



CARIBBEAN COURT OF JUSTICE

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MEDIA RELEASE

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CCJ ISSUES ORDER ALLOWING DPP TO SEEK LEAVE TO APPEAL MURDER ACQUITTAL

Port of Spain, Trinidad and Tobago. In an order delivered today, the Caribbean Court of Justice (CCJ) ordered that the Director of Public Prosecutions (DPP) of Belize be allowed to ask the Court of Appeal to consider the setting aside of the verdict delivered by the Trial Judge in the case of *Calaney Flowers v The Queen*.

Ms Calaney Flowers was charged and tried for the offences of murder and attempted murder. The trial was held without a jury pursuant to section 65 A of the Indictable Procedure Act. On 24 March 2017, the Trial Judge delivered a verdict of not guilty on both counts and Ms Flowers was acquitted. The DPP applied to the Court of Appeal for leave to appeal against the Trial Judge's verdict of acquittal, citing section 65 C(3) of the Indictable Procedure Act. On 12 November 2019, the Court of Appeal dismissed the application, stating it had no jurisdiction to entertain the application. The DPP sought special leave from the CCJ to appeal against the decision of the Court of Appeal and on 14 February 2020 was granted special leave to appeal.

The appeal raised the sole issue of statutory interpretation and the relationship between two statutory provisions: section 49 of the Court of Appeal Act and section 65 of the Indictable Procedure Act. Counsel for Ms Flowers argued that the right of appeal granted to the Prosecution under section 65C (3) was restricted by section 49(1)(a) of the Court of Appeal Act. The DPP submitted that the combined effect of section 65C (1) and 65C (3) clearly granted the Prosecution's right of appeal from a verdict of acquittal from a trial by judge alone and that right was not limited to circumstances where the judge had directed an acquittal at the close of the Prosecution's case.

The appeal was heard on 16 June 2020. Earlier today, the CCJ made an order allowing the appeal and setting aside the decision of the Court of Appeal. The written reasons of the CCJ for its decision will be

handed down at a later time. The effect of the Court's order is that the application by the DPP to the Court of Appeal for permission to appeal against the verdict of the Trial Judge should now be heard by that Court.

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About the Caribbean Court of Justice

The Caribbean Court of Justice (CCJ) was inaugurated in Port of Spain, Republic of Trinidad and Tobago on 16 April 2005 and presently has a Bench of seven judges presided over by CCJ President, the Honourable Mr Justice Adrian Saunders. The CCJ has an Original and an Appellate Jurisdiction and is effectively, therefore, two courts in one. In its Original Jurisdiction, it is an international court with exclusive jurisdiction to interpret and apply the rules set out in the Revised Treaty of Chaguaramas (RTC) and to decide disputes arising under it. The RTC established the Caribbean Community (CARICOM) and the CARICOM Single Market and Economy (CSME). In its Original Jurisdiction, the CCJ is critical to the CSME and all 12 Member States which belong to the CSME (including their citizens, businesses, and governments) can access the Court's Original Jurisdiction to protect their rights under the RTC. In its Appellate Jurisdiction, the CCJ is the final court of appeal for criminal and civil matters for those countries in the Caribbean that alter their national Constitutions to enable the CCJ to perform that role. At present, four states access the Court in its Appellate Jurisdiction, these being Barbados, Belize, Dominica and Guyana. However, by signing and ratifying the Agreement Establishing the Caribbean Court of Justice, Member States of the Community have demonstrated a commitment to making the CCJ their final court of appeal. The Court is the realisation of a vision of our ancestors, an expression of independence and a signal of the region's coming of age.

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