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High Court Office
Kingstown
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11th January 2016

Attn: The Registrar

Dear Madam,

Re: Claim No 195 of 2015 Benjamin Exeter v. The Supervisor of Elections

I have just received a copy of a letter from the Supervisor of Elections dated the 11th day of January 2016 in which she admits making an error in her affidavit sworn to and filed on the 21st day of December 2015.

I believe as an officer of the High court, I am duty bound to bring this the attention of the Court. A copy of the letter is therefore attached. I would be very grateful indeed if you would kindly bring this letter to the attention of his Lordship Justice Brian Cottle.

I have taken the liberty of copying this letter to the Attorneys for the Applicant and to Mr G Bollers who appears as Junior Counsel to Mr Anthony W Astaphan, SC

Yours faithfully



Richard Williams

Cc. Maia Eustace; Cato & Cato, Chambers Kingstown St. Vincent
Stanley John; Elizabeth Law Chambers, Kingstown St. Vincent
Grahame Bollers; Regal Chambers, Kingstown St. Vincent



MINISTRY OF NATIONAL SECURITY, AIR AND SEAPORT DEVELOPMENT

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Attn: Mr. Richard O.F. Williams

Dear Sir,

Re: Suit NO 195 of 2015 Benjamin Exeter v. the Supervisor of Elections

I am obliged to write this letter following the hearing of the Application filed on behalf of Mr. Benjamin Exeter and the two (2) Petitions, which were recently served on me.

I have had an opportunity to properly read the Petitions after the holidays. I noticed the Petitioners complained that the official mark was printed on the ballots prior to the election. This was not the case. Having read this, I re-read my affidavit sworn to on the 21st day of December 2015. I immediately realized that the Petitioners were seeking to rely on paragraph 11 of my affidavit which I swore to on the 21st day of December 2015.

In paragraph 11 I said

"There is also the allegation that some ballots did not have the official mark. This is inaccurate. All ballot papers issued to Presiding Officers had the official mark as required by law. What however I noticed was that in a few instances the official mark was printed on the counterfoil. The counterfoil is part of the ballot paper."

This statement should have read "There is also the allegation that some ballots did not have the official mark. This is inaccurate. All ballot papers issued by Presiding Officers were stamped with the official mark as required by law. What however I noticed when I participated in the final count in North Leeward was that in very few instances the official mark was stamped in part on the counterfoil."

The ballots were not printed with the official mark prior to the conduct of the election as I initially suggested. There was no official mark printed on the ballots delivered to the Presiding Officers by me for the conduct of the General Election. In fact, the Presiding Officers were all issued rubber stamps and ink to stamp the official mark on the ballot prior to the ballot being handed to the voter to enable him or her to vote. The official mark was stamped by the Presiding Officers on the ballots during the course of the General Election. It is therefore obvious that I may not have appreciated the discussion I had with Mr. Richard Williams and I made an error.

The fact that the official mark was stamped and not printed is fully supported by the following additional facts

1. Every candidate had polling agents in the stations during the vote. There was no complaint, objection or allegation that the official mark was printed;

2. All registered voters were free to vote. I can safely assume that the petitioners and their political leader as well as advisers voted and would have had the ballot in their hands. There was no complaint, objection or allegation from any one that the official mark was printed;
3. There was no complaint whatsoever during the Preliminary and Final Counts that the official mark was printed and not stamped despite the fact that candidates or their agents were present;
4. There were witnesses at every count, including candidate and/or agents;
5. I have read the affidavits of Mr. Exeter and Miss Maia Eustace. It is clear that they were given full opportunity to touch and hold, and in all cases to see the ballots during the Final Count. They made absolutely no mention or allegation that the official stamp was printed on the ballots;
6. I have read the affidavits of the Returning Officer and Election Clerkin the Central Leeward constituency and they too confirmed that this was so;
7. Notwithstanding the fullest opportunity neither Miss Eustace or the other attorney with her alleged that the official mark was printed on the ballots;
8. I was present during the hearing before the Learned Judge and I heard no such allegation or complaint;
9. I have spoken to the various presiding officers and returning officers for Central Leeward and North Windward and they have told me there were no official marks printed on the ballots and no such complaint was made during the vote or Preliminary and Final counts;

10. The first and only time any allegation of a printed official mark was made by the Petitioners was after I swore to, filed and served my affidavit on the Petitioners.

I think it unfortunate that I created an opportunity for the petitioners to hold on to something which they know did not occur and never existed especially as Mr. Exeter, Miss Eustace and another Attorney participated in the Final Count and according to the Returning Officer held ballots in their hands.

I wish to add that the only ballots I saw after the election were the ones at North Leeward where I was present and assisted with the Final Count. I have not seen any other ballots in or from the other constituencies since the election as the ballot boxes are and remain sealed and secured. . It was at this count in North Leeward that I observed a few instances in which the official mark was stamped partly on the ballot and partly on the counterfoil. There were no ballots in North Leeward with the official mark printed on them.

In the circumstances, I would appreciate it if steps can be taken to immediately inform the Learned Trial Judge, Mr. Anthony W Astaphan, SC and Counsel for the Applicants of the error which I have made. I can assure you that the error were innocent.

My sincerest apologies to the Court and all parties and Counsel.

Yours faithfully,



Sylvia Findlay-Scrubb

Supervisor of Elections