
IAN BROOK



Year of Call: 1983 UK
2001 Trinidad & Tobago, W.I.

Appointments: Ag. High Court Judge, Supreme Court of Trinidad & Tobago
3rd January 2006 to 31st July 2008

Grade III Prosecutor

Qualifications: 2001 – Legal Education Certificate, Sir Hugh Wooding Law
School St Augustine, Trinidad, W.I.
1983 – Utter Barrister, Lincoln's Inn
1982 – BA (Law) Hons., Manchester Polytechnic

Acting High Court Judge

Sat as an Acting High Court Judge, in the Criminal Assizes, in Trinidad, for almost 3 years, presiding over a heavy work load, hearing approximately 50 jury trials (often of several weeks duration and with multiple accused)



concerning capital murder (11 trials), manslaughter, kidnapping for ransom, causing death by dangerous driving, motor manslaughter, rape, buggery, grievous sexual assault, unlawful sexual intercourse, incest (including one case with a very young and vulnerable victim), forged currency, wounding and wounding with intent, firearms and ammunition, drugs, robbery, aggravated robbery, receiving and larceny. Many trials - both on the Bench and when at the Bar, there - involved disputed, confession evidence, where lengthy *voir dices* were frequently held to determine admissibility, relatively complex issues of joint-enterprise, under *Powell & English*, *Chan Wing-Siu & Rahman* principles, the felony murder rule and,

occasionally, the evidence of accomplices who testified under immunities granted by the State.

I presided over the first trial ever, in the history of the Republic, where a Police Officer was convicted of capital murder arising out of a killing whilst on duty. His conviction was affirmed in the Court of Appeal and an appeal is pending in the Privy Council (*The State v. Dave Burnett*).

In November 2007, I presided over a kidnapping for ransom trial involving 4 defendants, 2 of whom were alleged to be Trinidad's most notorious kidnapers, when the case was assigned to me, by the Acting Chief Justice, notwithstanding my sitting in an acting capacity, following the recusal of the original trial Judge, when his life was threatened (*The State v. Selwyn Alexis (Robocop)*, *Sheldon Lovell (Skelly)*, *Kevin Simpson (Sneeze)* and *Derrick John*).

My last murder trial (*the State v Julia Esmeralda Ramdeen, (also known as J-Lo) & David Abraham*) involved interesting issues as to joint enterprise, secondary party liability and accomplice evidence. Ramdeen had admitted the murder, as Principal, acting alone, in a written confession. Abraham was arrested, months later, when an accomplice came to light who implicated him. The accomplice testified under an immunity from prosecution, in terms that Abraham was the Principal, and that Ramdeen was a secondary party, guilty of murder under *Chan Wing-Siu* principles. The defence made significant inroads into the credibility of the accomplice, at trial; however, notwithstanding that and my giving a 'dangerous direction', *both* Defendants were convicted of capital murder.

To date, no convictions returned have been overturned in the Court of Appeal of the Republic of Trinidad & Tobago on the merits.

Trial experience Trinidad

2000 to 2006 Attorney-at-Law

Chambers of Desmond Allum, S.C., Trinity Chambers, Port of Spain, Trinidad

Defended in cases of serious crime, principally jury trials and appeals in capital murders, but also conducted cases concerning drug importations, kidnapping for ransom, sexual offences, violence, and causing death by dangerous driving etc. In all matters, sole conduct as junior.

Noteworthy cases:

• *The State v. Arnold Huggins, Leslie Huggins and Junior Phillip* (contract killing/assassination of the principal witness in the trial of *Ramkisoan Boodram (Dole Chadee)* and others (when he had left a safe house to partake of Carnival *j'ouvert* festivities) all of whom were, ultimately, convicted and executed, when this witness's deposition was read to the jury)

• *The State v. Oswaldo Carillo* (importation of drugs from South America, acquitted, following the securing of an order for retrial, in the Court of Appeal, when there had been a miscarriage of justice, when defended, at his first trial, by one of Trinidad's most senior criminal practitioners)

• *The State v Glenroy London* (acquittal in capital murder, following destructive cross-examination of accomplice testifying under immunity)

·*The State v. Joseph Bernard Banfield* (acquittal in capital murder, notwithstanding 2 written confessions, repetitive interrogation over protracted period of time, suspect kept in filthy, fetid conditions, Judge acceded to view of relevant Police cells with jury)

·*The State v. Adrian Pilgrim* (capital murder, confession to secondary participation, indictment stayed, breach of Constitutional Rights)

·*The State v. Sherwin Griffith* (capital murder, acquittal on basis of self defence, when deceased shot victim twice through windscreen of a car, then five times in the back as he got out of it and tried to escape)

