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Lawyer: Darien Man Notified by Anguillian Police of 'Serious' Threats Against Him

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Scott Hapgood, the Darien man accused of manslaughter in Anguilla, spoke Tuesday about the stress he and his family have been going through since the deadly struggle in his hotel room with a man he's said was trying to rob them.

"On April 13th, my family's life was changed forever," he said in prepared comments at a news conference in Manhattan. The toll on his family and himself were the focus of nearly all his statements. "Since that day, we have been living a nightmare that has gradually become our reality."

In answer to a question later in the news conference, he said of his daughters, now 14 and 12, who were in the room when his struggle with the hotel employee on April 13 led to the man's death:

"I can tell you that I'm blown away by their strength. It was a terrifying incident for my daughters, and since

that, for my son, who was not in the room. But all three of them have endured a ton, and I couldn't be prouder of how strong they've been throughout this process."

Hapgood appeared to be enduring the news conference as one of the tribulations he and his family have gone through following the April 13 incident on the small Carribean island where they were vacationing.

Since then, in addition to being arrested on a manslaughter charge, he's: been in jail in Anguilla; been vilified as a murderous, rich, white American by many Anguillians and others on social media; had threats made against him; and been on administrative leave from his finance job at UBS in New York City. Along with that, he's been preparing his defense and faces jail time if he's convicted.

Earlier this week, he flew to Anguilla where he and his lawyer, Juliya Arbisman, had a required meeting as part of the legal proceedings. They then immediately flew back to New York City. The round trip took 23 hours and six different planes, she said.

His legal team has said in the past that he acted in self-defense and in defense of his family against a man who attacked him without warning. Arbisman and Hapgood refused to say anything at the news conference about the April 13 event itself or about their defense.

Arbisman, who is Hapgood's "international counsel" (lawyer) from the United Kingdom, talked about procedural hurdles Hapgood is going through, which she said were both unfair and given the threats against Hapgood in Anguila — also unsafe.

Arbisman said that Hapgood is required to be in Anguilla for three separate occasions this week, mandated by the judicial process there, even though the one on Thursday, the prosecutor has told her, will be quickly adjourned because the prosecution isn't ready to try the case.

That puts Hapgood in unnecessary danger, she said. Anguillian police have given Hapgood a formal notice (a requirement under British law) that there are credible threats of violence against him. Arbisman said that Hapgood's legal team has suggested he make an appearance by video, which she said is allowed under Anguillian law, but that idea was rejected.

An 'Osman Warning'

Anguila, a British territory, has certain obligations under British law, including the issuing of "Osman warnings" (also known as "threat to life notices") where required. [According to the Sun](#), a British newspaper, an Osman warning

- "is a warning of a death threat or risk of murder, issued by the British police or authorities to

the prospective victim. [...] Osman warnings are issued if police have intelligence of a real and immediate threat to the life of an individual."

- The name comes from a 1998 court case, *Osman vs United Kingdom*, in which the European Court for Human Rights ruled that police had a duty to inform someone when police knew of such a threat but didn't have enough evidence to arrest the person making the threat.

"We have traveled with a security detail, and we understand that security was provided by the police, to the extent they consider it necessary and whatever was provided by their protocol," Arbisman said. "We don't have any specifics on what that was."

Hapgood's Statements

*Hapgood spoke about the toll the experience has taken on him and his family, both in his prepared comments and, later, in answer to questions. **Here is his prepared statement:***

On April 13th, my family's life was changed forever. Since that day, we have been living a nightmare that has gradually become our reality as we meet daily with lawyers, navigate threats to our safety and, as we did yesterday, making mandatory trips back to court, as we promised authorities we would.

We want the same thing as the people of Anguilla — for the truth to come out. To that end, I will fully comply with the requirements of the court, to make sure all the facts are represented.

A great deal of misinformation and outright falsehoods surround this story, and I'm hopeful that when the real story is presented to the public, the people of Anguilla will understand how this tragedy unfolded.

Lastly, I want to thank my family and my legal team for supporting me and for staying so strong throughout this process. We have a long road ahead of us, but we look forward to someday getting back to the life that we once had. Thank you.

In answer to questions, Hapgood also said at the news conference:

[Hapgood was asked for his personal perspective on how he was dealing with the situation and how his family is dealing with it.]

We're hanging on a thread, to be honest with you. It was a terrifying incident, it was a terrifying experience on the island post [after] the arrest, having spent multiple nights being incarcerated, being threatened on the island and since.

My wife, my children, we wake up with it, we swim in it, we breathe it every day, and it only came to a head

yesterday, having to board a plane to go back to that island to satisfy my bail conditions.

Look, we're trying to be as — you know — respectful of the processes as possible, so that's why we went back there yesterday, and walking back through that airport, walking into that police station to do was essentially touching the table and turning around and leaving — we were very — and Julia [Arbisman] was there as well — we did what was asked of us to be respectful of the process, and we're trying to do everything we can.

