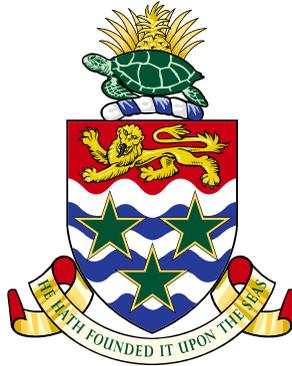


**CAYMAN ISLANDS**



**Grand Court Law (2015 Revision) and Criminal Procedure Code (2019  
Revision)**

# **CRIMINAL PROCEDURE RULES, 2019**

**(SL 32 of 2019)**

**Supplement No. 1 published with Legislation Gazette No. 32 dated 12th September, 2019.**

## PUBLISHING DETAILS

---



**CAYMAN ISLANDS**

**Grand Court Law (2015 Revision) and Criminal Procedure Code (2019  
Revision)**

# **CRIMINAL PROCEDURE RULES, 2019**

**(SL 32 of 2019)**

## **Arrangement of Rules**

Rules	Page
<b>PART 1 – PRELIMINARY</b>	
1. Citation and commencement .....	5
2. Interpretation .....	5
3. Application of Rules .....	6
4. The overriding objective .....	6
<b>PART 2 - CASE PROGRESSION AND MANAGEMENT</b>	
5. Service of the initial papers for the prosecution case in Summary Court .....	8
6. Transmittal or committal of case to the Grand Court .....	8
7. Case progression officers and their duties .....	9
8. Grand Court bail conditions .....	10
9. Arraignments .....	10
10. Case management: the duty of the court .....	11
11. The court's case management powers .....	12
12. Application to vary a direction .....	13
13. Agreement to vary a time limit fixed by a direction .....	13
14. Disclosure of material .....	14
15. Notice of alibi .....	15
16. Election of trial by judge alone .....	15
17. Case preparation and progression .....	15
18. Trial management .....	15
19. Case management forms and records .....	17



### **PART 3 - TRIAL AND SENTENCE IN THE GRAND COURT AND SUMMARY COURT**

20.	When this Part applies.....	17
21.	Where this Part applies.....	17
22.	Requirement to comply with rule 9(5).....	18
23.	Procedure on plea of not guilty .....	18
24.	Evidence of a witness in person.....	18
25.	Evidence of a witness in writing.....	19
26.	Application to withdraw a guilty plea .....	19
27.	Procedure if the court convicts.....	20
28.	Applications for excusal from jury service .....	22

### **PART 4 - PRACTICE DIRECTIONS AND GUIDES**

29.	Practice directions and guides .....	23
30.	Publication of practice directions and effective date .....	23
31.	Compliance with practice directions and guides.....	23

### **PART 5 - SERVICE OF DOCUMENTS**

32.	Personal service .....	24
33.	Service on a body corporate or other legal person .....	24
34.	Service on a person in custody .....	24
35.	Address for serving documents not required to be served personally.....	24
36.	Service by electronic means .....	25
37.	Alternative methods of service.....	25
38.	Service by person in custody .....	26
39.	Proof of personal service .....	26
40.	Power of court to dispense with service .....	26
41.	Service of court process outside the jurisdiction.....	26
42.	Practice Direction superseded .....	27

<b>SCHEDULE</b>	<b>29</b>
<b>FORMS</b>	<b>29</b>
<b>Form 1</b>	<b>29</b>
<b>Form 2</b>	<b>31</b>
<b>Form 3</b>	<b>33</b>
<b>Form 4</b>	<b>34</b>
<b>Form 5</b>	<b>43</b>
<b>Form 6</b>	<b>45</b>



**CAYMAN ISLANDS****Grand Court Law (2015 Revision) and Criminal Procedure Code (2019 Revision)****CRIMINAL PROCEDURE RULES, 2019****(SL 32 of 2019)**

In exercise of the powers conferred by section 19 of the Grand Court Law (2015 Revision) and section 195 of the Criminal Procedure Code (2019 Revision), the Rules Committee of the Grand Court makes the following Rules —

**PART 1 – PRELIMINARY****Citation and commencement**

1. (1) These Rules may be cited as the Criminal Procedure Rules, 2019.  
(2) These Rules shall come into force on 1st November 2019.

**Interpretation**

2. In these Rules, unless the context otherwise requires —

“**accused**” means a person against whom a complaint is made, or an indictment is preferred and includes a defendant;

“**arraignment**” means taking the plea of an accused upon an indictment in the Grand Court or upon a charge in the Summary Court, as the case may be;

“**case**” means criminal proceedings;

“**complainant**” includes a person who files a complaint in relation to an offence;

“**court**” means the Grand Court or a Judge of the Grand Court or where the context so requires a Summary Court or a Magistrate;

“**court’s office**” means the place where documents are to be filed and includes a registry or sub-registry; and the place where work of a formal or administrative nature is to be dealt with by members of court staff;

“**court officer**” means the appropriate member of the staff at the court’s office;

“**document**” does not include a summons pursuant to sections 18 and 18A of the *Criminal Procedure Code (2019 Revision)*;

“**filing**”, in relation to a document, means delivering, or sending the document by e-mail or electronic transmission, to the court’s office and is not completed until the document is received at that office;

“**participant**” means anyone involved in any way with the conduct of a criminal case; and

“**party**” includes both the party to the criminal case and an attorney-at-law on record for that party unless any rule specifies or it is clear from the context that it relates to the accused or to the attorney-at-law.

### Application of Rules

3. These Rules, unless the context otherwise requires, shall apply to the management of all criminal cases in the Grand Court and the Summary Courts.

### The overriding objective

4. (1) The overriding objective of these Rules is that criminal cases be dealt with justly.
- (2) It is the duty of the court and all parties and participants, at every stage of proceedings where the context so requires, to further the overriding objective.
- (3) Dealing with a criminal case justly includes —
- (a) dealing with the prosecution and the defence fairly;
  - (b) ensuring the protection of all the rights of an accused;
  - (c) considering the interests of the accused, witnesses, victims and jurors and keeping them informed of the progress of the case, as necessary;
  - (d) dealing with the case efficiently and expeditiously;
  - (e) ensuring that appropriate information is available to the court particularly when bail or sentence is under consideration; and
  - (f) dealing with the case in ways that take into account —
    - (i) the gravity of the offence;
    - (ii) the complexity of what is in issue;
    - (iii) the consequences for an accused and others who may be affected;



