

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE
CIVIL JURISDICTION

BETWEEN:

Raphael Trotman

Applicant/ Plaintiff

- and -

Johnny Anthony Welshman

Defendant



Ex Parte Affidavit In Support of Application For An Interim Injunction

I, **RAPHAEL TROTMAN** of 77 Hadfield and Breda Streets, Werk-en-Rust, Georgetown, Demerara, being duly sworn make oath and say as follows:

1. I am Plaintiff herein.
2. On the 22nd day of September 2014 I commenced the action herein against the defendant in which I claimed the following relief
 - (a) Damages in excess of \$50,000,000.00 (fifty million dollars) for libel contained in a publication in the Stabroek News publication of the 22nd September 2014, the Defendant's Facebook pages, under the name, **Johnny Anthony Welshman**, from the 19th September 2014 onwards, in the Guyana Times publication dated the 22nd September 2014.
 - (b) Exemplary damages.
 - (c) An injunction restraining the defendant whether by himself his servants and or agents howsoever from publishing and or attempting to publish whether in print electronic or any other media any material relating and or pertaining to allegations of sexual assault by the Plaintiff on the Defendant
 - (d) An order directing the Defendant to forthwith remove from the Plaintiff's face book page all material and publications relating and or referring to the Plaintiff in relation to the issue of sexual assault.
 - (e) Costs.

(f) Such further or other order as to this Honourable court may seem just and reasonable.

3. I am a practicing Attorney-at-Law in Guyana and several Caribbean jurisdictions as well as a partner in the law firm of Chapman and Trotman.

4. I am Speaker of the National Assembly and one of the founders of the Alliance For Change.

5. I have been familiar of the Defendant for several years as he is the son of one of my friends Johnny Welshman senior.

6. On or about the 13th day of August 2014 while I was in my office of the firm of Chapman and Trotman, my Secretary informed me that a man named "Johnny Welshman" was outside to see me. I responded that the only Johnny Welshman I know is in Brazil. Yet, my Secretary insisted that that was the name of the man. I decided to go into the general waiting area and saw a young man who said "hello uncle Raphael, its Johnny; Johnny Welshman's son".

7. I greeted him and enquired why he was at the office and he informed me that he needed a reference. I took a decision to give one of a very general nature given the fact that I was not very familiar with the Defendant. Hereto attached and marked "A" is a copy of the said reference.

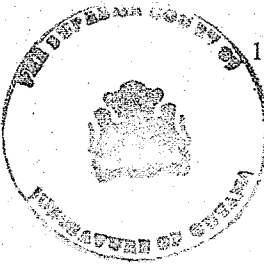
8. The reference was later collected by him from my Secretary.

9. Just prior to leaving Guyana, as I was preparing to leave my office, the Defendant appeared at my chambers where I saw him at the entrance of the office and he informed me that he has applied for a job at a city hotel and needed me to call and put in a good word for him. I told him I was unable to assist him any further and he said "ok" and left.

10. On or about the 8th day of September, whilst I was out of the jurisdiction, I received an email from my office informing me that the Defendant had attended my office accompanied by a police officer and was attempting to serve process on his father who he could not locate so he had determined that he would effect service on me.



11. I instructed my staff that we would not accept service of any documents for his father. Hereto attached and marked "B" are copies of the email correspondence.
12. On the 19th day of September 2014 I received several texts from Attorney-at-Law Jaya Manickchand informing me that she had been contacted by the Defendant, advising me that there was a matter which should be settled quickly in the interests of my family. Hereto attached and marked "C" is a copy of the said texts.
13. I returned a call to Ms. Manickchand who informed me that she had been contacted by the defendant in relation to an allegation of sexual assault against me and that it was in my interest to settle the matter. I informed Ms. Manickchand that I had never sexually or otherwise assaulted the defendant and that he should report the matter to the Police. Further, that I was not prepared to enter into any discussion about a settlement of something that I did not do.
14. I immediately contacted my attorney-at-law who conducted a search on facebook for the defendant's page.
15. I was informed by my Attorney at law and verily believe that he visited the defendant's page where the Defendant had posted the following notice "If I don't get any satisfaction I will expose the man behind the mask!!!Sitting in parliament, by Sunday if you hear nothing it means I settled it." Hereto attached and marked "D" is a copy of the publication



16. I was further advised by my Attorney at law and verily believed that the Defendant had also published on his facebook page the following statement "Dear. Friends and family My life has been threaten by people who have done me wrong as a child an know holds political office. I have an will fully expose everyone in the event of my death NCN have done a video interview an there is a legal matter know pending in the Magistrate court.

May justice take it course. —  feeling sad" hereto attached and marked "E" is a copy of the said publication.

17. I immediately became concerned that the Defendant was part of an orchestrated political smear campaign specifically intended to discredit me by publishing an interview with the Defendant on NCN, a known Government news agency.

