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## Jamaican patois interpreter shortage causes mistrial, leaving alleged drug smugglers in legal limbo



TRISTIN HOPPER | April 30, 2014 7:51 PM ET  
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Brampton's Superior Court of Justice. "I am shocked that, in a jurisdiction like Brampton, with the diverse population and the criminal caseload including narcotics matters involving Pearson International Airport, the availability of accredited Jamaican Patois interpreters is so slim," wrote Justice Clayton Conlan in the April 24 decision to end the trial

Exactly three years after they were arrested at Toronto's Pearson airport, a pair of accused Jamaican drug smugglers remain unable to stand trial because of a critical shortage of Jamaican Patois interpreters.

With more than 170,000 Jamaican-Canadians in the Toronto area, the region is a Canadian hotspot of linguists able to negotiate their way through the occasional "irie" and "ya nuh see?"

Even Toronto Mayor Rob Ford appears to have an adept grasp of the Caribbean dialect, as per a [secretly taped rant](#) released in January.

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Nevertheless, just last week a long-delayed trial of the two accused smugglers ended in a mistrial because the interpreter found by the court in Brampton, Ont., was deemed to be incompetent.

“I am shocked that, in a jurisdiction like Brampton, with the diverse population and the criminal caseload including narcotics matters involving Pearson International Airport, the availability of accredited Jamaican Patois interpreters is so slim,” wrote Ontario Superior Court Justice Clayton Conlan in the April 24 decision to end the trial.

One of the most glaring examples was a misuse of the Patois term “dash wey,” a Jamaicanized version of the English term “dash away.”

In testimony, a defendant had used the term to refer to a lethal threat made against his family; a gangster had threatened to “dash wey” (kill) his father.

Instead, the jury was told that the gangster had threatened to “throw away” the defendant’s father.

Jamaican nationals Ryan Douglas and Michael Bryan were arrested April 30, 2011, at Pearson airport with smuggled pellets of cocaine in their stomachs.

Jointly charged with drug trafficking, the pair have maintained that they smuggled the drug under duress, and were forced to swallow the pellets by “thugs” in Montego Bay.

While Mr. Bryan was attempting to explain as much to the jury, however, his Patois testimony became persistently garbled by the court’s in-house interpreter.

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“It was obvious to everyone in the room,” said Jordana Goldlist, lawyer for Mr. Bryan.

“As my client’s testimony became more passionate and more detailed, it became very clear that there were key phrases that were being left out,” she said.

As two-minute chunks of testimony were condensed into 30-second summaries, the defendant himself began chiming in to correct the interpreter’s translation.

The jury, which included at least one Jamaican-Canadian, soon passed a note to the judge requesting that he “direct the interpreter to stop paraphrasing and start interpreting verbatim.”

Even the judge himself, a non-Jamaican speaker, started correcting the interpreter’s work, mentioning at one point that she had failed to relay a critical mention of the word “risk.”

“The interpreter was clearly struggling,” he noted in his decision.

In declaring the proceedings a mistrial, the judge noted that the only other accredited interpreter available to the court was a “lady who works on weekends.”

“That is not much assistance to the court,” he wrote.

“It is a very difficult language to find, absolutely,” said Catherine Schweizer, executive director of the Association of Translators and Interpreters of Ontario. Her own association counts no accredited Jamaican Patois interpreters, and does not even have the proper examination materials to certify one.

Lilla Oakley-Gordon, a longtime Toronto-based Patois interpreter, insists that there need not be a shortage.

“Let me be open with you; every Jamaican you meet speaks Jamaican Patois,” said Ms. Oakley-Gordon. “The judge is making a mistake when he says he can’t find no other.”

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Although Ms. Oakley-Gordon has frequently worked in Ontario courts in the past, she remains unaccredited under a newly introduced certification model introduced by the Ontario Ministry of the Attorney General.

While they reject “conditionally accredited” translators such as herself, “they’re taking accredited people who aren’t familiar with the culture and the people and the vocabulary,” she said.

Notably, another unaccredited interpreter, Damian Brown, witnessed the Brampton trial, and was among the first to point out the translation discrepancies to the judge — and was even called as an expert witness.

In his decision, Justice Conlan expressed hope that unofficially accredited interpreters could be brought in for future proceedings and regretted that “the pace of change appears to be moving at the speed of molasses.”

“Perhaps we can look forward to some speedier progress in the days ahead, otherwise, justice will be sacrificed,” he wrote.

Meanwhile the accused are free, but they can't work or leave Canada.

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