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1 IN CHAMBERS
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3 IN THE GRAND COURT OF THE CAYMAN ISLANDS
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5 IND 18 OF 2002
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8 REGINA

9 V

10 LEWIS DENTON ROWE
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16 Before: Anthony Smellie Chief Justice
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18 Date: 10.5.2002
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21 Appearances:

22 Mr. Duncan Nichols Crown Counsel

23 Mr. Denton Rowe defendant in person
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27 APPLICATION FOR LEGAL AID
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29 RULING
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32 Mr. L.D. Rowe applies for legal aid in order to pay for his representation in defence of
33 criminal charges brought against him by the Crown.

34 He also seeks legal aid to secure representation for the bringing of his own petition in
35 bankruptcy.

36 Mr. Rowe admits to having been until recently "a very rich man, with assets of about \$29
37 million". But now he says "I am worth nothing, even my old age pension goes to the
38 Receiver and I am paid only a weekly stipend to live off"!

1 Indeed the independent forensic accounting evidence in respect of the Cash 4 Titles
2 fraudulent scheme for which Mr. Rowe is charged, alleges that he received through that
3 scheme something in the order of \$13.4 million dollars in "commissions" between 1996
4 to 1999.

5 There are assets in Receivership with a net worth of anywhere between \$8.7 million to
6 \$350,000. That vast variation in estimated value is due to the illiquid and uncertain value
7 of assets which are in the form of certain American technology stocks and promissory
8 notes from a company called Title Loans Express Inc. to which Mr. Rowe says he
9 personally loaned \$4.5 million dollars. That company now seeks however to redeem his
10 notes for only \$325,000. He wishes his Receiver to reject that offer. The Receivership
11 also controls the house in which he lives at Magellan Quay, Grand Cayman (held with his
12 wife who owns the other half) and in which his half share is estimated to be worth
13 \$350,000.

14 The technology shares were once valued at some \$6.5 million dollars but are now said to
15 be worth only \$56,000.

16 Those are the assets in the Receivership. Against them there are already liabilities of
17 \$388,000; for Receiver's costs and fees.

18 But there were until recently, other admitted assets available to Mr. Rowe, which he has
19 since gifted or settled upon trust.

20 To one of his sons he gifted £466,988 and to another £720,000.

21 He says those gifts enabled them to clear their mortgages in their London houses and they
22 now live in the country. That they each have 3 children and cannot afford to fund his

1 legal costs. This is notwithstanding that they are respectively are a banking professional
2 and self-employed businessman.

3 There is also the L.D. Rowe Trust upon which Mr. Rowe settled £418,617 in assets but
4 which he says has declined in value by one-half and being a trust, over which he has no
5 control. Mr. Rowe says that despite that trust settlement, he now subsists by means only
6 of the weekly stipend of \$750 allowed him by the Receiver.

7 My view is that whatever the legal relationships may be, these are circumstances in
8 which the Court must require that moral obligations are observed before the Court might
9 properly seek to charge the public purse with the costs of Mr. Rowe's defence.

10 His sons must certainly feel compelled to observe those obligations and I feel compelled
11 to require that they do.

12 And while I am not told who the beneficiaries of the L.D. Rowe Trusts are, Mr. Rowe
13 must surely be owed at least moral obligations if they are other than himself, given the
14 present circumstances confronting him.

15 My decision is that Mr. Rowe must assert the moral obligations to those to whom he has
16 been recently so generous, to provide an initial sum of at least £50,000 for meeting the
17 costs of his defence this year (the trial is not yet underway but preparation must be made
18 for his defence). If Mr. Rowe and his lawyer are amenable, that sum may be held on
19 account by the Court Funds Office for disbursement against his legal costs to be taxed at
20 legal aid rates.

21 I am aware that the Receiver will be seeking to have the gifts and settlement set aside as
22 being presumably, fraudulent dispositions.

1 I will be prepared to reconsider his situation further in the context of next year's legal aid
2 budget and having regard to all the circumstances then prevailing.

3 On the separate matter of Mr. Rowe's privilege against self-incrimination I am obliged to
4 record the following.

5 He was invited to make submissions in support of his applications for legal aid on the
6 basis that nothing he discloses to the Court can be used against him in the criminal
7 proceedings.

8 While it appears that the issues mentioned above were already known the Crown, to the
9 extent they were not, nothing disclosed in this application or ruling might be used in
10 evidence against him.

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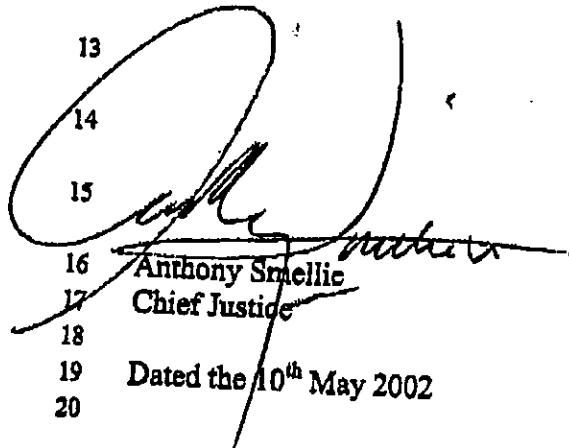
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Anthony Smellie
Chief Justice



Dated the 10th May 2002