18. On or about the 17th September, 2014, the defendant's mother, Alisa Maria Collymore, placed the following words on the Defendant's Facebook page: "One creative idea can resolve a pervasive situation in your life or lead to a lifetime income. Today I am praying that God would grace you with the creative idea that will change your life and that of the family forever." Hereto attached and marked "F" is a copy of the said Facebook post.

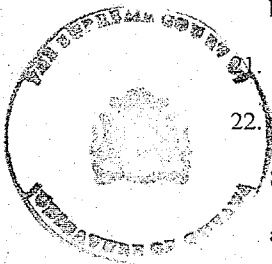
19. Not very long after the abovementioned Facebook post, the Defendant began making allegations of sexual molestation by a politician.

20. On Sunday the 21st day of September 2014, I was informed by my Attorney-at-Law, and I verily, believed that the Defendant published the following statement on his facebook page "Today I had it!!!! The individuals that raped me when I was a child was speaker of Parliament Raphael Trotman close friends my father, Colin from Yarrowkabbra ..." hereto attached and marked "G" is a copy of the publication.

21. I unreservedly deny the allegations.

22. Upon the receipt of the aforementioned information on the 21st day of September 2014 I caused to be issued a public statement deny the allegations and setting out my reasons for the Defendant's actions, Hereto attached and marked "H" is a copy of the statement.

23. I am informed by my Attorney at law and verily believe that he conducted further searches on the defendant's facebook page where he found a self recorded interview dated the 24th May 2014 in which the defendant states that he tried to kill himself by consuming 23 prozac tablets because his boyfriend had left him. In the said interview the defendant was rumbling



aimlessly about the uselessness of his life and his desire to want to terminate it.

24. I am informed by my Attorney at law that on the same page on which the self recorded interview was posted the Defendant purports to have a post by a Justice Lydia Kellawan S.C. who purports to state that the Defendant was the son she never had.

25. I am advised by my attorney at law and verily believe that when he clicked on the link which purported to be that of Justice Lydia Kellawan he was directed to a page which had the photograph of sitting Eastern Caribbean Court of Appeal Judge Ms. Louise Blenman purporting to be that of Justice Lydia Kellawan. Hereto attached and marked "I" is a copy of the said publication.

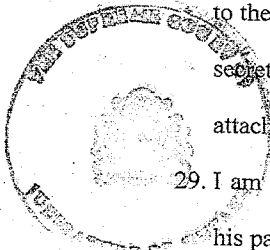
26. I am advised by my Attorney at law and verily believe that there is no person by the name of Justice Lydia Kellawan S.C. who is in fact Justice Louise Blenman or vice versa.

27. I am advised by my Attorney at law and verily believe that the Defendant created the profile of the said Justice Lydia Kellawan and thereafter used the said profile to comment on his own self created record suicide message.

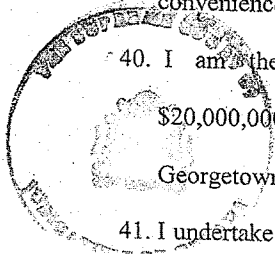
28. I am advised by my Attorney at law and verily believe that the defendant further published on his facebook page on the 13th day of December 2013 "In this world u don't need talent sometimes it is worth sleeping your way to the top ...look who is talking lol .Congrats to me i am the new corporate secretary/Legal officer for a shipping company. I love my haters " Hereto attached and marked "J" is a copy of the said post.

29. I am further advised and verily believe that the Defendant had posted on his page several suggestive semi nude pictures of his body with his tongue suggestively protruding from his mouth

30. I am advised by my attorney at law and verily believe that the defendant is mentally unstable, schizophrenic and delusional.



31. On Monday the 22nd September 2014 I read in the Guyana Times, the Guyana Chronicle and the Stabroek news publications of the said day extracts purporting to be from interviews with the defendant in which he alleges that I sexually assaulted him when he was a minor. Hereto attached and marked K1 to K3.
32. I deny all the allegations.
33. In the interview published in the Stabroek news the Defendant states that he made a demand for payment in the sum of \$20,000,000.00 (twenty million dollars), which demand I rejected.
34. I am advised by my attorney at law and verily believe that the said admission by the defendant is a confession of the crime of extortion.
35. I am advised by my attorney at law and verily believe that the statements posted to facebook and published in the aforementioned newspapers libelous.
36. I fear that various elements in the political arena are attempting to smear my name and threaten me in an attempt to impact upon the discharge of my responsibilities as Speaker of the National Assembly.
37. I fear that unless restrained by an order of this Honourable Court I will suffer irreparable harm to my reputation.
38. I am advised by my Attorney at law and verily believe that damages is not an adequate remedy.
39. I am advised by my Attorney at law and verily believe that the balance of convenience lies in favor of the grant of the orders sought here.
40. I am the owner of immovable property valued in excess of \$20,000,000.00 (twenty million dollars) situate at lot 77 Hadfield street Georgetown.
41. I undertake to pay for any loss which the Defendant may suffer as a result of the grant of the orders sought herein.
42. In the premises application is hereby most respectfully made to this Honourable court for the following orders:

