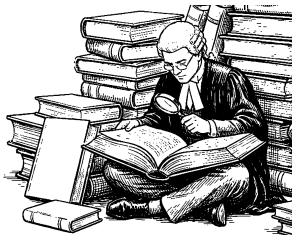
NOTES *on the* STYLE *of the* LAW



The Top 5 Judicial Smackdowns of 2025!

by

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31 Dec 2025; 4 Car III

judicial smackdowns — brutality — viciousness
judge-on-judge combat — spitting straight fire
smacking down

WHEN the end of the year approaches, the time comes, with our dearest family and friends, to celebrate the power of judicial BRUTALITY. With no further ado, let us consider, from across the world (and in absolutely no particular order) the Top Five JUDICIAL SMACKDOWNS of 2025!

§ 1 Waste money on a pointless appeal? Expect a smackdown!

In the Privy Council, a pair of Bahamian attorneys-at-law asserted that they had no obligation to pay common expenses of a condominium because, *inter alia*, the management company was listed in an agreement as as the 'Town Court Condominium Association', rather than 'the Town Court Management Company'. The failure to pay lasted some twenty-five years based on utter legal silliness from actual lawyers. For the Board in *Rolle v Town Court Management Co*,[1], Lord Leggatt had some VICIOUS words for lawyers who are making such idiotic arguments to avoid basic obligations:

> In doing so the members of the Board also wish to record their dismay that the appellants have withheld a substantial sum of money due to the respondent for an inordinate period of time (25 years since the arrears began to accrue) on grounds which were so wholly without legal substance. Had the assertions of legal invalidity made on this appeal, as well as in two courts below, not been made and maintained by lawyers unwise enough to act in their own cause, the Board would not have thought them capable of being argued. To reflect its opinion of their conduct, the Board proposes to direct

1 [2025] UKPC 16

> that the appellants must pay the respondent's costs of the appeal and of the proceedings in the courts below, to be assessed on the indemnity basis, unless the appellants show good reason why such an order should not be made in written submissions filed within 21 days of the date of promulgation of this judgment.[2]

§ 2 *Judges breaching the law? Smacking down time!*

In Ontario, Woollcombe J was faced with a sentence below against the provisions of the Criminal Code. In *R v Leclaire*,[3] Her Honour had to handle an appeal where all parties agreed the judge below had refused to impose the mandatory minimum jail sentence for a third or successive impaired driving offence. This judicial disregard for the law led to some judge-on-judge BRUTALITY:

> Jalali J's decision to impose a sentence that she knew was illegal reveals not only a clear error but, in addition, a wilful violation of her judicial obligation to apply the laws of this country to the best of her ability. There was no constitutional challenge to the mandatory minimum sentence before Her Honour. There was no legal basis upon which to refuse to impose the mandatory minimum sentence required by the Criminal Code in this case. Jalali J fully appreciated what the law required her to do and deliberately refused to apply the law. I view it as an affront to the administration of justice for a judge to choose to knowingly disregard and decline to follow the law that must be applied. The sentence Her Honour imposed must be set aside and a sentence of four months jail imposed.

§ 3 *Prussians? Get smacked down!*

Meanwhile, in the American case of *Ozurumba v Bondi*,[4] the central issue facing the US Court of Appeals for the Fourth Circuit was if cooking meals for a terrorist organisation constituted 'material support'. The majority of the Court, for reasons not relevant to the smackdown, held it was not. In dissent, Richardson J wrote:

> 'An army marches on its stomach.' This truism is widely attributed to Napoleon Bonaparte, the famous French commander and emperor, and to Frederick the Great, the well-known King of Prussia. Perplexingly, the majority thinks it knows better, finding that providing thousands of meals to a terrorist organisation does not constitute material support to that organisation.

