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

4 **INDICTMENT NO: 61/10**

5
6 **THE QUEEN**

7
8 **V**

9
10 **RAZIEL OMAR JEFFERS**



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12
13 **Appearances:**

13 **Mr. Andrew Radcliffe Q.C. with Mr.**
14 **Trevor Ward, Deputy DPP for the**
15 **Crown**

16
17 **Mr. Peter Champagne instructed by**
18 **Mr. Peter Polack for the Defendant**
19

20 **Before:**

The Hon. Mr. Justice Charles Quin

21 **Heard:**

21 **16th January 2012 to the 1st February**
22 **2012**

23
24 **JUDGMENT**
25
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- 27 1. The Defendant, Raziel Omar Jeffers, is charged with six counts on the
28 Indictment dated the 13th January 2012.
- 29 2. The first count is murder, contrary to s.181 of the Penal Code Law (2007
30 Revision) in that, the Defendant, on the 8th July 2009, at Bonaventure Road,
31 West Bay, Grand Cayman, murdered Marcus Leon Ebanks.
- 32 3. The Defendant is also charged with attempted murder on counts 2, 3, 4, and 5
33 of the Indictment – contrary to s.194 of the Penal Code Law (2007 Revision).
34 On all these counts the Defendant is charged with attempting to unlawfully

1 cause the deaths of individuals on the 8th day of July 2009 at Bonaventure
2 Road, Grand Cayman. Counts 2, 3, 4 and 5 relate, respectively, to the
3 attempted murder of José “Peto” Sanchez, Adryan Powell, Rod Aaron
4 Ebanks and Al Martino “Joe” Bush.

5 4. On Count 6 of the Indictment the Defendant is charged with possession of an
6 unlicensed firearm, contrary to s.15(1) and s.15(5) of the Firearms Law
7 (2008 Revision) in that, on the 8th day July 2009 at Bonaventure Road, West
8 Bay, Grand Cayman, he had in his possession a firearm, not being under and
9 in accordance with the terms of a firearm user’s licence.

10 5. The Defendant elected to be tried by Judge Alone on the aforesaid
11 Indictment and the matter came on for trial before me on the 16th January
12 2012.

13 *INTRODUCTORY SUMMARY*

14 6. The Crown submits that in the early evening of Wednesday the 8th July 2009
15 Marcus Ebanks, Jose Sanchez (also known as “Peto”), Adryan Powell, Rod
16 Aaron Ebanks, and, Al Martino Bush (also known as “Joe”), were sitting and
17 talking in the yard of 9 Bonaventure Road, West Bay.

18 7. 9 Bonaventure Road, West Bay, has been described as Matthew Grant’s
19 house, Marley Hurlston’s house, Joseph Hurlston’s house and also 9 Turtle
20 Lane. The other known residents of the home at the time were Matthew
21 Grant’s sister, Matthew Grant’s grandmother, Joseph Hurlston, Matthew
22 Grant, Al Martino “Joe” Bush, and Ray Smith. For the sake of convenience I
23 will describe the house as 9 Bonaventure Road.

- 1 8. Between 7:35 p.m. and 7:45 p.m. two men, armed with handguns and with
2 their faces covered, were spotted by members of the group approaching the
3 group from the direction of the main road. When José Sanchez and Al
4 Martino “Joe” Bush saw the two men, they shouted and ran into the house on
5 that property, at the same time that the two approaching men opened fire on
6 the group.
- 7 9. The evidence shows that the two gunmen opened fire whilst all the men were
8 sitting in the yard, and when Jose Sanchez and Joe Bush started running
9 away from the yard. Jose Sanchez and Joe Bush managed to escape unhurt
10 by running into the house and, in this way, avoided the hail of bullets.
- 11 10. Adryan Powell, who was 14 years of age at the time, received multiple
12 gunshot wounds. He was thrown to the ground near to where he had been
13 sitting in the yard, having received multiple gunshot wounds which
14 prevented him from running and which have left him paralyzed from the
15 waist down.
- 16 11. Rod Ebanks was shot in the hip, leg and hand, but made a full recovery.
- 17 12. Rod Ebanks’ brother, Marcus Ebanks, received three gunshot wounds to his
18 back and shoulder and was shot a third time as he tried to run around the
19 back of the house. Marcus Ebanks, having made his way around the back of
20 the house at 9 Bonaventure Road and, having run on to a neighbouring
21 property, died before the ambulance arrived.
- 22 13. Neither Jose Sanchez, nor Al Martino “Joe” Bush, who had managed to run
23 away, received any injuries.

EVIDENCE ON BEHALF OF THE CROWN

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14. I will examine the evidence presented by the Crown and take into account the evidence admitted, either by way of statements read with the consent of counsel for the Defence, or by way of formal admissions agreed between the Prosecution and the Defence. In so doing I will test the evidence as against the particular concerns raised by Defence counsel in cross examination and by way of submissions by counsel for the Defendant. I will also, of course, take into account the arguments presented by both the Prosecution and counsel for the Defence.

15. As the Trier of Fact it is a matter for me as to what I make of the evidence of the witnesses, what weight I ascribe to the evidence, and, how reliable or unreliable I might find any witness to be. It also follows that I might accept all, or only part of some evidence, or reject all or only part of the evidence of any witness.

16. For the purpose of this Judgment I have reviewed and recorded the evidence of most of the 55 to 60 witnesses.

Adryan Powell – Evidence in Chief

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17. Adryan Powell's date of birth is the 16th August 1994, and so at the time of the incident on the 8th July 2009 he was 14 years of age.
18. It is accepted by both the Crown and the Defence that Adryan Powell made three (3) statements about the events of the 8th July 2009. The statements were dated, respectively, the 9th July 2009, the 11th July 2009, and, the 15th July 2009.
19. Adryan Powell, giving evidence by video-link, said he could not really remember the second statement because he was sleepy, drowsy and on a lot of medication at the time he gave the statement, and he could not really recall anything about it.
20. However, Adryan Powell recalled the third statement, which he gave to Detective Superintendent Walton at the hospital in Miami.
21. Adryan Powell said when he made his third statement in Miami he knew that both Rod Ebanks and Marcus Ebanks had been shot. Adryan Powell said that at the time of the first statement he was not sure that Marcus Ebanks was dead because, at the scene, an officer told him that Marcus Ebanks still had a pulse.
22. Adryan Powell said he lived on Invicta Drive, close to Bonaventure Road, with his mother, his stepfather and other siblings.
23. Adryan Powell said that on the 8th July 2009 he was riding to his grandmother's house and he crossed over to Matthew's house (9

1 Bonaventure Road, West Bay) because a friend, Ray Smith, had asked to
2 borrow his bicycle. Adryan Powell loaned his bicycle to Ray Smith, who also
3 lived with Matthew Grant at 9 Bonaventure Road.

4 24. Having loaned his bicycle to Ray Smith Adryan Powell said he sat beside
5 Rod Ebanks outside the house. Adryan Powell said that he, Rod Ebanks and
6 Marcus Ebanks were sitting on the low concrete area, the foundation, and he
7 said that "Joe" and "Peto" were also sitting with them outside. Adryan
8 Powell said he thought Joe's real name was "Bush" and that he did not know
9 Peto's real name.

10 25. Adryan Powell said Joe was kneeling or stooping down and Peto was sitting
11 in a chair. Adryan Powell identified the chair in which Peto was sitting as
12 well as the low concrete wall on which he, Rod and Marcus were sitting in
13 photos #1, #2 and #3 of the exhibited album of photographs.

14 26. Looking at photograph #4 Adryan Powell described the positions in which
15 the group was sitting and told the Court that Peto was in the chair with Joe
16 beside him. However, Marcus was closer to Peto, then it was Rod and then
17 him, and that he, Adryan Powell, was closest to the main road.

18 27. Adryan Powell said he could

19 *"..still see daylight.."*

20 and also the light on the corner of the 9 Bonaventure Road house, shown in
21 the photographs, was on.

1 Asked to describe what the ambient light was like, Adryan Powell said it was
2 not dark, it was somewhere between broad daylight and pitch black.

3 28. Adryan Powell said the first thing he noticed was that Peto was running to go
4 inside the house and that's when he looked and saw the two guys come
5 running into the yard. Adryan Powell then heard,

6 *"...Joe say watch out for those guys, and that's how I see them coming."*

7 29. Adryan Powell said that it was whilst he was sitting on the low concrete wall
8 that

9 *"...two guys came up and started shooting."*

10 30. Adryan Powell said he then got up and started running towards the bush and
11 had taken about five steps and then he was shot in the side. Adryan Powell
12 said he thinks he was shot in the shoulder and another bullet hit him in the
13 face, but at the time he could not remember how many bullets hit him. He
14 said he fell on his stomach.

15 31. Adryan Poweell said that while on his stomach he looked up and he saw one
16 of the shooters go past him. He said this shooter had long braids hanging out
17 below the shirt which was on his head. Adryan Powell said the shooter had
18 two shirts – one around the top of his head and one covering his mouth and
19 his face.

20 Adryan Powell said it was at this stage that he could tell who it was, but he
21 was not one hundred percent sure.

1 Adryan Powell said the first person that came to mind was Raziel Jeffers
2 because he knew how Raziel Jeffers runs.

3 Adryan Powell said he would see Raziel Jeffers "around the place" and he
4 knew that Raziel Jeffers had his hair braided. Adryan Powell said he knew
5 Raziel Jeffers by his movements.

6 Adryan Powell said after the person he thought to be Raziel Jeffers spun
7 around, one of the shirts fell from his face. He said,

8 *"So he was back on me at first, then he spun around and the thing fell*
9 *from his face."*

10 Adryan Powell said it was a red T-shirt.

11 Adryan Powell said he looked up at the shooter for about two seconds and
12 the shooter looked down at him, and then the shooter started to pull his shirt
13 up.

14 Adryan Powell said he had watched the shooter for about two seconds when
15 the shooter spun around and then he was looking at the shooter's face for
16 about two more seconds. Adryan Powell said that's when

17 *"...he looked down at me and then he ran off trying to pull it up."*

18 Adryan Powell said there was

19 *"...nothing between Raziel and me."*

20 Adryan Powell said it was Raziel Jeffers and that Jeffers was about five (5)
21 or six (6) feet away from where he was on the ground, and he recognized

1 Raziel Jeffers. He said he was one hundred percent sure it was Raziel Jeffers
2 and he saw him perfectly.

3 32. Adryan Powell said he only saw one gun, a black gun. He said he can't recall
4 seeing the second shooter after the shooting had begun. Adryan Powell said
5 he,

6 *"...didn't see the second masked man after he came in the yard."*

7 He said he,

8 *"didn't see the second man at all."*

9 33. Adryan Powell said he put his head down on his arm like he was dead,
10 because he wanted the shooters to think he was dead, and he did not want to
11 get shot again.

12 34. After the men left the yard Adryan Powell said he could see Rod Ebanks
13 lying on the foundation (the low concrete wall) and he thought Rod was dead
14 and he just started

15 *"hollering for help."*

16 And that's when Rod got up.

17 35. Adryan Powell said he recalled saying to Rod,

18 *"Do you know who those guys were?"*

1 Adryan Powell said he asked the question because he wanted to know if Rod
2 knew who the men were. Adryan Powell said he already knew one of the
3 guys but,

4 *“I was asking him if he knew who the guys were because I knew who it*
5 *was right away.”*

6 So he could find out if Rod also knew.

7 36. Adryan Powell said he did not see Marcus again, nor did he see Peto or Joe.

8 37. Adryan Powell was shown exhibit 1A and 1B – photos taken by Detective
9 Superintendent Kurt Walton – and Adryan Powell confirmed that Raziel
10 Jeffers was wearing red shirts similar to the ones in the photographs 1A and
11 1B. Detective Superintendent Walton was wearing the two shirts in exactly
12 the same manner as Adryan Powell described Raziel Jeffers as wearing them.
13 Adryan Powell also confirmed that the shirt was worn in the second
14 photograph in the same way Raziel Jeffers had it when it slipped own from
15 his face.

16 38. Adryan Powell said that the last time he had seen Raziel Jeffers prior to the
17 8th July 2009 shooting was a couple of days before when he came looking for
18 his cousin, Joshua Ebanks. Adryan Powell said,

19 *“Raziel was by my house a couple of days before the shooting looking for*
20 *Joshua Ebanks.”*

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Cross Examination of Adryan Powell

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39. Adryan Powell said that at the time of the 8th July 2009 incident his mother had gone over to Jamaica and he was left with some other relatives. He said he had a close relationship with his mother.

40. In relation to his statements given to the police he said he made an 'x' on the second statement, and on the first statement, Mr. Roderick held his hand and

"moved my hand and helped me mark my name."

41. Asked if he recalled the first two statements, Adryan Powell said he only recalled one. Later he was told that he gave two statements before his third statement.

42. Adryan Powell accepted that in his second statement, when he said he was on a lot of pain medication, and which was described by Defence counsel as *"the hazy statement"*, he had said he did not know who had shot him, or the reasons why anyone would want to shoot him.

43. Adryan Powell said that he first recognized Raziel Jeffers by his posture and how he moved, and walked and ran. Adryan Powell said he was able to identify Raziel Jeffers even though he was on his stomach with his face up, and with Raziel approximately five to six feet away.

44. It was put to Adryan Powell that it would *"be nigh impossible"* to identify anyone's face in that position and from that distance, and Adryan Powell replied,

"Yes, Sir. It is possible to see someone's face five to six feet away."

1 Adryan Powell also said,

2 *"I seen his face, and I am one hundred percent sure it was Raziel*
3 *Jeffers."*

4 45. It was put to Adryan Powell that it was a lie that he had known Raziel Jeffers
5 for about two years or more prior to the incident because Raziel Jeffers had
6 only been released from custody in March 2008, and therefore he could not
7 have known him for two or more years. Adryan Powell said that did not
8 surprise him, but he knew Raziel Jeffers from playing football with him and
9 playing in a tournament, and he knew who Raziel Jeffers was before the
10 incident.

11 46. It was put to Adryan Powell that he had asked Rod Ebanks if he knew who
12 the shooters were because he did not know the identity of the man who shot
13 him, and Adryan Powell replied,

14 *"No! I knew! I just wanted to see if he knew!"*

15 Adryan Powell said he wanted to know if Rod Ebanks had seen what he had
16 seen.

17 47. It was put to Adryan Powell that he had not mentioned the identity of the
18 shooter in any of his first two statements and he said it was because he was
19 not asked if he had said anything to Rod.

20 48. Defence counsel asked Adryan Powell, *"Do you know Justin Manderson?"* to
21 which he replied,

22 *"Yes Sir."*

1 Asked by Defence counsel, "*You and Justin were friends?*" Adryan Powell
2 replied,

3 "*Yes Sir.*"

4 It was put to Adryan Powell that he was "*in trouble with Justin on some*
5 *incident,*" to which Adryan Powell replied,

6 "*Yes Sir.*"

7 It was then put to Adryan Powell that "*that trouble went away after you gave*
8 *your statement to Mr. Walton.*" After Adryan Powell requested clarification
9 on the question, defence counsel asked, "*When did that trouble stop?*" to
10 which Adryan Powell replied,

11 "*Way before this happened in 2009.*"

12 Defence counsel then put to Adryan Powell, *I am suggesting that it ceased*
13 *after you gave a statement to Mr. Walton in this matter,*" to which Adryan
14 Powell replied,

15 "*No it didn't. It finished before.*"

16 49. Asked if he knew Rodney Christopher Manderson, Adryan Powell replied,

17 "*Yes Sir.*"

18 Defence counsel put to Adryan Powell that he had spoken to Rodney
19 Christopher Manderson after the shooting incident on the 8th July 2009, that
20 he and Manderson had discussed who the shooter was at the 8th July 2009

1 incident, and that he, Adryan, was lying about seeing the Defendant on the
2 8th July 2009, to which Adryan Powell replied,

3 *“No Sir. I seen (sic) Raziel. You can’t tell me no different. I am a*
4 *hundred percent sure it was Raziel.”*

5 Asked why he had not put Raziel’s name in his first and second statements,
6 Adryan Powell replied,

7 *“I never mentioned it because I was afraid. I never know what was going*
8 *to happen.”*

9 Reminded by defence counsel that he did not mention his fear to Detective
10 Superintendent Walton in his statement Adryan Powell said,

11 *“No. I did not mention fear in the statement. When I realize that Marcus*
12 *was dead and that I was going to be paralyzed for the rest of my life I*
13 *never cared no more. I came forward. I just say what I had to say.”*

14 Adryan Powell told defence counsel that at the scene, the officer told him
15 that Marcus Ebanks still had a pulse, so he thought Marcus had made it.
16 However, Adryan Powell said his mother told him in the hospital that Marcus
17 never made it,

18 *“So I just came forward and said what I had to say.”*

19 Adryan Powell was asked if he had mentioned any of that to Detective
20 Superintendent Walton, and Adryan Powell replied that he wasn’t sure.

