

# ENSURING ACCESS TO JUSTICE

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**“Our defense is not in our armaments, nor in science, nor in going underground. Our defense is in law and order.”**

*Albert Einstein.*

## Services offered by the Legal Aid Council

Every person who is detained or remanded at a police station lockup whether charged or not, may be granted legal aid. Once you have asked the police to contact a Duty Counsel on your behalf, they should await Counsel's arrival before questioning you.

The Duty Counsel is an Attorney who will:

- Attend at the place where you are being detained or remanded and give you legal advice;
- Attend an identification parade where required;
- Make bail application on your behalf to the police or to the courts;
- Appear for you on your first appearance in court;
- Represent you during your Question and Answer or Identification Parade, session by the police.

The duties of the Duty Counsel are free and end after your first appearance at court, if the matter reaches that far. After that you must apply for legal aid if you believe that you need further assistance.

To apply for Legal Aid:

Complete an application form at any Legal Aid Clinic, Court's Office or the Legal Aid Council. If you are in court, indicate to the Judge that you are unable to afford an Attorney and request an assignment of an Attorney.

# The Legal Aid Council Receives New Mobile

The Legal Aid Council on January 29, 2020 received two Mobile Justice Units (MJUs). The Units – both 2020 Golden Dragon busses, valued at CA\$420,000.00 were donated to the Ministry of Justice by Global Affairs Canada and are products of the continuing partnership between the Ministry of Justice, the Canadian Government and the United Nations Development Programme, to increase accessibility to Justice Services across Jamaica.

The Units will expand the reach of the Legal Aid Council, and build on the work of the current MJU, which served approximately 100 communities during the 2018/2019 Fiscal Year. The MJUs will help to bridge the accessibility gap to Justice Services. Consequently, more persons will be able to consult with an Attorney-at-Law and assignments of Attorneys in criminal matters will be done without persons having to go to the offices of the Legal Aid Council. The Justice Centres islandwide will be venues for scheduled MJUs visits.



Minister of Justice, Hon. Delroy Chuck with Canadian High Commissioner to Jamaica, Her Excellency Laurie Peters.



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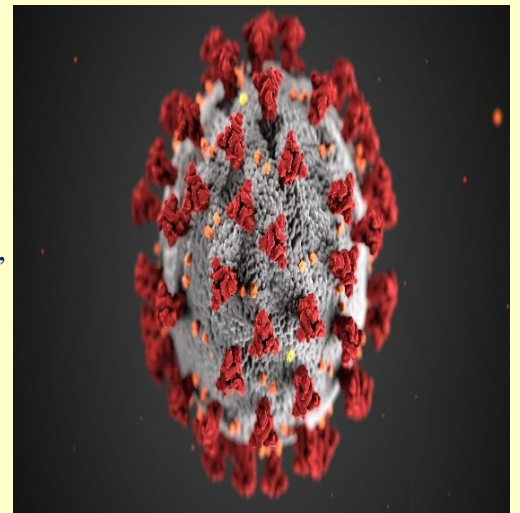
Minister of Justice, Hon. Delroy Chuck with Canadian High Commissioner to Jamaica, Her Excellency Laurie Peters and Executive Director of the Legal Aid Council Mr. Hugh Faulkner.

## Navigating the Coronavirus (COVID 19)

The Legal Aid Council has been monitoring the global spread of the coronavirus and take this time to assure our staff, clients and stakeholders that they are our primary focus at this time and remind them to stay safe. Remember to continue doing your part in taking the necessary precautions to limit the spread of the Coronavirus.

In addition to taking the necessary hygienic precautions, such as constantly and thoroughly washing hands, using hand sanitizers and practicing social distancing, we also urge you and your families to remain at home as much as possible to limit exposure as we continue to offer our services by telephone and electronic means. The public is reminded that persons who are in breach of the **Disaster Risk Management Act** and its Orders are entitled to legal representation and may Contact the Legal Aid Council via the following telephone numbers and email Address:

Telephone: (876)948-6999 or (876) 948-4861  
Email Address: Aid.Legal@moj.gov.jm





## Miss Kerona Spence

Miss Kerona Spence is an Attorney-at-Law and the Legal Officer at the Legal Aid Council where her practice focuses on criminal litigation. Miss Spence read History and Law at the university of the West Indies, received her Legal Education Certificate from the Norman Manley law School and thereafter received post graduate training in Legal Information Management at the University of the West Indies.