- (iv) the needs of other cases; and
  - (v) allotting the case an appropriate share of the court's resources, while taking into account the need to allot resources to other cases.
- (4) The court must seek to give effect to the overriding objective when the court —
  - (a) exercises any discretion given to the court by these Rules; or
  - (b) interprets the meaning of any rule or practice direction.
- (5) Each party shall —
  - (a) actively assist the court in fulfilling its duty under paragraph (2) whether or not the court has made a direction; and
  - (b) apply for a direction if needed.
- (6) It is the duty of the participants in a criminal case to —
  - (a) prepare and conduct the case in accordance with the overriding objective;
  - (b) comply with these Rules, Practice Directions, orders and directions made or given by the court; and
  - (c) immediately inform the court and all parties of any significant failure (whether or not that participant is responsible for that failure) to take any procedural step required by these Rules, Practice Directions or any orders or directions made by the court.
- (7) In fulfilling a party's duty under this rule each party shall —
  - (a) comply with the Rules, Practice Directions, orders and directions made or given by the court;
  - (b) take every reasonable step to make sure the party's witnesses attend when needed;
  - (c) make appropriate arrangements to present any written or other material; and
  - (d) promptly inform the court and the other parties of anything that may —
    - (i) affect the date or duration of the trial; or
    - (ii) significantly affect the progress of the case in any other way.
- (8) Under these Rules, unless the context makes it clear that something different is meant, anything that a party may or shall do, may be done —
  - (a) by an attorney-at-law on that party's behalf;
  - (b) by an individual with the written authority of the body corporate or other legal person, where that party is a body corporate or other legal person; and
  - (c) with the help of a parent, guardian or other adult as the court may determine, where that party is an accused —

- (i) who is under 18 years;
- (ii) whose understanding of what the case involves is or may be limited;  
or
- (iii) who is on record as being assisted by a Mackenzie Friend.

## **PART 2 - CASE PROGRESSION AND MANAGEMENT**

### **Service of the initial papers for the prosecution case in Summary Court**

- 5.** (1) This rule applies to the Summary Court in criminal proceedings.
- (2) The prosecution must serve the initial case papers on the court's office —
- (a) as soon as practicable; and
  - (b) in any event, no later than the commencement of the first hearing.
- (3) Whether or not the accused requests the initial case papers, the prosecution must serve same on the accused or the attorney-at-law of the accused if the accused is represented —
- (a) as soon as practicable; and
  - (b) in any event, no later than the commencement of the first hearing.
- (4) The initial case papers must include —
- (a) a summary of the evidence on which that case will be based;
  - (b) any document, witness statement or extract setting out facts or other matters (such as criminal record) on which that case will be based; or
  - (c) any combination of such a summary, statement, document, extract or criminal record, if any.
- (5) A failure to comply with the requirements of this rule may lead to the court proceeding in accordance with rule 11(4).

### **Transmittal or committal of case to the Grand Court**

- 6.** (1) The Summary Court shall, upon transmittal or committal of a case, provide the Grand Court with the case papers which shall include the transmittal or committal bundle and details of the bail conditions for accused who are remanded on bail.
- (2) Where the case is not complex or involved, within 14 days of the transmittal or committal of a case from the Summary Court to the Grand Court, the prosecution must file and serve on the accused or the attorney-at-law of the accused if the accused is represented, the indictment in the case and a transmittal bundle where this has not previously been filed and served.
- (3) Where the case is complex or involved, (for example a major fraud case, a case involving multiple young complainants or extensive forensic evidence),



within 21 days of the transmittal or committal of the case from the Summary Court to the Grand Court, the prosecution must file and serve on the accused or the attorney-at-law of the accused if the accused is represented, the indictment in the case and a transmittal bundle where this has not previously been filed and served.

- (4) Upon the application of the prosecution and representations as to complexity (with notice to the accused or the attorney-at-law of the accused), a Court may extend the time period referred to in paragraph (3) and give directions as to an alternative time frame for filing and service.
- (5) The defence should take instructions and be ready for arraignment within 21 days of receipt of indictment and the transmittal bundle.

### **Case progression officers and their duties**

7. (1) By the first case management hearing in the Grand Court, each party must, unless the court otherwise directs —
  - (a) specify a person responsible for progressing that case; and
  - (b) inform other parties and the court who that person is and how to contact that person.
- (2) In fulfilling its duty under rule 4(2), the court must, where appropriate —
  - (a) nominate a court officer responsible for progressing the case; and
  - (b) ensure the parties know who that person is and how to contact him.
- (3) A person nominated under this rule is a case progression officer.
- (4) A case progression officer must —
  - (a) monitor compliance with directions and orders;
  - (b) ensure that the court is kept informed of events that may affect the progress of that case;
  - (c) ensure that the case progression officer can be contacted promptly about the case during ordinary business hours;
  - (d) act promptly and reasonably in response to communications about the case; and
  - (e) if the case progression officer will be unavailable, appoint a substitute to fulfil the case progression officer's duties and inform the other case progression officers.
- (5) Upon a final trial timetable and arrangements being set by the court, the case progression officer shall prepare and issue the final trial timetable and arrangements using the form set out as Form 1 of the Schedule.

**Grand Court bail conditions**

8. (1) In respect of accused who are remanded on bail who have had their case or cases transmitted or committed to the Grand Court —
- (a) the Grand Court shall, at the first mention hearing in the Grand Court, set Grand Court bail conditions; and
  - (b) the accused must sign new bail forms which reflect Grand Court bail conditions.
- (2) In preparation for the first Grand Court mention of a case where an accused is remanded on bail —
- (a) the case progression officer shall review the bail conditions provided by the Summary Court and no less than 72 hours prior to the first mention hearing inquire of the prosecution and the defence whether there are any contested bail issues so that the accused's Grand Court bail conditions may be confirmed (or otherwise) by the Judge at the first mention hearing;
  - (b) any notification of contested bail issues by the prosecution or the defence must be in writing to the case progression officer and must set out —
    - (i) the full list of Summary Court bail conditions for the accused; and
    - (ii) the full list of proposed new conditions by the prosecution or the defence – with reasons given for the request for any changes to be made to the Summary Court conditions;
  - (c) upon receipt of a notification of contested bail issues, the case progression officer shall submit the notification document to a Judge of the Grand Court for the matter to be dealt with administratively, prior to the first mention hearing;
  - (d) upon receipt of the Judge's ruling on the bail issues the case progression officer shall communicate such ruling to both the defence and the prosecution; and
  - (e) should there be further issues in relation to bail conditions, the defence or the prosecution will be granted leave to apply to the court at a bail variation hearing to be listed for a date after the first mention hearing.
- (3) Following the first mention hearing in the Grand Court, unless otherwise stipulated by the Judge, accused remanded on bail have up to 72 hours (that is, the Tuesday following the Friday first mention hearing) to sign their Grand Court bail forms or provide any required documentation or evidence of means.

**Arraignments**

9. (1) Arraignments shall take place at least twice per month before a Judge of the Grand Court.



