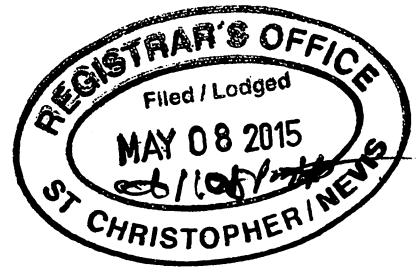


THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
FEDERATION OF SAINT CHRISTOPHER AND NEVIS
SAINT CHRISTOPHER CIRCUIT
CRIMINAL (AD 2015)



Claim No. SKBHCR 2012/0054

Between: THE DIRECTOR OF PUBLIC PROSECUTIONS
And
KEVIN ANDREW HORSTWOOD

AFFIDAVIT OF KEVIN ANDREW HORSTWOOD IN RESPONSE TO
AFFIDAVIT OF FRANKLIN DORSET

I KEVIN ANDREW HORSTWOOD of Rawlins Plantation, Mount Pleasant, in the island of Saint Christopher, but currently on remand at HMP, Cayon St, Basseterre, St Kitts, MAKE OATH and say as follows :-

1. I am the Defendant in this matter and I am representing myself in Court.
2. I respond herein to the Affidavit which I have received from Superintendent Franklin Dorset.

3. I make this Affidavit from my own involvement and matters stated herein are true and correct, to the best of my information and belief.

4. I know Mr Franklin Dorset. He is the outgoing Superintendant of Basseterre prison.

5. I note in Mr Dorset's Affidavit paragraph 3, line 2, he states,

"The rules and regulations of the prison prohibit the use of computers by any prisoner housed at her Majesty's prison."

In fact, there is already permission granted for a laptop computer, which is held by one of the prisoners on an ongoing basis. It is used every day by the said prisoner and also any of the prisoners who are band members. This has been ongoing since last year and causes no problem what-so-ever.

6. However, I am not asking for usage for recreational purposes, simply to prepare my defence, entirely in accordance with Article 10, Part 2 (c) of the Constitution of Saint Christopher and Nevis, which states that a prisoner, "shall be given adequate facilities for the preparation of his defence"

7. I respectfully submit and request that my good character

and the fact that I am preparing my own defence, should gain similar respect in terms of permission for laptop usage.

8. I have no other way to gain access to legal information and to research case law, except via a laptop and the internet.
9. In terms of preparing my defence with advice from my legal advisors who are in UK, the only way for me to have confidential legally privileged discussions is via e-mail. This is a normal way for professionals to communicate in today's world. I note that the Prison Act quoted by Mr Dorset does not specifically prohibit such communications for legal advice, and in fact, as acknowledged in the Affidavit of Mr Dorset in paragraph 4, line 3, "privileged communication with counsel" is exempted.
10. I therefore respectfully submit that my request is within the Prison Act, and certainly in accordance with Article 10, Part 2 (c) of the Constitution of Saint Christopher and Nevis.
11. Mr Dorset seems to be saying in his Affidavit that, his rule, is that a prisoner can have a confidential, legally privileged unsupervised conversation with a legal professional on the prison premises, but not have the same confidential

legally privileged, unsupervised conversation with a legal professional in UK via e-mail.

12. Such a rule, which is not stated in the Constitution, nor the Prison Act, if it were to be upheld, would be divisive, inequitable, and highly prejudicial to my case.
13. I applied to the Court, formally, last year for my MacBook laptop computer to be returned by the police. This contains evidence which is important to my case and will show my innocence. The said laptop has not been sighted, in any way, as relevant to the police case and so I respectfully request that this item of property be expressly returned to me so that the said evidence can be retrieved.
14. Last year I also made formal application to the Court, for the return of my two Blackberry telephones taken by the police, namely 665 3169 and 662 7011. These two items of property also contain evidence which is important to my case. These two items of property have also not been sighted as, in any way, relevant to the police case.
15. I require an expert to retrieve evidence from the two Blackberry telephones and I suggest that they be held on my behalf at a local law chambers of my choosing for this purpose, until my release.

16. It would clearly be prejudicial to my defence, if the evidence that I sought to lead with, were to be taken from my laptop and Blackberry telephones by an operative from the Crown.

17. I respectfully request to view all unused material in the files of the prosecution. At the Court hearing of Monday 23rd March, a prosecutor waved a file with my name on it, which he said was further information which he had just been handed. This file, and I'm sure many others evidently exist and I understand that I am entitled to view them and that the following case law applies :-

"The right of a Defendant to have access to unused material is inherent in the right to a fair trial"

In Regina v Ward (1993) 1 WLR. 619.645F-H, Glidewell L.J., delivering the judgment of the court, adopted the words of Lawton L.J. in Reg. v. Hennessy (Timothy) (1979) 68 Cr. App. R. 419, 426, where he said :

"those who prepare and conduct prosecutions owe a duty to the Courts to ensure that all relevant evidence of help to an accused is either led by them or made available to the defence".

He went on to observe :

"We would emphasise that 'all relevant evidence of help to the accused' is not limited to evidence which will obviously advance the accused's case. It is of help to the accused to have the opportunity of considering

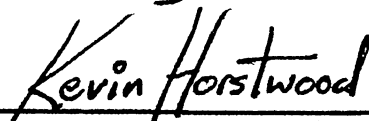
all the material evidence which the prosecution have gathered, and from which the prosecution have made their own selection of evidence to be led."

18. Once the above disclosure items are concluded I shall make expeditious application in respect of any matters arising from the said disclosure.
19. Given the still early stage, of the disclosure process, it has now become impossible to be ready for the proposed trial date of 8th June 2015.
20. I wish to have the trial as soon as possible to prove my innocence, but it would be prejudicial and foolhardy for me to proceed to trial without the disclosure items and their subsequent analysis.
21. Sadly I therefore request that the date of the 8th June 2015 be vacated and a new date set as soon as the disclosure process is concluded.

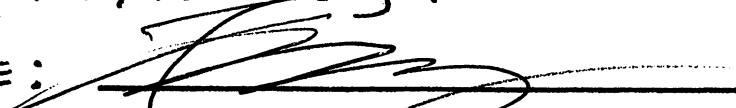
I make this Affidavit honestly and sincerely knowing the contents to be true and correct to the best of my knowledge and belief.

SWORN at the Registrars Office)
Judicial and Legal Services Complex)
East Independance Square Street)
Basseterre, St Kitts, this 8th day)
of May 2015

BEFORE ME:



KEVIN ANDREW HORSTWOOD.


COMMISSIONER FOR OATHS
ST CHRISTOPHER / NEVIS

THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
FEDERATION OF SAINT CHRISTOPHER AND NEVIS
SAINT CHRISTOPHER CIRCUIT
CRIMINAL (AD 2015)

Claim No. SKBHCR 2012/0054

Between : THE DIRECTOR OF PUBLIC PROSECUTIONS
And
KEVIN ANDREW HORSTWOOD.

AFFIDAVIT OF KEVIN ANDREW HORSTWOOD IN RESPONSE
TO THE AFFIDAVIT OF FRANKLIN DORSET

Kevin Andrew Horstwood
HMP, Basseterre,
St Kitts, WI.