

Judge justifies re-testing of cocaine exhibit

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The judge who sat in a drug case from which a sample of cocaine tendered as exhibit was allegedly swapped with washing soda has dismissed any complicity.

Justice Eric Kyei Baffour conceded that the exhibit was kept in a cabinet within his chamber but stated vehemently that the key to the cabinet was in the possession of the court clerk, insisting at no point did he have access to those keys.

The trial judge made these assertions when he took his turn at the public hearing set up by the Chief Justice to unravel the mystery surrounding the swapping of the cocaine exhibit tendered in evidence by the prosecution in a case against Nana Ama Martin.

The suspect was arrested and charged in 2008 for her alleged involvement in narcotic offences but she was granted bail after the cocaine exhibit surprisingly turned into washing soda.

The police in whose custody the cocaine exhibit had been for the past three years blamed the court for failing to secure the exhibit when the police handed it to the court leading to the swap.

The trial judge had been accused by the State Attorney Stella Arhin of overruling her objection for a retesting of the exhibit, a demand made by the defence counsel.

She also accused the judge of using insulting language against her during the trial, however Eric Kyei Baffour has dismissed the claims.

Joy News Editor Samson Lardi Ayenini who was present at the public hearing said the judge was resolute in his defence.

His honour Eric Baffour argued his decision to allow for re-testing of the exhibit was firmly grounded in law and cited Justice Georgina Wood's ruling on the Jackson Vs KLM case in which the Appeals Court ruled that merely because the defendant did not demand for verification of an exhibit tendered in evidence does not preclude him from doing so during trial.

He said overruling Stella Arhin's objection to the re-testing of the cocaine exhibit was procedurally correct and cannot therefore be faulted.

He also dismissed allegation of misconduct levelled against him by the State Attorney.

Eric Baffour also stated his court did not grant the suspect bail but it was the High Court that did so.

He his due to be cross-examined by counsel for the State Attorney.

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