1 It was put to Adryan Powell that he is a witness of untruth and Adryan
2 Powell denied that said,

3 *"No Sir. I have no reason to tell a lie. Why would I put an innocent man*
4 *in jail for what happened to me and Marcus and Rod, it makes no sense."*

5 ***Re-Examination by the Crown of Adryan Powell***

6 50. Adryan Powell told Crown counsel that his mother had told him that he had
7 made two statements, although he only remembered one. Asked when it was
8 that his mother had told him that, Adryan Powell said he thought it was,

9 *"...on the thirteenth or the fourteenth of July,"*

10 but he was not sure.

11 51. Asked what was the reason for not putting in his first two statements that it
12 was Raziel who shot him, Adryan Powell replied that he was afraid. He said,

13 *"I was afraid. At the time I never knew if I was going to have to come*
14 *back to the islands, and I would have no protection, and he could come*
15 *back and try to finish me off. I never really wanted to come out with it*
16 *until I found out that Marcus was dead and I was going to be paralyzed.*
17 *It was then I decided that I was going to say everything."*

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Tammy Tibbetts – Evidence in Chief

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52. Ms. Tibbetts is the mother of Adryan Powell. She told the Court that she and her fiancé went to Jamaica on Wednesday the 8th July 2009 to celebrate her birthday. She made arrangements to leave Adryan with her parents who reside in the same district as the one in which she lives, West Bay. Whilst she was in Jamaica she received a call from Matthew Grant who told her about the shooting at his home at 9 Bonaventure Road, and also told her that her son, Adryan Powell, as well as Marcus Ebanks and Rod Ebanks had all been shot.

53. Ms. Tibbetts said she made arrangements to return to Cayman immediately, but she was unable to get a flight on the same day. She returned to Cayman on the morning of the 9th July 2009.

54. Ms. Tibbetts said she went directly to the George Town hospital and found Adryan Powell there. She said he was lying down with his eyes closed. She said he exhibited only slight movement, but for the most part he was just lying there.

55. As far as Ms. Tibbetts was aware, Adryan was on morphine and other medications. Asked whether Adryan was awake or asleep, she said for the most part he was asleep, but there was some eye movement.

56. Ms. Tibbetts recalls the first statement taken by DC Evans at George Town hospital on the 9th July 2009. Asked if Adryan was alert and awake or otherwise whilst the statement was being taken she said,

“Otherwise.”

Examination in Chief of Rod Ebanks

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68. Rod Ebanks confirmed that on the 8th July 2009 he was 18 years of age and he was living with his grandmother on Northwest Point Road, with his brother, Marcus Ebanks.

69. Rod Ebanks recalled that at the beginning of July 2009 he had sustained a broken ankle from playing football.

70. He told the Court that he and his brother, Marcus, went to Matthew Grant's house at Bonaventure Road on the 8th July 2009. He said he and Marcus first went to the guinep tree and they had arrived there at around 4 or 5 p.m. He said when they first arrived they were underneath the tree eating guineps, and then they went over to Matthew Grant's house. There they saw Joseph Hurlston, Joe Bush and Peto. Rod Ebanks said Peto was the man's nickname and he did not know his surname, but his real name is José. Rod Ebanks said that Adryan Powell also arrived there.

71. Rod Ebanks said they were sitting with Adryan first, then himself, then Marcus then Joe, and Jose was sitting in the chair. Looking at photo #3 Rod Ebanks said from left to right there was Adryan, who was nearest to the road, with he, Rod Ebanks, in the middle, and then there was his brother Marcus and then Joe, with Peto in the chair.

72. Rod Ebanks said that his brother, Richard, had gone, by car, to get some drinks. Rod Ebanks recalled that he was playing ringtones on his phone when he said he heard a "crack."

1 73. Asked if, at the time, it was light or dark Rod Ebanks said it was dark. Asked
2 if it was pitch black as night he said,

3 *“No. It was just really turning kind of dusk.”*

4 74. Rod Ebanks said the light at the corner of the house was on. Asked about the
5 light around he said

6 *“you could notice who it was. You would know.”*

7 75. Rod Ebanks said that when he heard the crack he looked to the right and he
8 saw two men standing. He said one was wearing full black and the other had
9 a white shirt with a red bandana over his face.

10 76. Rod Ebanks said he could see the one with the white shirt and the red
11 bandana, and he saw that person raise his right hand and he, Rod Ebanks,
12 said he saw the gun. Rod Ebanks recalled that the man with the red bandana
13 fired the gun and he could see the fire coming out of the gun.

14 77. Rod Ebanks said he then got up to try and move and he felt shots on his body
15 and he said,

16 *“I just turned round and fell into the foundation.”*

17 78. Rod Ebanks said he felt a shot in his left knee, in his left shin, and a shot in
18 his right index finger as he was about to drop.

19 79. Rod Ebanks said he could not see what happened to anybody else because his
20 back was turned, so he could not see what anybody else was doing. Also, he

1 was pretending to be dead. Rod Ebanks said he never looked up or looked
2 around.

3 80. Rod Ebanks said he heard another 4 or 5 shots whilst he was on the ground.

4 81. Rod Ebanks said he waited and stayed still until he heard the guys running
5 off. He said he heard the two gunmen running.

6 82. Rod Ebanks said he heard Adryan Powell ask him who it was who had just
7 shot him.

8 83. Rod Ebanks said he did not see Marcus or Joe Bush, nor did he see Joseph
9 Hurlston.

10 84. Rod Ebanks described the person in the white shirt as being about 6 feet tall
11 and the one in the black was shorter – he was only about 5 feet 8 inches tall.
12 Rod Ebanks said he only saw the 6-foot tall man with a gun.

13 85. Rod Ebanks said he received three gun shots – one to his left shin, one to his
14 right hip and one to his right index finger.

15 86. Asked if Adryan Powell asked him, Rod Ebanks, who the shooter was
16 because Adryan Powell did not know, Rod Ebanks said,

17 *“...or he was asking me because he wanted to see if I knew who it was.”*

18 ***Cross Examination of Rod Ebanks***

19 87. Rod Ebanks said he really did not know Raziel Jeffers. Rod Ebanks said
20 although he had seen Raziel Jeffers before he did not know him. Rod Ebanks

1 agreed with defence counsel that he couldn't give a good description of the
2 two shooters because it was dark and it all happened too fast.

3 *Examination in Chief of Joseph Hurlston*

4 88. Joseph Hurlston said that in July 2009 he lived at 9 Bonaventure Road, West
5 Bay.

6 89. Initially Joseph Hurlston said he did not recall everybody who was in the
7 yard and he appeared reluctant to give any evidence regarding the 8th July
8 2009.

9 90. Joseph Hurlston said he was in the house at 9 Bonaventure Road when he
10 heard a noise. He said it sounded like firecrackers. Joseph Hurlston said Jose
11 Sanchez was outside the house with his (Joseph Hurlston's) brother, Al
12 Martino "Joe" Bush and also

13 *"...three little guys Adryan, Rod and Marcus."*

14 91. Joseph Hurlston identified the house from the photographs and said that the
15 foundation/the low wall was his foundation where he was hoping to build a
16 little house.

17 92. Joseph Hurlston said that Marcus, Rod, Adryan, Peto and Joe were

18 *"...sitting outside where all this blood and thing is on the blocks by the
19 bicycle"*

20 – making reference to photograph 4.

- 1 93. Joseph Hurlston said he saw two persons standing looking like they had guns
2 in their hands. He said from his room inside the house he saw fire coming
3 from the nozzles of the guns. He said then he knew it was not firecrackers,
4 but it was gunshots.
- 5 94. He said he could not see their faces because the house did not have any
6 lights.
- 7 95. Joseph Hurlston said the faces of the shooters were covered with shirts. He
8 said he was scared. He said he could see the fire coming from the gun. He
9 said he saw Rod Ebanks fall down. Joseph Hurlston said he looked through
10 the blinds at the windows and he saw Rod Ebanks drop into the foundation.
- 11 96. Joseph Hurlston said that when he came out of the house he saw Adryan
12 lying on the “sponge” and the gunmen had gone. He said Adryan was lying
13 on the same piece of sponge right beside the bicycle in the photo. The
14 sponge/cushion had green, blue and white stripes.
- 15 97. Joseph Hurlston said he did not see Marcus Ebanks. He said he had heard
16 that Marcus took off running around the back of the house, and he never saw
17 him again.
- 18 98. Joseph Hurlston said he recalled Jose Sanchez and Joe Bush running into the
19 house and, in fact, they broke down the door trying to get into the house.
- 20 99. Joseph Hurlston said that after the shooting he and Peto drove off in Peto’s
21 car.

1 100. Joseph Hurlston also said that sometime before the 8th July 2009 he had been
2 at Kelly's Bar in West Bay with Jose "Peto" Sanchez. Joseph Hurlston said
3 there was an altercation between Peto and Raziel Jeffers but there was no
4 gunplay. Joseph Hurlston said he and Peto

5 *"...were just drinking when Raziel pulled up in his car."*

6 Joseph Hurlston recalled Raziel and Peto talking, and then there was a little
7 scuffle. Joseph Hurlston said Raziel boxed Peto in his face. Joseph Hurlston
8 said Peto did not fight back, but moved away. Joseph Hurlston said Peto's
9 mouth was busted and his lip was busted and his mouth was bleeding. Joseph
10 Hurlston said he could not recall if Peto's nose was bleeding after the box,
11 but he knew that his lip was bleeding for sure.

12 He said this happened in March 2009 – some 4 or 5 months before the
13 shooting on the 8th July 2009.

14 ***Cross Examination of Joseph Hurlston***

15 101. It was put to Joseph Hurlston that he could not really say who the two
16 persons were who came into the yard and did the shooting and he agreed.

17 102. It was put to Mr. Hurlston that he was lying about the incident at Kelly's Bar,
18 and Joseph Hurlston said,

19 *"What happened by Kelly's, happened. That's what I say in the statement*
20 *and that's what happened at Kelly's. That really took place man."*

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1 *Examination in Chief of José Sanchez*

2 103. José Sanchez said he was also known as Peto.

3 104. He confirmed that he had 3 children of the ages 8, 5 and one who was nearly
4 2 years old. He said that the mother of the child who is nearly 2 years old is
5 Kendra Powery. Jose Sanchez confirmed that Kendra Powery had two
6 children by Raziel Jeffers. Jose Sanchez confirmed that when he started
7 dating Kendra Powery, Raziel Jeffers was in prison.

8 Asked how he thought Raziel Jeffers felt about him having a relationship
9 with Kendra Powery, José Sanchez said he was

10 *“Not too sure whether he [Raziel] was pleased about me seeing*
11 *Kendra.”*

12 105. Asked if he knew Kelly’s Bar in West Bay and whether he had ever been to
13 Kelly’s Bar with Joseph Hurlston, José Sanchez said yes to both questions.

14 José Sanchez confirmed that he would describe Kelly’s Bar as a “noisy”
15 place.

16 Asked if there was ever any trouble at that Bar, José Sanchez replied,

17 *“There’s always trouble there.”*

18 Asked if any of the “trouble” at Kelly’s Bar ever involved him, José Sanchez,
19 and to this José Sanchez replied,

20 *“No.”*

1 Asked by the Crown, "*You don't recall any incident at Kelly's Bar with*
2 *Raziel Jeffers?*" José Sanchez said,

3 "*No.*"

4 José Sanchez he could not recall the incident at Kelly's Bar which Joseph
5 Hurlston said had occurred.

6 106. Jose Sanchez recalled being at 9 Bonaventure Road on the 8th July 2009. He
7 recalled that Joe Bush, Marcus Ebanks and Rod Ebanks were also there.

8 107. Jose Sanchez identified the yard at 9 Bonaventure Road from the photo
9 album.

10 108. Jose Sanchez said he arrived at that address at about 6 p.m. and he was sitting
11 in front of a grey tank on a chair. Jose Sanchez said he was facing the
12 entrance to the yard and he told the Court

13 "*...three guys got shot in the yard*" on that day.

14 109. Jose Sanchez said he was sitting down eating his food on the chair when he
15 looked up and saw two guys running. He said,

16 "*I see two guys running coming... they were coming from in front of the*
17 *yard.*"

18 Using photographs to identify where the men were when he first saw them,
19 José Sanchez said,

20 "*They were by the big bush when I first noticed them.*"

1 110. Jose Sanchez said he did not recognize the guys.

2 111. Jose Sanchez said he told the rest of the guys

3 *“Watch these guys running coming.”*

4 Asked why he had issued that warning, Jose Sanchez said it was because the
5 guys running towards the group looked hostile. Asked in what way did they
6 look hostile and Jose Sanchez replied,

7 *“Well, three guys got shot...”*

8 112. Asked by Crown counsel about the men running towards the house, *“Did*
9 *they have anything?”* José Sanchez replied,

10 *“I didn’t see them with anything.”*

11 The Crown reminded José Sanchez that three guys shot in the yard soon after
12 these guys approached and next pressed José Sanchez with *“Who had the*
13 *guns?”* to which José Sanchez replied,

14 *“I don’t know.”*

15 113. José Sanchez said that when he saw the guys running towards the group he
16 ran into the house. Jose Sanchez said Joe Bush also ran into the house. Jose
17 Sanchez said he heard a couple of shots when he was inside the house.

18 114. José Sanchez said he was struggling to recall the events of the night of the 8th
19 July 2009 and he said he could not remember too well. Asked if the
20 signatures on his statements of the 9th July 2009 and of the 17th July 2009
21 were his, José Sanchez replied,

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"Yes."

115. Asked again about the event of the 8th July, José Sanchez said that one of the guys who had come running into the yard had what

"...appeared to be a gun."

José Sanchez said he heard two gunshots, he ran inside the house and, in his haste to get in to the house he even tripped. He said when he got inside he

"...locked the door and stayed on the ground. I felt someone was going to die....I was not sure if it would be me."

116. José Sanchez said that when the shooting stopped he went outside and saw

"Rod Ebanks sitting on the ground"

and he said he saw another person

"...lying on the ground."

He said he then left the yard. He said,

"I left the yard immediately, I wanted to leave."

Cross Examination of José Sanchez

117. José Sanchez confirmed that he only saw one of the guys who came running into the yard for a few seconds before he started shooting.

118. Asked if he was ever involved with the Defendant in an incident at Kelly's Bar, José Sanchez said,

1 *"I can't remember."*

2 119. Referring to the statement José Sanchez gave to the police "some hours after
3 the shooting" Defence counsel asked José Sanchez about the time of day that
4 the two men came running into the yard, José Sanchez said

5 *"By this time outside there was dark."*

6 120. José Sanchez confirmed that he knew Raziel Jeffers, the Defendant, before
7 July 2009 and that he would see Raziel Jeffers

8 *"...on a regular basis and often at night."*

9 121. Asked about the identity of the shooter on the 8th July 2009 José Sanchez
10 said,

11 *"It did not appear it was Raziel based on his size and his height."*

12 José Sanchez also agreed that there was a lot of vegetation around the house,
13 with tall trees, and the shooting incident happened in seconds.

14 ***Re-Examination by the Crown of José Sanchez***

15 122. The Crown referred José Sanchez to his statement of the 17th July 2009 and
16 then José Sanchez confirmed that he did say that the light bulb at the corner
17 of the house was on, and that the lighting was sufficient to see.

