

1 **IN THE GRAND COURT OF THE CAYMAN ISLANDS**
2 **CRIMINAL SIDE**

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5 **INDICTMENT NO: 0060/2010**

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8 **REGINA**

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10 **V**

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12 **RAZIEL JEFFERS**

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15 **Appearances:**

**Mr. Andrew Radcliffe Q.C. instructed by
Ms. Tricia Hutchinson for the Crown**

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18 **Mr. Michael Wolkind Q.C. instructed by
Ms. Fiona Robertson of Samson & McGrath
19 for the Defendant**
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22 **Before:**

**The Hon. Mr. Justice Malcolm Swift Q.C.
23 (Actg.)**

24 **Heard:**

26th March 2014

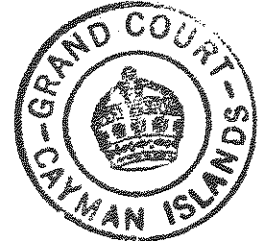
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26 **RULING ON**

27 **THE APPLICATION OF THE DEFENCE**

28 **TO EXCLUDE PART OF THE EVIDENCE OF**

29 **DEPUTY COMMISSIONER STEPHEN BROUGHAM**

30 **CONCERNING THE WITNESS PROTECTION SCHEME**
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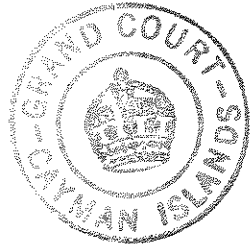


- 32 1. The Prosecution intends to adduce and the Defence seeks to exclude part of the
33 evidence of Deputy Commissioner Brougham concerning the protected witness
34 Meagan Martinez who gave evidence earlier this week.
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1 5. The Crown submits that the evidence they seek to adduce arises out of that cross-
2 examination. They argue that the defence in cross examination first introduced the
3 fact that Miss Martinez was in the Witness Protection Program and that they are
4 entitled to rebut the clear suggestion that she is profiting from the Program and was
5 an unmeritorious member of the Program. The evidence is tendered to show that
6 she is not being paid in exchange for her evidence, that the sums spent on her are
7 only enough to maintain her, that she is not therefore profiting from the Program
8 and that there were proper and reasonable grounds for admitting her to the Program.

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10 6. I conclude that the evidence of Deputy Commissioner Brougham is tendered for the
11 purpose of showing that Miss Martinez qualified for, and was admitted to, the
12 Program on reasonable grounds and that she has received only expenses rather than
13 any sums which could be regarded as profiting from the Program. The evidence
14 therefore tends to rebut the suggestion that Miss Martinez was motivated by greed.

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16 7. The evidence is therefore admissible.

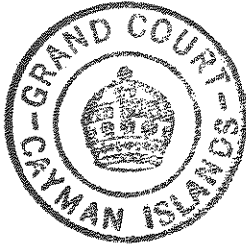


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8. I indicated that I would provide written reasons for my decision and those reasons appear above. Since giving that indication, I have heard the evidence of Deputy Commissioner Brougham who gave evidence generally in line with his witness statement. He stated that he makes the decision whether to admit a witness to the Program and that he makes his decision in such cases on the basis that the witness faces an immediate risk of serious harm. He explained in detail that the living expenses, educational expenses and other expenses were being paid because Miss Martinez is still not permitted to work in the jurisdiction where she now resides. It is an object of the Program that witnesses should become self-sufficient in time.

Dated this the 26th March 2014



A handwritten signature in black ink, appearing to read "M. Swift".

**Honourable Mr. Justice Malcolm Swift Q.C.
Acting Judge of the Grand Court**