

Before: The Honourable Mr. Justice Gregory Hilton

Appearances: Alton Mckenzie for Applicant

Randolph Dames for Respondent

Hearing Dates: 30th January 2020 and 18th February 2020

DECISION

HILTON, J.,

1. The Applicant by Originating Notice of Motion dated the 16th January 2020 filed this constitutional application to the Supreme Court alleging breaches of Articles 20 (1) and 20 (2) (e) of the Constitution.

2. The relief and/or redress sought of under Article 28 of the constitution were in the following terms:

    1) A Declaration that article 20 (1) of the Bahamas Constitution which affords the Application the right to a fair hearing within a reasonable time by an independent tribunal established by Law has been infringed.

    2) A Declaration that Article 20 (2) (e) of The Bahamas Constitution which affords the Applicant the right to facilities to examine in person or by his Legal representatives the witnesses called by the prosecution before the court, and to obtain the attendance and carry out the examination of witnesses to testify on his own behalf before the court on the same conditions as those applying to witnesses called by the prosecution (has been infringed).

    3) That the proceedings in Voluntary Bill of indictment (V.B.I.) 2018/34/1; 2018/35/1; 2018/36/1; and 2018/37/1; be stayed.

3. The Grounds stated in his Notice of Motion were as follows:

a) That the present V.B.I. Informations are an abuse of the process of the court.
b) That the delay is presumptively prejudicial;
c) That a fair hearing cannot be had;
d) That the Applicant has been severely prejudiced in his defence by reason of such delay.

Background

4. On 12th May 1989 Janet Moxey made a complaint to the police that Carey's Food Store where she worked at was robbed by two gunmen whom she could not identify. This is the subject of V.B.I. 34/1/2018.

   On 17th August 1989 William Estime made a complaint that he was robbed by several gunmen and the voice of one of the gunmen appeared to sound like the voice of the Applicant. This is the subject of V.B.I. 35/1/2018. Mr. Estime has now been deceased since 2010.

   On 4th August 1989 Kieth Lightbourne made a compliant that he was robbed by two masked gunmen whom he could not identify. This is the subject of V.B.I. 36/1/2018.

   On 4th July 1989 5 persons made complaints that they were robbed while at Coral Harbour Restaurant by three masked gunmen whom they could not identify. This is the subject of V.B.I. 37/1/2018.

5. On 25th September 1990 the Applicant was arrested by Federal Bureau of Investigation (F.B.I.) Agents in Miami Florida United States of America around 12 noon in respect of serious offences committed in the United States.

   The Applicant was cautioned interviewed and questioned by a Bahamian Police Sargent 1040 Rory Saunders the same day on the 25th September 1990 (while the Applicant was in the custody of U.S. F.B.I. Agents) and allegedly made oral confessions to each of the charges the subject if the V.B.I.s listed in paragraph 4 above.

The interviews allegedly occurred between 1:33 p.m. to 2:10 p.m. on 25th September 1990 and were not signed by the Applicant.

6. The Applicant was subsequently tried in the United States of America for serious firearm, explosives and armed robbery matters and convicted in 1991 and sentenced to 30 years in prison. In 1993, after all of his appeals challenging his conviction were dismissed, the Applicant formally requested that he be allowed a transfer to serve the remaining years of his sentence in the Bahamas; and so that he could deal with any charges which might be alleged against him in The Bahamas.

   The Applicant's request for transfer to The Bahamas under the Bahamas Transfer of Offenders Act 1992 and The European Convention on the Transfer of Sentenced Persons (to which both the Bahamas and the United States of America are signatories) was denied five times by the United States Department of Justice the last denial being in 2015.

7. While the United States Department of Justice had reasons specified in their denial letters, it had always been requested by them (for their consideration) whether The Bahamas had any criminal charges or warrants outstanding against the Applicant which would be taken into consideration in their determination whether or not to grant the Transfer.

   And, it was documented by the Bahamas Consulate General Office in The United States, that from 2004 the Applicant had no outstanding criminal charges or warrants against him in The Bahamas.

8. On 9th January 2018 the Applicant was repatriated to the Bahamas after having served 28 years (of a 30 year sentence) in prison for offences committed in The United States of America in 1990.

