

IN THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

O N A P P E A L

FROM THE COURT OF APPEAL OF TRINIDAD AND TOBAGO

B E T W E E N :

TERRENCE THORNHILL

Appellant

- and -

THE ATTORNEY GENERAL OF
TRINIDAD AND TOBAGO

Respondent

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CASE FOR THE APPELLANT

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1. This is an Appeal, by Special Leave granted 2nd February 1978, from a Judgment of the Court of Appeal of Trinidad and Tobago (Sir Isaac Hyatali, C.J., Rees and Corbin, JJ.A.) dated 22nd December 1976, which allowed an appeal of the Respondent against a Judgment of a Judge in the High Court (Georges J.) dated 31st May 1974, granting a declaration that the prevention of the Appellant while being arrested and detained from retaining and/or instructing and/or consulting with a legal adviser of his own choice constituted a contravention of a right guaranteed and protected by the Constitution. The said declaration, the full terms of which are set out in paragraph 7 below, was part of the relief claimed in a Notice of Motion in the High Court dated 1st November 1973.

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p.84

p.58
p.76

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2. The principal issues which arise on this Appeal are as to the true construction of provisions of the Constitution of Trinidad and Tobago being the Second Schedule of the Trinidad and Tobago (Constitution) Order in Council, 1962 (hereinafter referred to as "the former Constitution") relating to the right of persons arrested or detained to retain and instruct without delay a legal adviser of their own choice and hold communication with him and as to whether members of the police force are amenable to the provisions relating to the rights of arrested or detained persons in the former Constitution.

p.4

<u>RECORD</u> pp.25/40	3.	On 17th October 1973 the Appellant had been arrested in the course of a "shoot-out" with police officers and on his arrest there is said to have been found in his possession a .38 revolver containing 5 live rounds in its chambers and an additional 6 rounds.	
pp.19 & 39 pp.25 & 42 pp.28 & 46	4.	The facts as found by the learned trial Judge in his Judgment on the 31st May 1974 after reading affidavits both in support of the motion and on behalf of the Respondents thereto and after cross-examination upon their affidavits of three deponents, namely, Samuel George (a Superintendent of Police and one of the respondents to the aforesaid motion), Randolph Burroughs (a Senior Superintendent of Police who arrested the Appellant), Clinton Whitehead (an Acting Superintendent of Police and one of the respondents to the aforesaid motion) were shortly as follows :-	10
p.58 line 1	(i)	That the Appellant was arrested on 17th October 1973 (which date erroneously appears in the transcript of the said Judgment as 14th October 1973) in the circumstances mentioned in paragraph 3 above.	20
pp.58/35 p.58/39	(ii)	That the Appellant was thereupon charged with shooting with intent to murder, possession of an unlicensed firearm and possession of ammunition and taken to St. Joseph police station. In addition to the said charges the Appellant had for some time been wanted by the police in connection with a number of other alleged offences, namely robberies and shootings, and the police officers to whom had been assigned the investigation of these offences were anxious to question him.	30
p.59/1 p.59/9 p.59/18	(iii)	At 5.30 p.m. on 17th October 1973 Mr. Stanley John (a barrister retained by the Appellant's father to act professionally in the matter on behalf of the Appellant who was also a cousin of the Appellant) went to St. Joseph police station to enquire about the Appellant but did not see him. Mr. John then returned to the police station at about 9 p.m. and sought permission to see and speak to the Appellant. Senior Superintendent Burroughs agreed and took Mr. John to the charge room where he saw the Appellant sitting on a bench. There was at that time a power failure and Senior Superintendent Burroughs suggested to Mr. John	40

10 that he (Mr. John) might get the Appellant something to eat as he might be hungry. Mr. John left and returned with some refreshments which he was allowed to give to the Appellant. Within five minutes of Mr. John having begun to talk to the Appellant, who was at that time handcuffed on one side to another prisoner, and on the other side to the bench, Mr. John was asked to leave, it being stated that the police had much to do. p.59/26

20 (iv) On 18th October 1973, after earlier telephone conversations with the police, Mr. John went to St. Joseph police station at about 10.00 a.m. He was informed that an interview with a lawyer at this stage was likely to impede the investigations and was not permitted to see the Appellant. There was no evidence that the Appellant was at that time actually being interviewed or was, for any other reason, unavailable for a conference with his adviser. p.59/39 p.59/48