2 *ibid*, para 28
3 2025 ONSC 4203
4 (2025) 153 F 4th 396 (4th Cir)

> It arrives at this answer by reading one of the several objects of material support—terrorist organisation—out of the statute, narrowing it to only include support for acts of terrorism.[5]

In response, Wynn J let loose some profound BRUTALITY on the use of Prussians in statutory interpretation:

> Our good colleague apparently enjoys bombast for law—wielding rhetorical flourishes about Napoleon's alleged digestive wisdom. But it is one thing to observe that soldiers need food; it is quite another to stretch that battlefield maxim into a statutory command Congress never enacted. The statute prohibits 'material support' to terrorist organisations, yes—but it does so in the particular ways that Congress enumerated. The dissent, unfazed by textual restraint, wants to read 'meals' into the statute as though judges have the freedom of grocery clerks who can stock the shelves of statutes as they see fit.
>
> But Congress chose specific terms; judges are not free to supplement them because Frederick the Great talked about his dinner. To say that every provision of food is support for terrorism is to collapse the statute into absurdity: under the dissent's theory, a soup kitchen feeding the hungry—some of whom may be unsavoury characters—would find itself guilty of aiding terrorism. That's not textual fidelity; that is judicial overreach.[6]

§ 4 Homicide error? Smackdown coming

In New Zealand, the Court of Appeal was faced with a logical puzzle, of an exceedingly easy variety. A man had been convicted twice of killing a man with his car, after striking him twice with said vehicle. This resulted in two culpable homicide convictions, One hit resulted in a manslaughter conviction; the other resulted in a murder conviction. (In other words, the charges were not presented as alternatives). The result was confusion, because it is exceedingly difficult to kill a person twice. In *R v Ronaki-Wiȟapi*,[7] Venning J set things straight, using simple language to create a smackdown on the trial judge for the charging error:

> Common sense would suggest that it is not possible to be guilty of murdering the same person twice. The law accords with common sense on this issue. To prove the charge of murder, the Crown must establish a culpable homicide. Homicide is the killing of a human being by another, directly or indirectly, by any means whatsoever. It is not possible to kill a person who is already

5 *ibid*, 407
6 *ibid*, 398, n 1
7 [2025] NZCA 298

> dead. Or, looked at another way, a defendant is not guilty of multiple charges of murder for each separate injury that he inflicts that contributes to death. He is guilty of a single offence of murder.[8]

§ 5 Claim a million is a minor error? Smacking down time!

We end with a populist smackdown, where a company trying to claw back £1 million from a consumer is met with proper rebuke. Ms Corrine Pearl Durber placed a bet on an online jackpot game. The wheel spun and Ms Durber was told that she had won the 'Monster Jackpot' of £1,097,132.71. PaddyPower then claimed that a computer error had caused the spin to go wrong and Ms Durber was not, in fact, entitled to her million pounds. Their parent company's director of compliance, one Mr Padgett, said that this was all just a little mistake. In His Lordship's judgment for Ms Durber (on various contractual and consumer rights grounds), Ritchie J let loose some BRUTALITY:

> Mr Padgett then made the remarkable assertions that this was a 'fairly minor display issue' and that the Claimant 'had not been negatively impacted and was in fact paid out the correct amount as determined by the RNG and in line with Paddy Power's terms and conditions.' Stopping here, despite the absence of a witness statement from the Claimant, I do not accept those assertions by Mr Padgett. £1 million is a life changing sum for the vast majority of people in England and Wales. It could abolish debts, feed families, buy houses, pay for private medical care and many other vital matters in life. I infer that, like the majority of the population, the Claimant hoped and maybe dreamed of winning over £1 million. So, when she did so, on 18 October 2020, and when that sum was then taken away from her, that cannot properly or fairly be characterised as a 'fairly minor display issue' and it is wrong to assert that the Claimant has 'not been negatively impacted'.[9]

8 *ibid*, para 22 (footnotes omitted)

9 Durber v PPB Entertainment Ltd [2025] EWHC 498, para 24, KBD *per* Ritchie J

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