On his return to The Bahamas the Applicant was transferred into custody of Officers of the Central Detective Unit (C.D.U.) and remained in the custody of Bahamian Police until 12th January 2018 when he was charged for the four sets of Armed Robbery offences the subject of the V.B.I. Informations and taken before a MagistrateCourt and remanded to the Bahamas Departments of Corrections pending the production of the V.B.I. for the four sets of Armed Robbery charges.

9. On his arraignment in the Supreme Court (High Court) he was given trial dates in March, May, July and September 2020 for the respective V.B.I. Informations to be tried.

The Applicant was granted bail by the Supreme Court in April 2018 and the V.B.I. Informations were given a date of 30th January 2020 for case management.

On 30th January 2020 counsel for the Applicant presented the Notice of Motion seeking a Stay of Proceedings.

THE APPLICANT'S CASE

10. The Applicant claims that as result of the exceptionally long delay from the alleged commission of the offences in 1989 (and his being questioned and interviewed by the police in respect of the alleged offences in 1990) to his trials in 2020 – his constitutional rights under Article 20 (1) to a fair hearing within a reasonable time has been breached.

The Applicant also claims that he will be prejudiced in presenting his defence as a result of the long delay as it is impossible (at this late stage) to produce evidence of alibi or witnesses in support of alibi in his defence; And also, as the complainant in one of the V.B.I. Information is dead, he will be deprived of his constitutional right to cross – examine that witness under Article 20 (2) (e).

The Applicant claims, in any event, that as a result of the long delay he cannot receive a fair trial and it would be unfair to try himand seeks redress under Article 28 of the Constitution for trials to be stayed.

THE RESPONDENT'S CASE

11. The Respondent submits that there has been no unreasonable delay as the Applicant was only charged with the various offences in January 2018 and his trials for each of the offences are set for diverse dates in 2020.

The Respondent submits that, notwithstanding the time between the alleged commission of the offences in 1989 to trials in 2020, the Applicant can still receive a fair trial and, as the Applicant was out of the jurisdiction for nearly 30 years serving a Lawful sentence in the United States of America, he could not be tried before now.

The Respondent submits that because of the serious Armed Robbery offences with which the Applicant is charged the public interests would not be served if the prosecution was stayed.

THE CONSTITUTION

12. Article 20 (1) provides:

> "20 (1) If any person is charged with a criminal offence, then, unless the charge is withdrawn, the case shall be afforded a fair hearing within a reasonable time by an independent and impartial court established by Law."

Article 20 (2) (e) provides:

"20 (2) Every person who is charged with a criminal offence –

(a).....
(b) .....
(c) .....
(d).....
(e) shall be afforded facilities to examine in person or by legal representative the witnesses called, by the prosecution and to obtain the attendance and carry out the examination of witnesses to testify on his behalf before the court on the same condition as those applying to witnesses called by the prosecution;
(f) .....
(g).....
and except with his own consent the trial shall not take place in his absence unless he so conducts himself in the court as to render the continuance of the proceedings in his presence impracticable and the court has ordered him to be removed and the trial to proceed in his absence."

Article 28 (1) and (2) provides:

"28 (1)If any person alleges that any of the provisions of Articles 16 to 27 (inclusive) of this Constitution has been, is being or is likely to be contravened in relation to him then, without prejudice to any other action with respect to the same matter which is lawfully available, that person may apply to the Supreme Court for redress.

(2) The Supreme Court shall have original jurisdiction

(a) to hear and determine any application made by any person in pursuance of paragraph (1) of this Article; and

(b) to determine any questions arising in the case of any person which is referred to it in pursuance of paragraph (3) of this Article,

and may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing or securing the enforcement of any of the provisions of the said Articles 16 to 27 (inclusive) to the protection of which the person concerned is entitled."

THE ISSUES

13. A. Whether the Applicants right to a trial within a reasonable timehas been breached.

B. Whether (regardless of the determination of issue "A") the Applicant can receive a fair trial.

C. Whether the unavailability of a witness (who is now dead) deprives the Applicant of his constitutional right to cross – examine that witness and whether this militates against a fair trial.