30 (v) In the afternoon of 18th October, Mr. John by telephone sought to arrange for a conference with the Appellant at the police station and was informed by Senior Superintendent Burroughs that this would be allowed at about 5 p.m. that day. However, when Mr. John arrived at the police station for such purpose at about 5.15 p.m. accompanied by a solicitor, Assistant Superintendent Whitehead who was then in charge refused to allow Mr. John or the solicitor to confer with the Appellant saying that a conference was likely to impede investigations. Mr. John and the solicitor waited until 7.30 p.m. in the hope that Senior Superintendent Burroughs would return and that they would be permitted by him to confer with the Appellant, but without success. There was no evidence that the Appellant was being interviewed on the afternoon of 18th October, or that he was in any other way actively engaged in any procedures connected with an investigation which would have made it inconvenient for him to hold discussions with his legal adviser. p.60/14 p.60/22 p.60/43

40 (vi) On the morning of 19th October, Mr. John made further telephone enquiries and was informed that the Appellant had been transferred to the Criminal Investigation Department, Port-of-Spain. On attending at the Department at 3.00 p.m. with the solicitor, Mr. John was p.61/1 p.61/4

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informed by Superintendent Allman that investigations had reached a stage where an interview between the Appellant and his legal adviser would impede them, but Mr. Allman promised to arrange an interview the following day.

- p.61/23 (vii) The Appellant appeared to have spent the night of 17th-18th October handcuffed to the bench at St. Joseph police station and there appeared to have been little time for sleep on the night of 18th-19th October. He was questioned by Superintendent Whitehead from 9.00 p.m. on 18th October to 1.30 a.m. on 19th October; at 4.00 a.m. he was taken to Police Headquarters Port-of-Spain and from early that morning until 6.30 p.m. statements were taken from him by Superintendent Whitehead, Superintendent Heller and Inspector Kerr. The Appellant was charged with 18 offences thereafter of which 13 charges were in connection with statements taken - five by Superintendent Whitehead and eight by Superintendent Heller. 10
- p.61/12
- p.61/20 (viii) All the statements by the Appellant had been recorded by 20th October, on which day identification parades were held. The Appellant was permitted to see his legal adviser for two minutes on the morning of 20th October, immediately before the parades were held. Shortly after mid-day after the parades had been concluded, Mr. John was allowed to confer with the Appellant for about thirty minutes. 20
- p.61/27
- p.61/29
5. The former Constitution provides (inter alia) as follows :- 30
- p.89/42 "1. It is hereby recognised and declared that in Trinidad and Tobago there have existed and shall continue to exist without discrimination by reason of race, origin, colour, religion or sex, the following human rights and fundamental freedoms, namely, 40
- (a) The right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law;

(b) The right of the individual to equality before the law and the protection of the law;

(c)

(d) The right of the individual to equality of treatment from any public authority in the exercise of any function;

.....

10

2. Subject to the provisions of Sections 3, 4 and 5 of this Constitution, no law shall abrogate, abridge or infringe or authorise the abrogation, abridgement or infringement of any of the rights and freedoms hereinbefore recognised and declared and in particular no Act of Parliament shall -

p.62/11

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(a) authorise or affect the arbitrary detention imprisonment or exile of any person;

(b)

(c) deprive a person who has been arrested or detained

(i) of the right to be informed promptly and with sufficient particularity of the reason for his arrest or detention;

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(ii) of the right to retain and instruct without delay a legal adviser of his own choice and to hold communication with him;

.....

3. (1) Sections 1 and 2 of this Constitution shall not apply in relation to any law that is in force in Trinidad and Tobago at the commencement of this Constitution.

40

(2) "

Sections 4 and 5 relate to savings as to Acts

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passed during a period of emergency and as to certain Acts at variance with the said Constitution expressly so declaring and passed by both Houses of Parliament and at the final vote supported by the votes of not less than three-fifths of all the members of that House.

p.70/3

6. Section 6 of the Constitution contains the following amongst other provisions relating to the enforcement of the protective provisions of the former Constitution :-

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"6. (i) For the removal of doubts it is hereby declared that if any person alleges that any of the provisions of the foregoing sections or section of this Constitution has been, is being, or is likely to be contravened in relation to him, then without prejudice to any other action with respect to the same matter which is lawfully available, that person may apply to the High Court for redress.

