

**FULL ADDRESS OF ACTING DPP CANDIA JAMES-MALCOLM ON THE OCCASION  
OF THE OPENING OF THE GRAND COURT ON 12 JANUARY, 2022 PRESENTED ON  
BEHALF OF THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS**

My Lord Chief Justice, Honourable Judges of the Grand Court, Honourable Chief Magistrate, other Honourable Magistrates, Justices of the Peace, Honourable Attorney-General, Madam Solicitor-General, President of C.I.L.P.A, distinguished colleagues at the Bar, distinguished special guests (including His Excellency the Governor, the Honourable Premier and other Honourable Ministers), ladies and gentlemen.

May it please you My Lord, I am privileged to second the Attorney-General's motion for the Opening of the Grand Court, and I am grateful to my Lord Chief Justice for the opportunity to make a few brief remarks on the work of the Office of the Director of the Public Prosecutions in the past year and our plans for the year to come.

**The Judiciary**

***In Memoriam***

I begin by acknowledging firstly the passing of former Chief Justice George Harre who served this jurisdiction with distinction and extend condolences to his family and loved ones.

***Kudos***

We offer our congratulations to Justice David Doyle who joined the Financial Services Division in June 2021 bringing a wealth of experience and extensive understanding of financial services matters.

We also offer congratulations to Mr Valdis Foldats on his appointment as Chief Magistrate in February 2021. Mr Foldats has been a committed and passionate advocate for the administration of criminal justice in the Summary Court and we have benefited from his proactive and innovative approach.

We also saw the permanent appointment of Ms Vanessa Allard as Magistrate. Ms Allard has been a long-time friend and professional colleague and I am thrilled to offer her heartfelt congratulations on my own behalf as well as that of the ODPP.

The judiciary will no doubt be extremely well served by appointees of such high calibre and we wish them all continued success in their new roles.

My Lord, allow me also to extend congratulations to those colleagues who were recognized for their leadership at the Bar by being elevated to the rank of Queen's Counsel - on the public side, Solicitor General and Chief Officer for the Portfolio of Legal Affairs, Ms Reshma Sharma, and, from the private bar, Sir Alden McLaughlin MBE, former Premier, Mr. Mac Webster Imrie, consultant, Maples and Calder, Ms Rachael Reynolds, global senior partner, Ogier, and Ms Colette Ann Wilkins, partner, Walkers.

We also acknowledge the retirement of distinguished jurists in the criminal division who have served this jurisdiction in many capacities but most notably as Acting Judges of the Grand Court, Justice Dame Linda Dobbs and Justice Roger Chapple.

What we practitioners and in fact all court users always wish for is to appear before judges who are firm yet unfailingly courteous to witnesses and defendants so that each leaves the courtroom feeling that they have been treated fairly and justly.

We in this jurisdiction have been fortunate enough to appear before Dame Dobbs and Justice Chapple and in every regard we leave their courts satisfied that the hearing whether it is a trial, sentence or case management hearing has been dealt with fairly and justly, regardless of the outcome.

On behalf of everyone who has had the pleasure of appearing before both of these eminent judges and on behalf of all court users we wish them both a

happy and lengthy retirement. Although, we are happy to note that we will continue to benefit from their knowledge and expertise. In November 2021, they delivered training workshops for the criminal bar which were very well received and we are very pleased with the indication from my Lord Chief Justice that they will continue to be involved in continuing legal education for the criminal bar.

We also acknowledge the retirement of Justice Robin McMillan after five years of distinguished service. Justice McMillan maintained a large docket of cases in the Financial Services Division and also handled a significant number of public law cases. He was well regarded for his quiet, calm yet piercingly incisive demeanour and he will be greatly missed.

## **ODPP**

### ***Personnel***

Turning now to the work of the ODPP, the year 2021 brought about some significant changes to the ODPP.

May 2021 saw the departure of Patrick Moran as DPP after six years of service. During his tenure, Patrick successfully prosecuted a number of significant serious and complex matters and we thank him for his commitment to the work of the Office over the years and wish him the very best in his future endeavours.

We also saw the departure of Senior Crown Counsel Elisabeth Lees who first joined the Legal Department (as it then was in 2006) and who was one of the longest serving Crown Counsel in the ODPP. Since 2019, Elisabeth has also been the National Coordinator on behalf of the Anti-Money Laundering Steering Group. In that role, Elisabeth played a crucial part in the Cayman Islands satisfying the FATF Recommendations even while continuing to make significant contributions to the work of this office. She led the ODPP through the CFATF Mutual Evaluation and her template for Immediate Outcome 2 is

now used internationally as an example. We are very proud of the work Elisabeth has done for this Office and the Cayman Islands and we wish her the very best in her future plans.

We also bid farewell to one of our rising legal stars, our Paralegal Officer, Raedean Simpson, who is about to commence her Articles in the private sector. Raedean graduated from the Truman Bodden Law School in July 2021 and was the highest achieving student on the course for that academic year. She was also the recipient of the O L Panton Memorial Prize for best performance on the PPC as well as the Attorney-General's trophy for best performance in the Qualifying Examination.

It is no exaggeration to say that Raedean represents the future of the Caymanian Bar and we are pleased to be able to say that we had a hand in shaping her legal foundation.

### ***The year ahead***

Our primary focus for the year ahead is strengthening the capacity in the office. We are working closely with the Portfolio of the Civil Service to restructure the Department. The first stage in that process was the creation of an additional position of Assistant Director bringing the total complement to two.

