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Anguilla Prosecutors Seek Arrest Warrant for Scott Hapgood [UPDATE]

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Categories : [Public Safety](#)

Tagged as : [Manslaughter 2019](#), [Scott Hapgood](#)

Date : November 12, 2019

Prosecutors in Anguilla announced Tuesday morning that they will ask for a bench warrant for Scott Hapgood's arrest for failure to appear in court Monday.

Update, 8:14 a.m., Nov. 14: Statements from Tim Foy, the governor of Anguilla, and Anguilla Premier Victor Franklin have been added to the end of this article.

The announcement from the Anguilla Attorney General's Chambers called Hapgood's stated concerns about fairness and safety "totally groundless," and his decision not to return to Anguilla for the Nov. 11 hearing a "willful defiance of the High Court order."

[Statements made](#) by Hapgood's spokesmen and others have disparaged the prosecution's earlier actions in the

case, including pressing on with the case after medical examiners had determined that the man who died after fighting with Hapgood had expired due to drugs in his body. Hapgood has also expressed concern that Anguillan government authorities, while telling him that he'd be in danger on the island, couldn't or wouldn't guarantee his safety.

See also: [Citing Fears for Safety and Fairness, Hapgood Refuses to Show Up for Anguilla Judicial Hearing](#) (Nov. 11)

Without directly mentioning those criticisms, the five-paragraph news release defended the proceedings and its prosecution:

"The Crown [prosecution] remains determined to progress this case," said the five-paragraph news release (full text below). "It will do so — as it has since proceedings started — objectively, fairly, with full regard for the rule of law and the principles of natural justice, including the presumption of innocence. Hapgood's decision to abscond will not allow him to evade justice."

The warrant would make Hapgood a fugitive around the world, the prosecutors said:

"[A] bench warrant will be sought from the High Court judge for his arrest. When this is shortly obtained this will be circulated through Interpol to police forces around the world. [...] Other formal processes will now commence regarding Hapgood, who is now a fugitive.

The announcement also said Hapgood has forfeited his bail bond of "EC\$200,000" (Eastern Caribbean dollars). The current exchange rate between the Eastern Caribbean dollar and the U.S. dollar is 37 cents (EC) to \$1 (U.S.), so the forfeited bond is \$74,000.

Next Steps

The next step in the judicial process in Anguilla is for a court to decide whether the case should go to trial, the announcement said. On Monday, "the presiding magistrate adjourned for a further hearing. At that hearing, he will make a final determination of the matter at hand." The announcement said prosecutors expect to get a bench warrant for Hapgood.

The extradition treaty between the United Kingdom and the U.S. provides procedures that would be used to order to have Hapgood arrested in the United States and returned to Anguilla for trial: The U.K. government must decide to apply for extradition; the application would be made to the U.S. State Department (which has already discussed the case with both U.K. and Anguillan government authorities); the matter would be referred to the U.S. Justice Department; the Justice Department would present the matter to a federal court; if approved, the final decision in whether to allow the extradition would go to the U.S. secretary of state.

Announcement from Anguilla Attorney General

Here's the full text of [the announcement](#) from Anguilla [Attorney General's office](#):

Yesterday, Nov. 11, the Preliminary Inquiry into the case of the Commissioner of Police v. Gavin Scott Hapgood resumed in the Magistrate's Court. Hapgood was due to present himself at the court as required by bail conditions imposed on him by order of the High Court dated April 17, 2019.

Hapgood did not present himself before the Court. In a letter emailed late on Sunday Nov. 10, his legal team notified the presiding magistrate that they had advised their client not to return to Anguilla. The letter further stated that this advice rested on concerns for their client's safety and the fairness of the judicial process in Anguilla. Both concerns are totally groundless.

Following Hapgood's failure to appear in Court the presiding magistrate adjourned for a further hearing. At that hearing, he will make a final determination of the matter at hand.

In consequence of this willful defiance of the High Court order, a bench warrant will be sought from the High Court judge for his arrest. When this is shortly obtained this will be circulated through Interpol to police forces around the world. The bail bond of EC\$200,000 [Eastern Caribbean dollars] has been forfeited. Other formal processes will now commence regarding Hapgood, who is now a fugitive.