- (2) Arraignment in each case should ordinarily take place on the next available arraignment day following transmittal or committal of a case. Each party may be allowed one administrative adjournment where the arraignment day immediately following transmittal or committal is less than 28 days from that date.
- (3) Arraignments should ordinarily proceed no later than 28 days following committal or transmittal of a case except where there are outstanding experts' reports as to fitness to plead or the court is satisfied that the case is complex or involved.
- (4) On arraignment of an accused in the Grand Court, where a trial is required, the court shall fix a date for —
  - (a) trial within six months of arraignment for a custody matter (that is, a case in which the defendant is remanded in custody) and within twelve months for a non-custody matter;
  - (b) a first case management hearing (CMH 1) which shall be within two months of the arraignment date for a custody matter and within four months of the arraignment date for a non-custody matter; and
  - (c) a second case management hearing (CMH 2) which shall be not later than four weeks before the trial date, to enable any outstanding issues to be considered before the trial and to confirm readiness for trial.
- (5) Upon the arraignment of an accused in the Grand Court or Summary Court, the court must —
  - (a) read the indictment or charge to the accused;
  - (b) explain, in terms the accused, if unrepresented, can understand (with help, if necessary);
    - (i) the allegation; and
    - (ii) what the procedure at the hearing will be;
  - (c) ask whether the accused has been advised (in keeping with *R v Goodyear* [2005] 1 WLR 2532) that he can request a sentence indication for a guilty plea; and
  - (d) ask whether the accused has been advised of the possible discount for a guilty plea.
- (6) For the purposes of paragraph (5), the court should also enquire from the parties, whether at this stage, sufficient information has been provided about the prosecution's case for the defendant to make an informed decision about the defendant's plea and specifically to decide whether to offer an early plea of guilt.

### **Case management: the duty of the court**

- 10.** (1) This Part applies to the Grand Court in criminal proceedings.



- (2) The court shall further the overriding objective by actively managing the case.
- (3) Active case management includes —
  - (a) the early identification of the core issues, which includes —
    - (i) the identification of all possible legal issues;
    - (ii) the identification of the nature of the defence;
    - (iii) enquiring whether the defence has taken written instructions; and
    - (iv) enquiring as to any outstanding disclosure or reports;
  - (b) the early identification of the needs of witnesses or accused, including special measures for testimony including interpretation and translation services;
  - (c) achieving certainty as to what shall be done, by whom, and when, in particular, by the early setting of a timetable for the progress of the case;
  - (d) monitoring the progress of the case and compliance with directions;
  - (e) ensuring that evidence, whether disputed or not, is presented in the shortest and clearest way;
  - (f) discouraging delay, dealing with as many aspects of the case as possible on the same occasion, and avoiding unnecessary hearings;
  - (g) encouraging the participants to co-operate in the progression of the case;
  - (h) making use of technology;
  - (i) in the case of a child or young person appearing before the court, ensuring that the child or young person has legal representation as soon as possible; and
  - (j) any other matter the court deems necessary.
- (4) The court shall actively manage the case by giving any direction appropriate to the needs of that case as early as possible.

### **The court's case management powers**

- 11.** (1) In fulfilling its duty under rule 4(2) the court may give any direction and take any step to actively manage a case.
- (2) In particular, the court may —
- (a) give a direction on its own initiative or on application by a party;
  - (b) ask or allow a party to propose a direction;
  - (c) for the purpose of giving directions, receive applications and representations by letter, by telephone or by any other means of electronic communication, and conduct a hearing by such means;
  - (d) fix, postpone, bring forward, extend, cancel or adjourn a hearing;



- (e) give directions on the basis of written representations without an oral hearing;
  - (f) shorten or extend a time limit fixed by a direction, even after the time limit has expired;
  - (g) require that issues in the case should be —
    - (i) identified in writing; or
    - (ii) determined separately, and decide in what order they will be determined;
  - (h) require parties to file in court written submissions, including a no case submission by the defence and reply by the prosecution and serve such submissions and reply on a date or within a period directed by the court; or
  - (i) specify the consequences of failing to comply with a direction.
- (3) Any power to give a direction under this Part includes a power to vary or revoke that direction.
- (4) If a party fails to comply with a rule or a direction, the court may after explanation by the party —
- (a) fix, postpone, bring forward, extend, cancel or adjourn a hearing;
  - (b) abridge or extend time if it is in the interest of justice to do so; or
  - (c) impose such other sanction as may be appropriate.

### **Application to vary a direction**

- 12.** (1) A party may apply to vary a direction if —
- (a) the court gave the direction without a hearing;
  - (b) the court gave the direction at a hearing in the party's absence; or
  - (c) circumstances have changed.
- (2) A party who applies to vary a direction must —
- (a) apply as soon as practicable after the party becomes aware of the grounds for doing so; and
  - (b) give as much notice to the other parties as the nature and urgency of the party's application permits.

### **Agreement to vary a time limit fixed by a direction**

- 13.** (1) The parties may between them, agree to vary a time limit fixed by a direction, but only if —
- (a) the variation will not —
    - (i) affect the date of any hearing that has been fixed; or
    - (ii) significantly affect the progress of the case in any other way;

- (b) the court has not prohibited variation by agreement; and
  - (c) the court's case progression officer is promptly informed.
- (2) The case progression officer must refer the agreement to the court if the case progression officer doubts the condition under paragraph (1)(a) is satisfied.

### Disclosure of material

14. (1) The following rules are expressed against the background of the principle that the prosecution's duty of disclosure continues throughout the case and until the conclusion of the case<sup>1</sup>, and these disclosure rules apply in both the Grand Court and the Summary Court.
- (2) Directions given by the court pursuant to rule 10 should include —
- (a) fixing a date by which the prosecution must serve upon the accused all the evidence the prosecution intends to rely upon at trial;
  - (b) fixing a date by which the prosecution must serve any material in the prosecution's possession that the prosecution does not intend to use at trial which might reasonably be considered capable of —
    - (i) undermining the case for the prosecution against the accused; or
    - (ii) assisting the case for the accused, insofar as that is known; and
  - (c) fixing a date by which the prosecution must confirm service of any material in keeping with paragraph (2)(b).
- (3) The prosecution shall disclose material under paragraph (2)(b), unless the Magistrate or Judge orders that such material should not be disclosed in the public interest.
- (4) Any application for an order under paragraph (3) may be made with or without notice to the accused depending on the sensitivity of the material concerned, subject to the directions of the court.
- (5) An accused or an attorney-at-law of an accused may make an application to the court to permit the accused and the attorney-at-law of the accused to inspect and copy relevant prosecution material if not made available under paragraph 14(5).
- (6) The foregoing rules of disclosure are expressed with the intention that should the accused require further disclosure beyond that which the prosecution would be obliged to provide by these rules, the defence would be obliged to explain how that further disclosure might assist the defence's case, that is, the defence to be advanced at trial.

---

<sup>1</sup> As the duty is explained in *In Re Euro Bank Corp* 2002 CILR 15 at [18] - [19]. These rules are therefore an adaptation of the test for disclosure found in the Criminal Procedure and Investigation Act 1996 and the Criminal Procedure Rules (UK).