14. I have deemed it appropriate to deal with issue "C" first as I find it can be easily disposed of.

In the Bahamas criminal trials are sometimes conducted in circumstances where witnesses are not cross – examined

where they are not available to give viva voce evidence. Under the Evidence Act section 66 a statement by a person who is now dead is allowable into evidence without the defendant having an opportunity to cross – examine that witness. So too, in an appropriate case, where certain conditions are met, written statements of persons who are too ill or cannot be located are allowed to be entered into evidence without the witnesses being cross – examined subject to discretion of the trial judge.

Challenges to the constitutionality of these provisions as being a breach of Article 20 (2) (e) of The Constitution were shot down in Grant v. The Queen [2006] 2 WLR 835 where the Privy Council hearing an appeal from the decision of the Jamaican Court of Appeal held that the provisions of s. 23 I.D. of the Jamaica Evidence Act (the equivalent of s. 66 of The Bahamas Evidence Act) were not unconstitutional and did not infringe the appellant's right to cross – examination under section 20 (6) (d) of the Jamaican Constitution (which is worded in the same terms as Article 20 (2) (e) of The Bahamas Constitution). Consequently written statements of certain categories of witnesses were allowable into evidence, subject to the judge's discretion, without the witness being subject to cross – examination.

I am firmly of the view that the unavailability of a witness, who is now dead, to be cross – examined by the Applicant in one of the instant cases (should the trial proceed) would not infringe Article 20 (2) (e) of The Constitution; nor ordinarily result in the trial being unfair.

15. With respect to issue "A" – Whether the Applicant's trial within a reasonable time has been breached – The Applicant and the Respondent have different positions as to when the calculation of commencement of time began to run.

The Applicant contends that the calculation of time should commence from when the Applicant was interviewed under caution by the police in September 1990; a period approaching 30 years.

The Respondent contends that the calculation of time should commence from when the Applicant was "charged" by the police in January 2018; a period just over 2 years.

16. If the contention of the Applicant is correct, the passage of 30 years prior to trial is presumptively prejudicial and would clearly be a breach of the reasonable time guarantee in Article 20 (1). If the contention of the Respondent is correct, the period of two years would not, in my view, be a breach of the reasonable time guarantee.

17. With respect to this issue I have found two case instructive. The first case is Darmalingum v. The State of Mauritius [2000] 1 WLR 2303 (the facts of which are somewhat similar in calculating the commencement of computation of time).

In that case the Defendant was arrested in December 1985 on Forgery charges and interviewed by police. Nothing further occurred until January 1992 when an Information containing 20 counts was served on him. In May 1992 his application to have the Information Stayed, on the grounds or delay, was dismissed and he was tried and convicted in May 1993. His appeal against conviction on grounds of pre-trial delay was dismissed by the Supreme Court in July 1998 and on his appeal to the Privy Counsel his appeal was allowed and his conviction quashed on the grounds of delay (which included both pre-trial and appellant proceedings delay).

Lord Steyn giving the decision of the Privy Counsel when dealing with the issue of pre-trial delay at page 2308 had this to say:

"In considering the period of pre-trial delay the Supreme Court felt compelled to approach the matter on the basis that the relevant period started when the Solicitor – General decided to prosecute. It was common ground on the present appeal, and rightly so, that the relevant period would have commenced on the arrest of the defendant:
.....

.....

In the result it is necessary to consider a delay of six years and nine months between the arrest of the Defendant in December 1985 and ruling of the Intermediate Court on this point in June 1992....."

18. The second case is Attorney General's Refence No. 2 of 2001 [2003] UKHL 68 where Lord Bingham stated at paragraphs 26-28:

26. The requirement that a criminal charge be heard within a reasonable time poses the inevitable questions: when, for purposes of Article 6 (1), does a person become subject to a criminal charge? When, in other words, does the reasonable time begin? In seeking to give an autonomous definition of "criminal charge" for Convention purposes the European Court has had to confront the problem that procedural regimes vary widely in different member states and a specific rule appropriate in one might be quite inappropriate in another. Mindful of this problem, but doubtless seeking some

uniformity of outcome in different member states, the Court has drawn on earlier authority to formulate a test in general terms. It is found in paragraph 73 of the Court's judgement in *Eckle v Federal Republic of Germany (1982) 5 EHRR 1, 27* (footnotes omiited):

