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INCOMING TELEGRAM

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INFO OCT-01 ASA-11 ADS-00 CA-01 OCS-06 H-01 JUSE-00
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FM AMEMBASSY GEORGETOWN
TO SECSTATE WASHDC IMMEDIATE 0403

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FEDERAL GOVERNMENT

E.O. 12055: NA
TAGS: CARR: GY
SUBJ: PROSECUTION OF LARRY LAYTON

REF: A. STATE 216273
B. STATE 181182
C. GEORGETOWN 3189

1. THE FOLLOWING INFORMATION WAS GATHERED BY ENROFFS FROM ASSISTANT COMMISSIONER OF POLICE CECIL ROBERTS AND DEPUTY PUBLIC PROSECUTOR JACKMAN (PUBLIC PROSECUTOR ROHRO IS CURRENTLY OUT OF THE COUNTRY). SOME OF THE QUESTIONS RAISED IN REF (A) WILL REQUIRE A RESPONSE AT A MORE SENIOR LEVEL, AND WILL BE RAISED WITH ATTORNEY GENERAL SHAHABUDDEN. THE ATTORNEY GENERAL, HOWEVER, ALONG WITH OTHER SENIOR GOVERNMENT OFFICERS, IS FULLY OCCUPIED THIS WEEK WITH THE BIENNIAL CONFERENCE OF THE RULING PEOPLE' NATIONAL CONGRESS (PNC), AND THUS MAY NOT BE AVAILABLE UNTIL NEXT WEEK.

2. LAYTON CONFESSION: LAYTON'S "CONFESSION" TOOK TWO FORMS: AN ORAL STATEMENT MADE TO POLICE OFFICERS SHORTLY AFTER BEING TURNED OVER TO POLICE AT PORT KAITUMA ON NOVEMBER 18 AND A WRITTEN STATEMENT MADE THREE OR FOUR DAYS LATER. THE ORAL CONFESSION, SWORN TO BY A POLICE CONSTABLE, CONSISTED ONLY OF THE STATEMENT TO THE EFFECT OF "YES, I SHOT THOSE (BLANK BLANKS)". THE WRITTEN STATEMENT RELATES THAT LAYTON ASKED JONES FOR PERMISSION TO BOARD AIRCRAFT AND SHOOT PILOT; JONES' REFUSAL TO APPROVE THIS; AND LAYTON'S DECISION TO TAKE A GUN AND NEVERTHELESS PROCEED, AS WELL AS A STATEMENT THAT HE BEGAN FIRING AS SOON AS HEARD FIRING BY THE OTHER ASSAILANTS. THE WRITTEN, SIGNED STATEMENT INCLUDES A TYPED WARNING OF THE USES TO WHICH SUCH A STATEMENT MAY BE PUT, THAT IS WAS VOLUNTARY, ETC., SAID TO BE EXACTLY THE SAME AS USED IN BRITISH POLICE PROCEEDINGS AND SIMILAR TO US MIRANDA CAUTIONING. BOTH STATEMENTS ARE ADMISSIBLE IN CRIMINAL PROCEEDINGS, WITH THE PROVIDO THAT THE JUDGE BE SATISFIED AS TO THE BONA FIDES OF THE POLICE CONSTABLE IN THE CASE OF THE ORAL STATEMENT. LAYTON WAS NOT THREATENED, ACCORDING TO THE ABOVE SOURCES, SO NEITHER STATEMENT WAS OBTAINED UNDER DURESS. THE DEPUTY PUBLIC PROSECUTOR HAS PROMISED TO MAKE COPIES OF THE STATEMENTS AVAILABLE TO THE EMBASSY.

3. CHARGES AGAINST LAYTON: EMBASSY HAS REQUESTED STATEMENT OF CHARGES. SOURCES STATE SIMPLY THAT CHARGES ARE FIVE COUNTS OF MURDER, PLUS A NUMBER OF OTHER CHARGES WHICH ARE RELATIVELY INCONSEQUENTIAL.

4. THE DESIRED WITNESSES, WHO WILL BE REQUIRED FOR THE PRELIMINARY INQUIRY, [REDACTED] MONICA BAGBY, [REDACTED] IS SAID TO HAVE ASKED FOR PAYMENT OF WAGES LOST SHOULD HE TRAVEL TO GUYANA (A THIRD SOURCE STATES [REDACTED] MADE SAME REQUEST), WHILE ROBERTS BELIEVES THAT [REDACTED] IS UNWILLING TO RETURN. JACKMAN STATES THAT THERE IS NO BAGBY DEPOSITION, BUT ONLY HER SWORN

TESTIMONY IN THE PLANNED FIRST PRELIMINARY INQUIRY. (VERBATIM NOTES ARE USUALLY NOT TAKEN IN THE PI. THE MAGISTRATE TAKES HIS OWN NOTES.) VERN GOSNEY, OF COURSE, WAS EVACUATED BY THE USAF HOSPITAL AIRCRAFT IMMEDIATELY ON HIS RETURN TO GEORGETOWN FROM PORT KAITUMA, AND THUS THERE IS NO GOSNEY DEPOSITION, ALTHOUGH JACKMAN STATES HE WOULD BE INTERESTED IN HAVING ONE. (COPY OF THE FBI INTERVIEW WITH GOSNEY WAS GIVEN ROBERTS SOME TIME AGO.) PROCEEDINGS OF FIRST PI CANNOT BE USED IN A NEW PI, AND THEREFORE JACKMAN CONSIDERS IT ESSENTIAL THAT WITNESSES RETURN FOR NEW PI.

5. DEPUTY PROSECUTOR JACKMAN APPEARED RECEPTIVE TO THE IDEA OF PROVIDING A US LIAISON PERSON TO THE PROSECUTION, BUT THIS IS DECISION WHICH MUST BE TAKEN AT A HIGHER LEVEL.

6. BOTH ROBERTS AND JACKMAN ASSERTED THAT WITH RETURN OF WITNESSES, GOG HAS VERY SOLID CASE FOR PI WITHOUT WHATEVER PHYSICAL EVIDENCE MAY BE AVAILABLE FROM US.

7. GOG HAS TAKEN NO FIRM DECISION AS TO WHO WILL PROSECUTE CASE.

8. EMBASSY WOULD LIKE TO BE ABLE TO INFORM ATTORNEY GENERAL IN NEXT MEETING THAT IT MIGHT REPEAT MIGHT BE POSSIBLE FOR USG MAKE ARRANGEMENTS TO SATISFY SALARY DEMANDS OF LIMITED NUMBER OF WITNESSES.

9. FOR L/ARA: FORTUNE: EMBASSY NOT YET SUCCESSFUL IN OBTAINING SOLICITOR GILLETE' CURRENT ADDRESS IN TRINIDAD, BUT IS EXPLORING MEANS OF FINDING IT.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/11/93 BY 9803 RDD/mam
LEGAL ADVISER

AUG 23 1979

DEPARTMENT OF STATE

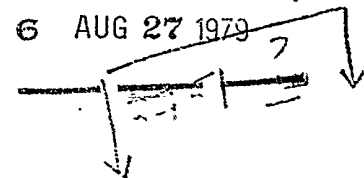
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