**Notice of alibi**

- 15.** Where the accused intends to rely on an alibi at the trial of the accused and the accused is to provide notice in accordance with section 25 of the *Evidence Law (2019 Revision)*, the accused must give those particulars in writing to the Director of Public Prosecutions, using the form set out as Form 2 of the Schedule.

**Election of trial by judge alone**

- 16.** In accordance with section 129 of the *Criminal Procedure Code (2019 Revision)*, the accused must give notice of the accused's election, using the form set out as Form 3 of the Schedule.

**Case preparation and progression**

- 17.** (1) At every hearing, if a case cannot be concluded there and then, the court may give directions so that it can be concluded at the next hearing, or as soon as possible after that.
- (2) At every hearing the court must, where relevant —
- (a) if the accused is absent, decide whether to proceed nonetheless;
  - (b) take the accused's plea (unless already done) or if no plea can be taken, ascertain whether the accused is likely to plead guilty or not guilty;
  - (c) set, follow or revise a timetable for the progress of the case, which may include a timetable for any hearing including the trial;
  - (d) in giving directions, ensure continuity in relation to the court and to the parties' representatives where that is appropriate and practicable; and
  - (e) where a direction has not been complied with or there has been a breach of the rules, enquire into the reasons for non-compliance, identify who was responsible, and take appropriate action. Where the non-compliance or breach is on the part of the Crown and has led to significant delay in the progression of the case, a court may take this into account in reviewing bail for an accused who is remanded in custody.
- (3) In order to prepare for the hearing, the court must take every reasonable step —
- (a) to encourage and to facilitate the attendance of witnesses when they are needed; and
  - (b) to facilitate the participation of any person, including the accused.

**Trial management**

- 18.** (1) In order to manage a trial, the court —
- (a) may seek to establish the disputed issues with the active assistance of the parties, provided that —

- (i) the defendant shall not be compelled to provide information about its defence, but it will help the court to set appropriate directions for trial to know what the issues are;
  - (ii) no information needs be provided; and
  - (iii) all that is required of the defence is to say what are the disputed issues of fact or law;
- (b) must consider setting a timetable that takes account of the disputed issues and any timetable proposed by a party;
- (c) may require a party to identify either orally or in writing —
- (i) the relevant disclosure a party requests to be made;
  - (ii) which witnesses the party wants to give evidence in person;
  - (iii) the order in which the party's witnesses are to give evidence;
  - (iv) whether the party requires an order compelling the attendance of a witness;
  - (v) what arrangements or special measures are desirable to facilitate the giving of evidence by a witness;
  - (vi) what arrangements are desirable to facilitate the participation of any other person, including the accused;
  - (vii) what written or other evidence the party intends to introduce;
  - (viii) what facts and evidence can be agreed between the parties;
  - (ix) what other material, if any, the party intends to make available to the court in the presentation of the case; and
  - (x) whether the party intends to raise any point of law that could affect the conduct of the trial or requires to be argued as a preliminary issue at the start of the trial; and
- (d) may —
- (i) set a timetable for the service of additional evidence that the party intends to rely on;
  - (ii) set a timetable for the service of written submissions and lists of authorities that the party intends to rely on;
  - (iii) set a time table for the service of case openings or case statements; and trial bundles;
  - (iv) limit —
    - (A) the examination, cross-examination or re-examination of a witness; and
    - (B) the duration of any stage of the hearing; and
  - (v) make a direction that the case be heard in a particular courtroom, subject to availability.



- (2) In matters before the Grand Court, in respect of a case management hearing, the court will require a completed case management hearing questionnaire as set out in Form 4 of the Schedule to be filed by the parties no later than 7 days before the matter is scheduled for the first case management hearing, (CMH 1).
- (3) The Court will require the prosecutor and the attorney-at-law for the accused to file a certificate of readiness in the forms set out as Form 5 and Form 6 of the Schedule respectively no later than 7 days before the matter is scheduled for case management hearing (CMH 2).

### **Case management forms and records**

19. (1) The case management hearing questionnaire set out as Form 4 of the Schedule and the certificates of readiness set out as Form 5 and Form 6 of the Schedule shall be used where relevant and where there is no form, then no specific formality is required.
- (2) The court shall issue and make available to the parties any order or directions given.

## **PART 3 - TRIAL AND SENTENCE IN THE GRAND COURT AND SUMMARY COURT**

### **When this Part applies**

20. This Part applies in a court where —
  - (a) the court tries a case; or
  - (b) the accused —
    - (i) is found guilty; or
    - (ii) pleads guilty.

### **Where this Part applies**

21. (1) The general rule is that the hearing must be in public.
- (2) Notwithstanding paragraph (1) —
  - (a) the court may exercise any power the court has to —
    - (i) impose reporting restrictions;
    - (ii) withhold information from the public; or
    - (iii) order a hearing in private; and
  - (b) unless the court otherwise directs, only the following may attend a hearing in a court where a person under the age of 18 years is tried —
    - (i) the parties and their legal representatives;

- (ii) an accused's parents, guardian or other supporting adult;
- (iii) a witness; and
- (iv) anyone else directly concerned in the case.

### **Requirement to comply with rule 9(5)**

**22.** Unless already done, in keeping with rule 9(5), the court must comply with the procedures set out under rule 9(5) except that at this stage (where there is to be a trial) it would ordinarily be too late to give a Goodyear indication out of concern that this might be seen as applying undue pressure upon an accused to forego the accused's trial.

### **Procedure on plea of not guilty**

- 23.** (1) This rule applies if the accused has —
- (a) entered a plea of not guilty; or
  - (b) not entered a plea.
- (2) At the conclusion of the case for the prosecution, on the application of the accused or on the court's own initiative, the court —
- (a) may stop the case in accordance with section 137 of the *Criminal Procedure Code (2019 Revision)*;
  - (b) may direct an acquittal or discharge the jury in accordance with section 33G of the *Evidence Law (2019 Revision)*, but must not do so unless the prosecution has had an opportunity to make representations; and
  - (c) must inform the accused (if unrepresented) of the accused's right to address the court at the commencement or conclusion of the accused's case.
- (3) The court must explain —
- (a) in terms the accused (if unrepresented) can understand (with help, if necessary) of the right to give evidence;
  - (b) that the accused (if unrepresented) may introduce evidence; and
  - (c) that if the accused does not give evidence, an adverse inference which appears proper may be drawn in accordance with section 149 of the *Police Law (2017 Revision)*.
- (4) Where the Grand Court in a Judge alone trial or a Summary Court convicts or acquits the accused, the court must give sufficient reasons for its decision.

### **Evidence of a witness in person**

**24.** (1) This rule applies where a party wants to introduce evidence by calling a witness to give that evidence in person.