18 123. Asked about what he had said in his statement in relation to seeing one of the
19 guys with a gun, José Sanchez said,

20 *"I told them [the police] I only saw one guy with a gun!"*

1 *Examination in Chief of Al Martino Bush a.k.a Joe Bush*

2 124. Joe Bush said that in July 2009 he was living at 9 Bonaventure Road, West
3 Bay with his brother, Joseph Hurlston and with Matthew Grant and Matthew
4 Grant's mother.

5 125. Joe Bush confirmed that there was a shooting incident at 9 Bonaventure
6 Road on the 8th July 2009 and he also confirmed that he was there at the time
7 of the shooting.

8 126. He said that at the time he would finish working after 3 p.m. He said that on
9 the 8th July 2009 he reached home around 4 p.m.

10 127. Asked, "*Who else was at the house?*" Joe Bush said that at the house on that
11 afternoon were his sister, his brother Joseph Hurlston, José Sanchez,
12 Matthew Grant, his (Joe Bush's) mother and Marley Hurlston.

13 128. Joe Bush said he was sitting by the foundation (also called the low wall) on
14 that afternoon and, using photographs 3 and 4 from the exhibit album, he said
15 he was sitting near to the bicycle.

16 129. Joe Bush said that the other people there outside the house at the time were
17 Rod Ebanks, Adryan Powell, Marcus Ebanks and José Sanchez was sitting in
18 the white chair.

19 130. Asked if the light was on at the corner of the house, Joe Bush said,

20 *"I can't remember."*

1 However, Crown counsel referred Joe Bush to his witness statement which
2 he gave on the 8th July 2009 when matters were fresher in his mind and Joe
3 Bush agreed that he had signed the statement in which he said that the light
4 was on.

5 Asked how bright the light was, Joe Bush said it was a bright light and that
6 one could see for about 40 – 50 feet around it.

7 131. Joe Bush said he was sitting close to the bicycle when he saw two people in
8 dark clothing

9 *"..walking from Bonaventure Road to my house. They were coming on*
10 *the road from the bush side."*

11 Joe Bush said that when he saw the men they were

12 *"walking kinda fast."*

13 132. Joe Bush said the men's faces were covered but they were not wearing
14 masks, it was dark clothing. He said he only had a short time to look at them.

15 133. Joe Bush said that one of the men approaching the yard was about six feet
16 and a couple of inches tall, and the other one was

17 *"shorter than 6 feet."*

18 134. Joe Bush said,

19 *"The taller guy had on dark clothes and a white mask...his shirt was*
20 *dark blue...the short one had an orange shirt....the short one's face was*
21 *covered."*

1 135. Joe Bush said that both men were holding their hands underneath their shirts,
2 which he thought was suspicious.

3 Joe Bush added,

4 *“When they got closer I could see their faces were covered.”*

5 He said this was when he alarmed everyone and said,

6 *“I tell everybody, yow, yow, check this out! Everybody head turn to face*
7 *the two people.”*

8 136. Asked how far away were the men when he alerted the others, Joe Bush said
9 the distance from the back of the courtroom to the witness box.

10 137. Joe Bush said,

11 *“I jumped up and run inside my house.”*

12 138. He said as soon as he got into the house,

13 *“I heard sounds like gunshots.”*

14 Joe Bush said there was more than one gun and he heard about 14 shots. He
15 said,

16 *“...like two guns firing one time – bang bang bang bang bang. I*
17 *went to my room in the back. I stay there two minutes and the gunshots*
18 *stopped.”*

1 139. Joe Bush said that when the shooting ended he heard people crying and
2 screaming. He said he then went back outside through the front door and saw
3 Adryan Powell and Rod Ebanks on the ground.

4 Asked if he saw Marcus Ebanks, Joe Bush said,

5 *“Marcus Ebanks was not in my yard at the time.”*

6 Asked who else he saw around after the shooting Joe Bush said his brother
7 Joseph Hurlston was still there along with Matthew Grant, my nephew, and
8 José Sanchez.

9 *Cross Examination of Joe Bush*

10 140. Defence counsel asked about the lighting in the area from which the shooters
11 came and asked if *“the area these men came from was very dark,”* to which
12 Joe Bush replied,

13 *“Yes Sir.”*

14 141. Asked if he would say that *“the incident happened very quickly”* and Joe
15 Bush replied,

16 *“Yes, Sir.”*

17 142. Joe Bush also confirmed that he could not identify the two shooters.

18 143. Joe Bush confirmed that he had known Raziel Jeffers approximately 20 years
19 and that he would often go out with him and drive with him.

1 144. Joe Bush said the two men came towards the group walking fast with their
2 hands underneath their shirts.

3 145. Joe Bush confirmed that one of the youngsters in the group was Adryan
4 Powell. He was sitting on the foundation.

5 146. Asked "*what were you all doing before these men came?*" and Joe Bush
6 confirmed that some of them were drinking Hennessy and Heineken, but he
7 said,

8 "*Not all were drinking.*"

9 Defence counsel then referred Joe Bush to his statement given to the police
10 where Joe Bush said,

11 "*We were all outside sitting and drinking.*"

12 Asked if some in the group were smoking and Joe Bush replied,

13 "*Yes, Sir.*"

14 Joe Bush said five of them were smoking that night and they were smoking
15 Rothmans.

16 Asked by Defence counsel "*You are not unfamiliar with ganja and the*
17 *smoking of it,*" to which Joe Bush replied,

18 "*No, Sir.*"

19 Defence counsel put to Joe Bush, "*You've been to court several times[re]*
20 *the use of ganja*" and Joe Bush confirmed this.

1 Joe Bush confirmed to Defence counsel that on the 8th July 2009 he was with
2 the group

3 *“...smoking Rothmans and ganja too.”*

4 ***Re-examination of Joe Bush by the Crown***

5 147. Asked *“when the shooting started”* how much drink had he consumed, to
6 which Joe Bush replied,

7 *“Two Heinekens and one shot of Hennessy.”*

8 Asked if he was drunk and Joe Bush replied,

9 *“No.”*

10 148. Asked if he would describe the taller of the two men approaching the yard as
11 fat or medium or slim and Joe Bush said,

12 *“Slim.”*

13 149. Using photo 3 Joe Bush pointed out the route the men took to approach the
14 yard and he said they came from behind the pole and by the coconut tree. He
15 said at first sight he could not see whether they were wearing masks, but
16 when they got closer he could see they were wearing masks. He said that
17 once he saw their faces were masked, he shouted an alarm to everyone and
18 he ran inside. He said

19 *“...then Jose Sanchez came behind me”*

20 He said that he, (Joe Bush) was the first to get inside.

1 *Examination in Chief of April Manderson-Wright*

2 150. April Manderson said she lived at 18A Bonaventure Road, her father's home,
3 with her family. She recalled the 8th July 2009. She said she had returned
4 home at around 7:40 p.m. She said she was in her father's yard and she had
5 just got out of her car when she heard gunshots firing from next door, which
6 is Marley Hurlston's house which is #9 Bonaventure Road.

7 151. She said she had begun to head in the direction of #9 Bonaventure Road
8 when

9 *"Marcus Ebanks came running towards me from behind Marley*
10 *Hurlston's house."*

11 She said she saw Marcus Ebanks about one minute after hearing the
12 gunshots. She said,

13 *"We ran to each other. He was holding his arm."*

14 She added that she also noticed

15 *"Someone [else] had come around the corner of Marley's house and*
16 *fired a shot."*

17 She said that that person

18 *"...came running around the building."*

19 April Manderson said she could not describe that other person who had fired
20 the shot because she

1 *“...only glimpsed the person from far away.”*

2 152. April Manderson said that when Marcus Ebanks got to her she asked him if
3 he had been shot and he said,

4 *“Yes.”*

5 153. April Manderson described Marcus as running around the back of the house
6 and used exhibit AW5 to demonstrate where he was.

7 154. April Manderson said Marcus had grabbed his right arm and his eyes rolled
8 in his head. She said a group of them were surrounding Marcus Ebanks and
9 she handed him over to her cousin. She said blood was in his mouth and on
10 his arm. She said Marcus Ebanks fell on her and then on to the ground.

11 155. April Manderson said she then called 911 using her cell phone. She said the
12 time of the call was 7:48 p.m. and she knew this because the call was stored
13 in her phone.

14 156. She said that, while on the ground, Marcus Ebanks's mouth was filling with
15 blood. She told another person to keep Marcus on his side because his mouth
16 was filling up with blood.

17 157. April Manderson said that when she went next door to #9 Bonaventure Road

18 *“Rod was face down on the step of the house at #9 as if he was playing*
19 *dead and Adryan was struggling to turn over or stand up. I yelled and*
20 *Rod realized it was me and he said, help me, help me.”*

1 158. April Manderson said she then went over to Adryan and she could see that he
2 had some kind of back injury. She said,

3 *"...the bottom half of Adryan was not moving ...there was blood on*
4 *Adryan's face...I told him not to move."*

5 April Manderson noticed that Adryan Powell had been shot in his legs and
6 his back and in his face. She said,

7 *"He was very strong I spoke to him and told him not to move and he told*
8 *me not to tell his father he was there."*

9 April Manderson said she got a cushion from Matthew Grant and put it under
10 Adryan Powell's head

11 *"...to keep the head above the heart."*

12 159. April Manderson said,

13 *"Peto ran cross me and got into a car when I was assisting the boys."*

14 160. April Manderson said that after that her cousin Rodney Manderson arrived.

15 April Manderson said that other than those persons, she saw no one else.

16 161. She said that some minutes after that the police arrived and she did not
17 remain at #9. She went back over to 18A. She said that Marcus Ebanks was
18 still where she had left him.

19 She said her father and her cousin told her that Marcus was dead. She said,

20 *"I took his pulse and there was no pulse."*

1 162. Asked about the person she said she saw in a vehicle resembling Raziel
2 Jeffers's white Toyota Camry a few days before the incident, April
3 Manderson said she was very familiar with Raziel Jeffers's car. April
4 Manderson said,

5 "...I just saw the arm of the driver."

6 She said the person was,

7 "...dark skinned"

8 and the person had

9 "...braids."

10 April Manderson said she never actually saw the person she saw on that
11 evening with the braids who was driving the vehicle.

12 ***Cross Examination by Defence counsel of April Manderson-Wright***

13 163. Referring to the hairstyle called braids, April Manderson agreed with counsel
14 for the Defence that "*in 2009 that type of hairstyle was not uncommon.*"

15 164. Defence counsel asked April Manderson about her seeing a car resembling
16 Raziel's car in the vicinity of her grandfather's house on the 8th July 2009
17 and she explained that Rena Manderson, her aunt, also lived in her
18 grandfather's house and,

19 "*Ezekiel Carter was visiting Rena and that's why the car was in the*
20 *vicinity.*"

1 165. Asked if she knew Christopher Bush and Adryan Powell April Manderson
2 said yes and agreed that Christopher Bush's hair, at the time, was long and in
3 braids. She described Christopher Bush as

4 *"...slim and tallish"*

5 And she agreed that Christopher Bush lived on Bonaventure Road.

6 166. April Manderson was shown a photograph by Defence counsel of Adryan
7 Powell and Christopher Bush and she confirmed that Christopher Bush also
8 had long braids.

9 *Examination in Chief of Rodney Christopher Manderson*

10 167. Rodney Manderson said that in July 2009 he lived on Bonaventure Road at
11 18A with his uncle Ricky, his cousin April Manderson, and his sister
12 Tekisha. Shown a map of the area he said the whole yard was 18A, there
13 were three houses in the whole yard and his uncle's house – which he called
14 18A or 18C Bonaventure Road – was the one that was not numbered.

15 168. Rodney Manderson said that on the 8th July 2009 he was at his uncle's house
16 watching the show 'XMen' at around 7:30 p.m. He said that he was watching
17 the show with his sister, his uncle, April and his cousin Roger.

18 169. Rodney Manderson said that while watching the show he heard 12 bangs that
19 sounded like fireworks or gunshots. He said they sounded as if they were

20 *"...coming from up the road from my house. My sister said that they*
21 *sounded like fireworks and I said no, its gunshots."*

1 170. Rodney Manderson said he went outside and he saw Marcus Ebanks come
2 running from house #9 Bonaventure Road. He said he saw blood coming
3 from Marcus Ebanks's left arm and

4 *"he fall in my sister's hand."*

5 Rodney Manderson said that after Marcus collapsed he

6 *"went by Matthew's house, number 9."*

7 171. He said that at #9 he saw someone lying on the ground and he thought it was
8 Peto. However, when the person raised up his head he saw that it was Adryan
9 Powell.

10 *"I asked him where he got shot and he lift up his arms and showed me.
11 He also had two holes through his leg ...and I saw blood coming from
12 his face."*

13 172. Rodney Manderson said Rod Ebanks was lying "right by Matthew's door."
14 Referring to Rod Ebanks, Rodney Manderson said,

15 *"He said all he saw was two men with guns and fire coming from the
16 guns...with T-shirts over their heads."*

17 173. Rodney Manderson said that at the scene at the time he saw Rod, Adryan,
18 Matthew, Joseph Hurlston, Joe Bush and Peto. Rodney Manderson said he
19 asked Peto what had happened and he said,

20 *"...they see men coming with guns and they run inside the house."*

1 174. Rodney Manderson said he saw Marcus Ebanks when he went back over to
2 his own house.

3 *Cross examination of Rodney Manderson*

4 175. Rodney Manderson confirmed that on the night of the 8th July 2009 it was a
5 DVD of XMen he was watching and not a scheduled programme on the cable
6 which would have been aired at a certain time. However, Rodney Manderson
7 still confirmed to Defence counsel that the time he heard the gunshots was
8 between 7:30 and 7:40 p.m.

9 176. Asked about Adryan Powell and the amount of blood that was on his face
10 when Rodney Manderson went next door to 9 Bonaventure Road and saw
11 him on the ground, Rodney Manderson said there was

12 *“...a good enough amount of blood coming from his face.”*

13 177. In response to Defence counsel if he knew who was responsible for the
14 shooting Rodney Manderson said he had

15 *“...no idea.”*

16 *Dr. Sean Teeling’s Statement – Read in*

17 178. Dr. Teeling confirmed that at 8:20 p.m. on the 8th July 2009 he examined
18 Marcus Leon Ebanks and pronounced him dead on arrival at the George
19 Town Hospital.

20

21

1 *Dr. Bruce Hyma – Forensic Pathologist*

2 179. Dr. Hyma conducted a postmortem examination on Marcus Leon Ebanks on
3 the 12th July 2009.

4 180. Dr. Hyma found that a bullet struck Marcus Ebanks on the right side of his
5 back, perforating his right lung, continuing upwards from right to left, cutting
6 through the right pulmonary artery and vein, the superior vena cava (at the
7 top of the heart) and the major vein immediately above it, before coming to
8 rest as a visible bulge on the left side of his neck.

9 181. Dr Hyma confirmed that Marcus Ebanks was struck a second time in his
10 lower left back and received a third gunshot wound to his right shoulder,
11 from where a second similar bullet was recovered during the course of the
12 post mortem examination.

13 182. A metallic fragment was also recovered from the right lung, and Dr. Hyma
14 confirmed that the cause of death of Marcus Ebanks was gunshots to the
15 chest and right shoulder.

16 *Dr. N. Boothe*

17 183. Dr. Boothe is a doctor employed at George Town Hospital who examined
18 Rod Ebanks. She confirmed that Rod Ebanks received eight (8) gunshot
19 wounds to the left lower limb, right hip and right index finger and a metallic
20 dense foreign body was noted anterior to the head of the femur.

1 *Dr. Chandra Sekhar Rao Kadiyala*

2 184. Dr. Sekhar is the orthopedic surgeon who also examined Rod Ebanks and
3 said that the injuries were consistent with infliction by gunshots, and were
4 serious.

5 *Dr. Patricia Byers*

6 185. Dr. Byers is a Professor of Surgery at the DeWitt Family Department of
7 Surgery, Division of Trauma and Surgical Critical Care, Miami, Florida. She
8 said that she attended to Adryan Powell who sustained multiple life-
9 threatening gunshot wounds, and was transferred to the intensive care unit of
10 the Ryder Trauma Centre.

