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REF.NO. **49/01/34**

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

P.O. BOX 633,
KINGSTON,
JAMAICA

17th July 2012

Commissioner

Independent Commission of Investigations
45-47 Barbados Avenue
Kingston 5

Complaint of Fatal Shooting of Mr KEITH CLARKE at Kirkland Heights, on May 27, 2010

The Office of the Director of Public Prosecutions has carefully examined the contents of the above captioned file which involve witness statements, Forensic, Pathologist and Ballistic Reports. This was a voluminous file and the investigation and subsequent consideration of this material has taken some significant time.

Our examination of this matter involved the requisite legal research and a consideration of the available evidentiary and public interest factors as outlined in the Jamaica Prosecutors Protocol recently published by this office. Please see our website for this Protocol at www.dpp.gov.jm

This process produced a twenty (20) page legal opinion which was thoroughly reviewed by me in consultation with the team of prosecutors assigned to deal with this matter.

The issues of credibility that arise in these particular circumstances as a matter of fact and law can only be ventilated and resolved by a jury in a criminal trial.

It is my ruling therefore that **Lance Corporal Greg Tingling, Lance Corporal Odel Buckley and Private Arnold Henry, members of the Jamaica Defence Force , be charged with the murder of Mr. Keith Clarke.**

Please be further advised that given the high public attention that this matter has commanded, it is my opinion that the interests of justice for **ALL** parties in this matter would be best served by circumventing the preliminary enquiry process in the Resident Magistrate's Court. I will therefore exercise my discretion by preferring a voluntary bill of indictment in order to facilitate the matter being brought straight to the Home Circuit Court; consequent on the arrest and charge of the three above-mentioned accused being effected in the corporate area by members of the Jamaica Constabulary Force.

Your prompt advice on the pace of the previously described proceedings will be appreciated so that the matter can be placed before the Home Circuit Court which closes on **July 31, 2012.**

Paula V. Llewellyn, QC.

Director of Public Prosecutions

cc. Mr Owen Ellington, CD.,
Commissioner of Police

ACP i/c Bureau of Special Investigations

Major General Antony Anderson, Jamaica Defence Force