SAINT CHRISTOPHER AND NEVIS

IN THE COURT OF APPEAL

HCRAP 2006/017

BETWEEN:

TRAVIS DUPORTE

Appellant

and

THE DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

Before:

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| The Hon. Mde. Ola Mae Edwards | Justice of Appeal [Ag.] |
| The Hon. Mr. Michael Gordon, QC | Justice of Appeal [Ag.] |
| The Hon. Mde. Indra Hariprashad-Charles | Justice of Appeal [Ag.] |

Appearances:

Dr. Henry L.O.S. Browne and Mr. Hesketh Benjamin for the Appellant
Mrs. Pauline Hendrickson, Director of Public Prosecutions and
Mrs. Rhonda Nesbitt-Browne, Crown Counsel for the Respondent

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2008: October 29;
2009: March 6.

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*Criminal Appeal - Murder – Appeal against conviction – whether unsafe or unsatisfactory – Identification – no identification parade held – whether admission of identification evidence unfair – whether direction to jury sufficient – Evidence – failure to direction on weakness and inconsistencies in the prosecution case – whether directions were sufficient on circumstantial evidence – Appeal against sentence – death penalty – whether sentencing procedure was adopted upon a conviction of murder –*

The appellant was convicted of murder and sentenced to death. He appealed against his conviction on the ground that it was unsafe and unsatisfactory having regard to the failure of the trial judge to give a good direction on identification evidence and the weakness and inconsistencies of the prosecution's case. He appealed against sentence on the ground that the proper procedure for sentencing upon a murder conviction was not followed. The prosecution's case was that the appellant, on the morning of 28th June 2004 shot and killed Sattora Williams (also known as Shakabee) in front of his gate, in Sandown Road, Newtown. The appellant denied shooting and killing Sattora Williams, indicating that he was in carnival city.

Held: dismissing the appeal against conviction and affirming it and quashing the sentence of death and substituting instead, a sentence of life imprisonment:

1. If an eye-witness of a criminal incident makes plain to the police that he cannot identify the culprit, it will very probably be futile to invite that witness to attend an identification parade. If an eye-witness may be able to identify clothing worn by a culprit, but not the culprit himself, it will probably be futile to mount an identification parade rather than simply inviting the witness to identify the clothing. If a case is one of pure recognition of someone well-known to the eye-witness, it may again be futile to hold an identification parade.

   R v Forbes [2001] 1 A.C. 473 applied.

2. It is unnecessary for a judge to scrutinize every piece of prosecution evidence especially where the evidence is not only based on visual identification evidence but also, direct and circumstantial evidence pointing to the guilt of the appellant.

   Malcolm Maduro v The Queen HCRAP 2007/004 – Judgment delivered on 19th December 2008 followed.

3. Where there is not only identification evidence but both direct and circumstantial evidence pointing to the guilt of the accused, detailed scrutiny of each piece of prosecution evidence is not required. It must be a matter for the Judge to determine in the exercise of his discretion what evidence required detailed scrutiny and what merely merits a passing reference. It will normally be sufficient if the Judge draws the attention of the jury to material discrepancies and weaknesses going to the root of the prosecution case.

   Byers (Everette) v R (1996) 49 WIR 83, P.C. followed.

4. In a case where a man's life is at stake, the Court must conform to the strictures of the law, the sentence of death pronounced upon the appellant was in contravention of the procedural guidelines laid down by the Court of Appeal.

   Mitcham et al v The Director of Public Prosecutions Criminal Appeals Nos. 10, 11 and 12 of 2002 – St. Christopher and Nevis – Judgment delivered on 3rd November 2003 followed.

JUDGMENT

[1] HARIPRASHAD-CHARLES, J.A. [AG.]: On 26th June 2006, the appellant Travis Duporte (also known as Darkman) was convicted of the murder of Sattora Williams (also known as Shakabee). He was sentenced to death by Belle J. on 20th July 2006. He has appealed against both conviction and sentence.

[2] The murder took place on the morning of 28th June 2004 in front of Shakabee's house, close to his gate, in Sandown Road, Newtown near the capital city of Basseterre. Shakabee, then aged 17, lived there with other members of his family.