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(ii) The High Court shall have original jurisdiction -

(a) to hear and determine any application made by any person in pursuance of sub-section (i) of this section; and

(b) to determine any question arising in the case of any person which is referred to it in pursuance of sub-section (iii) thereof.

30

And may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing or securing the enforcement of, any of the provisions of the said foregoing sections or section to the protection of which the person concerned is entitled.

40

(iii) If in any proceedings in any court other than the High Court or the Court of Appeal any question arises as to the contravention of any of the provisions of the said foregoing sections or section the person presiding in that court may, and shall

if any party to the proceedings so requests, refer the question to the High Court unless in his opinion the raising of the question is merely frivolous or vexatious."

7. By his aforesaid Notice of Motion, dated 1st November 1973, the Appellant sought and on 31st May 1974 Georges J., granted a declaration in the following terms :-

10 "A Declaration that the prevention of, p.77/20
and hindrance and denial to, the
Applicant while being arrested and
detained between 1.30 p.m. on Wednesday,
17th October 1973, and 12.45 p.m. on
Saturday, 20th October 1973, from
retaining and/or instructing a legal
adviser of his own choice and/or from
holding consultation with him constitutes
20 a contravention in relation to the
Applicant of his right thereto guaranteed
and protected by the constitution."

The learned Judge ordered that the Respondents to the said Motion do pay the costs to be taxed and certified fit for counsel.

8. By his said Notice of Motion the Appellant p.76
had also sought further relief directed towards
the admissibility and use and destruction of
the statements concerned. The learned Judge
held that the Appellant was not entitled to
30 any such further relief. On the hearing of
the appeal in the Court of Appeal the Appellant
abandoned his claim to any such further relief
and no longer seeks the same.

9. Georges J., in his Judgment dated 31st p.58
May 1974, after setting out the facts as
summarised in paragraph 4 above, held, first,
that the rights set out in Section 2(c)(i)(iv)
of the former Constitution had been regarded
by the former Constitution makers as specific p.64/8
40 examples of the rights proclaimed in Section 1
thereof. Assuming that there was no such
right at common law as was set out in Section
2(c)(ii), the learned Judge held that the
right now existed because the former Constitu-
tion had proclaimed that it had always existed p.64/16
in Trinidad and Tobago and that it should
continue to exist. Accordingly the burden was p.64/19
on the State to show that there was some law

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p.66/2

p.66/6
p.69/17
p.69/46

p.71/34

p.71/44

existing at the date of the Constitution which qualified that right. No such argument was advanced. Secondly, the learned Judge was satisfied that the right referred to in the former Constitution was a right which arose immediately after arrest and that the opportunity to exercise the right should be afforded without delay. Thirdly, the learned Judge was satisfied that the constitutional right which the Appellant relied on was clearly infringed on at least two occasions, namely, when Mr. John was refused permission to see and talk to the Appellant on the morning of 18th October 1973, and again on the afternoon of 18th October, when Mr. John, then accompanied by Mr. Smart, a solicitor, was refused permission to see the Appellant. Fourthly, the Appellant was entitled to the Declaration which he sought in paragraph 1 of his Notice of Motion, but was not entitled to the further relief claimed as the weight of authority precluded the learned Judge from holding that the denial of the right to instruct counsel or to consult with him inevitably made statements taken during that period inadmissible, or otherwise rendered null, void, illegal or unconstitutional all statements taken from the Appellant while he was in custody. 10 30

p.87/49

p.87/56

10. On the hearing of the appeal to the Court of Appeal the then Appellants, by the Solicitor General, submitted as follows. No such right as claimed by the Appellant had ever existed at common law or statute law nor existed by the former Constitution. In the light of Section 12 of the Judicature Act 1962 (set out in the appendix hereto) and Section 3 of the former Constitution, Section 2(c)(ii) did not grant such a right. 40 But if the right did arise by reason of the due process provision of Section 1(a) of the former Constitution, then that right should be construed as arising only at such time after a detained person has been formally charged by the court because it is only at that stage that adversary proceedings begin. However the Court of Appeal allowed the appeal on two grounds not argued before them, namely that redress 50 in accordance with Section 6 of the former