"1. Commencement of the period to be taken into account

73. In criminal matters, the 'reasonable time' referred to in Article 6 (1), begins to run as soon as person is 'charge'; this may occur on a date prior to the case coming before the trial court, such as the date of arrest, the date when the person concerned was officially notified that he would be prosecuted or the date when preliminary investigations were opened. 'Charge', for the purposes of Articles 6 (1), may be defined as 'the official notification given to an individual by the competent authority of an allegation that he has committed a criminal offence', a definition that also corresponds to the test whether 'the situation of the [suspect] has been substantially affected."*[Deweer v Belguim (1980) 2 EHRR 439 459, para 46]*

27. As a general rule, the relevant period will begin at the earliest time at which a person is officially alerted to the likelihood of criminal proceedings against him. This formulation gives effect to the Strasbourg jurisprudence

but may (it is hoped) prove easier to apply in this country. In applying it, regard must be had to the purposes of the reasonable time requirement: to ensure that criminal proceedings, once initiated, are prosecuted without undue delay; and to preserve defendants from trauma of awaiting trial for inordinate periods. The Court of Appeal correctly held (at p 1872, para 10 of its judgement) that the period will ordinarily begin when a defendant is formally charged or served with a summons, but it wisely forbore (pp 1872-1873, paras 11-13) to lay down any inflexible rule.

28. The interviewing of a person for purposes of a regulatory inquiry in England and Wales will not meet the test laid down above: *Fayed v United Kingdom (1994) 18 EHRR 393, 427-428, para 61; IJL, GMR and AKP v United Kingdom (2000) 33 EHRR 225, 258-259,* para 131. Nor,ordinarily, will time begin to run until after a suspect has been interviewed under caution, since Code C made under section 66 of the Police and Criminal Evidence Act 1984 generally requires the charging process to be set in train once an interviewing officer considers that there is sufficient evidence to prosecute a detained person and that there is sufficient evidence for a prosecution to succeed. In *Howarth v. United Kingdom (2000) 31 EHRR 861* the European Court held that the period had begun with the first police interview of the defendant, but only 4 ½ months separated that interview from the

> charge and attention was largely focused (p 865, para 20) on the passage of time between sentence and final determination of a reference by the Attorney General under section 36 of the Criminal Justice Act 1988. Arrest will not ordinarily mark the beginning of the period. An official indication that a person will be reported with a view to prosecution may, depending on all circumstances, do so."

19. Having regard to the particular facts of the instant case, I am of the view that, when the Applicant was interviewed under caution in 1990, that date would constitute thecommencement of the computation of time guarantee, as that would have been an official notification to him that a prosecution was being considered against him.

Notwithstanding the fact that the Applicant was out of the jurisdiction serving a sentence in the United States America from 1990 to 2018, I am fortified in my view by the fact that no further investigations or gathering of statements or evidence by the police were done or deemed necessary prior to formally having the Applicant arraigned in the Magistrate Court in January 2018.

20. However, that is not the end of the matter on this issue. Lord Bingham of Cornhill sitting in the House of Lords in Dyer v. Watson [2004] 1 A.C. 379 at paragraphs 52-55 set out a number of propositions on which the reasonableness of time within which to complete the hearing of a criminal case are to be considered. These are:

> "52. In any case in which it is said that the reasonable time requirement (to which I will henceforward confine myself) has been or will be violated, the first step is to consider the period of time which has

elapsed. Unless that period is one which, on its face and without more, gives grounds for real concern it is almost certainly unnecessary to go further, since the Convention is directed not to departures from the ideal but to infringements of basic human rights. The threshold of proving a breach of the reasonable time requirement is high one, not easily crossed. But if the period which has elapsed is one which, on its face and without more, gives ground for real concern, two consequences follow. First, it is necessary for the court to look into the detailed facts and circumstances of the particular case. The Strasbourg case law shows very clearly that the outcome is closely dependent on the facts each of case. Secondly, it is necessary for the contracting state to explain and justify any lapse of time which appears to be excessive.

53. The court has identified three areas as calling for particular inquiry. The first of these is the complexity of the case. It is recognized, realistically enough, that the more complex a case, the greater the number of witnesses, the heavier the burden of documentation, the longer the time which must necessarily be taken to prepare it adequately for trial and for any appellate hearings. But with any case, however complex, there comes a time when the passage of time becomes excessive and unacceptable.