[3] The following represents a summary of the case for the prosecution. At about 6 a.m. on the day of the incident, Shane Degrasse (also known as Toasting), a construction worker, was in search of something to eat. He saw Duporte (whom he knows as "Darkman") in Manchester Avenue, Newtown coming towards him. Duporte approached him and asked to show him where "Sword" and "Shakabee" live. He told him that Shakabee lived down the road with his mother but he did not show him the exact house. Toasting said that at the time, Duporte was wearing a pair of short blue jeans pants, a black shirt and a white shirt over his head. He did not see Duporte with a firearm nor did he witness the shooting of Shakabee.

[4] About half hour later, Ashton James, then 9 years of age, was at the water-pipe, close to Shakabee's house. He went there to fetch some water. While he was at the pipe, a man whom he described as slim and fair-skinned dressed in a pair of blue jeans, a black shirt with a white shirt over his head and carrying a black pistol came and spoke with him. He saw the man's eyes and mouth but was unable to recognize him. The man then went over to Shakabee's house. He called Shakabee who came out of the house. As Shakabee was going back inside, the man shot Shakabee in his back and he fell down. Ashton said that he jumped when he heard the gunshot. He then went through Sgt. Hector Alley. He was walking ahead of the man (who shot Shakabee) who came down the same alley. He looked back and saw the man putting the gun in his waist. At the Preliminary Inquiry, Ashton was asked whether the person who shot Shakabee was in court and he said no.

[5] Kishama Tweed also gave evidence for the prosecution. She said that she knew Duporte for about 7 to 8 years prior to the incident. They attended the same school. Kishama stated that at about 6:30 a.m. on that day, Toasting and Duporte passed her on the road. They went straight to Sgt. Hector Alley. Shortly after, she

went in search of her brother. She went down the road to Lower Pitcairn Street. Whilst there, she saw Duporte standing in front of Shakabee's gate. He was wearing a pair of jeans pants, black or blue and a shirt, black or blue with a white t-shirt on his neck. She did not see her brother so she went up the road. About 2 to 3 minutes after, she heard a gunshot. Then she saw "Travis coming up the alley with a white shirt on his head tied like a mask and fixing the pistol in his waist and when he reached back by me he put his hand them in he ear and shouted ah!" She said that he was in the alley right in front of Sgt. Hector's house and she was by the alley facing Lower Pitcairn Street. She said that nothing was blocking her view of Duporte and when she saw him outside Shakabee's gate, he was alone.

[6] Quincy Williams, the brother of Shakabee said that on the morning in question, Shakabee was in his room when he called out to him and told him something. As a result, Shakabee went outside to meet his "partner" who was standing by their mother's car which was parked by the gate. Quincy heard Shakabee and the "partner" speaking but was unable to discern the nature of the conversation. But, at one point Quincy heard Shakabee saying "don't play wid me, boy." Shortly after, he heard a gunshot. He then saw Shakabee "holding his stomach" and running into their house. Quincy saw the face of the "partner" who was speaking with Shakabee by the gate. He saw that the "partner" was wearing a black pants and a shirt which he believed was red in colour. Quincy did not indicate whether the "partner" was Duporte.

[7] Dr. Stephen Jones, a consultant pathologist at the Queen Elizabeth Hospital in Barbados also gave evidence for the prosecution. He performed the autopsy on Shakabee. He saw a single gunshot entry wound on the anterior chest, 9 cm below the sternal notch, 1 cm to the right of the midline. The corresponding exit wound was located on the posterior right chest, 26 cm from the top of the shoulder and 8 cm from the midline. He opined that Shakabee died as a result of the gunshot injury to the chest with haemorrhage and shock.

[8] Shortly after the incident, Duporte gave a statement to Sgt. Dore which is exculpatory. He merely said "let me tell you where I was." He spoke of being in carnival city.

[9] Before this court, Dr. Browne advanced a multiplicity of grounds of appeal against conviction. Essentially, they raise the following issues: (1) whether there should have been an identification parade; (2) were the trial judge's directions on the identification evidence sufficient; (3) did the trial judge fail to direct the jury on the weaknesses and inconsistencies in the prosecution's case; (4) did the trial judge give sufficient directions as it relates to circumstantial evidence vis-à-vis direct evidence and (5) whether the verdict can be sustained having regard to the evidence. Issues (1) and (2) overlap so I will deal with them collectively.