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	Constitution was not open when the alleged	<u>RECORD</u>
	breach of the right in question had been	
	committed by police officers, and (per Sir	
	Isaac Hyatali C.J., with whom Corbin J.A.	
	agreed) that the common law in force at	
	the commencement of the former Constitution	p.96/32
	was that no one had the right claimed with	
	the result that the Appellant's claim was	
10	defeated by Section 3 of the former Constitu-	
	tion.	
	11. The first Judgment in the Court of	
	Appeal was given by Rees, J.A., who said that	p.88/7
	he had not been able to find any judicial	
	pronouncement or enunciation to the effect	
	that a person in custody at the pre-trial or	
	interrogation stage had at common law a right	
	to instruct or communicate with his legal	
	adviser. Nor had any conclusive authority	
20	been produced to the court from which he	
	was able to derive assistance on the matter.	
	However, on the view which he took of the	
	case, the point did not arise for decision.	
	The crucial question for decision was whether	p.88/21
	the actions of the police officers in the	
	circumstances entitled the Appellant to the	
	declaration which he had obtained. It would	
	appear that if in the present case police	p.91/37
	officers acted contrary to any of the prohibi-	
30	tions set out at (a) to (h) of Section 2 of	
	the former Constitution, in relation to the	
	Appellant, it might well amount to a contra-	
	vention of one or other of his fundamental	
	rights contained in Section 1(a) or Section	
	1(b), although the learned Judge was not	
	prepared to go as far as making a positive	
	finding on this point. However, on the	p.91/44
	assumption that such actions of the police	
	officers amounted to such an infringement he	
40	had to consider whether the Appellant was	
	entitled to the relief sought. Whether he	
	was so entitled depended on whether a police	p.91/51
	officer fell into the category of persons	
	who are entitled collectively or individually	
	to exercise the plenitude of legislative,	
	executive or judicial power. If they fell	
	within such categories, redress was open	
	in accordance with Section 6 of the former	
	Constitution. If they did not, such redress	p.92/24
	was not available. After reviewing the origin	
50	of the modern police force in England, the	
	learned Judge held that it was clear and	p.92/41
	beyond question that a police officer is not	

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a member of any one of the classes of persons who were entitled collectively or individually to exercise the plenitude of legislative, executive or judicial power. A police officer was not a legislator, was not a member of the judiciary and was not an agent or member of the executive. It was, therefore, his opinion that Section 6 of the former Constitution, which allowed a person to apply to the High Court for redress was not applicable to this case and the declaration made by the trial Judge was wrongly made. 10

p.92/48

12. Sir Isaac Hyatali C.J., in his concurring judgment added that neither the common law nor any statute law conferred any such right as was claimed at the pre-trial stage. By virtue of Section 3 of the former Constitution, the common law that there was no such right prevailed over the right claimed by the Appellant. Corbin J.A., agreed with both judgments. 20

p.96/32

13. The Appellant submits that the Judgment of Georges J., was correct for the following reasons. First, Section 1 and Section 2 of the former Constitution recognise and declare the existence of certain rights and freedoms, Section 2 being, inter alia, a particularisation of the more general rights and freedoms set out in Section 1: per de Freitas v. Benny (1976) A.C.239; Maharaj v. Attorney-General of Trinidad and Tobago (No.2) (1978) 2 W.L.R. 902. Secondly, there was no law in force on 31st August 1962 (the date immediately before which the former Constitution came into force) which entitled the police in the circumstances to prevent the Appellant from conferring with his legal adviser and to hold him incommunicado. Thirdly, the Court of Appeal were wrong in holding that police officers did not come within the ambit of the protection afforded by Chapter I of the former Constitution. The Court of Appeal erred in holding that police officers in England (and, therefore, as they held, in Trinidad and Tobago) did not exercise any governmental functions: compare the dicta of Lord Reid in Broome v. Cassel and Co. (1972) A.C.1027, relating to exemplary damages, at p.1087-1088. 30 40

p.95/36
p.96/10

p.92/90

10 "This distinction has been attacked
on two grounds: first, that it only
includes Crown servants and excludes
others like the police who exercise
governmental functions but are not
Crown servants ... With regard to the
first I think that the context shows
that the category was never intended to
be limited to Crown servants. The
contrast is between "the government"
and private individuals. Local govern-
ment is as much government as national
government, and the police and many
other persons are exercising governmental
functions."