54. The second matter of which the court has routinely paid regard is the conduct of the defendant. In almost any fair and developed legal system it is possible for a recalcitrant defendant to cause delay by making spurious applications and challenges,

changing legal advisers, absenting himself, exploiting procedural technicalities, and so on. A defendant cannot properly complain of delay of which he is the author. But procedural time wasting on his part does not entitle the prosecuting authorities themselves to waste time unnecessarily and excessively.

55. The third matter routinely and carefully considered by the court is the manner in which the case has been dealt with by the administrative and judicial authorities. It is plain that contracting states cannot blame unacceptable delays on a general want of prosecutors or judges or courthouses or on chronic under-funding of the legal system. It is, generally speaking, incumbent on contracting states so to organise their Legal Systems as to ensure that the reasonable time requirement is honoured. But nothing in the Convention jurisprudence requires courts to shut their eyes to the practical realities of litigious life even in a reasonably well organised legal system. Thus it is not objectionable for a prosecutor to deal with cases accordingly to what he reasonably regards as their priority, so as to achieve an orderly dispatch of business. It must be accepted that a prosecutor cannot ordinarily devote his whole time and attention to a single case. Courts are entitled to draw up their lists of cases for trial some time in advance. It may be necessary to await the availability of a judge possessing a special expertise, or the availability of a courthouse with special facilities or security. Plans may be disrupted by unexpected illness. The pressure on a court may be increased by a sudden and unforeseen surge of business. There is no general obligation on a prosecutor, such as that imposed on a prosecutor

seeking to extend a custody time limit under section 22 (3) (b) of the Prosecution of Offences Act 1985, to show that he has acted "with all due diligence and expedition." But a marked lack of expedition, if unjustified, will point towards a breach of the reasonable time requirement, and the authorities make clear that while, for purposes of the reasonable time requirement, time runs from the date when the defendant is charged, the passage of any considerable period of time before charge may call for greater than normal expedition thereafter."

21. A. With respect to the complexity of the case; The present Informations relate to serious, but ordinarily, Armed Robbery cases with very few witnesses. No real complexity is involved.

B. With respect to the conduct of the Applicant, it is not disputed that he was incarcerated in the United States from 1990 to 2018 and had applied to be returned to The Bahamas a early as 1993 to face any possible criminal matters he may have had in The Bahamas. There was nothing more that he could do.

C. With respect to the actions of the administrative and judicial authorities. Equally they were not to be blamed for the Applicant being out of the jurisdiction. However, the affidavit of the Applicant discloses that the Bahamas Consular Offices in The United States were advised in writing by the Bahamas Police Force that the Applicant had no pending charges or warrants outstanding against him from as early as2004; And they, in turn, forwarded this information to the United States Department of Justice who were considering

whether or not to accede to the Applicant's request to be transferred to TheBahamas to serve the remainder of his sentence in The Bahamas.
It is unknown whether the request for transfer would have been approved had the United States authorities been provided with the correct information; And the blame for this rests squarely at the feet of the Respondent.

22. Added to this is the circumstances that no attempts were made to arraign the Applicant or indeed to try him (prior to 2018) by way of video link hearings or try him (with his consent) in his absence under Article 20 (2) (g) of the Constitution when the Respondent clearly knew where he was being held in custody.

23. In this regard I find what was said by Blackman J.A. in Farquharson v. A.G. Bahamas S.C.Cr.App. No. 16 of 2011 to be apt in this case. He stated at paragraph 40:

> "40. The following observations by Lord Bingham in the two seminal cases on the issue of delay are reproduced as they are relevant to the instant matter.In Attorney General's Reference (No 2 of 2001) [2004] 2 A.C. 72 at paragraph 20 he stated: 'Time once spent cannot he recovered'. And in Dyer v. Watson [2004] 1 A.C. 379 he stated: 'There comes a time when the passage of time becomes excessive and unacceptable.' In my view, in the instant case, that time has come."

24. As stated earlier, the passage of 30 years is excessive and presumptivelyprejudicial and a court would be hard pressed to determine that the prosecutions should not be stayed.