- (2) Unless the court otherwise directs —
  - (a) a witness waiting to give evidence must not wait in the courtroom, unless that witness —
    - (i) is a party;
    - (ii) is an expert witness; or
    - (iii) has both parties' consent to wait in the courtroom;
  - (b) a witness who gives evidence in the courtroom must do so from the place provided for that purpose or in some other place as directed by the court; and
  - (c) a witness's address must not be given unless it is relevant to an issue in the case.
- (3) Unless any written law otherwise provides, before giving evidence, a witness must take an oath or affirm.
- (4) The examination of a witness must be done in the following sequence —
  - (a) the party who calls a witness must ask questions in examination-in-chief;
  - (b) every other party may ask questions in cross-examination;
  - (c) the party who called the witness may ask questions in re-examination.
- (5) Notwithstanding paragraph (4), the court may allow questions outside of the sequence referred to under that paragraph.
- (6) The court may ask such questions as it deems necessary in keeping with settled common law principles.

### **Evidence of a witness in writing**

- 25.** (1) This rule applies where a party wants to introduce in evidence the written statement of a witness in accordance with section 33 of the *Evidence Law (2019 Revision)*.
- (2) If the court admits such evidence, a written statement of a witness may not contain the address of the witness and —
  - (a) each relevant part of the statement must be read or summarised aloud by the party introducing the evidence; or
  - (b) the court may direct that the statement be read.

### **Application to withdraw a guilty plea**

- 26.** (1) This rule applies where the accused wants to withdraw a guilty plea.
- (2) The accused must apply to do so —
  - (a) as soon as practicable after becoming aware of the reasons for doing so; and
  - (b) before sentence.

- (3) The application must (unless the court otherwise directs) be in writing and where the application is in writing, the accused must serve the application on —
  - (a) the court officer; and
  - (b) the prosecutor.
- (4) The application must —
  - (a) explain why it would be unjust not to allow the accused to withdraw the guilty plea;
  - (b) identify —
    - (i) any witness that the accused wants to call; and
    - (ii) any other proposed evidence; and
  - (c) state whether the accused waives legal professional privilege, giving any relevant name and date.
- (5) The court shall consider the matters stated under paragraph (4) and may in its discretion, grant or refuse an application made in accordance with this rule, as the justice of the case requires.
- (6) The court may, for the purposes of paragraph (5) —
  - (a) list the case for directions;
  - (b) ensure that the accused understands where necessary, the import of waiving privilege; and
  - (c) give direction for the application to be sent to the previous attorney-at-law (together with a confirmation that privilege has been waived), for the detailed comments of the previous attorney-at-law to be incorporated in a witness statement.

### **Procedure if the court convicts**

- 27.** (1) This rule applies if the court convicts the accused or the accused is convicted by the decision of a jury.
- (2) The court may, where appropriate, exercise its power to require —
    - (a) a statement of the accused’s financial circumstances;
    - (b) a pre-sentence or Social Inquiry Report (SIR);
    - (c) a Victim Impact Report (VIR); orany other type of report deemed appropriate in the court’s discretion.
  - (3) The prosecution must —
    - (a) provide information relevant to sentence, including any statement of the effect of the offence on the victim, the victim’s family or persons connected to the victim or the offence; and



- (b) where it is likely to assist the court, identify any other matter relevant to sentence, including —
  - (i) aggravating and mitigating factors;
  - (ii) the legislation applicable; and
  - (iii) any sentencing guidelines, or guideline cases.
- (4) The accused must provide details of financial circumstances —
  - (a) in any form required by the court; or
  - (b) by any date directed by the court.
- (5) Where the accused pleads guilty but wants to be sentenced on a different basis to that disclosed by the prosecution —
  - (a) the court may require the accused to set out that basis in writing, identifying what is in dispute;
  - (b) the court may invite the parties to make representations about whether the dispute is material to the sentence to be imposed on the accused; and
  - (c) if the court decides that the dispute is a material dispute, the court must —
    - (i) invite such further representations or evidence as the court may require; and
    - (ii) decide the dispute.
- (6) Before the court passes sentence —
  - (a) the court must —
    - (i) give the accused an opportunity to make representations and introduce evidence relevant to sentence; and
    - (ii) where the accused is under 18 years, give the parents of the accused, guardian or other supporting adult, if present, such an opportunity as well; and
  - (b) the court may elicit any further information relevant to sentence that the court may deem necessary.
- (7) If the court requires more information, the court may exercise the court's power to adjourn the hearing for not more than 60 days at a time.
- (8) When the court has taken into account all the evidence, information and any report available, the court must —
  - (a) as a general rule, pass sentence there and then;
  - (b) when passing sentence, explain the reasons for deciding on that sentence;
  - (c) in circumstances where there is a power to review the sentence (such as one for probation), explain to the accused its effect, and when passing

sentence, explain to the accused its effect and the consequences of failing to comply with any order or payment of any fine;

- (d) give any such explanation in terms the accused, if present, can understand (with help, if necessary); and
- (e) consider exercising any power the court has to make an order as to costs, compensation or any other order.

### **Applications for excusal from jury service**

- 28.** (1) Applications for excusal from jury service must be made at least 14 days prior to the commencement of the session from which excusal is sought. Such applications may be heard by a Judge in Chambers.
- (2) The Judge in Chambers may decide the application on the basis of the documentation provided by the applicant without an oral hearing.
  - (3) The Judge in Chambers may, in the Judge's discretion, permit the applicant to make oral submissions.
  - (4) An application for excusal must be made in writing, either on the form provided by the court or by a letter addressed to the Clerk of Court.
  - (5) As far as possible, any ground relied upon for exemption, must be supported by documents.
  - (6) Where the applicant relies on medical grounds, the following shall be applicable —
    - (a) a medical report signed by a registered medical practitioner must be produced; and
    - (b) if the medical report is handwritten, the handwriting must be legible and be upon the medical practitioner's letterhead.
  - (7) The medical report referred to in paragraph (6) must include the following information —
    - (a) the name of the patient;
    - (b) the date of birth of the patient;
    - (c) the length of time the doctor has been treating the patient;
    - (d) the diagnosis and the date on which the diagnosis was first made;
    - (e) the last date on which the patient was seen by the doctor;
    - (f) the treatment prescribed by the doctor; and
    - (g) where applicable, whether the patient is able to continue his employment notwithstanding the diagnosed condition or whether the patient requires sick leave and the length of such recommended sick leave.
  - (8) Where the applicant relies on the ground of travel out of the jurisdiction, the following shall be applicable —



- (a) a valid ticket or travel itinerary must be provided; and
  - (b) the ticket should have been booked or purchased before the jury summons was served on the juror.
- (9) Where the applicant relies on the ground of being a student the following shall be applicable —
- (a) a letter from the school administration indicating that the juror is a full-time student of that institution;
  - (b) if the student attends school part time during normal court hours, a letter from the school administration indicating the times at which the juror must attend classes must be provided; and
  - (c) if the juror is scheduled to write exams, a valid examination timetable must be provided.