Identification parade and identification evidence

[10] Dr. Browne, dealing first with the appeal against conviction, placed at the forefront of his argument the fact that there had been no identification parade although no issue was raised at the trial about the lack of such a parade. Dr. Browne submitted that because of the inconsistencies in different descriptions given of the assailant, it was vital and necessary for the police to conduct an identification parade. He further submitted that the sole eye-witness should have been given an opportunity in an identification parade to identify the person who shot Shakabee. He contended that the failure of the police to conduct an identification parade amounted to a material irregularity and a miscarriage of justice.

[11] The House of Lords in R v Forbes[1] agreed with the Court of Appeal in R v Popat[2] that in cases of disputed identification "*there ought to be an identification parade where it would serve a useful purpose".* Lord Bingham of Cornhill opined:

> "If an eye-witness of a criminal incident makes plain to the police that he cannot identify the culprit, it will very probably be futile to invite that witness to attend an identification parade. If an eye-witness may be able to identify clothing worn by a culprit, but not the culprit himself, it will

[1] [2001] 1 A.C. 473, 486.
[2] [1998] 2 Cr. App. R. 208 at 215.

> probably be futile to mount an identification parade rather than simply inviting the witness to identify the clothing. If a case is one of pure recognition of someone well-known to the eye-witness, it may again be futile to hold an identification parade."[3]

[12] The Privy Council in Mark Anthony Capron v The Queen[4] and Goldson and McGlashan v The Queen[5] approved R v Popat.

[13] In the present case, the sole eye-witness, Ashton, saw the eyes and the mouth of the man who shot Shakabee. He did not see his face because it was covered with a shirt. However, he was able to describe the clothes that the man was wearing. In either situation, it would be meaningless for the police to mount an identification parade. Then, there is unchallenged evidence that the two independent witnesses, Kishama and Toasting knew Duporte. In the case of Kishama, she had known him for many years. In this case, an identification parade is unnecessary as it will serve no useful purpose. Therefore, there was no material irregularity or miscarriage of justice in the trial in respect of this issue.

[14] Learned counsel contended that the trial judge failed to properly put the defence concerning eye-witness identification evidence to the jury during the course of the summing-up. In particular, he submitted that the judge did not give the full warning envisaged in R v Turnbull.[6]

[15] R v Turnbull sets out several important guidelines which a judge should follow during summing-up. Some of these guidelines are:

> "First, whenever the case against an accused person depends wholly or substantially on the correctness of one or more identifications of the accused which the defence alleges to be mistaken, the judge should warn the jury of the special need for caution before convicting the accused in reliance on the correctness of the identification or identifications. In addition he should instruct them as to the reason for the need for such a warning and should make some reference to the possibility that a mistaken witness can be a convincing one and that a number of such

[3] Para. 21.
[4] Privy Council Appeal No. 32 of 2005 [2006] UKPC 34 (29 June 2006).
[5] Privy Council Appeal No. 64 of 1998 (23 March 2000).
[6] [1976] 3 All E.R.549.

> witnesses can all be mistaken. Provided this is done in clear terms the judge need not use any particular form of words.
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> Secondly, the judge should direct the jury to examine closely the circumstances in which the identification by each witness came to be made. How long did the witness have the accused under observation? At what distance? In what light? Was the observation impeded in any way, as e.g. by passing traffic or a press of people? Had the witness ever seen the accused before? How often? If only occasionally, had he any special reason for remembering the accused? How long elapsed between the original observation and the subsequent identification to the police? Was there any material discrepancy between the description of the accused given to the police by the witness when first seen by them and his actual appearance? If in any case, whether it is being dealt with summarily or on indictment, the prosecution have reason to believe that there is such a material discrepancy they should supply the accused or his legal advisers with particulars of the description the police were first given…Finally, he should remind the jury of any specific weaknesses which had appeared in the identification evidence. Recognition may be more reliable than identification of a stranger; but even when the witness is purporting to recognise someone whom he knows, the jury should be reminded that mistakes in recognition of close relatives and friends are sometimes made. All these matters go to the quality of the identification evidence.[7]"

[16] A failure to follow these guidelines is likely to result in a conviction being quashed and will do so if in the judgment of this court on all the evidence the verdict is either unsatisfactory or unsafe.[8]