Before dealing with what should be the appropriate remedy for breach of the reasonable time guarantee in the circumstances of this case (which I find to be an exceptional case) it is wise I think to consider what the Privy Council's recent position has been when considering the remedy for breach of the reasonable time guarantee. In Prakash Boolell v. the state of Mauritius [2006] UKPC 46 at paragraph 32 Lord Carswell stated:

> "32. Their Lordships accordingly consider that the following proposition should be regarded as correct in the Law of Mauritius:
>
> (i) If a criminal case is not heard and completed within a reasonable time, that will of itself constitute a breach of section 10 (1) of the Constitution, whether or not the defendant has been prejudiced by the delay.
>
> (ii) An Appropriate remedy should be afforded for such breach, but the hearing should not be stayed or a conviction quashed on account of delay alone unless (a) the hearing was unfair or (b) it was unfair to try the defendant at all."

Accordingly at this juncture, I will deal with "Issue B" – whether or not, in the circumstances, the Applicant can receive fair trial.

25. The Applicant has submitted that he cannot receive a fair trial some 30 years after the allegations and, as he avers in his affidavit, he cannot legitimately mount adefence as it is now impossible to adduce evidence of alibi in his defence nor produce witnesses in support of any alibi. Remembering where he was and whom he was with on specific dates in 1989 is an

impossibletask in 2020; And to conduct a trial where he would be deprived (due to excessive delay) of the ability to mount a defence would be manifestly unfair.

26. The Respondent has submitted that notwithstanding the length of time between the alleged commission of the offences and the present trial dates, the Applicant can still receive a fair trial as the powers of the trial judge in overseeing the proceedings and the trial process itself would be able to provide ample protection to ensure that the trial of the Applicant would be fair.

27. I am guided by the principle that the overriding duty of a trial Judge is to ensure fairness in trials over which he or she presides. As Lord Lane C.J. stated in R.v. Quinn [1990] Crim L.R. 58:

> "The function of the judge is therefore to protect the fairness of the proceedings, and normally proceedings are fair if a jury hears all relevant evidence which either side wishes to place before it; But proceedings may become unfair if, for example, one side is allowed to adduce evidence which, for one reason or another, the other side cannot properly challenge or meet."

28. The circumstances of what may detract from a fair trial after long delay was considered in the case of Telford Justices Ex ParteBadham [1991] WLR 866.

In that case in October 1988 the defendant was charged with having raped an 11 year old girl on a date unknown some 16 years earlier. The Complaint was made in September 1988. In May 1989 the defendant challenged the prosecution on the ground of unreasonable delay as being an abuse of the process of the court. The Justices refused his application and on appeal

to the Court of Appeal, on the ground that the delay was unconscionable, inordinate and oppressive and that he could not have a fair trial for reasons which were no fault of his own, the Court of Appeal held that the trial should not proceed as to do so would be an abuse of process for the prosecution to be brought so long afterthe commission of the alleged offence and that it was no longer possible for the accused to have a fair trial irrespective of whether the prosecution wasto blame for the elapse of time. That, in all the circumstances, the court would infer that the defendant could not be fairly tried. In delivering the judgment MannL.J. at page 877 stated:

> ".....The complaint was not made, for reasons which to Mrs. Y and the Justices seemed good, until September 1988. Any investigation for the purposes of preparing a defence was obviously then impossible. For example, to investigate an alibi for an unknownSaturday evening in a year commencing 16 years ago is a doomed enterprise.....
> A consideration of the committal papers .....leave us in no doubt that this is a case where we should infer prejudice and conclude that a fair trial would not now be possible,"

29. Likewise, in the instant case, not only should prejudice to the Applicant after 30 years be inferred, but it has been specifically averred to in the Applicant's affidavit. I am of the firm view that a fair trial of the Applicant cannot now be had and there is no protection which a trial judge can give to the Applicant which can counter the prejudice to the Applicant where he will be deprived of mounting a defence to the various charges in the Informations.

30. Consequently I make the following Declarations and Orders pursuant to Article 28 of The Constitution:

(1) I Declare that the Applicant has not been afforded a trial within a reasonable time in breach of Article 20 (1)of The Constitution.

(2) I Declare that the Applicant cannot receive a fair trial on any of the Informations proffered against him.

(3) I Order that all of the Informations specifically: 34/1/2018; 35/1/2018; 36/1/2018; and 37/1/2018 be stayed against The Applicant.

Dated the 8th day of May A.D. 2020

The Hon. Mr. Justice Gregory Hilton