I am pleased to say that following an open recruitment process we were able to fill these positions internally. In August 2021, Toyin Salako and Scott Wainwright were appointed as Assistant Directors with oversight over the Financial Crime/International Cooperation and Witness Protection/Witness Care portfolios respectively.

Both Toyin and Scott are excellent lawyers and have given years of dedicated public service to our Office and I am thrilled to welcome them to the Senior Management Team as we work together to effect transformative change within the ODPP.

These appointments led to a number of internal promotions and I take this opportunity to publicly congratulate Garcia Kelly (promoted to CC I (Financial Crime), Kerri-Ann Gillies (promoted to CC I (Fraud)) and Greg Walcolm (promoted to Senior Crown Counsel).

This year we propose to expand the Department even further by adding the following key positions at a senior level:

1. 1 additional Deputy DPP
2. 1 Legal Practice Manager

We are also actively seeking to develop talent at every stage of the office and we are specifically committed to the advancement of Caymanians within the office.

In this regard, there are several initiatives in development which include:

1. Re-evaluation of the job descriptions of all Executive Officers to better reflect the increased workload over the last decade.
2. Creation of a new role of Case Progression Officer to provide more effective case preparation and management in both the Summary Court and Grand Court.
3. Creation of a new role of Crown Counsel (Graduate) specifically aimed at offering opportunities to newly minted Caymanian attorneys to enter in the profession and have a clearer path of mobility within the organisation.
4. An additional Witness Care Officer to improve our capacity to deliver more effective victim care and support in the Summary Court.

We are extremely grateful for the support provided by the Portfolio of the Civil Service and the Deputy Governor in bringing these endeavours to fruition over the course of the year.

### **Case Work**

It suffices to say that there was no diminution in the workload of the ODPP during 2021. I wish to pay tribute to the entire dedicated team of prosecutors

in the ODPP as they continue to prosecute matters of increasing complexity and providing timely expert guidance to law enforcement agencies with passion, integrity and professionalism.

In 2021, the ODPP received over 2200 files for charging decisions from various law enforcement agencies. 124 indictments were disposed of in the Grand Court with 90 matters resulting in conviction.

### **FATF**

The ODPP continues to play its part in meeting the FATF recommendations. Our team of Crown Counsel have received a significant amount of further training in areas relating to financial crime (money laundering, terrorist financing, and proliferation financing), asset recovery (with a focus on cases with an international element), and beneficial ownership / prosecution of legal persons.

We now have in place specialist financial crime counsel who ensure that legal advice and assistance is provided to law enforcement agencies at a much earlier stage in their investigations. The provision of such early advice and assistance can enhance the quality of investigations and ultimately the quality of files submitted to our Office.

It is also my pleasure to announce that the Cayman Islands will assume the Presidency of the Asset Recovery Inter-Agency Network for the Caribbean (Arin-Carib) which is a regional network of law enforcement and legal practitioners in the field of asset tracing, freezing, seizure and confiscation. The Presidency will be represented by Assistant DPP Toyin Salako and Chief Inspector Richard Barrow of the Cayman Islands Bureau of Financial Investigation (CIBFI).

### **Legal Developments**

We welcomed the publication of new Sentencing Guidelines for Violent Offences in June 2021. These guidelines provide sentencing guidance in

relation to murder, attempted murder, manslaughter and to non-fatal offences of violence and reflects the approach taken in case law from both the Court of Appeal and the Grand Court, together with the practice of the Summary Court.

We also saw the publication of Sentencing Guidelines in relation to the Public Order offences which most commonly come before the Courts as well as Grand Court rules relating to handling of exhibits in court proceedings.

We also continue to work closely with the Law Reform Commission as we seek to modernise various aspects of the Penal Code.

### **Other Stakeholders**

I take this opportunity to acknowledge the significant contributions made by Justice Cheryll Richards QC in leading the Criminal Division by way of effective first mention hearings, prompt criminal listings and robust case management, as well as the various Acting Judges who ensured that the criminal trials in the Grand Court progressed apace. We also acknowledge new Acting Judges who began sitting in the criminal jurisdiction this year.

We offer our commendations as well to our criminal justice partners, in particular, The Commissioner of Police and the Director of Customs and Border Patrol, and the dedicated officers of the RCIPS and CBC as they continue to do an outstanding job in maintaining law and order.

We also look forward to working closely with the Judicial Administration as we continue to deliver an efficient criminal justice system.

My Lord, I also take this opportunity to acknowledge that this is your last year presiding over this ceremony. While there will no doubt be many more occasions to publicly pay tribute to your accomplishments as the longest serving Chief Justice of these Islands, on behalf of the ODPP, I wish to salute your visionary and transformative stewardship of the judiciary since 1998.

The characteristics of a good judge are not esoteric, nor have they significantly changed in thousands of years. They are still the same as they were when described by Socrates: ***"To hear courteously, to answer wisely, to consider soberly, and to decide impartially."***

A good judge is wise, courageous, firm, alert, incorruptible, compassionate and insightful. There can be no doubt that your Lordship has exemplified all of these traits throughout a long and illustrious career.

### **Conclusion**

It now only remains for me to wish you and all of our Judges, Magistrates, Court Administrative staff, colleagues at the Bar and the people of the Cayman Islands a happy, healthy, safe and prosperous New Year.

**Candia James-Malcolm**

**Acting Director of Public Prosecutions**

**12<sup>th</sup> January, 2022**