## **PART 4 - PRACTICE DIRECTIONS AND GUIDES**

### **Practice directions and guides**

**29.** The Chief Justice may issue practice directions and practice guides in furtherance of the relevant legislation and these Rules.

### **Publication of practice directions and effective date**

- 30.** (1) Practice directions must be —
- (a) published in the Gazette; and
  - (b) displayed and made available on the court’s website.
- (2) A Practice Direction takes effect from the date of publication in the Gazette unless the Practice Direction specifies another date.

### **Compliance with practice directions and guides**

- 31.** (1) If a party fails to comply with a practice direction, the court may impose such sanction or make such order, as may be appropriate in accordance with rule 11(4).
- (2) The court may take into account the failure of any party to comply with any practice direction or guide when deciding whether or not to impose such sanction or make such order in accordance with rule 11(4).

## PART 5 - SERVICE OF DOCUMENTS

### Personal service

- 32.** (1) A document (not including a summons which is served pursuant to sections 18 and 18A of the *Criminal Procedure Code (2019 Revision)*) is served personally on an individual by handing the document to, or leaving the document with, the person to be served.
- (2) Where a document is served in accordance with paragraph (1), the nature and the contents of the document when not self-explanatory, must be explained by the serving party where practicable.
- (3) Service is deemed to be effected on the day the document is handed to, or left with, the person being served.

### Service on a body corporate or other legal person

- 33.** (1) A document is served on a body corporate or other legal person by handing the document to, or leaving the document with a director, receiver, receiver-manager, liquidator or other officer of the body corporate or other legal person or by prepaid post addressed to the registered office of the body corporate or other legal person.
- (2) Where service is effected on a body corporate or other legal person by prepaid post addressed to the registered office of that body corporate or other legal person, service is deemed to be effected on the fourteenth day from the date the document was posted.

### Service on a person in custody

- 34.** (1) Service on a person in custody may be effected by handing the document to the Director of Prisons or a person nominated by the Director of Prisons addressed to the person to be served.
- (2) The Director of Prisons or a person nominated by the Director of Prisons must —
- endorse the document with time and date of receipt;
  - record the receipt of the document; and
  - forward the document promptly to the addressee.

### Address for serving documents not required to be served personally

- 35.** (1) Where a document is not required to be served personally, and a party has given an address at which documents for the party may be served, the documents may be delivered or posted to the party at that address.



- (2) If the party has given a facsimile transmission number in the party's address for service, the documents may be sent by facsimile transmission to that number.

### **Service by electronic means**

- 36.** (1) This rule applies where —
- (a) the person to be served —
    - (i) has given an electronic address; and
    - (ii) has agreed to accept service by electronic means; or
  - (b) the person to be served is legally represented in the case and the representative has given an electronic address.
- (2) A document may be served by transmitting the document by electronic means to that person or that person's representative, as appropriate, at that address.
- (3) Where a document is served under this rule, the person serving the document need not provide a paper copy as well, except for trial bundles containing in excess of 36 pages.
- (4) Where service is effected by electronic means, service is deemed to be effected on the next business day after the document was transmitted.

### **Alternative methods of service**

- 37.** (1) Instead of personal service, a party may apply to the court for an alternative method of service.
- (2) Where a party chooses an alternative method of service and the court is asked to take any step on the basis that the document has been served, the party who served the document must prove service to the satisfaction of the court by filing an affidavit —
- (a) giving details of the method of service used; and
  - (b) stating —
    - (i) that the person intended to be served was able to, or was likely to be able to, ascertain the contents of the documents; and
    - (ii) the time when the person served was, or was likely to be, in a position to ascertain the contents of the documents.
- (3) The case progression officer must immediately refer to the court for consideration any affidavit filed under paragraph (2).
- (4) If the court is not satisfied with the method of service the court must fix a date, time and place to consider making an order and give at least 3 days' notice to the party making the application.

**Service by person in custody**

38. (1) In instituted proceedings, a person in custody may serve a document by handing the document to the Director of Prisons or a person nominated by the Director of Prisons and addressed to the person to be served.
- (2) The Director of Prisons or a person nominated by the Director of Prisons must —
- (a) endorse the document with time and date of receipt;
  - (b) record the document's receipt; and
  - (c) forward the document promptly to the court's office (or to the Office of the Director of Public Prosecutions) for transmission to the addressee.
- (3) The court's office (or the Office of the Director of Public Prosecutions) will effect service.

**Proof of personal service**

39. (1) Personal service of any document may be proved by an affidavit sworn by the server of the document stating —
- (a) the date and time of service;
  - (b) the precise place or address at which the document was served;
  - (c) precisely how the person served was identified; and
  - (d) precisely how service was effected.
- (2) Where the server identified the person to be served by means of a photograph or description, there must also be filed an affidavit by a person verifying the description or photograph as being the person intended to be served and stating how that person was able to verify the description or photograph as being the person intended to be served.

**Power of court to dispense with service**

40. (1) The court may dispense with service of a document if it is appropriate to do so.
- (2) An application for an order to dispense with service may be made without notice.

**Service of court process outside the jurisdiction**

41. (1) Where process is required to be served outside the jurisdiction, it shall be served in accordance with the *Criminal Justice (International Cooperation) Law (2015 Revision)* or such other international procedures which may be available.
- (2) For the purposes of paragraph (1), “**process**” includes a summons, order, or other similar document issued by a court requiring a person to attend the court in relation to criminal proceedings.



**Practice Direction superseded**

**42.** The *Practice Direction of 28th October 1997* is superseded by these Rules.



**SCHEDULE**

**FORMS**

*(Rules 7, 15, 16, 18 and 19)*

**Form 1**

*(Rule 7)*

**FINAL TRIAL TIMETABLE & ARRANGEMENTS  
TO BE COMPLETED BY CASE PROGRESSION OFFICER**

CASE NUMBER:..... NAME: .....

TRIAL DATE: (d/m/y) .....

LENGTH OF TRIAL: (weeks) .....; (days) .....

MODE OF TRIAL: .....

IS THE ACCUSED OR ANY WITNESS IN CUSTODY: Yes  No

IS THIS A SEX OFFENCE CASE: Yes  No

WHICH OF THE FOLLOWING SPECIAL ARRANGEMENTS IS/ARE REQUIRED:

Zoom/Video Link: Yes  No

Playing audio recordings: Yes  No

Viewing monitors for the Jury: Yes  No

Special Witness Room far from the courtroom –with Zoom/Video Link set up: Yes  No

Special Witness Room close to the courtroom: Yes  No

Interpreter(s) (name language(s)): Yes  No

Arrangements for a physically impaired witness/defendant: Yes  No

Screen to be set up in the courtroom: Yes  No

Microphones: Yes  No

Police officers for the daily removal of firearms/weapons from court: Yes  No

Any other arrangements: Yes  No

.....