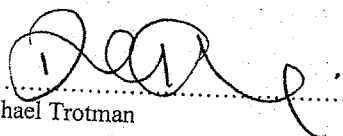


(a) An injunction restraining the Defendant whether by himself his servants and or agents howsoever from publishing and or attempting to publish whether in print electronic or any other media any material relating and or pertaining to allegations of sexual assault by the Plaintiff on the Defendant

(g) An order directing the defendant to forthwith remove from the plaintiff's facebook page all material and publications relating and or referring to the plaintiff in relation to the issue of sexual assault.

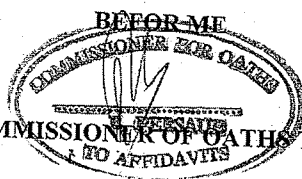
(h) Such further or other order as to this Honourable Court may seem just

43. This affidavit was drawn by C.A. Nigel Hughes, Attorney-at-Law of and whose address for service is at his chambers Lot 62 Hadfield and Cross Streets, Georgetown Demerara.


Raphael Trotman

Sworn to at Georgetown Demerara.

This 22nd day of September, 2014.



13th August, 2014

THIS is the Document marked.....
referred to in the foregoing affidavit
of..... Sworn before
me this..... day of.....

Re: Letter of Recommendation¹⁹.....


A Commissioner of Oaths.

This letter serves to introduce Mr. Johnny Welshman
of 223 David Street, Kitty, Georgetown whose family has
been known to me for more than 10 (ten) years.

Mr. Welshman displays many good character traits
such as, commitment, and a willingness to work hard.

I therefore have no hesitation in recommending him
for whatever he endeavours to pursue.

Yours truly,


.....
Mr. Raphael G.C. Trotman
Attorney-at-law

8/9/2014
rt2712@yahoo.com

Good Afternoon Mr. Trotman I am a bit concerned about an incident that occur with me during my lunch break while the office was close. Johnny Welsham Junior called and informed me that he has a document for me to collect for you and if I can come downstairs to pick it up from him.

When I went down to open the door and collect the document from him he was there with one Corporal K. Das dressed with brown cloths there to served me a summons for protection order against the senior Johnny matter fixed before Justice Kurtzious tomorrow morning.

I indicate to the Police that service need to be effected to the Respondent in the matter and that he will then take an Attorney to represent him . I inform the police that you are presently out of the Jurisdiction and I have no idea when you will be returning and I cannot accept any such service because there is no Attorney at the office to appear in Court tomorrow. I indicate to the Junior Johnny that he needs to effect service directly on his dad the senior Johnny he is saying to me that his father is here in Guyana and the he is not getting him at the local address here and that he spoke to Justice Kurtzious personally and she informed him that you have represented his father in a few matter and that he should serve the summons on our Chambers.

I informed the Police to indicate to the Judge in the morning that you are out of the Jurisdiction and that they can take an adjournment get the new date and then I will speak to you about me accepting such service.

The Police inform the Junior Johnny that he cannot serve a document on me without me consulting you the Attorney and they went away.

I just wanted to indicate to you what transpire and what I did.

Thank you

Cynthia

THIS is the Document marked.....
referred to in the foregoing affidavit
of..... Sworn before
me this..... day of.....
19.....


A Commissioner of Oaths.

Dear Cynthia,
This is crazy. I don't know what's going on between them. I'm glad you didn't accept the summons.

Sent from my BlackBerry 10 smartphone.

[Show message history](#)

[Reply](#), [Reply All](#) or [Forward](#) | [More](#)

Thank you Mr. Trotman I was scared that you may be upset with me.

But to my knowledge you have to serve the person and that individual is free to choose which Attorney he/she desires to.

Thanks

Cynthia

----- Original message -----
From: raphaeltrtmanafo@gmail.com
Date: 22/09/2014 1:45 PM (GMT-04:00)
To: Nigel Hughes
Subject: Jaya Manickchand's texts

THIS is the Document mentioned
referred to in the foregoing affidavit
of ~~the~~ Sworn before
me this ~~day of~~
19 ~~2014~~


A Commissioner of Oaths

+592 6606600 09/19/14 5:27 PM
Raphel, good afternoon. I need to speak with you urgently re: Jonny Welshman, who sought my
services. In your interest and that of your family's I think this matter should be settled quickly
and discreetly

+592 6606600 09/19/14 5:29 PM
If a settlement cannot be reached I will recuse myself from the matter...I think that you have
young daughters who need protection from a mean press and you have your reputation at stake.

+592 6606600 09/19/14 5:29 PM
Please contact me at the earliest so that we can discuss a way forward.

+592 6606600 09/19/14 5:29 PM
This is jaya Manickchand