



CARIBBEAN COURT OF JUSTICE

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CCJ DISMISSES EXTENSION OF TIME TO APPLY FOR SPECIAL LEAVE IN BELIZE MURDER CASE

Port of Spain, Trinidad and Tobago. On 22 October 2024, the Caribbean Court of Justice (CCJ) dismissed an application for an extension of time to apply for [special leave](#) in a murder case from Belize, *BZCV2024/A/CR001 Tevin Andrewin v The King* and gave its reasons for that dismissal on 13 December 2024.

Andrewin was convicted of murder and sentenced to life imprisonment with eligibility for parole after 25 years. He sought to challenge his conviction based on identification testimony of an eyewitness, Shiyana Allen, and *res gestae* (a specific area of evidence as an exception to rule that hearsay evidence is inadmissible) evidence of the victim, Myrick Gladden, who identified Andrewin as the shooter shortly after the incident. The majority in the Court of Appeal found that the flaws in conducting the identification parade did not make the process unfair, and also found that there was no basis to interfere with the finding of the High Court Judge or the conviction. A dissenting opinion, however, argued that these errors rendered the conviction unsafe.

In his application to the CCJ, Andrewin claimed that his attorney failed to inform him of the Court of Appeal's judgment in a timely manner, leading to a delay in his application for special leave to appeal. The Court acknowledged the unfortunate delay in notifying Andrewin of the judgment and emphasised the need for greater professionalism by attorneys in the discharge of their functions. The Court found that Andrewin had provided a valid reason for the delay, having filed the application within 18 days of retaining *pro bono* counsel.

However, the Court concluded that the procedural flaws in the identification parade did not impact the fairness of the process. Additionally, the *res gestae* evidence from the victim was deemed powerful and unambiguous, supporting the conviction. The Court also noted that no arguments were presented in the Court of Appeal to challenge the sentence imposed by the High Court judge and there were no arguments raised before the CCJ to cause interference with the sentence.

Ultimately, the Court dismissed Andrewin's application, finding no realistic chance of success in his appeal.

The matter was heard by the CCJ President, the Honourable Mr Justice Saunders and the Honourable Justices Anderson and Rajnauth-Lee. Mr Hector D Guerra and Ms Leslie D Mendez appeared for Andrewin and Ms Cheryl-Lynn Vidal SC and Ms Sheiniza S Smith appeared for the King.

The CCJ's full decision is available via www.ccj.org.

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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, five states access the Court in its Appellate Jurisdiction, these being Barbados, Belize, Dominica, Guyana, and Saint Lucia. 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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