11 186. Dr. Byers said that Adryan Powell was a 14-year-old adolescent with
12 multiple gunshot wounds to the face and torso with a comminuted T12
13 fracture and paraplegia, a right pneumothorax, hemothorax and possible knee
14 injury. She confirmed that he sustained gunshot wounds to the left flank,
15 right scapular, right shoulder, right elbow, right back and two gunshot
16 wounds to the right knee.

17 187. Dr. Byers confirmed that Adryan Powell now has complete paraplegia and is
18 without function of his lower extremities, bowels or bladder.

19 *Dr. Kia Kim*

20 188. On the 8th July 2009, at approximately 10 p.m. and 11:15 p.m. Dr. Kim
21 examined Rod Ebanks at George Town Hospital and found that he was

1 suffering from a gunshot wound in his right hip and gunshot wounds to his
2 left leg and his right index finger. Dr. Kim described the condition as serious.

3 *Dr. Stephen Morely*

4 189. By way of agreed admissions, it is accepted that Dr. Morely, the consultant
5 chemical pathologist, and an expert in forensic toxicology, provided two
6 witness statements dated the 9th July and the 11th July 2009. Dr. Morely
7 confirmed that he had been supplied with the statement of Dr. Kia Kim and
8 with Adryan Powell's medical records for the 8th and 9th July 2009, and his
9 medication profile from Jackson Memorial Hospital and medical records.

10 190. Dr. Morely was asked to give an expert opinion on the potential effect of the
11 drugs administered to Adryan Powell – on his cognitive and sensory abilities,
12 as a patient – bearing in mind his age and his general characteristics. Dr.
13 Morely concluded that the drugs administered medically to Adryan do not
14 have any hallucinatory or mind-altering effects.

15 191. Dr. Morely stated that the relevant consequences of the drugs administered to
16 Adryan Powell between the 8th and the 11th July 2009, are that they may have
17 contributed to him being in a sleepy or drowsy state, as also might have the
18 effect of receiving significant injuries and lack of normal sleep.

19 192. Dr. Morely confirmed that the account of a sleepy or drowsy individual may
20 affect the reliability of that account. Dr. Morely concluded that the extent to
21 which Adryan Powell was in a sleepy, drowsy or incoherent state at the time
22 he provided the first two witness statements is not a matter on which he

1 could comment, but must be assessed empirically from evidence of those
2 who observed Adryan Powell at the relevant times.

3 *Examination in Chief of PC Darron Campbell*

4 193. PC Campbell – PC #141 – is an Authorised Firearms Officer (AFO) of the
5 USG (Uniformed Support Group) of the Royal Cayman Islands Police
6 Service (RCIPS). Before the 8th July 2009, the last time he had used a firearm
7 was on the 4th March 2009.

8 194. PC Campbell said that he was on mobile patrol in a marked police vehicle
9 with Officer Brian Marshall on the 8th July 2009, patrolling in the Windsor
10 Park area, and he was wearing his operational USG denim uniform, when
11 they received a call from 911 at 7:47 p.m. directing them to go to
12 Bonaventure Road in West Bay. He and officer Marshall went directly from
13 the Windsor Park area to Bonaventure Road and arrived there at 7:59 p.m.

14 195. PC Campbell noticed that there were a number of persons in the area,
15 including two males lying on the ground suffering from gunshot wounds, and
16 another male, who was at house #17, was also lying on the ground suffering
17 from a gunshot wound. PC Campbell said that the first two men were lying
18 on their backs,

19 196. PC Campbell said that his role was to secure the scene and make the area
20 clear for the ambulance personnel to attend the scene and to attend the
21 victims.

22 197. PC Campbell pointed out to the Court, house #17 (the unnumbered house
23 with the car outside) on Chart AW5. PC Campbell confirmed that he and his

- 1 colleague stayed in the area to ensure that it was safe for the ambulance and
2 police personnel to attend.
- 3 198. PC Campbell was then sent to George Town Hospital to assist with the
4 arrival of shooting victims at that location and provide support services.
- 5 199. At approximately 4:45 a.m. on the following morning (the 9th of July) PC
6 Campbell was sent to Frederick Drive to arrest a male, known to be Raziel
7 Jeffers, in relation to the shooting incident at Bonaventure Road. PC
8 Campbell said that when they arrived there, officers from the Drugs Task
9 Force (DTF) were already there. He said PC Laws was the tactical officer at
10 the scene.
- 11 200. PC Campbell said that he and PC Marshall went to the front of the building
12 at Frederick Drive. He said Officers Brown and Stewart went to the rear of
13 the premises and Officers Horner and Williams stayed to the front, far right
14 of the premises.
- 15 201. The police did a “contain and call-out” on the premises.
- 16 202. PC Campbell said he saw a female come out of the building with a child and
17 she made her way to the DTF officers.
- 18 203. Shortly after that PC Campbell saw a male, known as Malik Mothen, come
19 out of the house. Mr. Mothen was given instructions by PC Horner and PC
20 Campbell said he “escorted” Mr. Mothen to the DTF officers.

1 204. PC Campbell said he then went to the right of the building and shouted out
2 for other persons to come out of the building. PC Campbell said the officers
3 had shields and there were again shouts from the police officers,

4 *“Come to the door with nothing in your hands.”*

5 PC Campbell said Raziel Jeffers came out from the premises.

6 PC Campbell said he was at the scene when Raziel Jeffers was arrested.

7 He said Raziel Jeffers was secured with handcuffs by PC Horner and handed
8 over to the DTF officers.

9 PC Campbell said he had no physical contact with the Defendant, Raziel
10 Jeffers.

11 ***Cross Examination of PC Darron Campbell***

12 205. Asked about the last time he used a firearm prior to the 8th July 2009 was in
13 March 2009, PC Campbell confirmed this but that he had no notes or
14 documents to confirm that.

15 206. PC Campbell said he did not have the notes he had made in relation to this
16 case with him.

17 207. Asked about his statement of the 24th July 2009, which was the first of his
18 two statements in relation to this incident, Defence counsel pointed out that
19 *“information about the use of your firearm was not included,”* and PC
20 Campbell said this was so, but that he had mentioned it in his further
21 statement (which was made on the 21st November 2011, 2 years and 4

1 months after the first statement). Asked if there was any reason why he did
2 not include the information about the use of the firearm in his first statement
3 and he said,

4 *"No reason, Sir."*

5 ***Examination in Chief of PC Brian Marshall***

6 208. PC Marshall – PC #204 – is an AFO and a member of the USG of the
7 RCIPS. He said that he had been a USG member for 4 years and he had been
8 trained and using long-armed firearms for approximately 8 years. He said
9 that the weapons usually deployed for use by the RCIPS are a Springfield
10 XD9 pistol, and a Heckler & Koch G36 carbine rifle.

11 209. PC Marshall said he last qualified as a firearms officer in February 2009.

12 210. PC Marshall recalled that on the 8th July 2009 his partner was PC Darron
13 Campbell and they were on mobile patrol, with Officer Morris as the driver.

14 211. PC Marshall said that he and PC Campbell wore navy blue DTU/BDU
15 (denim) uniforms with black boots

16 212. PC Marshall said that at 19:47 hrs. (7:47 p.m.) they received a 911 call to
17 attend the scene of a shooting at Bonaventure Road, West Bay, where three
18 males were suffering from gunshot wounds.

19 213. He confirmed that they arrived at Bonventure Road at 19:59 hrs. (7:59 p.m.).

20 214. PC Marshall said they requested authority to deploy the carbines, which
21 permission they received.

- 1 215. PC Marshall said that at the scene there was a large crowd with persons
2 shouting and pointing to a number of wounded. PC Marshall said that he and
3 PC Campbell went to the wounded persons and made sure the area was clear.
4 PC Marshall said he first noticed that there were two wounded persons
5 together and afterwards that there was a third victim.
- 6 216. PC Marshall said that, at the scene, he used the police vehicle's lights to light
7 the area, along with an emergency light and a flashlight to make the area
8 clear and safe for the ambulance to attend the scene.
- 9 217. PC Marshall said he observed a wounded male, who he later learned was
10 Marcus Ebanks, lying on the ground, and he observed what appeared to be a
11 projectile in the left side of his lower neck. PC Marshall said it seemed as if
12 Marcus Ebanks was still breathing; he was bleeding from the mouth and he
13 could see a bit of movement, even though he was largely unresponsive.
- 14 218. PC Marshall said that he and PC Campbell next went to George Town
15 hospital.
- 16 219. PC Marshall said later, at 3:45 hrs., they received instructions about
17 attending the arrest of Raziel Jeffers. PC Marshall said he and PC Campbell
18 left George Town Hospital at 4:45 hrs for 75 Frederick Drive in Bodden
19 Town in connection with these instructions.
- 20 220. PC Marshall agreed that officers worked in pairs for such operations and said
21 that, besides himself and PC Campbell the other officers deployed were PC
22 #349 Brown, PC #354 Stewart, PC#155 Horner and PC #336 Williams. He
23 said the first officers from this group to arrive on the scene were officers

1 Brown and Stewart, who went to the rear of the premises. PC Marshall said
2 that he and PC Campbell were at the front.

3 221. PC Marshall said when he arrived at Frederick Drive men from the DTF,
4 along with the command team, were already there.

5 222. PC Marshall said that as USG officers their duty was to put a cordon around
6 the area. PC Marshall said,

7 *"I was tasked to be team leader to conduct a contain-and-call out tactic."*

8 223. PC Marshall said that the first person out was a female carrying a baby. He
9 said she was sent to join the DTF.

10 224. PC Marshall said the next person out of the house was a man called Malik.
11 He said Malik was spoken to by PC Horner and ushered to the DTF officers.

12 225. PC Marshall said he was made to

13 *"...understand that the accused was inside sleeping."*

14 226. PC Marshall said,

15 *"The tactic changed to a slow search."*

16 PC Marshall said this involved entering the house whilst making call outs
17 and knocking on doors. He said the USG had shields as a precautionary
18 measure.

1 two assailants and that he was told that one of the suspects was
2 approximately 5' 9" tall and the other was about 5' 7" tall.

3 231. PC Marshall said he was familiar with the Springfield XD9 pistol, and with
4 the Heckler & Koch G36 carbine rifle.

5 232. Asked about the number of the weapon that was assigned to him in July
6 2009, PC Marshall said he could not recall.

7 233. Defence counsel put to him that weapon was last fired by him on the week
8 before the 9th July 2009, which was on the 29th June 2009, and PC Marshall
9 said he could not recall that. PC Marshall said he had checked the log to
10 verify when he last fired a weapon and the information provided to him,
11 which he put in his statement, was February 2009.

12 234. PC Marshall said that a total of 15 officers were in the vicinity for the
13 Frederick Drive operation, but not all of them were at the actual address. PC
14 Marshall said 6 officers were immediately around the property and 4 officers
15 went up to the door.

16 PC Marshall said he observed only one officer handle the Defendant, and that
17 as PC Horner, who handcuffed the Defendant and took him outside.

18 PC Marshall said he didn't know if other officers handled the Defendant
19 outside and he re-stated that he had no contact with the Defendant Raziel
20 Jeffers during his arrest on the 9th July 2009.

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Examination in Chief of WPC Kaffion Montague

235. She confirmed that she was a member of the RCIPS on the 8th July 2009 and stationed at Bodden Town Police Station.

236. WPC Montague recalled that she was on mobile patrol in Bodden Town in a marked unit, alone, when, at approximately 5:30 a.m. on the 9th July 2009 she was instructed to assist with the transporting of a prisoner to George Town – instructions she received from PC Richards.

237. WPC Montague said that PC Richards at the scene when she arrived there. WPC Montague said PC Richards searched the Defendant before seating him in the rear of the vehicle and she confirmed that no one else was placed in the vehicle. WPC Montague said that she and PC Richards drove the Defendant to George Town. She drove, and PC Richards was in the front passenger seat.

238. At George Town Police station WPC Montague said that she, and PC Richards, escorted the Defendant into the custody room and after that she had nothing further to do with the Defendant.

Cross Examination of WPC Montague

239. WPC Montague confirmed she wrote her statement in this matter is dated 2nd December 2011.

240. She confirmed that she did not recall the registration number of the marked vehicle she drove on the 9th July 2009 and she confirmed that she would not know if the vehicle had transported any other prisoners to do with firearms incidents.

Examination in Chief of Inspector Ian Brellisford

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241. Inspector Brellisford is the head of the Firearms Unit and the Chief Firearms Instructor for the RCIPS. He is in charge of the system for the issue of firearms and ammunitions.

242. Inspector Brellisford said there is a daily issue sheet on which the names and serial numbers of weapons are recorded, along with the date and time of the issue of the weapons and the magazines issued with the weapons. He said the weights of the magazines issued and the serial numbers of the magazines issued are recorded on this sheet.

243. Inspector Brellisford said that each day the stock of firearms is checked and any firearms that are issued are recorded.

244. Inspector Brellisford said that if firearms are discharged, that is, fired, that occurrence is recorded along with the purpose for which it was discharged.

Asked if an officer is issued with the same weapon each time Inspector Brellisford said no. He said,

"If a weapon is discharged it would be placed in evidence."

245. With respect to firearms used for training Inspector Brellisford said that when a weapon is booked out for training, that issue is noted as

"...training. We don't issue Carbines [Heckler & Koch G36 carbine rifle] for training. We have separate weapons..."

1 *Examination in Chief of PC Jonathan Horner*

2 252. PC #155 Horner said he was also an AFO in the USG of the RCIPS.

3 253. He confirmed that in the early hours of the 9th July 2009 he was advised that
4 DTF officers found a vehicle at an address in Northward allegedly used by
5 Raziel Jeffers, who was wanted for questioning in relation to a shooting
6 incident that had occurred at Bonaventure Road in West Bay.

7 254. PC Horner said Acting Police Sgt Laws was in charge of the operation,
8 which was activated at 4:45 a.m., and his (PC Horner's) partner for that
9 assignment was PC Williams – with whom he would be involved in a contain
10 and callout operation at Fredrick Avenue. PC Horner said that the suspect
11 was to be

12 *“confronted, challenged and taken into custody.”*

13 255. PC Horner said six (6) USG officers – PC Stewart, PC Brown, PC Marshall,
14 PC Campbell, PC Williams and himself (excluding Sgt Laws) – were part of
15 the operation, and PC Marshall was designated the USG team leader.

16 256. PC Horner confirmed that Officers Stewart and Brown went to the rear of the
17 Frederick Avenue premises, whilst he (PC Horner) and PC Williams held the
18 front of the property. PC Horner confirmed that DTF officers were also
19 present and PC Marshall and PC Campbell were to support the USG on
20 containment and assist the DTF if required.

21 257. PC Horner said,

22 *“A phone call was made to the owner of the property...”*

1 and the contain and callout was done. PC Horner said a female then exited
2 the property. Next a man known to him as Malik Mothen came out of the
3 property.

4 258. PC Horner said he and PC Williams went up to the front of the property with
5 a ballistic shield with them, plus their own personal protective equipment and
6 firearms.

7 259. PC Horner said that PC Marshall then put shouts into the property for Raziel
8 Jeffers to come out. Almost immediately the Defendant came out of a room
9 on the far left, and he

10 *“...was instructed to kneel down and then lie face down.”*

11 to which he complied.

12 260. PC Horner said,

13 *“I dealt with him physically.”*

14 PC Horner said he placed the handcuffs on Raziel Jeffers after asking him to
15 put his hands behind his back. PC Horner said he did not touch Raziel
16 Jeffers’s hands. PC Horner said he placed the cuffs on the Defendant by
17 attaching one of the cuffs and then taking the other wrist and attaching the
18 other cuff.

19 PC Horner said he gave Raziel Jeffers a

20 *“...cursory pat down”*

1 with the back of his hand in order to ensure that there were no weapons by
2 his hands. Again PC Horner said he did not touch Raziel Jeffers's hands and
3 only held on to his forearm.

4 PC Horner confirmed that he had worn a pair of tactical gloves which were
5 blue canvas gloves. He confirmed that these gloves were

6 *“...brand new”*

7 and that he had never used them when firing a gun. PC Horner said he had
8 one set of uniforms for the range and one set for these types of operations.