.....  
.....

COMPLETED BY: .....

DATE COMPLETED: (dd/mm/y) .....



**Form 2***(Rule 15)***NOTICE OF ALIBI**(Section 25 of the *Evidence Law (2019 Revision)*)**Charge Number:** .....**TO:** The Director Public Prosecutions.**Accused:** .....

(Surname) (First Name)

The particulars of my claim of alibi are: *(See note 1 overleaf)*

.....

.....

.....

The accused intends to rely upon the testimony of the following witnesses to establish the alibi:

No.	Name of Witness:	Address:	Additional Information: (e.g., phone nos., description, relatives)	Occupation:
1				
2				

Dated this    day of                      , 2019.

\_\_\_\_\_  
Accused\_\_\_\_\_  
Attorney-at-law for the Accused**IMPORTANT NOTES:**

1. State the specific place(s) where the accused claims he was at the time of the alleged offence and any other person(s) who were present whose identities are known.
2. In accordance with section 25 of the *Evidence Law (2019 Revision)* you are required to give the names and addresses of all proposed witnesses or if such information is not known, all information in your possession or which comes into your possession, which would assist in identifying and locating the witnesses you propose to call.
3. If after the giving of this notice you discover the name, address or any other information which would materially assist in the locating of any witness whose name and address is not included in this notice you are required to furnish to the Director of Public Prosecutions forthwith, that information.



4. This Notice must be delivered to or left at the office of the Director of Public Prosecutions no later than 7 days from the end of the committal proceedings or in the case of a trial before the Summary Court, 7 days from the day on which the trial date was set.
5. Where a party finds that insufficient space is provided to complete a response, the answer may be given on a separate sheet of paper attached.



**Form 3***(Rule 16)***ELECTION FOR JUDGE ALONE TRIAL**

PURSUANT TO SECTION 129 OF THE CRIMINAL PROCEDURE CODE (2019  
REVISION)

*“129. (1) If an accused person is of the opinion that, due to the nature of the case or of the surrounding circumstances, a fair trial with a jury may not be possible, he may, at least twenty-one days before the date of the trial or the date of arraignment, whichever is earlier, elect to be tried by a Judge alone; and such election shall be made by notice in writing addressed to the Clerk.”*

**IN THE GRAND COURT OF THE CAYMAN ISLANDS**

**CRIMINAL DIVISION**

<b>CRIMINAL CASE #</b>	<b>CASE NAME</b>	<b>CHARGE(S)</b>	<b>TRIAL DATE</b>
	Regina v.		

**ELECTION:**

I ..... (“the Accused”) of  
..... (“residential address  
& telephone number”) having been fully advised as to my option to elect for either trial  
by Judge and Jury or a trial by Judge Alone, hereby elect for my case to be tried by Judge  
Alone.

**Signature of Accused:** .....

**Signature of Attorney-at-law:** .....

**DATE OF ELECTION:** .....



**Form 4**

*(Rules 18 and 19)*

**CASE MANAGEMENT QUESTIONNAIRE  
(for CMH 1)**

(Offence)  
Crown Counsel/Attorney-at-law (Names of both)  
(Tel No., E-mail Address)

IN THE CAYMAN ISLANDS

IN THE GRAND COURT

Charge No. / INDM No.

Between

R.

v.

A.B. [Accused]

**CASE MANAGEMENT QUESTIONNAIRE**

Before the date set for the first Case Management Hearing, Counsel on record for each accused person, and the Crown Prosecutor assigned to conduct the prosecution, shall each complete and sign this Case Management Hearing Questionnaire and ensure that the questionnaire is filed and served in accordance with these Rules or any directions of the court.

Where a party finds that insufficient space is provided to complete a response to a particular question, the answer may be given on a separate sheet of paper attached to the back of this form. The fact that the response is provided and attached on a separate sheet is to be indicated in the space provided on the form.

**PRELIMINARY INFORMATION:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of Case:

Report prepared by: \_\_\_\_\_

Prosecution

Defence



Counsel for \_\_\_\_\_  
[Insert name of accused person (s)]

Has Counsel discussed the issues raised in this form with the accused? Yes  No

**CASE/BAIL HISTORY:**

\_\_\_\_\_  
Date(s) of Offence(s):

\_\_\_\_\_  
Date of Arrest:

\_\_\_\_\_  
Date of any orders made by the court:

\_\_\_\_\_  
Date Indictment filed:

\_\_\_\_\_  
Is the accused remanded in custody on this/these charges? Yes  No

If yes, how long has the accused spent in custody? \_\_\_\_\_

Is the accused remanded in custody on any other charges? Yes  No

Is this matter a re-trial? Yes  No

Are notes of evidence from the previous trial available? Yes  No

If yes, give details of why retrial ordered:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PLEA DISCUSSIONS:**

Are the actual/proposed not guilty pleas definitely to be maintained through to a trial?

Yes  No

Has the Defence counsel advised his client of the appropriate reduction for guilty plea?

Yes  No

Is the Prosecution open to a plea to a lesser count? (where applicable) Yes  No



Will the prosecution accept part guilty or alternative pleas? (where applicable) Yes  No

Is the accused going to make an application for a Goodyear Hearing? Yes  No

Has a basis of plea been agreed? Yes  No

**TIME TABLE:**

Mode of Trial Judge Alone  Jury

How long is the trial likely to take? \_\_\_\_\_

**PRELIMINARY MATTERS:**

**Prosecution's Case:**

Has the Indictment been prepared and served? Yes  No

If not when will this be done? \_\_\_\_\_

Has the trial bundle been prepared and served? Yes  No

If not when will this be done? \_\_\_\_\_

Has the Prosecution reviewed and disclosed all unused material in this case? Yes  No

If not when will this be done? \_\_\_\_\_

Does the Prosecution intend to serve more evidence in the case or is there any outstanding investigation or inquiry? Yes  No

If so when will this be done or completed? \_\_\_\_\_

When will a Prosecution opening note or case statement (if appropriate) be filed and served? \_\_\_\_\_

When will an exhibit bundle (if appropriate) be filed and served? \_\_\_\_\_

Will the prosecution be relying on any of the following expert evidence at trial?

i) CCTV evidence Yes  No

ii) DNA evidence Yes  No

iii) Fingerprint evidence Yes  No

iv) Phone evidence Yes  No

v) Medical evidence Yes  No

vi) Psychiatric evidence Yes  No

vii) Forensic video analysis Yes  No



What equipment if any, will the Prosecution require in the courtroom at trial?

