



UWI

ST. AUGUSTINE
CAMPUS

FACULTY OF LAW

NEWSLETTER

PROJECT ACCESS

"Access Through Visibility – We See You"

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Issue 1 of 3

April 2026

A MESSAGE FROM OUR PROJECT LEAD

by Dr. Timothy Affonso



“ I, am pleased to introduce the first installment in a three-part newsletter series profiling individuals currently navigating the justice system.

These newsletters share the experiences of three persons, outlining the offences with which they have been charged, their interactions with the justice system, and the challenges they face in accessing justice. These accounts are grounded in real events and reflect the lived realities of people within our legal framework. They aim to illuminate systemic issues and encourage thoughtful reflection on fairness, access, and reform. To protect privacy and ensure confidentiality, all names and identifying details have been anonymised. While identities are concealed, the experiences presented remain authentic and significant, offering important insight into how justice is experienced in practice. ”

UPCOMING PUBLICATION

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Ms. C.L. is a woman in her late thirties who identifies as LGBTQIA+. She is charged with trafficking in a dangerous drug, namely cannabis sativa, contrary to s.5(4), Dangerous Drugs Act, Chapter 11:25 Laws of Trinidad and Tobago. The charge arises from an alleged incident on 29 July 2020 at a commercial shipping bond located in the East-West Corridor,



Trinidad and Tobago. She denies the allegation and has maintained her innocence throughout.

The prosecution's case is that during a routine customs inspection at the bond, a blue plastic shipping barrel bearing Ms. C.L's name was opened and searched. Inside, officers are said to have found a variety of ordinary household and food item - including tomato sauce bottles, coffee tins, peanut butter container, potato chip tins, chocolate beverage tins, and cereal boxes – within which quantities of plant material resembling cannabis sativa had allegedly been concealed. Law enforcement officers attended the location, and Ms. C.L. and a co-accused were identified and questioned. The prosecution alleges that approximately 1.4 kilograms of cannabis were recovered from the items and that Ms. C.L. was formally cautioned and charged following investigation. Ms. C.L.'s position is that she did not possess, traffic in, or participate in any concealment of prohibited drugs within any of the items allegedly recovered. The charge is a serious indictable offence carrying substantial custodial exposure, particularly given the quantity alleged and the method of concealment said to have been employed.

The matter has taken an extraordinarily long path to trial. Although the alleged offence occurred in mid-2020, the case remained largely inactive for years, with limited substantive movement attributable primarily to systemic delays within the criminal justice process.



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Ms. C.L. has experienced significant and sustained financial constraints throughout these proceedings, and there have been periods in which she was unable to meet legal fees and the ancillary costs of case preparation. This practical inability to fund continuous engagement with the legal process — including timely consultations, document preparation, and independent evidential review — contributed to periods in which the defence was less able to drive the matter forward. The cumulative effect has been that the case did not begin advancing with any real momentum until late 2025, by which point over five years had elapsed since the date of the alleged offence.

From November 2025 onward, the defence engaged substantively with the prosecution case and commenced structured pre-trial preparation. Formal instructions were taken for the preparation of a Defence Statement and associated witness material. Evidential objections to aspects of the prosecution case were formulated, defence witness statements were prepared, and lists of prosecution witnesses required for cross-examination were identified.

A case management hearing took place in November 2025, at which an application was also made to amend Ms. C.L.'s bail conditions, particularly her reporting requirements, which had been in place for years. Further case management conferences followed in January and February 2026, reflecting progressive judicial oversight and movement toward trial readiness. The matter is now listed for trial on 3 March 2026, some five years and seven months after the alleged incident.

The delay gives rise to serious fairness concerns. The passage of over five years between the alleged offence and the trial risks the impairment of memory, the diminished availability of witnesses, and the degradation or loss of records and evidence.

Ms. C.L. has borne the practical burden of bail restrictions and regular reporting requirements for the entirety of this period, without the benefit of a final adjudication.

There is an inherent resource imbalance in serious drug prosecutions: the State commands investigative and forensic capacity that an accused person of limited means cannot readily match, and the longer proceedings are delayed, the more acute that imbalance becomes. The reputational and personal consequences of an unresolved trafficking allegation hanging over a person for years are considerable, and they are compounded where, as here, the accused has limited financial resources and belongs to a marginalised community.

Ms. C.L.'s identity as an LGBTQIA+ woman, while not legally determinative of the charge, is a material aspect of her personal circumstances. It is relevant to her custodial vulnerability, her access to support structures, and the broader social consequences of criminal prosecution within marginalised communities. These factors heighten the real-world impact of prolonged delay and uncertainty and inform any assessment of the hardship and disproportionality that arises when serious allegations remain pending for an extended period without resolution.

Ms. C.L. maintains her innocence. She is entitled to the presumption thereof and to a fair trial within a reasonable time.

The matter now proceeds to trial.

Credits:

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