If you're asking how it's been, emotionally, since then, it's been a living nightmare.

This is my first experience with any kind of legal matters, so I'm nervous, because I just don't have any experience.

But I know that I was a victim — or my family was a victim — and I [...] think that the truth will come out, and I look forward to that.

I can tell you that I'm blown away by their [his family's] strength. It was a terrifying incident for my daughters, and since then, for my son, who was not in the room. But all three of them have endured a ton, and I couldn't be prouder of how strong they've been throughout this process.

And my girls have each had a birthday since then, and we're trying to live our lives — but they've been amazing.

Day to day, that's all I do — kind of deal with this, either conversations with lawyers or police or media or counselors — that's my day-to-day all day, every day.

Arbisman's Statements

The lawyer's prepared statement:

Yesterday, Scott and I made the first of what will be three court-mandated trips to Anguilla this week. All in, it took us 23 hours from the time we took off and landed at JFK [Airport] by a combination of six commercial aircraft.

These trips have been preceded by numerous submissions to Anguillian authorities to ensure Scott's safety on the island in the face of a credible threat of violence. We were advised in the context of a security warning by the police authorities that the less time in Anguilla that he spends, the better.

In the days leading up to yesterday's appearance we were also formally advised by the [Anguilla] attorney general, who we understand is leading this case under exceptional constitutional authority, that he would be seeing an adjournment of the hearing, currently scheduled for this Thursday, Aug. 22.

He is not ready to bring his case. Despite this, and knowing that the [...] hearing is a minor procedural step which requires no input from the defendant whatsoever, we attempted to negotiate Scott's appearance by video, which the attorney general is fully empowered to make through his consent.

The attorney general declined, without explanation. In light of the threats of violence against Scott, we were in court in Anguilla over the weekend, arguing before the judge who granted bail in April that there was no need for Scott to go to Anguilla, given that adjournment of the hearing of the 22nd of August.

Why in those circumstances is it fair to seek further attendance by the defendant with the threat to safety and the financial and physical toll of this requirement until a settled future date is fixed? There's no logic or justice in this. We were denied.

The legal team has worked tirelessly to make certain Scott receives a legitimate and fair trial. While we will fully comply with the requirements of the court, which we exhibited yesterday by making the first of our appearances, we are strongly opposed to onerous demands to attend procedural hearings in person when video would suffice.



It is cruel and unreasonable justice to drag someone into the jurisdiction, to put them in harms way, simply because there's a power to do so.

On the one hand, you say there are credible security threats, and on the other hand require him to appear in person, not once but three times in one week. Why? When he doesn't need to stand charge, but simply sit through the prosecution's request for an adjournment? Why?

And this is just the beginning, I'm afraid Mr. Hapgood, of a long legal process.

Last week we also learned that the attorney general withheld for more than two months as toxicology report that showed Mr. Kenny Mitchell was not only drunk, with a blood-alcohol level that is double the legal limit in the U.S. [for driving], but also high on cocaine and other drugs when he attacked Scott.

We have been informed that Mr. Mitchell was also facing rape charges in the weeks leading up to the attack.

We have been informed by police that he reached the condition of that bail [for the rape charges] and had been in their custody.

The charges would likely lead to the loss of his employment and loss of his visa rights to reside in Anguilla.

During those months that the report has been withheld, the A.G. has allowed a portrait of Mr. Mitchell to persist in the media that is at odds with what we now know to be true. I worry about Scott's ability to get a fair trial when relevant information is withheld and a persistent narrative has been given to potential jurors, the people of Anguilla, which is based on factual falsehoods and omissions.

We're here today to urge the authorities in Anguilla and in the U.K. to work with us to ensure that the rule of law is followed and followed in a way that preserves Scott's rights to due process.

If you cannot guarantee his safety, we urge you to not require his physical attendance at every procedural hearing, especially if the only matter of that hearing is an adjournment that you, yourself are bringing.

This is not only good law, it is also common sense.

We are confident that the evidence we've already uncovered, and which will be borne out through the legal process, that Scott will be found innocent of any wrongdoing. We are looking forward, with the assistance of the Anguillian, U.S. and U.K. authorities to resolving this matter, finally.

In answer to questions, Arbisman also said at the news conference:

We have not been informed as to the calculus that goes into the police assessment of a threat situation for logical reasons.

And we know that the threat was sufficient to have triggered what the police have referred to as an Osman warning, which is an obligation under the U.K. law to provide disclosure and information that there is an existing threat to life.

And we have acted on the information that police have given us not once but multiple times since the 1st of August, when that was first communicated to us.

I think awareness is key. We are raising awareness through every appropriate form, including senatorial and congressional levels, because I think this is a huge injustice of an individual who simply, by being an American, is having to be dragged into a very chaotic and unsafe situation.