9 PC Horner said he took hold of the Defendant's left shoulder and upper arm
10 and took him out and away from the property and handed him over to the
11 DTF officers, and in particular, to DTF officer DC Gregory Banks.

12 261. PC Horner said that DTF officer DC Gregory Banks conducted another
13 search – a type of pat down – of the Defendant to ensure that there was
14 nothing on him he could use to harm himself or the officers.

15 262. PC Horner said he had no further dealings with the Defendant.

16 263. PC Horner said the last time he fired a pistol was in May 2009. He said he
17 cleaned that weapon himself.

18 *Cross Examination of PC Horner*

19 264. PC Horner was asked why he did a cursory pat down of the Defendant whilst
20 wearing tactical gloves and PC Horner said,

1 *“We don't want to handle the subject at all...it's purely to avoid*
2 *contamination.”*

3 PC Horner added that wearing gloves was for issues relating to GSR and
4 cross contamination, and that was why he also used the back of one hand to
5 pat down the Defendant – all this is in order to locate any bulges or anything
6 that would appear to be weapon, which could injure the Defendant or the
7 other officers.

8 Asked: If the gloves are new and kept separately from other items, why
9 would there be any need to consider the possibility of contamination, to
10 which PC Horner replied that the wearing of gloves was standard operating
11 procedure. He said,

12 *“I follow the rules and my beliefs don't come into play...”*

13 when there are established rules.

14 ***Examination in Chief of DC Gregory Banks***

15 265. He has been a member of the DTF of the RCIPS for approximately 8 years.

16 266. He said that on the 8th July 2009 he received a call from Sgt Mohammed for
17 DTF to report for duty in connection with a shooting in West Bay.

18 267. DC Banks said he joined other DTF officers at approximately 11:00 p.m.
19 after being instructed about an operation to locate Raziel Jeffers and Malik
20 Mothen. DC Banks said they received the licence plate number – 62081- of a
21 car which was to be located, but a search of the West Bay area had been
22 unsuccessful.

1 274. DC Banks was cross examined intensely about not being able to recall
2 accurately whether he searched the Defendant, based on the fact that he did
3 not use notes to prepare his written statement. DC Banks was also pressed for
4 a considerable time about not noting that he did not come in contact with the
5 Defendant. DC Banks maintained that he had not come into physical contact
6 with the Defendant.

7 *Examination in Chief of PC Hugh Cotterell*

8 275. Officer Cotterell said that on the evening of the 8th July 2009 he was the
9 Actg. Custody Sergeant at George Town Police Station and recalled that at
10 5:25 a.m. on the 9th July 2009 Raziel Jeffers was brought into custody and he
11 completed the custody sheet.

12 276. Officer Cotterell confirmed that Raziel Jeffers's birth date was the 19th July
13 1983 and that he was 25 years old when he was arrested a few days short of
14 his 26th birthday. Raziel Jeffers's height was recorded as 6' 2" and his weight
15 was 180 lbs. Raziel Jeffers gave his telephone number as 547-6452.

16 277. Officer Cotterell said that PC Richards provided some of the information at
17 that time, and he gave the reasons for Raziel Jeffers's arrest.

18 278. Officer Cotterell said that the Defendant was cautioned at 5:25 a.m. and told
19 of his rights and asked if he wished to have an attorney present.

20 279. Officer Cotterell said the Defendant's clothing, which he took from the
21 Defendant, included knee-high jeans shorts and a white top. Officer Cotterell
22 said the Defendant was searched and arrested by PC Richards. A list of the
23 Defendant's property included a Nokia phone, Rizla papers, Lexus car keys

1 and C1\$110.00 – six ten dollar bills and two twenty-five dollar bills. There
2 was also a brown wallet, a brown belt and a pair of shoe laces.

3 280. Officer Cotterell said the Defendant was booked, processed – fingerprints
4 taken – and then sent to the cells. Officer Cotterell said,

5 *“My job is done at that point.”*

6 ***Cross Examination of Officer Cotterell***

7 281. Officer Cotterell confirmed that Raziel Jeffers gave his height as 6’ 2”.
8 Officer Cotterell could not recall who took the items out of the Defendant’s
9 pocket, but he said the items were placed on the desk in front of him. Officer
10 Cotterell said he could not recall how many officers were in the room with
11 him at the time. He said,

12 *“I can’t recall how many officers were in the room with me and anyone*
13 *of them could have taken the things from his [the Defendant’s] pocket.”*

14 282. Officer Cotterell said that the items taken from the prisoner were placed in a
15 white plastic bag and sealed in front of the Defendant, labelled *“Prisoner’s*
16 *property”*, and then placed on a shelf in a locker.

17 ***Examination in Chief of PC Christopher Richards***

18 283. PC Richards recalled that on the 9th July 2009 he was on duty as a member of
19 the DTF and, based on a briefing from Sgt. Mohammed at the West Bay
20 Police Station at about 1:20 a.m. about a shooting at Bonaventure Road
21 (which had occurred around 7:30 p.m.), they were told that

1 “...Raziel Jeffers and Malik Mothen were being sought and the car of
2 interest was a white Toyota Camry [registration] 62081.”

3 He said the briefing was with 4 or 5 other DTF officers but there were no
4 USG officers at that briefing.

5 284. PC Richards said that they were told that the car was not found after a search
6 in West Bay.

7 285. PC Richards said that at 3:20 a.m. they went to 75 Frederick Drive in
8 Newlands, which is the home of Malik and Nicole Mothen, where,

9 “*I saw the white Toyota Camry 62081 parked in the yard. So we went to*
10 *an area to observe. We called USG to let them know and [we] stepped*
11 *back and observed.*”

12 286. PC Richards said the USG officers arrived at around 4:30 a.m. and they
13 contained the residence, surrounded it and did a callout. Sgt Laws, the
14 tactical adviser was also there. PC Richards said Mrs. Mothen came out with
15 a child and then Malik Mothen came out.

16 287. PC Richards said that the DTF officers were standing about 200 feet away
17 from the other USG officers.

18 288. PC Richards said that when Raziel Jeffers was brought out, he was already
19 handcuffed.

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1 289. PC Richards said,

2 *“I cautioned and arrested both on suspicion of murder.”*

3 PC Richards said that when he cautioned Raziel Jeffers he made no reply. PC
4 Richards said,

5 *“They were put in separate vehicles.... I went with Jeffers to the George*
6 *Town Police Station....[Woman Constable] Montague was driving my*
7 *vehicle.”*

8 290. At the station, PC Richards took the Defendant to the Custody Sergeant
9 Cotterell and booked him in and,

10 *“I secured hi articles of clothing.... I searched him.... I fingerprinted*
11 *him.... I did a GSR swab...”*

12 PC Richards said he took the swabs from the Defendant’s hands in
13 accordance with the kit’s instructions.

14 291. PC Richards said the Defendant was wearing a white T-shirt, jeans that
15 reached just below the knee and white sneakers, which were placed in a bag,
16 and he was given a jumpsuit to put on.

17 292. PC Richards said he then got keys, the Rizla paper, the Nokia phone, brown
18 belt and C1\$110.00 and he put them in a bag and they were sealed and
19 labelled in an Exhibit bag. PC Richards said he took the Exhibits to the Duty
20 Sergeant who put them in the Exhibits Locker.

1 293. PC Richards confirmed that he wore latex gloves and that he got the gloves
2 from a box of gloves. PC Richards said that they were a new pair of gloves
3 which he said he put on prior to handling the exhibits.

4 294. PC Richards confirmed that he was unarmed and he was not an AFO. He said
5 the last time prior to the 8th July 2009 when he fired a gun was some time in
6 2006.

7 *Cross Examination of PC Richards*

8 295. PC Richards said he was not trained to do GSR swabbing.

9 296. PC Richards the box of latex gloves were inside the custody office.

10 297. PC Richards said Raziel Jeffers

11 *“...took the things from his pocket”*

12 after which he, PC Richards, swabbed Jeffers’s hands.

13 298. PC Richards said he had put on the latex gloves before putting the separate
14 items into a separate bag and labeling them.

15 299. The GSR kit was CR1A , Raziel Jeffers’s clothes were CR2 and CR3, the
16 white sneakers were CR1, and the items from his pocket, including the keys,
17 the Rizla wrapping, Nokia cell phone, brown belt and the C1\$110.00 was
18 CR4.

19 300. PC Richards agreed that there was no mention of the latex gloves in his first
20 statement and he accepted that this was an oversight. Asked, *“How were you*
21 *aided to recall the information about the latex gloves since it wasn’t in your*

1 306. She also recalled interviewing Meagan Martinez and agreed that Meagan was
2 spoken with more than two times. She said the last time she interviewed
3 Meagan Martinez was on the 15th July 2009.

4 307. Officer Thompson-Haynes agreed that Meagan Martinez did not say that
5 Raziel Jeffers was involved in any murder when she interviewed her. Officer
6 Thompson-Haynes said that she made 37 pages of notes and Meagan
7 Martinez did not mention Raziel Jeffers as being involved in a murder.

8 308. She also said that from the 25 witnesses there was no information in relation
9 to Raziel Jeffers and the murder at Bonaventure Road.

10 *Examination in Chief of Officer Ronald Best*

11 309. Officer Ronald Best is attached to the forensic scenes of crime unit.

12 310. He confirmed that on the 8th July 2009 he was on duty and as a result of a
13 report he went to Bonaventure Road/Turtle Lane portion of West Bay. He
14 said he arrived there at about 9 p.m. He said he had been told that persons
15 had been shot and that one of the persons had died

16 311. The photos he took at the scene were exhibited as RB2. He said all the
17 photos were taken by him. Photos 1 to 44 were of the crime scene. Photos 45
18 to 49 were taken at the George Town Hospital morgue during the course of
19 and at the end of the post mortem examination of Marcus Ebanks.

20 312. Officer Best noted that although it was dark there was a light at the corner of
21 house #9. He examined the light bulb and found it to be a 60 watt/120 volt
22 bulb and he said that, in his opinion, it provided adequate light for seeing

1 within a certain distance around the house or at least the front area of the
2 house.

3 313. Officer Best searched the area leading from the utility pole to the house,
4 where he discovered .45 calibre Winchester casings. He said he could tell
5 about the casings by looking at the head stamp on each cartridge case where
6 that information was imprinted.

7 Officer Best said that photo 9 showed the cones which set out the positions in
8 which the cartridge casings were found, and it seemed to him they were
9 leading towards the house. He said he collected these casings and exhibited
10 them.

11 Officer Best said that photo 20 was taken in the daylight on the morning of
12 the 9th July 2009 and showed the cones which set out the positions in which
13 the cartridge casings were found – and they were all .45 Winchester casings.

14 Officer Best said the first three referred to were RB3, RB4 and RB5.

15 Using photos 5,6,7, and 8 Officer Best showed the Court the cartridge
16 casings next to Cone 3, Cone 2 and Cone 1.

17 314. On the 10th July 2009 Officer Best re-visited the scene and saw a bullet hole
18 at the back section of the house. He traced the path of the bullet which he
19 recovered. He recovered the warhead in the house, which was RB 20. Photo
20 30 shows this bullet to be found just under the eave at the back room attached
21 to the house.

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Examination in Chief of Kendra Powery

322. Ms. Powery said she has three children aged 8 years, 7 years and the youngest is 1 year old. She said the youngest child was born on the 25th February 2010, so the child was approaching 2 years of age. She said the father of the two older children is Raziel Jeffers, and the father of the youngest child José Sanchez.

323. Kendra Powery said she first started a relationship with Raziel Jeffers in January 2003. She said the relationship lasted until 2008. She said the relationship broke up when Raziel Jeffers found out that she was with Jose Sanchez whilst he, Raziel Jeffers, was in Northward prison.

324. Kendra Powery said she had been going out with Jose Sanchez for a couple of months before she got pregnant, so, in total, she was with him for 12 months until her daughter was born in February 2010.

325. Kendra Powery said that when Raziel Jeffers was in prison he found out about her and Jose Sanchez fooling around and

“...he just split up with me.”

She said they never formally broke up,

“...it's when he found out about us that [he] broke up.”

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Cross Examination of Kendra Powery

326. Kendra Powery accepted that Raziel Jeffers was never violent towards her and never hit her. Further, she is not aware of him making any threats against Jose Sanchez or her.

Examination in Chief of Matthew Parsons

327. Mr. Parsons said he recalls some months before the 8th July 2009 going into Renee's (Joseph's) shop in West Bay. (He said Joseph is the grandfather and Renee is the grandson.

328. He said when he went into the shop Raziel Jeffers was there talking with somebody. Mr Parsons said Raziel Jeffers was not speaking to him (Parsons) or to the shop keeper – who was the only other person in the shop. Mr Parsons said the shopkeeper was not paying any attention to Raziel Jeffers.

329. Mr Parsons said he heard the Defendant say about killing off some of the Logwood guys. Mr. Parsons went on to say that he

“heard Jeffers say something about killing off some of the Logwood guys. The best I could recall catching was something about killing off some of the Logwood guys. They need to kill off some of these Logwood guys.”

330. Mr Parsons said Raziel Jeffers never mentioned any names and Mr. Parsons also said that he had only heard Raziel Jeffers speaking for

“...less than five minutes.”

1 *Cross examination of Matthew Parsons*

2 331. Mr. Parsons could not say exactly how long it was before the triple shooting
3 in West Bay on the 8th July 2009 that he heard Raziel in this conversation;
4 Matthew Parsons said it was

5 *“not very long”*

6 before the shooting.

7 332. Speaking about Raziel Jeffers Defence counsel put to Matthew Parsons that

8 *“Before that date you considered Raziel to be boasty”*

9 and Mr. Parsons accepted this. Defence counsel also put to Matthew Parsons,
10 in relation to Raziel Jeffers that,

11 *“ He was not your enemy, but he was also not your friend. You wouldn't*
12 *want to associate with him?”*

13 to which Mr. Parsons replied,

14 *“No, Sir.”*

15 333. Asked why he went to that shop on that day Mr. Parsons said,

16 *“I go there every day to get cigarettes and to work. That's what I do*
17 *every day.”*

18 334. Defence counsel put to Mr. Parsons that he was lying about having heard
19 Raziel Jeffers speak about killing anyone and Matthew Parsons said,

1 *“Don't talk foolishness in my ears! I am being truthful. I heard what I*
2 *heard. Look here bredda [brother] I heard what I heard. You were there*
3 *with me? Stop talking foolishness in my head! Who you think you talking*
4 *to, a fool or wha?”*

5 335. It was put to Mr. Parsons that he had 18 previous convictions and the witness
6 said he had never looked at his convictions and he did not know how many
7 he had.

8 336. Defence counsel again suggested to Mr. Parsons that he was an untruthful
9 witness and the witness said he heard what he heard and he saw what he had
10 seen and he repeated that he was telling the truth.

11 337. Asked by Defence counsel, *“Are you a common thief?”* and Mr. Parsons
12 replied,

13 *“No, I had a problem with smoking ganja and I did that to support*
14 *that.....Yes, I have all kinds of convictions, but I have no reason to tell no*
15 *lies.”*

16 338. Asked by Defence counsel, *“Were you forced to give the statement,”* and
17 Matthew Parsons replied,

18 *“Nobody forced me. The police pulled up beside me and asked me to get*
19 *in the car.”*

20 Defence counsel put to Mr. Parsons, *“And out of the blue you just told them*
21 *about this?”* to which Mr. Parsons replied,

22 *“Yes, Sir.”*

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Re-Examination of Matthew Parsons

339. Mr. Parsons confirmed that nobody forced him to say anything.

Direction on Special Measures

340. In this case the witnesses Adryan Powell and Matthew Parsons gave evidence by live video link.

341. I have to remind myself that the giving of evidence in this way is perfectly normal in cases like this. It is designed to enable the witnesses to be more at ease when giving evidence. The fact that the evidence has been so given by Adryan Powell and Matthew Parsons must not in any way be considered by me as prejudicial to the accused.