20 The Court of Appeal failed to refer to any
of the relevant provisions of Chapter VIII of
the former Constitution or of the Police
Service Act 1965 (Act No.30 of 1965) or of
the Crown Liability and Proceedings Act 1966
(Act No.17 of 1966) relating to the police
service in Trinidad and Tobago the terms
of which, it is submitted, make it clear
that such police service is part of the
public service of the State. (The material
provisions of the said Chapter and the said
Acts are set out in the Appendix hereto).
It is submitted that those who drew up the
former Constitution could scarcely have failed
30 to have had in mind, nor have been guilty of
"such calculated cynicism" (to use a phrase
of the learned trial Judge) in relation to
the fundamental rights and freedoms enumerated
in Section 1(a) and (b) and Section 2(a),(b)
and (c) as to disregard, the fact that
effective constitutional rights and freedoms
could be seriously undermined should oppressive,
excessive, over-enthusiastic or misguided acts
or abuse by police officers in relation to the
40 liberty of the subject be excluded from the
purview of the Constitution relating to such
rights and freedoms.

14. The Appellant accordingly submits that
the Judgment of the Court of Appeal of the
Supreme Court of Judicature for Trinidad
and Tobago is wrong in law and should be
set aside and that this Appeal should be
allowed and that the Declaration and Order
of Georges J., be restored and that the
50 Appellant be awarded the costs of this appeal

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and his costs in the Courts below for the following among other

R E A S O N S

1. BECAUSE police officers exercise State functions or functions of a governmental and State character and/or are members of the public service of Trinidad and Tobago and amenable to the provisions of Chapter I of the former Constitution;
2. BECAUSE the Court of Appeal were wrong in holding that there was a law in force at the commencement of the former Constitution which provided that a person in the Appellant's position did not have the right to communicate with his legal adviser; 10
3. BECAUSE the Court of Appeal was wrong in holding that the Appellant's claim was defeated by Section 3 of the former Constitution; 20
4. BECAUSE in the premises the Appellant was deprived of his rights under the former Constitution to consult and hold communication with his legal adviser;
5. BECAUSE the Appellant was entitled in the premises under Section 1, Section 2 and Section 6 of the said former Constitution to the aforesaid Declaration;
6. BECAUSE the Judgment of Georges J., was correct and that of the Court of Appeal was wrong. 30

D. TURNER-SAMUELS

JOHN REIDE

A P P E N D I X

I. THE TRINIDAD AND TOBAGO (CONSTITUTION) ORDER IN COUNCIL 1962

FIRST SCHEDULE

"CHAPTER VIII

THE PUBLIC SERVICE

.....

POLICE SERVICE COMMISSION

- 10 98. (1) There shall be a Police Service Commission for Trinidad and Tobago which shall consist of a Chairman and four other members.
- (2) (a) The members of the Police Service Commission shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister.
- (b) The Chairman of the Police Service Commission shall be either the Chairman or the Deputy Chairman of the Public Service Commission.
- 20

.....

- 30 99. (1) Power to appoint persons to hold or act in offices in the Police Force (including appointments on promotion and transfer and the confirmation of appointments) and to remove and exercise disciplinary control over persons holding or acting in such offices shall vest in the Police Service Commission:
- Provided that the Commission may, with the approval of the Prime Minister and subject to such conditions as it may think fit, delegate any of its powers under this section to any of its members or to the Commissioner of Police or any other officer or the Police Force.

..... "

II. THE SUPREME COURT OF JUDICATURE ACT 1962

"12. Subject to the provisions of any enactment in operation on the 1st of March, 1848, and to any enactment passed after that date, the Common Law, Doctrines of Equity, and Statutes of general application of the Imperial Parliament that were in force in England on that date shall be deemed to have been enacted and to have been in force in Trinidad as from that date and in Tobago as from the 1st of January, 1889." 10

III. THE POLICE SERVICE ACT 1965

"3. (1) The several public offices, being the office of a member of the Police Force, from time to time set out in the Third Schedule shall be deemed to constitute the Trinidad and Tobago Police Service, which is hereby established for the purposes of this Act. 20

(2) A member of the Police Force who holds such a public office, that by subsection (1) is deemed to be an office in the Police Service shall be referred to as a police officer.

.....