[17] In the present case, the judge warned the jury of the danger of convicting and of the special need for caution before convicting the accused in reliance on the correctness of the visual identifications. He told the jury that a mistaken witness can be a convincing witness and a number of these witnesses can all be convincing.[9] He enumerated the various factors which the jury should take into consideration when deciding a case based on eye-witness evidence.[10]

[18] The criticism levied at the judge was that he ought to have given a very strong Turnbull direction pointing out in the clearest terms that each witness failed to

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[7] [1976] 3 All E.R. 551 (j) to 552 (d).
[8] [1976] 3 All E.R. 554 (c).
[9] See page 118 of the Record of Appeal.
[10] See pages 107, 111, 112.

identify Duporte as the "shooter" and that Duporte did not fit the description of the person as described by the sole eye-witness.[11] In my opinion, the judge gave the requisite general warning and explanation regarding identification evidence against the background of the case in which the sole eye-witness could not identify the assailant but two other independent witnesses claimed that Duporte is someone they knew and whom they saw around the time of the shooting in the near vicinity. Kishama's evidence is that she saw him more than once that morning and on one occasion, he was by Shakabee's gate. The other witness, Toasting said he saw Duporte that morning. Duporte begged him for two dollars which he gave to him. An examination of the circumstances which determine the quality of the evidence of the visual identifications of Duporte reveals that the quality of the evidence was exceptionally good and the possibility of mistake was very small. Indeed, the identifications by these two witnesses were by way of recognition. Unfortunately, the judge did not address the jury on identification involving recognition. He did not remind the jury that mistakes in recognition, even of close friends and relatives are sometimes made. In Freemantle v R[12], it was held that the failure of the trial judge to give to the jury the requisite general warning and explanation where the quality of the visual identification was exceptionally good to eliminate the danger of mistaken identification did not amount to a miscarriage of justice because the jury (acting reasonably and properly) would have returned the same verdict of murder if they had received the requisite general warning and explanation from the trial judge.

[19] Despite that failure, the judge discharged that duty prescribed by the Court of Appeal in Turnbull and explained in cases such as Scott v R[13], Beckford v R[14], Freemantle v R[15] and Mark Anthony Capron v R.[16]

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[11] See paragraph 19 of the skeleton submissions on behalf of the appellant filed on 20 October 2008.
[12] [1994] 3 All E.R. 225 at page 225 (h-j).
[13] [1989] 2 All E.R. 305, [1989] 1 A.C. 1242.
[14] (1993) 97 Cr. App. R. 409.
[15] [supra].
[16] [2006] UKPC 34 (29 June 2006), Privy Council Appeal No. 32 of 2005.

Directions of the trial judge on the weaknesses and inconsistencies of the prosecution's case

[20] It is the case for the defence that the trial judge, in his summation to the jury, failed to highlight all the weaknesses and inconsistencies of the prosecution's case. Undoubtedly, there were several inconsistencies in the evidence of the witnesses for the prosecution, particularly with respect to the clothing and description of the assailant. Ashton said that the man who shot Shakabee was wearing a pair of blue jeans, a black shirt with a white shirt over his head. Quincy Williams testified that the person he saw at the gate speaking with Shakabee wore a pair of black pants and he believed a red shirt. Kishama and Toasting gave evidence which substantially coincides with the evidence given by Ashton. Additionally, Ashton described the murderer as "fair-skinned". Toasting knows Duporte as "Darkman." Indeed, there is evidence that Duporte is dark in complexion.

[21] In Malcolm Maduro v The Queen,[17] Rawlins C.J., applying R v Lawrence[18] and Byers v R[19] held that it is not necessary for a trial judge to traverse all the evidence in the case or point out every possible weakness or discrepancy in the prosecution case. At paragraph 37, his Lordship said:

> "The summation may not have been a classical one in some respects. However, the Judge interspersed her directions on the principles with reference to some of the evidence. She opted to discuss the facts in fuller measure at the end of the summation. This was out of the expressed realization that the decision of the jury depended on which version of the evidence they believed…..In that scenario, she summarised the case for both the prosecution and the defence and highlighted the discrepancies in the evidence. I do not think that the matters raised in this ground of appeal materially impacted the changes."