·*The State v. Arnott Fabien* (capital murder, armed security personnel, superior challenged Defendant to 'a draw', self defence, Judge left provocation, although not made out on evidence, and jury acquitted of both murder and manslaughter)

·*The State v. Alister Lara* (capital murder, indictment stayed, young man of low IQ interviewed and confessed, without equivalent of 'an appropriate adult')

·*The State v. Aaron Karim* (kidnapping for ransom, defended airline pilot, charged on basis he aided and abetted the offence, by allowing use of apartment, in which victim kept, in Port-of-Spain, whilst scheme in place to lead everyone to believe she was in Caracas, Venezuela)

·*Kenrick London v. the State* (CA), (capital murder appeal)

·*Kenrick London v. the State, No. 2* (CA), (capital murder appeal, fresh, psychiatric evidence not lead at trial etc)

UK Practice

1990 to 2006

Barrister-at-Law

Hardwicke Building, New Square, Lincoln's Inn, London

*Chambers of Patrick Upward QC, 15 New Bridge St., London
(former criminal team of Hardwicke)*

Acted on behalf of the Prosecution, Defence and Local Authorities. Specialized in fraud (VAT, mortgage, insurance claims, finance houses), computer misuse (instructed to prosecute the infamous hacker Coldfire), murder, manslaughter and other crimes of violence, perjury, football hooliganism, sexual offences, drugs & drug trafficking, licensing, environmental prosecutions and prosecutions under housing legislation.

Experienced in questioning young and vulnerable witnesses.

(For example, in one of my final trials just prior to leaving for Trinidad, a young girl of around 8 years of age, eventually conceded, under sensitive cross-examination via TV link, that allegations of sexual abuse by her father were lies, which she had been put up to by her mother [who was trying to curb/extinguish the father's access to her, recently increased by the Court]).

Appeared in:

- *Morgans v DPP* [1999] 1 WLR 968, Divisional Court (interception of communications)
- *R. v. Birmingham & Ors.* [1992] Crim LR 117 (abuse of process, destruction of potential evidence)
- *R. v. Richard Andrew Jones & Richard John Copland* (murder, junior counsel, Chelmsford Crown Court)
- *R. v. Georgiou* (insurance and mortgage frauds, Middlesex Guildhall)
- *R. v. Kim Yiasemis, & anr.* (mortgage fraud, Peterborough Crown Court)
- *R. v. Parker & McGee* (Building 'lump' fraud, Southwark Crown Court)
- *R. v. Teresa Howard and anr* (large scale credit card fraud, facilitated by bank employee, by providing information from system to co-accused, Southend Crown Court)
- as junior in the 2 trials of *R. v. Riffat Younan Rozeik* (VAT and finance house frauds, held at Inner London and Bristol Crown Courts) at first instance¹
- *R. v. Willem Marinus Van Zanten* (large scale cannabis importation, via Port of Dover, Maidstone Crown Court)

to name but a few.

Instructed by various defence solicitors, Crown Prosecution Service & the Fraud Investigation Group (FIG).

Technology

I am extremely proficient and interested in the use of computers for the purposes of the preparation and management of cases where large volumes of documentation in electronic or paper format are involved and for all research purposes, both in and out of Court, and in electronic communications. I try, as far as is possible, to reduce paper in my practice and rely on digital formats. I am able to work with entire case materials presented in electronic format such as PDF files, and I am an accomplished user of Adobe Acrobat Professional software, including its documentation management and indexing feature together with all mainstream computer programs (MAC and Windows). I am very interested in the preparation & presentation of fraud cases using custom designed, relational data bases, using MS Access/Open Office on computer, and have had a considerable degree of success, see *Georgiou (supra)*, for example.

¹ On Appeal, see [1996] 1 Cr.App.R. 260

Previous experience

1989/90 (6 mths)

**Financial Intermediaries, Managers, Brokers
Regulatory Association (“FIMBRA”)**

Group Manager, Legal Department (Financial
Regulation)

1984/9

**Crown Prosecution Service and Prosecuting
Solicitors Department, Chief Constable of Norfolk—
final grade Senior Crown Prosecutor (central
London)**

At one time, specialised in Inner London Juvenile Court
matters. London and Norfolk Magistrates’ Courts
experience.

‘Operation Snowball’ prosecutor of large number of
demonstrators at US Nuclear bases in Norfolk. Initial
trials defended by Stephen Sedley QC (now Sedley LJ)
raised interesting arguments on the Genocide Act and
Military and International Law.

Pupillage

Chambers of Clive Nicholls QC, 3 Raymond Buildings,
London

Chambers of David Robson QC, 46 Grainger St.,
Newcastle-upon-Tyne.