

**BARBADOS**

**IN THE SUPREME COURT OF JUDICATURE**

**HIGH COURT**

**Family Division**

**No. 223 of 2006**

**BETWEEN:**

**VALIQUETTE BRANCH – RUSSELL**

**APPLICANT**

**AND**

**JEFFERSON BISPHAM**

**RESPONDENT**

*Before Dr. The Hon. Madam Justice Sonia L. Richards, Judge of the High Court.*

**2007: April 12, May 31, June 29**

**Ms. Lisa Greaves in association with Ms. C. Ward for the Plaintiff.**


**Mr. Chester Sue for the Respondent.**

**DECISION**

[1] This is an application for the child Matthew Omari Bispham to be declared a ward of the Court, and for the Respondent to pay maintenance to the Applicant in a sum to be determined by the Court. The parties agreed to undertake a paternity test at the Forensic Sciences Centre (FSC).

- [2] The results of the test were submitted to the Court in a report dated the 22<sup>nd</sup> day of February, 2007. That report stated that the Respondent was not the father of a child named in the conclusion to the report as Jada Charles.
- [3] Counsel for the applicant challenged the report on the basis that there is an error in a significant part of the report. Ms Greaves questioned the reliability and validity of the testing process that produced a report that referred to an individual, Jada Charles, who is a stranger to these proceedings. She argued that a presumption of paternity arose in this case, and this presumption could not be rebutted by a faulty paternity test.
- [4] The Deputy Director of the FSC was accepted by counsel for the parties as an expert witness. Having heard her evidence, and having considered the submissions made by both attorneys-at-law, the Court is satisfied that the error in the report is an administrative error. The Court is also satisfied that this error does not compromise the validity of the results because there was no error demonstrated either in the testing process, or in the technical review of those results.

- [5] If the name Jada Charles is deleted from the conclusion to the report, and replaced by that of Matthew Omari Bispham, the critical data contained in the report would not be compromised because the results always applied to the Applicant, to the Respondent, and to the child Matthew Omari Bispham. Therefore, the presumption of paternity has been rebutted by the DNA evidence.
- [6] At this time the Order of the Court is that the FSC shall issue a corrected copy of the report. On receipt of this report by the Court, further consideration will be given to the dismissal of the application for maintenance with a consequential order for the Registrar of the Supreme Court to remove from the Register of Births the name of the Respondent as the father of the child Matthew Omari Bispham.
- [7] Leave to appeal is granted.

  
Sonia L. Richards  
High Court Judge.