Does the Prosecution intend to make a Public Interest Immunity Application? Yes  No

Does the Prosecution intend to make a special measures application? Yes  No

Are there Prosecution witnesses who are out of the jurisdiction in respect of which an application is to be made for their evidence to be taken by live link? Yes  No

Does the Defence object to these witnesses giving evidence by live link? Yes  No

Are there any witnesses in the trial bundle that the prosecution does not intend to call/rely upon? Yes  No

---

---

---

Are there any prosecution witnesses in the trial bundle that are required but are or may not be available on the trial date for any reason? Yes  No

**DEFENCE:**

Have the disclosure issues been resolved? Yes  No

If not, what is it that you are requesting or have requested which is outstanding?

---

---

---

---

---

---

---

---

---

---

Is there likely to be an application to the court for Order(s), in relation to Disclosure? Yes  No

**THIRD PARTY DISCLOSURE:**

Is it believed that any Third Party holds relevant material? Yes  No

If so which Third Party holds this material?

Is a Court order or subpoena required? Yes  No



- Fresh Evidence (if a retrial) Yes  No
- Bad Character Yes  No
- To admit Written Statements Yes  No
- To admit Video Recordings Yes  No
- Breach of Constitutional Rights Yes  No
- Application to exclude electronically recorded interview/caution statement Yes  No
- To exclude specific pieces of evidence Yes  No
- Social Inquiry Report Yes  No
- Special measures Yes  No
- Other Yes  No

If you have ticked “yes” to any of the above-mentioned applications, please specify in writing to the court on a separate page if the space provided below is insufficient the following information:

- (1) The specific application(s) to be made.
- (2) The *Jurisdiction (Common Law/Statute)* under which the Application is being made.
- (3) Whether there is anything precluding the court from ruling on these Applications at the Case Management Hearing.

---



---



---



---



---



---



---

Do you propose to make any other application to the court not mentioned above?

Yes  No

If yes, please specify,

---



---



---





**ORAL/WRITTEN STATEMENTS OF THE ACCUSED:**


---

Is the Prosecution relying upon a written/oral statement of the accused? Yes  No

Is the accused challenging the statement? Yes  No

If yes, please specify grounds:

---



---



---

If no, is the Defence making any allegation of improper conduct on the part of any police officer or other official in relation to any oral or written statement? Yes  No

Has the Prosecution been informed of the grounds of objection or allegation of improper conduct? Yes  No

**STATEMENT/ AUDIO/VIDEO RECORDED INTERVIEW:**

Have the parties agreed as to any edits to be made to a statement or transcript of interview with accused? Yes  No

If not, when will this be done? \_\_\_\_\_

If the Parties have not agreed, will there be any application to edit a statement of the accused or transcript of interview? Yes  No

**SPECIAL DEFENCE ISSUES:**


---

Does the Defence propose to rely on Good Character evidence? Yes  No

Is the Defence relying on an alibi? Yes  No

Has notice been given to the Prosecution in accordance with the Law? Yes  No

Does the Defence intend to now give notice of an alibi? Yes  No

Does the accused intend to call any witnesses? Yes  No

If yes, please indicate the number:

---

Does the Defence need any special equipment, e.g., video/projectors, etc. Yes  No

Does the Defence intend to call any expert witnesses? Yes  No

If so, has the expert report been served? Yes  No

If not, when will the expert report be served? \_\_\_\_\_

**SPECIAL ADMINISTRATIVE MATTERS:**


---

Are there any special security concerns for the court to consider? Yes  No

---





**Form 5**

**CERTIFICATE OF READINESS  
(for CMH 2)  
(Prosecutor)**

*(Rules 18 and 19)*

(Offence)

Counsel (Name of Crown Counsel)  
(Tel No., E-mail Address)

IN THE CAYMAN ISLANDS

IN THE GRAND COURT

Charge No. / INDM No.

Between

R.

v.

A.B. [Accused]

**CERTIFICATE OF READINESS**

For Case Management Hearing scheduled for .....

day/ month/ /year

(Check the appropriate boxes and complete as required.)

1. Name of the accused to which this report applies:

\_\_\_\_\_

2.  I am advised by the Attorney-at-law for the accused that the matter will be disposed of at the scheduled trial confirmation hearing.

(If you check this box, skip items 3 to 11 but complete and sign the date/signature blocks at item 12.)

3A.  I have reviewed the file and confirm that I am ready to proceed.

3B.  The prosecutor is seeking an adjournment for the following reasons:

\_\_\_\_\_

4. It is anticipated that the Prosecution will call:

(a) (number) police witnesses (excluding expert witnesses);



- (b) (number) expert witnesses; and  
(c) (number) other witnesses.
5.  I have confirmed that all witnesses for the Prosecution have been notified and are available to attend on the date set.
6.  The prosecutor's case is expected to take time estimated.
7.  To the best of my knowledge, there are no outstanding issues respecting disclosure under Rule 14.
8.  All required notices and reports have been provided or will be provided within applicable time limits.
9.  All necessary orders for the attendance of the accused and any witness for the Prosecution have been obtained or will be obtained.
10.  Since the first directions hearing, admissions regarding expert testimony and other evidence have been canvassed with legal counsel for the accused.
11.  I expect to make an application before/during the hearing.
12. Date: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

month/day/year

Signature of Prosecutor

*(Print full name)*



**Form 6**

**CERTIFICATE OF READINESS  
(for CMH 2)  
(Attorney-at-law for the Accused)**

*(Rules 19 and 19)*

(Offence)

Attorney (Name of Attorney)

(Tel No., E-mail Address)

IN THE CAYMAN ISLANDS

IN THE GRAND COURT

Charge No. / INDM No.

Between

R.

v.

A.B. [Accused]

**CERTIFICATE OF READINESS**

For Pre-Trial Hearing scheduled for .....  
day/ month/ /year

(Check the appropriate boxes and complete as required.)

1. Name of the accused to which this report applies:

\_\_\_\_\_

- 2.  I expect this matter will proceed on the date set.
- 3.  To the best of my knowledge, there are no outstanding issues respecting disclosure under Rule 14.
- 4.  The accused is seeking an adjournment for the following reasons:
  - Check if more space is required, and add another page.
- 5.  It is anticipated that the Defence will call \_\_\_\_\_ number of witnesses.
- 6.  All necessary orders for the attendance of any witness for the accused have been obtained or will be obtained.
- 7A.  The time estimated for this matter is adequate.



OR

- 7B.  The time estimated for this matter is inadequate and a revised time estimate is \_\_\_\_\_.
8.  I expect to make an application before/during the hearing.
9. Date: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ \_\_\_\_\_  
month/day/year Signature of Attorney-at-law for the Accused  
(*Print full name*)

**Made by the Rules Committee of the Grand Court the 30th day of August, 2019.**

**The Hon. Anthony Smellie, QC**  
*Chief Justice*

**The Hon. Samuel Bulgin, QC**  
*Attorney General*

**Mrs. Colette Wilkins**  
*Legal Practitioner*