[22] In the present case, the judge told the jury that as fact-finders, they are to determine issues of credibility on the totality of the evidence as tested by cross-examination. He told them that they must use their worldly knowledge to seek to resolve discrepancies in the evidence adduced by the prosecution. He highlighted

[17] HCRAP 2007/004 – Judgment delivered on 19 December 2008.
[18] [1982] AC 510.
[19] (1996) 49 WIR 83.

the significant discrepancies and conducted a very detailed rehearsal of the evidence.[20] It is unnecessary for a judge to scrutinize every piece of prosecution evidence especially where the evidence is not only based on visual identification evidence but also, direct and circumstantial evidence pointing to the guilt of Duporte.

[23] I find nothing wrong in that direction. Accordingly, I therefore would dismiss this ground of appeal.

Circumstantial evidence[21] vis-à-vis direct evidence

[24] Dr. Browne, adopting verbatim the submissions of counsel for the appellant in Byers (Everette) v R[22] argued that the trial judge had failed to properly put the defence to the jury during the course of summing-up. According to him, it was the duty of the trial judge to give every assistance to the jury in assessing and making sense of the evidence. This he has failed to do because he treated the evidence as a whole from which inferences were to be drawn instead of going through each individual item relied upon by the prosecution and commenting on any weaknesses or discrepancies therein. This failure, Dr. Browne contended, constitutes a material misdirection sufficient to vitiate the conviction.[23] However, learned counsel did not address us any further. If I fully understand his criticism of the judge's summing-up, Dr. Browne seems to suggest that the judge should have commented on each individual item of prosecution evidence.

[25] In Byers, the Privy Council rejected the very argument which counsel for the appellant had advanced. Lord Jauncey of Tullichettle, delivering the opinion of the Board stated (at page 86) that "in a case where the prosecution evidence is not only weak but confusing, it may be appropriate for the Judge to scrutinise and comment on the evidence." In the present case, this is not so. The quality of the visual identification evidence places Duporte in the area at the time of the

[20] See pages 104 – 108, 112, 116-118, 122 and 123 of the summing-up.
[21] See pages 108 to 111 and 129 of the Record of Appeal.
[22] (1996) 49 WIR 83, P.C.
[23] See paragraph 27 of the skeleton submissions on behalf of the appellant.

shooting. Ashton described the man who shot Shakabee as wearing the same clothes similar to those described by Kishama and Toasting, the latter saw him earlier that morning and had a conversation with him. Against that, the defence put forward no substantive defence. In his submissions, Dr. Browne argued that the witness, Kishama is not credible since she gave a contradictory statement to the police and gave contradictory evidence at the Preliminary Inquiry. Kishama was cross-examined on this and she gave an explanation which the jury obviously accepted as credible. Toasting's evidence was not challenged at all. The defence asked the jury to accept Ashton's evidence as credible. His evidence places a man dressed in a pair of blue jeans, black shirt and a white t-shirt covering his head as the person who shot Shakabee. The defence argued that at the Preliminary Inquiry, Ashton said that the man who shot Shakabee was not in the court. The defence also argued that Quincy said that the man who was by the gate was wearing a pair of black pants and what he believed to be a red shirt.

[26] The judge's summing-up was fair in the light of the evidence and the defence put forward. The judge made specific reference to the statement which Duporte made to the police and that it was exculpatory. On a number of occasions, he reminded the jury that the onus is on the prosecution to prove their case so as to make you feel sure that it was Duporte who murdered Shakabee. He told them that Duporte's silence should not draw any adverse inferences as he is entitled in law to remain silent and not to call any witnesses. In the circumstances, it is difficult to see how it can be said that the judge failed to properly put the defence to the jury.

[27] Dr. Browne's criticism of the summing-up seemed to suggest that the judge should point out every possible weakness or discrepancy in the evidence. The Court, in Byers, did not share this view. Lord Jauncey of Tullichettle had this to say (at page 87):

> "However, where there is not only identification evidence but both direct and circumstantial evidence pointing to the guilt of the accused, detailed scrutiny of each piece of prosecution evidence is not required. It must be a matter for the Judge to determine in the exercise of his discretion what evidence required detailed scrutiny and what merely merits a passing reference. It will normally be sufficient if the Judge draws the attention of

the jury to material discrepancies and weaknesses going to the root of the prosecution case."

[28] Accordingly, I find that the directions were proper and adequate in the circumstances of the case and that the evidence was such as could found the verdict of the jury. There is, in my mind, no lurking doubt as to the guilt of Duporte.

[29] For all of the above reasons, the appeal against conviction is dismissed.