The Crown [prosecution] remains determined to progress this case. It will do so — as it has since proceedings started — objectively, fairly, with full regard for the rule of law and the principles of natural justice, including the presumption of innocence. Hapgood's decision to abscond will not allow him to evade justice.

UPDATES:

Darienite.com recently became aware of statements [issued by Anguilla's governor, Tim Foy, and premier, Victor Banks](#), on Tuesday, Nov. 12. Foy's statement seems to have been issued on Facebook (we haven't found it anywhere else). We found Banks' statement, also issued Tuesday, elsewhere on Facebook.

Statement from Anguilla Gov Tim Foy

I have seen the Attorney General's statement regarding Scott Hapgood's failure to return to Anguilla in compliance with bail conditions set by the High Court. I also have a copy of the letter sent by his legal team to the presiding magistrate. They sent this to me late on 10 November, the day before the Preliminary Inquiry resumed.

I agree with the AG — the grounds for Hapgood's failure to return as set out in that letter are groundless.

Like me, he should have no concerns regarding his safety. Anguillians are a law abiding and peaceful people as clearly evidenced during his previous court appearances. He should share my confidence in the Royal Anguilla Police Force and the arrangements made for his return - arrangements which his own legal team and visiting State Department officials complimented during his previous appearances.

He should have no reason to be concerned about the public mood here. Claims made by his advisers and supporters of “growing unrest” because of this matter simply defies belief. Nothing could be further from the truth. I invite those making or repeating these fabrications — including those in public office — to acquaint themselves with the facts by visiting us. They are welcome any time to enjoy the peace, serenity and calm of our island as thousands of visitors do every year.

He has no reason to doubt the fairness of the judicial process. The rule of law and respect for it are paramount in this territory, as in all constituent jurisdictions of the Eastern Caribbean Supreme Court. He should share my confidence in the integrity, impartiality and independence of the Court.

Throughout this process we have kept a respectful silence to enable the court to go about its business – this is how we do things here. We have not and will not engage in public relations shenanigans of the type we have seen — that is not how we do things. Hapgood has the right to fair judicial process and he will receive that. I understand an arrest warrant is now being requested.

Statement by Anguilla Premier Victor Banks

Statement by Premier Victor Franklin Banks on the Hapgood Affair

Fellow Anguillians, My People,

I have been informed that on Monday, November 11, Mr. Garvin Scott Hapgood who was charged with manslaughter and was subsequently released on bail has refused to appear in Court in Anguilla claiming to concerns for his safety and unfairness in the judicial process in Anguilla.

I have been very cautious in commenting on this matter since its inception because it is first and foremost a police matter. The Royal Anguilla Police Force is the agency that has the responsibility to investigate such matters so as to obtain evidence to arrive at an understanding of what occurred. Once such evidence has been secured they must then turn that evidence over to another agency, namely, the Court System to adjudicate the matter. These two agencies, namely, the Police and the Courts are at the core of our justice system and no other arm or department of Government should intervene in that process.

In my position as Premier, as well as in the case of all my ministerial colleagues, (irrespective of our personal views on the matter) I have always maintained that I cannot properly intervene or intercede in any matter being managed by these agencies. It is precisely to ensure the independence of these agencies that the

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concept of separation of powers between the Executive; Legislative; and the Judiciary arms of Government is enshrined in our Constitution. In every truly democratic society, these principles ensure that social justice is maintained and that the rights of all citizens are upheld. My position on this matter has not changed.

Having said all of the above I am deeply perturbed that Mr. Hapgood has called our system into disrepute simply because it is his view that it does not appear to agree unequivocally to his claim of innocence. Further claiming that his life is in danger and his safety cannot be assured. There has been absolutely no evidence to substantiate these claims and I wholeheartedly support the statements released by the Attorney General and the Governor's Office condemning these claims.

I have been informed by the relevant agencies that there is a formal process underway for securing Hapgood's return as a fugitive. I remain supremely confident in our judicial process and assure all Anguillans; visitors; friends; and stakeholders in Anguilla that these matters will be dealt with accordance with the highest principles of natural justice including the presumption of innocence.