



## CARIBBEAN COURT OF JUSTICE

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### **NO ATTORNEY INCOMPETENCE, SAYS CCJ**

#### **CCJ JUDGMENT- PAUL LASHLEY AND JOHN CAMPAYNE v DET. CPL. 17995 WINSTON SINGH**

**CCJ, Port of Spain.** The CCJ upheld the conviction of Paul Lashley and John Campayne for breaking and entering and rejected the argument that they were only convicted because their attorney was incompetent.

The Appellants were convicted of breaking and entering, after a break in at the business premises of Mr Hemant Narine where two laptops, two safes, a passport, cash and credit cards were stolen. Mr Lashley, a former employee of Mr Narine was able to lead the police to the exact location of the stolen goods which were stashed at Mr Campayne's home and in a manhole in the pavement on Church Street. Both Appellants gave confession statements to the police admitting their involvement in the break in.

In appealing to the CCJ, the Appellants argued that they were convicted because their attorney was incompetent. They alleged that the confession statements were obtained by the police by force and their attorney did not object to the statements being used as evidence. In its judgment delivered by Mr Justice Nelson, the CCJ held that in dealing with issues of incompetence of counsel, "the court is guided by the principles of fairness and due process" and "all counsel... are entitled to the utmost latitude in matters such as strategy." The Court observed that after the Appellants refused to testify about the alleged police brutality, their attorney made a tactical decision not to cross-examine the police witnesses on the issue. The attorney also decided not to lead any evidence in defence in order to deprive the prosecution of the advantage of a closing address. These strategic moves did not result in an unfair trial. Even without the confession statements, the Appellants would have been convicted based on the real evidence, namely the stolen goods which were recovered.

The Court also rejected the argument that the four year prison sentence imposed was too severe. Mr Justice Nelson observed that an appellate court will only set aside a sentence which is “manifestly excessive or wrong in principle.” In this appeal the Chief Magistrate properly considered the prevalence and seriousness of the offence, the public interest, the increase in the commission of crimes by young people, the substantial value of the stolen items and the deliberation and planning involved in the commission of the offence. Therefore the CCJ would not interfere with the sentence imposed.

The Appellants’ appeal was therefore dismissed. Their four year sentence of imprisonment was affirmed with a four day credit being given for the time spent on remand while awaiting trial.

The final judgment of the Court and an Executive Summary is available on the CCJ’s website at [www.caribbeancourtjustice.org](http://www.caribbeancourtjustice.org).

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