4. It shall be lawful for the Governor-General to issue arms and ammunition to the Police Service, and for any member thereof to carry and use the same for lawful purposes. 30

.....

7. (1) The Governor-General may, by Order -
(a) determine the pay in respect of an office in a grade;
(b) establish the allowances that may be paid in addition to pay;
(c) give effect to any agreement entered into between the Chief Personnel Officer on behalf of the Minister of Finance and the appropriate40 recognised association; and

(d) give effect to an award made by the Special Tribunal.

.....

9. A police officer shall hold office subject to the provisions of this Act and any other enactment and any regulations made thereunder and, unless some other period of employment is specified, for an indeterminate period.

.....

10 32. Every person for the time being serving in the Police Service shall be deemed a member of the Police Service, and shall have and enjoy all the rights, powers, authorities, privileges, and immunities conferred on a member of the Police Service by any enactment which is now in force or may hereafter be passed.

20 33. Every police officer shall have all such rights, powers, authorities privileges, and immunities, and be liable to all such duties and responsibilities, as any constable duly appointed now has or is subject or liable to, or may hereafter have or be subject or liable to, either by Common Law or by virtue of any law which now is or may hereafter be in force in Trinidad and Tobago.

.....

30 65. (1) The Governor-General may make regulations for carrying out or giving effect to this Act, and in particular for the following matters namely :- Regulations for the Police Service

(a) for prescribing classifications for officers in the police service, including qualifications, duties and remunerations;

(b) for prescribing the procedure for appointments from within the police service;

40 (c) for prescribing the probationary period on first appointment and for the reduction of such period in appropriate cases;

(d) for prescribing conditions for

the termination of first appointments;

(e) for prescribing the procedure for the recovery of any penalties from a police officer;

(f) for regulating the hours of attendance of police officers and the keeping and signing of records of attendance or for prescribing other methods of recording attendance; 10

(g) for regulating the duties to be performed by police officers;

(h) for regulating the granting of leave to police officers;

(i) for prescribing arrangements and procedures for providing, assisting in or co-ordinating staff developing programmes;

(j) the enlistment, training and discipline of the Police Service; 20

(k) the description and issue of arms, ammunition, accoutrements, uniform and necessaries to be supplied to the Police Service;

(l) for prescribing and providing for the use of powers under this Act or the regulations;

(m) for regulating generally the terms and conditions of temporary employment; 30

(n) generally, for the good order and government of the Police Service.

..... "

IV. THE CROWN LIABILITY AND PROCEEDINGS ACT 1966

"2. (1) Any reference in this Act to the provisions of this Act shall, unless the context otherwise requires, include a reference to rules of court or petty civil court rules made for the purposes of this Act. 40

(2) In this Act -

.....

(h) "servant", in relation to the Crown includes an officer who is a member of the public service and any servant of Her Majesty, and accordingly (but without prejudice to the generality of the foregoing) includes :

(i) a Minister of the Crown;

10

(ii) a member of the armed forces of the Crown;

(iii) a member of the Trinidad and Tobago police service,

but does not include -

(iv) the Governor-General;

(v) any Judge, Magistrate, Justice of the Peace or other judicial officer;

(vi) any officer, employee or servant of a statutory corporation.

20

.....

4. (1) Subject to this Act, the Crown shall be subject to all those liabilities in tort to which, if it were a private person of full age and capacity, it would be subject -

(a) in respect of torts committed by its servants or agents;

30

(b) in respect of any breach of those duties which a person owes to his servants or agents at common law by reason of being their employer;

(c) in respect of any breach of the duties attaching at common law to the ownership, occupation, possession or control of property.

(2) No proceedings shall lie against the Crown by virtue of paragraph (a) of subsection (1) in respect of any act or omission of a servant or agent of the Crown unless the act or omission would apart from the provisions of this Act have given rise to a cause of

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action in tort against that servant or agent or his estate."

.....

No.32 of 1978

IN THE JUDICIAL COMMITTEE OF THE
PRIVY COUNCIL

O N A P P E A L

FROM THE COURT OF APPEAL OF TRINIDAD
AND TOBAGO

B E T W E E N :

TERRENCE THORNHILL Appellant

- and -

THE ATTORNEY GENERAL
OF TRINIDAD AND TOBAGO Respondent

CASE FOR THE APPELLANT

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