

**IN THE SUPREME COURT OF GRENADA
AND THE WEST INDIES ASSOCIATED STATES
IN THE HIGH COURT OF JUSTICE
(CRIMINAL)**

**GRENADA
CASE NO: GDAHCR 2025/0065**

BETWEEN:

THE KING

AND

LYNDON LANGDON

Appearances:

Mr. Damon Joseph for the Crown

Mr. Ruggles Ferguson with Ms. Mckaeda Augustine for the Applicant

2026: March 12
Reissued on 13th April 2026

RULING ON APPLICATION FOR RECUSAL

- [1] This is an application by the Applicant for an order that this Court recuse itself from the proceedings. In support of the application, the Applicant filed two affidavits, sworn by the Applicant on 7th November, 2025 and a supplemental affidavit sworn on 10 November 2025, which has since been struck out. In arriving at its decision, this Court thought it prudent to review the affidavits, the submissions by counsel, and the records of these proceedings dated 10th October, 2025 and 29th September, 2025.
- [2] The application is based on an allegation of apparent bias arising during the proceedings of 10th October 2025. Particularly as the affidavit alleges the intention of the Court to deal with the issue of the arraignment of the accused, considering the pending Judicial Review Application and an Application for Stay.

[3] The test for bias is governed by the dicta stated by the House of Lords in **Magill v Porter**; **Magill v Weeks**¹. The Court is of the view that this test is not disputed. The test, as articulated by Lord Hope, is

“Whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the tribunal was biased.”²

[4] The Court must ascertain whether there is bias based on the objective test, “The fair-minded observer”. The dicta make it clear that the subjective feelings of the individual making the allegations are not determinative of whether bias exists; the question is not whether a party feels aggrieved by judicial rulings, but whether an informed observer apprised of the case would discern a real possibility of bias.

[5] The affidavit of the applicant avers to some level of dissatisfaction with how the Court sought to manage the proceedings. The affidavit filed by the Applicant avers that the Learned Trial Judge

- i. “by her conduct in the hearing of my matter on 10th October 2025, has shown an unmistakable predisposition to proceed with arraigning me in light of a pending Judicial Review Application (challenging the committal process) and Stay Application before this Court, which was filed before I was served with the indictment in the Criminal Matter.
- ii. attempts and determination to proceed with arraigning me on 10th October 2025, notwithstanding numerous objections by Attorney at-Law, demonstrated a flagrant disregard and circumvention of her duty to first address and determine the Judicial Review Application and Stay Application before any arraignment of me takes place.
- iii. Attempts and determination to proceed with arraigning me on 10th October 2025, notwithstanding numerous objections by my Attorney at Law, demonstrated a flagrant disregard of my right to a fair trial.”

¹ [2001] UKHL 67 see also R v. Abdroikof (Appellant) and another (On Appeal from the Court of Appeal (Criminal Division)) [2007] UKHL 37 on appeal from: [2005] EWCA Crim 1986

² Ibid at para 103

- [6] These claims are unsupported by the record of the court. The transcript from 10th October 2025 shows that no ruling was made dismissing, determining, or prejudging either the Judicial Review Application or the Stay Application. Nor were any findings expressed regarding their merits. The Court's references to the case of **David Brandt v Commissioner of Police and others**³ were made in the context of instructing counsel to consider relevant authority on the appropriateness of parallel proceedings, a legitimate and standard judicial function.
- [7] This approach was entirely consistent with what had already occurred before the Civil Jurisdiction of the Court, where the relevance of **David Brandt**⁴ had been squarely acknowledged and accepted by Learned King's Counsel. The transcript of proceedings dated 29th September, 2025 in Civil Matter dated **GDAHCV 2025/0357** records the following exchange:
- THE COURT: The Court can't deal with this; and the **David Brandt**⁵ matter is clear authority on this.
- MR. FERGUSON, KC: Yes.
- THE COURT: The Civil Jurisdiction cannot stay the claimant.
- MR. FERGUSON, KC: Yes, yes.
- THE COURT: So, this application for the Stay is to be seen before the Criminal Jurisdiction Judge.
- MR. FERGUSON, KC: Yes.
- [8] Considering this concession, the references of the Court to **Brandt**⁶ on 10th October, 2025 cannot objectively be construed as hostility, prejudgment, or predisposition against the Applicant. They were directed to the proper forum, sequencing, and case management, not to the outcome.
- [9] The transcript of 10th October, 2025 reveals that this Court repeatedly engaged with learned counsel on the issues raised. The Court stood down this matter twice: first at the request of learned counsel and secondly on the Court's own volition to allow learned counsel to obtain instructions, even though

³ [2021] UKPC 12

⁴ Ibid

⁵ Ibid

⁶ Ibid

the Court indicated it would handle the other pending matters. Ultimately, the matter was adjourned without the applicant being arraigned on that day, so that the case could be properly ventilated.

- [10] It must also be remembered that this matter was one of many scheduled for the Court's docket for arraignment on 10th October 2025, and there was a need to address the issue of arraignment within the case management process of the Court. The record reveals that the Court did not order an arraignment; instead, it postponed the matter and provided directions.
- [11] A fair-minded and informed observer, properly aware of all the circumstances, would recognise that robust case management, the expression of provisional views, or firm control of proceedings, do not amount to bias. Courts are entitled, and required, to manage proceedings efficiently, to cite relevant authority, and to indicate preliminary procedural inclinations. Otherwise, courts will always be hindered by inaction, as one individual may find that it is not operating as they would prefer. The new **Criminal Procedure Rule**⁷ demonstrates that the courts must take control of their proceedings, including swift case management and the early addressing of key issues.
- [12] The Applicant's complaint, when properly analysed, amounts to a disagreement with the Court's procedural approach, especially regarding the order of arraignment in relation to pending applications. Such disagreement alone, without more, does not meet the threshold for apparent bias.
- [13] Applying the test in **Magill v Porter**⁸, the Court finds that a fair-minded and informed observer would not conclude that there is a real possibility that this Court is biased. Judges are not required to recuse themselves merely because a party anticipates an adverse ruling or disagrees with the Court's approach to case management.
- [14] The Court is not satisfied that the Applicant has demonstrated any conduct giving rise to a real possibility of bias. To accede to this application would be to conflate judicial firmness or procedural disagreement with partiality, which the law does not permit.

⁷ Eastern Caribbean Supreme Court (Criminal Procedure) Rules SRO. 1/2026

⁸ Supra fn 1

[15] When one objectively examines the sequence of events, the Court's references to the case of **Brandt**⁹, its engagement with counsel, management of parallel proceedings, and decision ultimately to adjourn without arraignment can all be understood as legitimate judicial case management, not evidence of bias.

[16] The application for recusal is refused.

Paula Gilford

High Court Judge

By the Court

Registrar

⁹ Supra fn 3