Examination in Chief of Allen Bruce Greenspan

342. Allen Greenspan has been a firearms and tool mark examiner for some 16 years.

343. He received material from the RCIPS in July 2009 and he did examinations over a period of time after the 17th July 2009 and his report was dated the 24th July 2009.

344. On the 17th July 2009 Mr. Greenspan received a Federal Express Package from the RCIPS – reference number 906/09. The package contained pillboxes labelled by Officer Ronald Best and therefore they bore the letters RB along with different numbers. Mr. Greenspan re-labelled the items and reported on them as follows

RCIPS LABEL	PACKAGE RECEIVED BY A. GREENSPAN	NEW LABEL	A. GREENSPAN'S FINDINGS
RB3	Sealed labelled pillbox with a fired cartridge case	M	<ul style="list-style-type: none"> • Found at one of the five cones leading up to the house and seen in photo 20 • .45 calibre casing manufactured by or for Winchester Corporation • Fired from the same auto-loading firearm as N, O, P and Q.
RB4	Sealed labelled pillbox with a fired cartridge case	N	<ul style="list-style-type: none"> • Found at one of the five cones leading up to the house and seen in photo 20 • .45 calibre casing manufactured by or for Winchester Corporation. • Fired from the same auto-loading firearm as M, O, P, Q.
RB5	Sealed labelled pillbox with a fired cartridge case	O	<ul style="list-style-type: none"> • Found at one of the five cones leading up to the house and seen in photo 20 • .45 calibre casings manufactured by or for Winchester Corporation. • Fired from the same auto-loading firearm as M, N, P and Q
RB12	Sealed labelled pillbox with a copper projectile	A	<ul style="list-style-type: none"> • One of two found in the house • Full metal-jacketed bullet - .38 calibre class and would normally be loaded into a 9mm cartridge. • Fired from a different firearm from the one that fired bullets M, N, O, P, Q. • The gun(s) that fired A, B and C had six lands/lines and grooves. • Bullets A, B, and C were fired from the same gun.
RB15	Sealed labelled pillbox with a copper projectile	B	<ul style="list-style-type: none"> • Bullet found on the road and seen in photos 21, 22, 23 – with 23 being close to cone 5 • Full metal-jacketed bullet - .38 calibre class and would normally be loaded into a 9mm cartridge. • Fired from a different firearm from the one that fired bullets M, N, O, P, Q. • The gun(s) that fired A, B and C had six lands/lines and grooves. • Bullets A, B, and C were fired from the same gun.
RB16	Sealed labelled pillbox with a fired cartridge case	P	<ul style="list-style-type: none"> • Found at one of the five cones leading up to the house and seen in photo 20 • .45 calibre casings manufactured by or for Winchester Corporation • Fired from the same auto-loading firearm as M, N, O and Q.

RB17	Sealed labelled pillbox with a fired cartridge case	Q	<ul style="list-style-type: none"> • Found at one of the five cones leading up to the house and seen in photo 20. • .45 calibre casings manufactured by or for Winchester corporation. • Fired from the same auto-loading firearm as M, N, O, P.
RB20	Sealed labelled pillbox with a copper projectile	C	<ul style="list-style-type: none"> • One of two found in the house • Seen in photo 30 which went through the walls • Full metal-jacketed bullet - .38 calibre class and would normally be loaded into a 9mm cartridge. • Fired from a different firearm from the one that fired bullets M, N, O, P, Q. • The gun that fired A, B and C had six lands/lines and grooves. • Bullets A, B, and C were fired from the same gun.
RB25	Sealed labelled pillbox with a lead fragment	D	<ul style="list-style-type: none"> • Seen in photographs 45-49 and were recovered during the post mortem of Marcus Ebanks. • Examination of this was inconclusive. It was probably a piece of the core or small piece of the lead from another bullet.
RB26	Sealed labelled pillbox with a copper/lead projectile	E	<ul style="list-style-type: none"> • Seen in photographs 45-49 and were recovered during the post mortem of Marcus Ebanks • • This is a projectile or .38 calibre class bullet. It is a lead, round-nosed type bullet, which would normally be loaded in either 38 special or a 357 magnum cartridge. • Different from A, B and C. This is a bullet that goes into different cartridge for a different kind of firearm. • E and F have the same number of lines/lands and grooves and could have been fired from the same gun, however they could not have been fired from the same firearm that fired the .38s – A, B and C. • The gun(s) that fired E and F had five lands/lines and grooves, so this is a totally different barrel and firearm. • Bullets E and F were fired from one, if not two guns.

RB27	Sealed labelled pillbox with a lead projectile	F	<ul style="list-style-type: none"> • Seen in photographs 45-49 and were recovered during the post mortem of Marcus Ebanks • This is a projectile or .38 calibre class bullet. It is a lead, round-nosed type bullet, which would normally be loaded in either 38 special or a 357 magnum cartridge. • Different from A, B and C. This is a bullet that goes into different cartridge for a different kind of firearm. • E and F have the same number of lines/lands and grooves and could have been fired from the same gun, however they could not have been fired from the same firearm that fired the .38s – A, B and C. • The gun(s) that fired E and F had five lands/lines and grooves, so this is a totally different barrel and firearm. • Bullets E and F were fired from one, if not two guns.
			<ul style="list-style-type: none"> • AT LEAST THREE FIREARMS WERE USED TO FIRE ALL THE BULLETS EXAMINED FROM THE HOUSE AND THE POST MORTEM.

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Cross Examination of Allen Greenspan

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345. Mr. Greenspan accepted that the .45 casings, namely M, N, O, P, Q, were fired from the same gun that fired the .45 casings in the death of Marcus Ebanks.

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346. Mr. Greenspan's view was that there was a common weapon for another criminal Indictment and another charge before the Courts of the Cayman Islands.

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Direction on Expert Evidence

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347. In this case I have heard the evidence of Allen Greenspan who is a Firearms and Tool Mark Examiner, and the evidence of Michael Martinez, who is a Forensic Scientist. In addition, the evidence of the doctors and the pathologist have been read in.

348. It is by no means unusual for evidence of this nature to be called; and it is important that I should see it in its proper perspective, which is that it is put before me as part of the evidence as a whole to assist me with regard to guns and ammunition, in the case of Mr. Greenspan, and GSR in the case of Mr. Martinez.

349. I have to remind myself that both witnesses, having been called as experts, are entitled to express their opinions in respect of their findings, and I am entitled to, and would no doubt wish to have regard to, their evidence and their opinions before coming to my own conclusion about these aspects of the case.

350. I have to bear in mind that, if having given the matter careful consideration, I do not accept the evidence of the experts, I do not have to act upon it. I should also remember that their evidence relates only to part of the case and, that whilst their evidence may have been some assistance to me in reaching a verdict I must reach my verdict having considered all the evidence.

Evidence in Chief of Meagan Kayla Martinez

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351. Ms. Martinez said her date of birth was the 26th January 1992. She said she had one son named Jaziel Martinez who would be 3 years old on the 24th March – and was born in 2009.

352. Ms Martinez said that her son’s father is the Defendant, Raziel Jeffers. She said she was with Raziel Jeffers for about six months before she became pregnant. She said she started seeing Raziel towards the end of 2007.

353. On the 8th July 2009 she said she was living at #62 Nickel Lane in the Birch Tree Hill Road area and Jaziel would have been about 3 ½ months old.

354. Ms. Martinez said she was 16 years old when Jaziel was born and she and Raziel moved to Nickel Lane after Jaziel was born, when the baby was about two or three months old. She said she resided at Nickel Lane for about 6 months in total and lived there with Jaziel and Raziel.Jeffers.

355. Before giving birth to her son Ms. Martinez said she was living between her Aunt and her sisters. She explained that after she knew she was pregnant there were problems between herself and Raziel and the relationship started and stopped a few times. She said,

“He was denying my child....so we had a rough time and were on and off.”

She said it was not until Jaziel was about 6 weeks old that the Defendant saw and accepted that Jaziel was his child.

1 356. Ms. Martinez said that after moving from Nickel Lane they moved to 134
2 Fairbanks Road, which was the Defendant's father's address. She said she
3 lived there until May 2010.

4 357. Ms. Martinez said that she was not aware of the shooting at Bonaventure
5 Road on the night that it happened. She said she was living at Nickel Lane at
6 the time and Raziel Jeffers was not with her on the night of the shooting, but
7 he had been with her earlier that day and in the afternoon.

8 358. Asked when did her relationship with the Defendant end, Ms. Martinez said
9 there had been

10 *"...many ends to the relationship. The relationship was barely going on*
11 *when I left Fairbanks."*

12 359. Asked if she knew Jose Sanchez and if there had been incident between them
13 she confirmed both and said,

14 *"Jose beat me up pretty bad ...in August 2008...when I was five and a*
15 *half weeks pregnant."*

16 Ms. Martinez said it was on the night that she was beaten by Jose Sanchez
17 that she had discovered her pregnancy.

18 About the incident, Ms. Martinez explained that,

19 *"Irralyn Bush, Jose's baby mother, and I were best friends."*

1 Ms. Martinez said that Jose did want Irvalyn to go out with her and one day,
2 she was walking with Irvalyn, and a bottle was thrown directly in front of her
3 and then she saw Jose rushing towards her. Ms. Martinez said,

4 *"I told him to fuck off! The whole time he was hitting me he kept saying,*
5 *tell Raziel to come and defend this!"*

6 Ms. Martinez further explained to the Court that that incident had resulted
7 from something between Raziel Jeffers and Jose Sanchez. She said that at
8 that incident Jose Sanchez also said,

9 *"Tell your bad man Raz to come and sort this out. Tell your bad man Raz*
10 *to come and defend this."*

11 Ms. Martinez explained that, from that incident, she had to go to the hospital.
12 She said her

13 *"...external injuries were not bad... bruises and scrapes.... [However],*
14 *there was a problem with my kidneynothing permanent!"*

15 She confirmed that she had told Raziel Jeffers about the incident. She said,

16 *"I called Raziel and asked him to come get me. I told him about it."*

17 She said that Raziel Jeffers reminded her that he had told her not to go down
18 there.

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1 360. Returning to the 8th July 2009 Ms. Martinez said she heard about the
2 shooting from Raziel Jeffers. She said,

3 *“Raziel called me to sayJoseph Hurlston’s yard had been shot up
4 and a few persons were dead.”*

5 Ms. Martinez said that Raziel said he did not have anymore information at
6 that time and he would call her back. Ms. Martinez confirmed that when she
7 received that call she was at 62 Nickel Lane with her son.

8 About that telephone call Ms. Martinez also said,

9 *“He [Raziel] said he wouldn’t be home that night. He didn’t say where
10 he’d be staying.”*

11 Ms. Martinez confirmed that Raziel Jeffers had slept at the house at Nickel
12 Lane on all the nights before the 8th July 2009, and she confirmed that Raziel
13 had slept there, at Nickel Lane, on the night before the shooting.

14 361. Ms. Martinez said that on the morning of the 8th July 2009 she got up at
15 about 6 a.m. but

16 *“...he slept a bit later”*

17 She said Raziel slept up to about 9 a.m. and she spent

18 *“...a normal morning with Raziel and my son.”*

19

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1 She also said,

2 *"I stayed home that day...He [Raziel] left for a while from about 2:30 to*
3 *3:30 p.m."*

4 She said Raziel had left alone, in his car, which was

5 *"...his mother's white Toyota Camry that he took over."*

6 362. Ms. Martinez said that Raziel had left for about one hour but when he
7 returned, one of his friends was with him. She said,

8 *"Osbourne was with him. I knew him as Ozzy. I know nothing about*
9 *him....he is in older 20s, kinda petit and really dark ...He's about five*
10 *feet six inches...not tall. I had seen him around but I did not like him. He*
11 *just looked soulless....someone I didn't want around my newborn child. I*
12 *told Raziel I don't like this guy."*

13 Ms. Martinez said that when Ozzy and Raziel came to Nickel Lane at that
14 time,

15 *"They went outside by the laundry room. I was inside. They were*
16 *conversingsmoking."*

17 She said she could not hear what they were saying.

18 363. Ms Martinez said that after a while Raziel, let me know he was going to
19 Scranton to get some fishing done. He left about 6:30 p.m. with Ozzy, in the
20 white Toyota Camry. She said it was just Ozzy and Raziel Jeffers who left in

1 the car and they said they were going to Scranton to go “*fishing*”. She said
2 Raziel had told her they had some business to deal with.

3 Ms. Martinez explained that Scranton was in central George Town in the lane
4 beside the Funky Tangs store. She said she had been there a few times.

5 Asked what Raziel Jeffers meant about going fishing, she said fishing

6 “...*is a gang word. Fishing is when you hunt your enemies.*”

7 Ms. Martinez said there was a gang war still going on.

8 364. Asked who were Raziel Jeffers’s enemies, Ms. Martinez said Raziel had
9 quite a few and she named Robert Bush, Jose Sanchez, Joe Bush, Joseph
10 Hurlston and their associates. Ms. Martinez said they all lived around Daisy
11 Lane, Hell Road, Bonaventure Road, Turtle Farm Road.

12 365. Ms. Martinez said she had heard Raziel Jeffers use the term “*fishing*” a few
13 times.

14 366. Asked if Raziel was alone in this conflict with certain people, Ms. Martinez
15 said,

16 “*It is wider than that, real wide. There were sides to the dispute. The*
17 *guys from Logwood and some guys from part of Birch Tree were in*
18 *conflict.*”

19 Ms. Martinez explained further that Nickel Lane is in the Birch Tree Hill side
20 and Raziel Jeffers was

21 “...*going fishing for Logwood people.*”

1 367. She said that when Raziel was leaving Nickel Lane on the 8th July 2009 at
2 around 6:30 p.m. he said,

3 *“He was going to take Ozzy to Scranton and then he was going fishing.”*

4 368. Asked if she had understood what Raziel had said to her, she said,

5 *“I know Raziel’s lifestyle – the whispering and the one-sidedness. I guess*
6 *deep inside I had some feeling of some wrong doings. I did not want him*
7 *to leave [on] the day, but no one can talk to Raziel. I did not want him to*
8 *leave except to drop this guy however no one controls Raziel.”*

9 369. Asked about guns Ms. Martinez said,

10 *“The majority of the guns are kept in George Town. I can’t say who kept*
11 *the guns. Raziel would say he got to go pick up a 38 from here or there,*
12 *with no name.Guns were all over but the majority of guns were kept*
13 *in the bush in Scranton. He spoke of that more than once.”*

14 370. Asked if she had ever seen the guns she said yes. She said,

15 *“He [Raziel] had a really big gun once....a gun I saw and held....it was*
16 *about ... 10 inches long. I was told it was a .44 revolver.”*

17 Ms. Martinez said she saw and held this gun while sitting in Raziel’s
18 mother’s living room at 33 Skyway Drive. She said she was there on that
19 occasion with Raziel and her cousin, Chantel, who was braiding Raziel’s
20 hair. Describing the gun she said the back was hard black plastic and the rest
21 was silver and shiny. She said,

1 *“Raziel called the gun “GRUMPS” because it was grumpy.”*

2 Ms. Martinez said that was the name given to the gun by Raziel Jeffers and
3 she saw that gun just a few weeks before the 8th July 2009 shooting.

4 371. Asked if she saw any bullets, she said,

5 *“I don’t recall.”*

6 372. Asked if that gun (Grumps) was the only gun she had seen she said no. She
7 said,

8 *“I saw a .38 once...a little smaller than Grumps... the nozzle longer and*
9 *thinner. Both had spinning chambers.”*

10 Ms Martinez said she saw the .38 at 134 Fairbanks Road, Raziel’s father’s
11 home, shortly before the 8th July 2009 shooting. She said it was Raziel who
12 had that gun in the armrest of an armchair, which was broken. She said that
13 gun was kept there for as long as she knew. She said this was after the
14 murder of the young boy, Jeremiah Barnes, so it would have been February
15 2010.

16 373. Ms. Martinez said there was a third gun, which was a smaller gun. It was a
17 .22. She said the gun was really *“tiny”* and actually looked like a fake. She
18 said it was silver in colour.

