

Subject: Duress by inspector David in respect of my attendance at the proposed hearing today against police sergeant Morton only.

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Date: Tuesday, 19 January 2016, 12:13:19 GMT-4

Good morning inspector Mills,

I am disappointed that as prosecutor in the above matter, that you have not responded to my e-mail of Tuesday 12th January or my two e-mails of Wednesday 13th January.

I seem to be taking the matter of proprietous prosecution in this matter, more seriously than the Royal St Kitts and Nevis Police Force.

I am under duress from Inspector David, who called me twice yesterday, to persuade me to attend the previously adjourned, proposed police internal hearing, against police sergeant Morton only, now scheduled for today.

I simply reiterate my position previously stated in my aforesaid correspondence as follows :-

1. My complaint was against Charles Smithen, who used Greg Glasgow as an accomplice, and Fitzroy Morton as his subordinate, to withhold evidence of my innocence to a charge made against me, by Charles Smithen, which relied solely on a statement fabricated by Charles Smithen.
2. It is entirely inappropriate that police sergeant Morton should be prosecuted singularly within the context of my complaint, and it is certainly not appropriate for me to participate in a hearing today, where the full facts are not on the table, and the relevant parties are not present.
3. As well as clear evidence of the guilt of police Superintendent Charles Smithen, already given to the head of RSKNPF Internal Affairs, Inspector Isles, who is in charge of the investigation of my complaint, there is further evidence to file in this matter, some of which was confirmed by DPP Gossai, in the hearing of 2nd November 2015, when I was exonerated by him of the charge, made against me by Charles Smithen.
4. I am totally committed to helping the RSKNPF in handing down, lawful and proprietous justice, to those who have done wrong, however, I can not be complicit in anything that compounds the problem, and protects the guilty.

5. I look forward to your confirmation that the matter has been adjourned for the submission of full evidence, and that the investigation will be concluded and the appropriate culprits put on trial.

I attach a further copy of my Affidavit filed in the High Court on 30th October 2015 in this matter. You will note that in paragraph 79 of the said Affidavit that I refer to the Crown's own evidence "DC 1" (the Chain of Custody Form) in that Smithen had charge of the subject laptop the whole time, and that the evident attempt by Smithen to deprive me of access to it, to show my innocence, (and disprove the alleged statement that Smithen fabricated) was perpetrated by him as head of CID for all of the years of my incarceration.

Moreover, in paragraph 86 of the aforesaid Affidavit, Smithen is shown to be misleading the Crown Prosecution as to the facts regarding his unproven allegation, that the subject laptop was stolen from the police, and Smithen then 'parked' this piece of evidence with a fellow PC for four months in contempt of the Order of Honourable Justice Carter.

Undoubtably Superintendent Charles Smithen is the chief perpetrator of the 'Abuse of Process' under investigation. I also have evidence that points to the fact that he was instructed in this Abuse by parties who wished to acquire my properties in St Kitts. I am concerned that some of those parties may be attempting to protect him from prosecution now.

In the said Affidavit of 30th October I humbly submit that, Charles Smithen should be arrested and investigated by a civilian board of inquiry. This submission was made because of my concern for the 'lack of will' or 'vested interest' agendas, in the RSNPF, preventing prosecution of one, or more, of their senior staff. Sadly this concern appears to be being played out now.

Sincerely and most respectfully,

Kevin Andrew Horstwood.



Affidavit of K.A.H. filed in the High Court on 30th October 2015.pdf
10.7MB