## Just-In-Time Training

The Just-In-Time Training programme is an initiative of The Legal Aid Council that targets the staff of the Courts and Police Stations to ensure that all Legal Aid Services are delivered efficiently and in accordance with the **Legal Aid Act**. Our recent visits took us to the St. Mary Parish Court Holden at Port Maria on February 10, 2020 and to the St. Catherine Parish Court Holden at Spanish Town on February 18, 2020.

During these sessions, an overview of the roles and functions of The Legal Aid Council and the offences which are covered by the Council are highlighted. The Legal Aid forms and their purposes are discussed and are filled out according to several hypothetical scenarios to ensure accuracy in the gathering of information.

Additionally, our stakeholders are reminded that the Duty Counsel services offered by the council are free, and that for court assignments there is no mandatory fee. A means test will be done to determine if a contribution is payable by our clients for court matters and if yes, the client will be asked to pay the agreed amount, at any Scotiabank. The Legal Aid Council through this initiative wants to ensure access to First Class Justice for all.



*Members of the Legal Aid Council and members of the Supreme Court Staff who participated in the Just in Time Training.*



*Members of the Legal Aid Council and members of the St. Mary Parish Court Staff who participated in the St. Mary, Just in Time Training.*



*Members of the Legal Aid Council and members of the St. Catherine Court Staff who participated in the St. Catherine, Just in Time Training.*

As part of the Council's mandate to provide legal advice/consultation to residents in underserved and rural communities, during the period January - March 2020 the Legal Aid Council provided legal advice/ consultation to over fourteen (14) communities. These communities included:

- Steer Town – St. Ann;
- Tawes Pen- Spanish Town;
- Allman Town – Kingston;
- Rudolph Elder Park – St. Thomas;
- St. Ann's Bay Justice Centre – St. Ann;
- Parade Gardens– Kingston;
- Dela Vega City- Spanish Town;
- Portland Justice Centre – Portland;

These visits resulted in over 530 persons receiving legal advice.



Legal Consultant Mrs. Shara-Kay Dacres Moore providing legal advice on the Mobile Justice Unit.



Legal Consultant Miss Mishka Anderson providing legal advice on the Mobile Justice Unit.



Miss Wendy Rose with Corporal Andrew Williams, participating in the 11<sup>th</sup> Annual Restorative Justice Conference.



HR and Admin. Manager, Keisha Buchanan presenting a copy of the Duty Counsel list to Corporal Dalton Henry of the St. Port Maria Police Station.



Legal Officer, Kerona Spence and Legal Consultant Mrs. Shara-Kay Dacres Moore giving legal advice and taking a group photo with Miss Wendy Rose and Mr. Robert Wright in the background along with patrons hoping to win a prize from the Legal Aid Council's booth - at Children First Agency's Resource Fair for Women, Spanish Town Prison Oval.

For more information on the Legal Aid Council visit our website at:

<https://legalaiddcouncil.moj.gov.jm>

Facebook: [LegalaiddcouncilJA](#)

Twitter: [@Legal\\_Aid\\_JA](#)

Instagram: [Legalaiddcounciljamaica](#)

## LAC ThRoWbAcK

Christopher Murray, was brought before the Supreme Court, where he was charged with four offences under the **Sexual Offences Act**. He was found Not Guilty on two of the offences but Guilty on the other two. The guilty verdict was based on the same set of facts and circumstances. Consequently, an appeal was filed by Attorney-at-Law Gladstone Wilson, on the basis of the inconsistent verdicts. The verdicts were also challenged on the basis of being unsafe as the DNA evidence was at best inconclusive, but at worse, did not establish a nexus between the alleged acts and the Defendant.

Upon the request of Mr. Wilson, the Legal Aid Council provided financial assistance in obtaining an independent DNA test of the male chromosome in the submitted samples to establish a proper profile of the origin of the sample. The results were used as Fresh Evidence during the appeal. The Appeal was allowed and Mr. Murray was set free on July 31, 2012.