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1 Ms. Martinez said that she been with Raziel Jeffers once when he

2 *"...dropped it off to Joshua. I was with him when he dropped it off ...a*
3 *little way down from Nickel Lane. There is a connecting road which you*
4 *take to Mount Pleasant and he dropped it off there."*

5 Shown the map AW6, Ms. Martinez said Raziel Jeffers dropped off that gun
6 at Bankers Road.

7 374. Ms. Martinez said she had also seen an AK47 which she described as a very
8 big gun. She said she assumed it was rifle. She said she saw that gun at 134
9 Fairbanks Road when she was living there with the Defendant.

10 Ms. Martinez said that when she saw the AK47 was on an occasion when

11 *"...quite a few guys had entered by the garage door.... The gun was on*
12 *the [floor] tile.He [Raziel] told me there was something wrong with*
13 *it....It only fires two bullets at a time."*

14 Ms. Martinez said that the Defendant also explained,

15 *"... when you shoot it, it will cut your hands."*

16 375. Asked if she had heard the Defendant speak about any other guns she said,

17 *"...a 9 mm. Just that he had access to one."*

18 Ms. Martinez said she recalled the Defendant speaking about two AKs, the
19 revolver, the 9mm and the .38, as well as the one (the .22) he gave to Joshua.

20

1 376. Ms. Martinez said that the Defendant had told her that,

2 *“Ozzy had a stash of guns.”*

3 She said that on the 8th July 2009, Ozzy and the Defendant left Nickel Lane
4 around 6:30 p.m., saying they were heading to Scranton and it was to,

5 *“..get his mission started to hunt who is hunting him.”*

6 377. Ms. Martinez said that the purpose of going to Scranton was to get guns.

7 378. Ms. Martinez said that on the 8th July they spoke on the phone at

8 *“..after 9 p.m...”*

9 and that’s when Raziel told her that he was going to stay at a friend’s house
10 for the night. Ms. Martinez said,

11 *“...he [Raziel] said he wouldn’t be coming home. He said he didn’t trust*
12 *the police not to believe that he was involved in the [Bonaventure]*
13 *incident.”*

14 379. Asked what Raziel Jeffers had been wearing when he left Nickel Lane at
15 around 6:30 p.m. on the 8th July 2009, Ms. Martinez said a white merino and
16 jeans pants.

17 380. Ms. Martinez said Raziel Jeffers called her again around 3 a.m. and on that
18 occasion he told her not to let anyone know that Osbourne had been there (at
19 Nickel Lane). Ms. Martinez said that Raziel Jeffers also said to her on that
20 call,

1 *“If anything is to happen, he wants me to know that he loves me.”*

2 Ms Martinez said that some time after that call,

3 *“His mother called me the morning after [the shooting] to tell me that*
4 *they had arrested Raziel on suspicion of murder.”*

5 381. Ms. Martinez said that she did not see the Defendant for another 10 days,
6 because she recalled that she next saw him on the 18th July 2009, when he
7 got out, that was the day before his birthday.

8 382. On the 18th July 2009 Ms. Martinez said that the Defendant told her that he
9 had been at a friend’s house and then suddenly the place was swarming with
10 police, and he had been arrested on suspicion of murder. She said at that time
11 the Defendant did not say anything about any connection he had with the
12 shooting.

13 383. Ms. Martinez said that sometime after the young boy, Jeremiah Barnes, had
14 been killed, she and the Defendant were

15 *“...sitting at the dock, on the boardwalk, at Ocean Club. We were having*
16 *a conversation about innocent people whose lives had been lost in the*
17 *“war””*

18 Ms. Martinez said she brought up the fact that young Jeremiah Barnes had
19 been killed and he, the Defendant, said,

20 *“Just like poor Marcus.”*

21 Ms Martinez said the Defendant said Marcus was not meant to die either.

1 *“He said he swore it was Peto.”*

2 Ms. Martinez said the Defendant told her that it was dark and there were no
3 lights to illuminate the place and he swore it was Peto. She said Raziel said
4 he did not realize that it was not the right person until the news was released
5 the following day. She said,

6 *“He zeroed on him (Marcus). He fired. He said Marcus fell. He said he*
7 *not realize it was Marcus. They [Marcus Ebanks and Jose Sanchez]*
8 *looked alike in size and stuff.”*

9 Ms. Martinez agreed with Crown counsel that the Defendant admitted killing
10 Marcus Ebanks by mistake. Ms. Martinez said the Defendant told her he shot
11 Marcus Ebanks thinking it was Peto (Jose Sanchez).

12 384. Ms. Martinez said she could not recall the date of the conversation but she
13 thought it was a Saturday towards the end of March or near the middle of
14 March because she was at 105 Ocean Club with the Defendant, visiting the
15 Defendant’s aunt.

16 385. Ms. Martinez said that what led up to the confession was that she and the
17 Defendant were talking about the innocent people that died, people that
18 weren’t involved in anything and

19 *“I brought up Jeremiah [Barnes] because of threats to my son. And he*
20 *[Raziel Jeffers] said, just like Marcus.”*

1 Ms. Martinez said the Defendant said that Marcus was not supposed to die,
2 he thought it was Peto, and he did not find out until the next day that it was
3 Marcus, and he, the Defendant, said he felt really bad.

4 386. Ms. Martinez said she asked the Defendant,

5 *“Why are you telling me this?”*

6 and at that stage the Defendant went quiet.

7 387. Ms. Martinez said she knew deep within her heart that Raziel Jeffers had
8 something do with the shooting during the timeframe within which he left the
9 house at Nickel Lane. Ms. Martinez said that that was why she had made a
10 call to Irvalyn Bush, Robert Bush’s sister, to the Hurlston’s house, to find out
11 more details,

12 *“..because I was concerned about him [Robert Bush].”*

13 Ms. Martinez said it was in her statement that she called Irvalyn, who
14 confirmed for her that three people had been hit and they were in a bad
15 condition.

16 Asked why she was concerned about Robert Bush, Ms Martinez said,

17 *“We were together for a while, sometime in the past. Our relationship*
18 *was long before Raziel, when I was 15. That finished about three months*
19 *and a few weeks before I started with Raziel. With Robert Bush it was not*
20 *a set relationship.”*

1 388. Going back to the talk she had with the Defendant at Ocean Club about the
2 Bonaventure Road shooting, Ms. Martinez said the Defendant said that

3 *“He ran into the yard and Osbourne had stayed further off but he [Raziel*
4 *Jeffers] went into the yard. He said Osbourne stayed near the bushes and*
5 *didn’t follow Raziel.”*

6 Ms Martinez said that Raziel said he was

7 *“...not sure who the bullets hit.”*

8 Ms. Martinez said Raziel Jeffers said he was not sure whose bullets hit
9 Adryan Powell who was paralysed. The Defendant told Ms. Martinez that he
10 was not sure about Rod and which bullets hit him, there were a lot of bullets
11 flying. But he said it was Marcus who he zeroed in on because he assumed
12 that Marcus was Peto, and Raziel Jeffers actually said that he had shot
13 Marcus and he felt really bad.

14 389. Ms. Martinez said that the Defendant did not tell her what type of gun he
15 used, nor how many bullets were fired, but he said that the real target was
16 Jose Sanchez, otherwise known as Peto.

17 390. Asked, *“Did he say why he wanted to harm Peto?”* Ms. Martinez replied,

18 *“You have to kill before you are killed.”*

19 391. Asked *“Did he say why Jose wanted him?”* Ms. Martinez said the Defendant
20 had told her about a physical altercation with Peto outside a bar. Ms.
21 Martinez could not say when that fight had occurred.

1 392. Ms. Martinez said that the Defendant only told her about shooting Marcus
2 Ebanks once.

3 393. Asked, "*Did he say where the guns came from?*" Ms. Martinez replied,
4 "*He didn't say Osbourne provided the guns but he did say they were*
5 *returned to him.*"

6 394. Speaking again about the confession Ms. Martinez said that Raziel Jeffers
7 said,
8 "*Those poor little boys, one is crippled,*"
9 but she also felt that she knew he was involved in the shooting because of the
10 time he left the house.

11 395. Ms. Martinez said that the Defendant had two telephone numbers. One was
12 927-1751, which was the very first cell number he had when they first got
13 together, and the other one was 516-0986.

14 396. Ms. Martinez said that she had two telephone numbers – 547-6452 and 929-
15 4353 (929-2494).

16 397. Ms. Martinez recalled that on the 8th July 2009 she used her telephone
17 number 546-0986 to call Raziel Jeffers on 927-1751.

18 398. Ms. Martinez accepted that she had given the police a false statement directly
19 after the shooting. Asked "*Why didn't you tell the truth?*" Ms. Martinez said,
20

1 *“Raziel is the father of my child. I had to worry what would happen to*
2 *him. He was also my legal guardian because Social Services signed me*
3 *over to him. Being the father of my child I loved him. But I have to make*
4 *a better life for my child. I took liability for lying. Remember he made*
5 *sure to tell me not to mention Ozzy.”*

6 399. Asked, *“Did you trust the police at the time?”* Ms. Martinez replied,

7 *“No I did not.”*

8 400. Ms. Martinez said that Raziel and his people were the only help she had to
9 raise the child. She said she still cared for Raziel. She said it was hard for her
10 to sit

11 *“...in this chair right now and say all that I am saying”*

12 But she felt she had to make a better life for her child. She said her child is
13 the most important thing.

14 401. Speaking again about lying to the police she responded rhetorically,

15 *“What more was I to do? I know people who have been shot dead and fed*
16 *to the fish for speaking to the police.”*

17 402. Ms. Martinez said she retracted her first statement and gave the correct
18 statement. She said the reason she did not mention Ozzy to begin with was
19 because Raziel had told her not to mention that Ozzy had come anywhere
20 near the house or that she had seen him at all. In addition, she said she did
21 not initially trust the police. She said that what she told the Court in live
22 testimony is the absolute truth.

Cross Examination of Meagan Martinez

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403. Meagan Martinez confirmed to Defence counsel that she “*provided a number of statements*” to the police about the Bonaventure shooting and that her first statement was dated the 11th July 2009 – three days after the 8th July 2009 Bonaventure shooting – which comprised four handwritten pages, to which she affixed her signature.

404. Ms. Martinez accepted that her statement to the police about Raziel Jeffers’s confession to her about the Bonaventure shooting was provided two months short of a year after the shooting at Bonaventure Road.

405. Ms. Martinez accepted that she told some 8 lies in her first statement. It was a lie that Raziel Jeffers took her to the YPP at 9 a.m. on the 8th July. It was also a lie that she went to the Butterfly Farm at Boatswain Beach on the 8th July and went back home to get her swimsuit so that her teacher could pick her up after 2 p.m. on that day.

Ms. Martinez explained that all these things happened but they did not happen on the 8th July 2009.

She said that on the 8th July 2009 she had stayed home with her baby and was at home when Raziel Jeffers left at around 3 p.m. and did not say where he was going.

406. Asked which of her statements is true – the first one, which was given a couple of days after the 8th July 2009, on the 11th July 2009, or, the statement of the 13th May 2010. Ms. Martinez said,

1 *“Sir, the last statement I gave is the truth, that Raziel Jeffers is a*
2 *murderer.”*

3 407. Ms. Martinez said that the reason she lied was because she wanted to protect
4 Raziel and said,

5 *“Can you blame me for protecting my baby father when he asked me to?”*

6 408. Ms. Martinez said she did go to the YPP and she did do the other things but
7 not on the 8th July.

8 409. She said all the details about going to Newlands to get CDs to burn and going
9 to Fairbanks Prison to collect money are all true, but the dates are wrong. She
10 said,

11 *“The details are true but the dates are wrong. I did not make those*
12 *outings on the 8th of July....All that wasn't on the 8th [July]. I went to*
13 *those places but not on the 8th.”*

14 Asked by Defence counsel, *“So three days later [after the incident on the 8th*
15 *July] you are confused?”* to which Ms. Martinez replied,

16 *“Yes.”*

17 Defence counsel put to Ms. Martinez, *“Your confusion is not confusion but*
18 *you are lying. You are untruthful.”* In response Ms. Martinez said,

19 *“Dates and times apart, what I said is the truth.”*

20 Ms Martinez said that what she said in her statement on the 13th May 2010 is
21 true. She got up around 6 a.m. and stayed home that morning and fed the

1 baby and they were all there. She repeated that the Defendant left around 3
2 p.m. and he returned with his friend a little later and then later they left, and
3 it was not long after that that a man was murdered, and another one was
4 paralysed and one was shot in the leg. Ms.Martinez said that because the
5 event took place,

6 *"I was under a lot of stress,"*

7 and she was not lying.

8 410. The Court put to Ms. Martinez that there is a *"difference between a mistake*
9 *and a lie. Are you saying that the contents of your statement on the 11th July,*
10 *not referring to any dates, are true?"* to which Ms. Martinez replied,

11 *"Sir. The events took place. But the dates on which they took place are*
12 *incorrect. So the events that I mentioned on the 11th July, they didn't*
13 *refer to the 8th."*

14 Asked by the Court, *"So when you mention your teacher, is that a lie?"* to
15 which Ms. Martinez replied,

16 *"No, that just happened on a different day. I was at home on that day,*
17 *[the 8th July] I left with my teacher, but not on the 8th July."*

18 Ms. Martinez also told the Court,

19 *"I have no reason to lie, it's my son I am trying to protect above*
20 *everything else."*

1 411. Asked by Defence counsel, “*You gave eleven (11) written statements. Did*
2 *you give any statements to say that the 11th July stuff was incorrect?*” to
3 which Ms. Martinez replied,

4 *“I made it a huge point that the date was wrong.”*

5 *Cross Examination of Meagan Martinez Continued.*

6 412. Defence counsel reminded Ms. Martinez that she had agreed that she had told
7 8 lies in her first statement and that she had paid the consequences for those
8 lies. Defence counsel also reminded the witness that she did not mention
9 Ozzy in her first statement and she only said that Raziel came back to the
10 house with his cousin, and Meagan Martinez accepted that that was a lie.
11 Defence counsel reminded her of the declaration at the top of the statement
12 and that it must be a true statement. Ms. Martinez’s response was that the
13 love that she had for her son is more important than the declaration and she
14 accepted that she lied in her first statement to the police, and she did not
15 comply with the declaration. Ms Martinez accepted that there were many
16 things she said in her statement of the 11th July 2009 which were in direct
17 contradiction to the things she said in her statement of the 13th May 2010.

18 413. Defence counsel asked Ms Martinez about all the firearms she had seen and
19 put it to her that all that information really came from the Defendant and Ms.
20 Martinez said,

21 *“No. I saw some of these guns with my own eyes, and there is also the*
22 *one that I actually held.”*

1 414. Defence counsel pointed out to Ms Martinez that she had had a large number
2 of boyfriends and made reference to Damion Ming, Robert Bush, Jose
3 Sanchez and Philip Sciamonte. Ms. Martinez agreed that they were all
4 friends of hers. Defence counsel pointed out that they all seemed to have
5 problems with the law or conflicts with the police.

6 415. Defence counsel also pointed out to Ms Martinez that she had given evidence
7 in other cases, and in Raziel Jeffers's case at the Preliminary Inquiry. Ms.
8 Martinez accepted that this was the third time she had given evidence. She
9 also accepted that she was in the witness protection programme and that she
10 had been in it for approximately two years. She accepted that she had been in
11 the witness protection programme since she had left her 134 Fairbanks Road
12 home on the 12th May 2010 and went into the programme. She said that with
13 the programme she is provided with shelter and with monetary assistance.
14 She accepted that she does not own anything.

15 416. Ms. Martinez said that her statement of the 13th May 2010 was not taken by a
16 local officer, but taken by a foreign female officer. Ms. Martinez accepted
17 that she felt more comfortable with foreign female officers than with a local
18 officer. Defence counsel asked if the female officer, Detective Constable
19 Langley, was more accommodating and Ms. Martinez said it has nothing to
20 do with accommodation, but it has to do with the fact that the Defendant has
21 links in the police station, and she could not even go to the police station
22 when Raziel

23 *"beat the crap out of me,"*

1 because the police would call him, Raziel Jeffers, and tell him that she was
2 there at the station.

3 417. Ms. Martinez said that Officer Langley was very professional and that
4 Officer Langley empathized with Ms. Martinez. Ms. Martinez said she gave
5 that 13th May statement at a hotel, which she could not disclose.