The appeal against sentence

[30] In Mitcham et al v The Director of Public Prosecutions[24], Byron C.J. helpfully outlined the procedure that a trial judge should adopt upon a conviction of murder. At paragraph 2, he stated:

> "If the prosecution intend to submit that the death penalty is appropriate in the event that the accused is convicted of murder, then notice to that effect should be given no later than the day upon which the offender is convicted. The notice may be given immediately upon conviction in which case it may be given orally. In any event the notice should contain the grounds on which the death penalty is considered appropriate. [emphasis added]
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> Upon conviction by the jury, and the Prosecution having given notice that the death penalty is being sought, the trial Judge should, at the time of the *allocutus*, specify the date of a sentencing hearing which provides reasonable time for preparation. Where the prosecution and the trial Judge consider that the death penalty is not appropriate, a separate sentencing hearing may be dispensed with if the accused so consents and the offender may be sentenced right away in the normal fashion [emphasis added].
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> When fixing the date for the sentencing hearing, the trial Judge should direct that social welfare and psychiatric reports be prepared in relation to the prisoner.
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> The burden of proof at the sentencing hearing lies on the prosecution and the standard of proof shall be proof beyond reasonable doubt".

[31] The Record of Appeal[25] reflects that after the jury returned a unanimous verdict of guilty of murder, the judge, proceeded at the time of the *allocutus* in this manner:

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[24] Criminal Appeals Nos. 10, 11 and 12 of 2002 – St. Christopher and Nevis –Judgment delivered on 3 November 2003.

The Court: "Travis Duporte, the jury has found you guilty and we will have to embark on a sentencing procedure. So, we will adjourn for that purpose…Mr. Hamilton and DPP, what will you require for the sentencing phase?"

DPP Merchant: "Well, for the sentencing in this case, My Lord, we require a Psychiatric Report, My Lord, as well as the Social Enquiry Report….."

The Court: "Okay, court order the delivery of a Social Inquiry report and psychiatric Report in relation to the convicted man, Mr. Duporte…. You will come back to court on the 17th July, then we would commence the sentencing procedure…"

[32] The Record of Appeal is deficient in that it does not reflect whether the Court convened on 17th July 2005 to continue the sentencing phase (from the sentencing decision, it appears that the court did convene). The Record however revealed that on 20th July 2005, in the presence of the lawyers (and I presume the accused), the trial judge gave a sentencing decision. He gave detailed reasons for sentencing Duporte to death.[26]

[33] But, the judge did not follow the strict procedures laid down by the Court of Appeal in Mitcham. Specifically, the prosecution did not give Duporte the requisite notice that they were seeking the death penalty on the day upon which he was convicted or at all, whether orally or in writing. Significantly, Duporte was not provided with the grounds promptly or at all on which the prosecution considered the death penalty to be appropriate. In a case where a man's life is at stake, the Court must conform to the strictures of the law. I therefore agree with Dr. Browne that the sentence of death pronounced upon Mr. Duporte was in contravention of the procedural guidelines laid down by the Court of Appeal in Mitcham.

[34] In Mitcham, the Court of Appeal remitted the matter of sentencing to the trial judge so that the guidelines could be followed. In the present case, it would serve

[25] See pages 134 et seq of the Record of Appeal.
[26] See pages 136 to 138 of the Record of Appeal.

no useful purpose to remit this matter to the judge who has already given full reasons for his decision to impose the death penalty.

[35] The learned authors of Blackstone's Criminal Practice 2009 states (at D.25.43) page 2005 that "The failure of a sentencing judge to follow the correct procedure can lead to a variation in the sentence by the Court of Appeal. But that is by no means necessarily the case."

Comment [I1]: Change to 2009

Comment [I2]: Change to 2005

[36] In the present case, the procedural errors are indeed very grave. The first and foremost principle by which a sentencing judge is to be guided: that is, the presumption in favour of the unqualified right to life - predicated on the mitigating circumstances of the particular case - was not followed here.

[37] In the circumstances, the proper approach of this Court is to quash the sentence of death and to substitute instead, a sentence of life imprisonment.

Indra Hariprashad-Charles
Justice of Appeal [Ag.]

I concur.

Ola Mae Edwards
Justice of Appeal [Ag.]

I concur.

Michael Gordon, QC
Justice of Appeal [Ag.]