

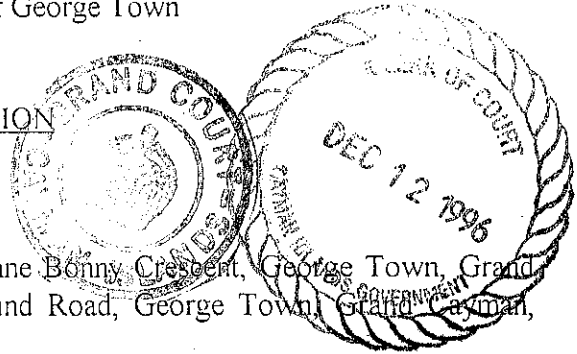
In the matter of the Elections Law (1995 Revision), as amended

And in the matter of an Election for the Electoral District of George Town held on the 20th day of November, 1996

ELECTION PETITION

TO: The Grand Court

The Petition of Berna Lavonne Thompson-Murphy of Anne Bonny Crescent, George Town, Grand Cayman, and Alfred Lawrence Thompson of South Sound Road, George Town, Grand Cayman, shows:-



1. That Petitioners, Berna Lavonne Thompson-Murphy and Alfred Lawrence Thompson, were both persons who voted at the above election. Petitioner, Berna Lavonne Thompson-Murphy was also a candidate at the above election.
2. That the said election was held on the 20th day of November, 1996, when Truman Bodden, Berna Thompson-Murphy, Dr. Frank McField, D. Kurt Tibbetts, Linford A. Pierson and others were candidates for a total of four seats in the electoral district of George Town.
3. That Truman Bodden, Berna Thompson-Murphy and Steve A. Tomlinson were running mates affiliated with the National Team, which had candidates running in every electoral district on Grand Cayman including McKeeva Bush and Tom Jefferson as candidates in the electoral district of West Bay. The said Dr. Frank McField ran as an independent candidate. The said D. Kurt Tibbetts, Linford A. Pierson, Adrien Briggs and Bridgette McPartland were running mates affiliated with the Democratic Alliance, which had candidates running only in the electoral district of George Town.
4. That on the 21st day of November, 1996, the returning officer returned the said D. Kurt Tibbetts, Truman Bodden, Linford A. Pierson and Dr. Frank McField as the first, second, third and fourth duly elected members respectively for the electoral district of George Town, followed by the said Berna Thompson-Murphy in fifth place.
5. That the said Linford A. Pierson was personally guilty of illegal practices at the said election by making and/or publishing before or during the said election certain false statements of fact in relation to the personal character or conduct of certain candidates at the said election for the purposes of affecting the return of such and/or other candidates contrary to the provisions of Section 71(1)(d) of the Elections Law (1995 Revision) in that, on the 18th day of November, 1996, he made and published at the Democratic Alliance's public meeting in the George Town Town Hall (which was broadcast live over CITN Cayman Channel 27 television and also re-broadcast over CITN on the 19th of November, 1996) the following false statements of fact:
 - a. "The Housing Development Corporation was providing a very useful service to the people of this country, but Mr. McKeeva Bush chose to sell it to the bank in which his colleague, Mr. Truman Bodden, is a shareholder, a director and an officer. Was the people's interest being considered when this sale was made? And the question tonight is: 'Who benefited?' A more serious question is: 'Could this be regarded as corruption?'"

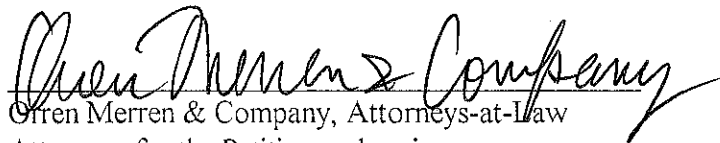
b. "Perhaps Mr. [Tom] Jefferson could attempt to regain his credibility by explaining to the public all the circumstances surrounding his hit and run accident on the West Bay Road. The question remains: 'Was Mr. Jefferson drunk?' And, secondly: 'Did he refuse to take a breathalyzer test?'"

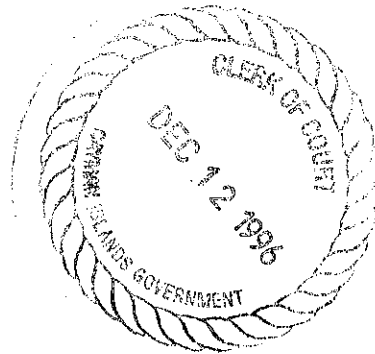
c. "Can you trust a candidate who would tear her father apart just to be elected? If she did that to her father, what would she do to you?" Although the said Berna Thompson-Murphy was not mentioned by name, in the circumstances of this public meeting, the person making the statement, the person being attacked and the George Town Town Hall as well as television audience being addressed, there was no doubt that the real and true meaning of these false statements was intended to impugn the said Berna Thompson-Murphy and that this was the real and true meaning placed upon these false statements by persons comprising the said audience.

The Petitioners therefore pray:-

- (1) That it may be determined that the said Linford A. Pierson was not duly elected and that his elections was void in accordance with the provisions of Section 56 of the Elections Law (1995 Revision).
- (2) That the said Berna Thompson-Murphy was duly elected and ought to have been returned, and therefore that the return for the electoral district of George Town be altered accordingly in accordance with the provisions of Section 58(2) of the Elections Law (1995 Revision).
- (3) That the Petitioners may have such further or other relief as may be just.

Dated this 12th day of December, 1996.


Orren Merren & Company, Attorneys-at-Law
Attorneys for the Petitioners herein



It is proposed to serve a copy of this Petition on:-

- (1) Linford A. Pierson, respondent
- (2) Philip Barnes, Returning Officer for the electoral district of George Town
- (3) The Attorney General



This Petition was issued by Orren Merren & Company, Attorneys-at-Law, whose address for service is P.O. Box 481G, 3rd Floor, Kirk House, Albert Panton Street, George Town, Grand Cayman, Attorneys for the Petitioners herein.