6 418. Ms. Martinez said she did not want to go to the police because there was a
7 threat to kidnap her child.

8 419. Ms. Martinez said that the Defendant's confession was given to her towards
9 the end of March 2010. Asked why did she wait to the 13th May 2010 to tell
10 the police and she said the reason she waited was because Raziel is violent
11 and he was still in her life.

12 420. Ms. Martinez accepted that the Defendant had gone to live with another
13 woman, Leeann Lemay, and Ms. Martinez said she was not sure where
14 Raziel Jeffers was staying.

15 421. It was put to Ms. Martinez that he was no longer her legal guardian, so why
16 did she not go to the police with the information about the confession earlier?
17 Ms. Martinez said she was not allowed. She said she went to police station
18 when she had been injured, and when she asked to speak to a Sgt she was
19 told to wait there, and the officer behind the desk called the Defendant and
20 told him that she was at the station. Ms. Martinez said the Defendant told her
21 this – that he knew she was at the station because an officer had told him.

22 422. Defence counsel put it to her that she was just a professional witness –
23 having given evidence in many other cases. Ms. Martinez replied that she is

1 telling the Court the truth. Ms. Martinez admitted that she had initially lied,
2 and she took full responsibility for that. However, she said she was not lying
3 now.

4 423. It was put to Ms. Martinez that the reason she gave the statement of the 13th
5 May 2010 was that she was jealous of Raziel Jeffers's new lady, Leeann
6 Lemay and because he was "*hardly visiting you*" and Ms. Martinez denied
7 this. It was put to her that she had accused Raziel Jeffers of being unfaithful
8 and she denied this. Ms. Martinez said that it was Raziel Jeffers who first
9 attacked her with accusations of infidelity, and so she accused him after he
10 had accused her.

11 424. Defence counsel questioned her about the confession on the boardwalk at
12 Ocean Club and asked if anyone else was around and Ms. Martinez said, no,
13 but her baby was there.

14 425. Ms. Martinez said she and Raziel were speaking about the number of
15 innocent people who died over the course of the years and she brought up
16 young Jeremiah Barnes, and that she felt sorry that that had to happen to such
17 a little child. Ms. Martinez said it was at that point that Raziel Jeffers said,

18 *"Yes, just like Marcus. Marcus wasn't meant to die either."*

19 Ms. Martinez said she did not say anything, she just listened. She said Raziel
20 Jeffers said,

21 *"Marcus was not meant to die, it was supposed to be Peto, and he felt*
22 *bad when he heard the next morning that it was the little boy, because it*
23 *was really meant to be Peto (Jose Sanchez)."*

1 Ms. Martinez said she said to Raziel Jeffers that she did not want to hear
2 anymore.

3 426. Ms. Martinez told Defence counsel that the Defendant was really confiding
4 in her, because he trusted her. She said

5 *"There was trust at that time."*

6 However Defence counsel put to her that her relationship with Raziel Jeffers
7 was based on "*mistrust not trust*" – making reference to the fact Raziel
8 Jeffers would often search her phone. Ms. Martinez said she would describe
9 her relationship with Raziel Jeffers as both of them trying to make a joint
10 foundation for

11 *"...our son to grow properly."*

12 It was put to herby Defence counsel that she was an unlikely confidante, and
13 she said, no. She said everybody knows that a relationship has

14 *"...ups and downs. It's not every time we were fighting, there were times
15 when it was peaceful and there were many times he spoke to me, not
16 about violence or anything, but about private thingslike when his
17 grandfather was dying. He didn't go to anyone else he went to me."*

18 ***Cross Examination of Meagan Martinez Continued***

19 427. Defence counsel referred Ms. Martinez to her evidence of her receiving a 3
20 a.m. call from Raziel Jeffers on the 9th July 2009, when she said Raziel spoke
21 about not telling anyone that Ozzy had been with him and telling her that he
22 loved her. Asked how she felt about being told that he loved her, Ms.

1 Martinez said she felt that Raziel Jeffers was not coming home. I assumed
2 there was a reason he was saying that. Asked why did she not mention that
3 call and what Raziel had said about loving her in her *“everything is true*
4 *statement”* of the 13th May 2010, since it was the case that Raziel Jeffers’s
5 words on that call were *“profound.”* Ms. Martinez agreed that she had not put
6 it in her statement.

7 428. A series of suggestions were put to Ms. Martinez by Defence counsel and she
8 was asked to either agree or disagree:

9 Q: *“At no time at all did Raziel show you guns?”*

10 A: *“Yes”*

11 Q: *“Do you agree or disagree?”*

12 A: *“I agree”*

13 Q: *“When you say that he confessed to you that simply is not true. Do*
14 *you agree or disagree with that suggestion?”*

15 A: *“I agree”*

16 Q: *“Raziel never told you about any fight with Jose Sanchez? Do you*
17 *agree or disagree?”*

18 A: *“I disagree”*

19

20

1 *Re-Examination by the Crown of Meagan Martinez*

2 429. Asked by the Crown *"What was it that Mr. Jeffers said to you at the Ocean*
3 *Club in the middle to late March 2010?"* and Ms Martinez responded and she
4 would repeat,

5 *"We were speaking about the innocent people that died in the war and*
6 *she brought up Jeremiah Barnes."*

7 Ms Martinez said she said to Raziel Jeffers,

8 *"...poor him."*

9 And Ms. Martinez said the Defendant said,

10 *"Just like poor Marcus. He did not mean Marcus to die either... he didn't*
11 *mean for him to die. It was an accident. He thought it was Peto."*

12 430. Crown counsel said the reason he was asking her was because ten minutes
13 ago Defence counsel was asking her whether there was a confession. Crown
14 counsel asked Ms. Martinez, do you agree that there was a confession, and
15 Ms. Martinez said yes.

16 431. Asked by Crown counsel, *"Did Mr. Jeffers confess to you or not?"* and Ms.
17 Martinez said,

18 *"I don't know whether I should call it a confession. From what he said to*
19 *me I knew that he did it."*

20 432. Crown counsel said. *"The second point, so that there is no misunderstanding*
21 *is: Did Mr. Jeffers ever show you guns?"* and Ms. Martinez said,

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"Yes."

Crown counsel asked: *"So, was it correct that Raziel Jeffers showed you guns?"* and Ms. Martinez said,

"That was correct."

433. Ms. Martinez was asked why didn't you tell the truth a few days after the incident in the 11th July 2009 statement and Ms. Martinez said,

"The Defendant had said not to mention that he had been with Ozzy or that Ozzy had come to the house."

Ms. Martinez said,

"I know the whole Court probably thinks like I am this back-stabber, whatever, but I do care for the Defendant. He is the father of my child and I loved him more at that time. But my only interest was to make sure that my son grew up with a father. I loved him at that time and I did not want to be responsible for putting him away. He knows a lot of dangerous people. I could lose my life."

434. Ms. Martinez confirmed that she stayed home on the 8th July 2009.

435. Asked about the telephone calls on that day Ms. Martinez said it was hard to say what time they took place but she was pretty sure that the first call after Raziel Jeffers left the house at around 6:30 p.m. came after 9 p.m. because

"...I had put my baby to bed. I was accurate about the 3 a.m. call."

1 436. Ms. Martinez said,

2 *"There were a lot of things that contributed to me making my [13th May*
3 *2010] statement."*

4 She said the police had picked her up and asked her to

5 *"...think it over and get herself together."*

6 She said there had also been the incident at a club a few nights prior to that

7 *"...when I was beaten badly."*

8 Then she said there was the fact that when she went home one evening to 134
9 Fairbanks Road,

10 *"...the lock was changed and my clothes were in garbage bags outside*
11 *with no clothes for my child."*

12 *I was tired of being beat up, and with my bags being outside with no*
13 *clothes for my child I thought Raziel's family was trying to kidnap my*
14 *child and this led me to give the statement."*

15 ***Examination in Chief of WPC Louise Thornley***

16 437. WPC Thornley is an officer of the scenes of crime unit. She took possession
17 of Exhibit CR4 from Officer Codner. She opened it and swabbed each of the
18 following items – the Nokia mobile phone, the brown belt, the C1\$110.00,
19 the wallet and the Rizla package/paper. After the swabbing each package was
20 sealed and the five packages went to form Exhibit LT4 and then went to form

1 Exhibit LT47. The Nokia phone became LT48. WPC Thornley then entered
2 them into the Exhibits store at George Town Police Station.

3 438. On the 19th May 2010 WPC Thornley recovered LT47 and it was sent via
4 FEDEX to the Broward County Forensic Laboratory for Gunshot Residue;
5 the tracking number for this package #872175096459.

6 *Cross Examination of WPC Louise Thornley*

7 439. WPC Thornley said she received the Exhibits from DS Marcia Codner of the
8 Scenes of Crime Scientific Support Unit. The swabbing was done in the
9 secure examination room in the scientific support offices at the George Town
10 Police Station. WPC Thornley said she retrieved the items and returned them
11 to the Exhibit Room.

12 *Examination in Chief of Michael Victor Martinez*

13 440. Mr. Martinez is a forensic scientist – a supervisor for Trace Evidence – with
14 the Bexar County Criminal Investigation Laboratory in San Antonio, and has
15 a B.Sc. in Mathematics and a M.Sc. in Forensic Science. He was trained by
16 the FBI in matters relating to trace evidence.

17 441. On the 20th May 2010 he received the FEDEX box 872175096454, in which
18 there were five items to be tested for GSR. The items were examined by the
19 Scanning Electron Microscope (SEM) which uses Energy Dispersive X-rays
20 (EDX) to detect chemical elements. The SEM is used to find very small
21 items such as primary GSR. To do this, the SEM takes electrons and controls
22 them as they scan across the field or item under examination.

1 was no GSR on any of the clothing (6 white T-shirts of various brands) or on
2 the left and right hand of Raziel Jeffers.

3 446. Mr. Martinez acknowledged that cross contamination could not be ruled out
4 as he does not know how the swabs were done.

5 447. Asked whether the two particles were low, Mr. Martinez said,

6 *“No, not at all.”*

7 Mr. Martinez however commented on the relevance of low or high findings
8 by saying that there have been cases where, on gunshot suicide victims, 1, or
9 sometimes no particles, have been found in those cases.

10 *Cellular Phone Evidence*

11 448. Witnesses from the two telecommunications companies – LIME and
12 DIGICEL – provided the reports from the international mobile subscriber
13 entity data, and the international mobile equipment entity data.

14 449. The 2 cellular phones attributed to the Defendant were linked to the
15 telephone numbers 927-1751 and 547-6452.

16 450. The 2 cellular phones attributed to Meagan Martinez were linked to the
17 telephone numbers 546-0986 and 929-2494.

18 451. The raw data or toll data relating to the telephone movements came from
19 LIME in the case of the telephone number 927-1751 and from DIGICEL for
20 547-6452 – both telephone numbers attributed to Raziel Jeffers.

- 1 452. The raw data for the phones was provided to the RCIPS and then examined
2 by Ms. Joanne Woods, who is an Intelligence Analyst, and is currently
3 attached to the RCIPS.
- 4 453. The telephone number 927-1751 was the LIME phone number attributed to
5 Raziel Jeffers, which information came from the BLACBERRY LT12
6 (Exhibit 9)
- 7 454. The telephone number 547-6452 was the DIGICEL phone number attributed
8 to Raziel Jeffers, which information came from the NOKIA 611 LT48
9 (Exhibit 8)
- 10 455. Ms. Joanne Woods, after being provided with the data, did an analysis of
11 these two numbers and, from her review of the LIME 927-1751 number with
12 the BLACKBERRY LT12 (Exhibit 9, and, from her review of the DIGICEL
13 547-6452 number with the NOKIA 611 LT48 (Exhibit 8), produced 5 charts.
- 14 456. Chart (Exhibit) 5A-JW/1C is the schedule of attribution to Raziel Jeffers of
15 the DIGICEL cellular phone number 547-6452.
- 16 457. Chart (Exhibit) 5B-JW/2C is the schedule of attribution to Raziel Jeffers of
17 the LIME cellular phone number 927-1751.
- 18 458. Chart (Exhibit) 5C-JW/3 is the extract from the call data and cellular site data
19 for 547-6452 from the 7th to the 9th July 2009.
- 20 459. Chart (Exhibit) 5D- JW/4 is the extract from the call data and cellular site
21 data for 927-1751 from the 7th to the 8th July 2009.

- 1 460. Chart (Exhibit) 5E-JW/12A is the merged table of calls of 547-6452 and 927-
2 1751 on 8th to the 9th July 2009.
- 3 461. The merged table of calls shows the calling telephone number, the number to
4 which the call was made, the date, time and duration of the call, the cell site
5 of both DIGICEL and LIME masts, the cell mast names of both DIGICEL
6 and LIME masts.
- 7 462. In addition Exhibit 6D was the map of the cell site masts and sector
8 locations, formerly AW8. Exhibit 6D shows the cell site mast locations and
9 sectors used by 927-1751 (LIME) and 547-6452 (DIGICEL) on the 8th July
10 2009 between 5:20 p.m. and 10:57 p.m.
- 11 463. Ms. Woods explained that the murder of Marcus Ebanks occurred at
12 Bonaventure Road – marked with a red star on Exhibit 6D. She said the first
13 call to emergency services was received at 7:44 p.m. on the 8th July 2009.
14 Ms. Woods explained that the LIME cell mast which covers the locality of
15 Bonaventure Road is the Northwest Point cell mast (901). She said the
16 DIGICEL cell mast which covers the locality of Bonaventure Road is the
17 Hell cell mast.
- 18 464. It is clear from Ms. Woods' evidence that Meagan Martinez used both these
19 numbers 927-1751 (LIME) and 547-6452 (DIGICEL) when contacting
20 Raziel Jeffers and Raziel Jeffers used the same numbers when he called her.
21 It is also clear from Exhibit 5E that these two numbers were used
22 interchangeably by Raziel Jeffers.

1 465. Ms. Woods explained that each cell mast is given an individual number. The
2 Northwest Point mast was LIME 901. For DIGICEL, the mast covering Salt
3 Creek and the Northwest Point area of West Bay is DIGICEL CAY004

4 466. From a review of the merged table of calls for 927-1751 (LIME) and 547-
5 6452 (DIGICEL) from the 8th to the 9th July 2009 and Exhibit 6D – the calls
6 on the 8th July 2009, and which cell site mast locations and sectors were used
7 by 927-1751 (LIME) and 547-6452 (DIGICEL) the following evidence was
8 adduced by Ms. Woods.

9 467. In relation to Call #45, at 17:20:37 hrs:

10 a. 927-1751 was served by LIME mast 902, sector 3, which is the sector
11 covering the Reverend Blackman Road/Townhall Road/West Church
12 Street locality.

13 b. At the end of this call at 17:20:48 sector 1 of that mast was being used,
14 that is, LIME mast 902-1, and this serves central West Bay and the
15 approximate locality of Birch Tree Hill Road and Captain Joe and Osbert
16 Road/Mount Pleasant Road.

17 c. Ms. Woods explained that, from the evidence, Nickel Lane, where the
18 Defendant lived with Meagan Martinez is covered by cell site 902-1.

19 468. In relation to Call #47 at 17:55:52 hrs:

20 a. This was a 19 second call to 927-1751 and the phone under examination
21 has now moved from West Bay towards the George Town locality.

1 b. This call was picked up by LIME mast 906 sector1, which serves the
2 Harquail By-pass/West Bay Road locality.

3 469. In relation to Call #48 at 18:03:27 hrs:

4 a. 547-6452 makes a 33-second call and the phone is using LIME mast
5 CAY 0051 and then moves into LIME mast CAY 0143.

6 b. This would place the phone in the approximate locality of West Bay
7 Road/Safe Haven

8 470. In relation to Call#49 at 18:08:46 hrs:

9 a. There was another incoming call to 927-1751 which is still being served
10 by LIME mast 906-1, namely Harquail Bypass/West Bay Road

11 b. At the end of this call at 18:10:13 hrs, 927-1751 is using LIME mast 908
12 sector 1, and that is the LIME building at the end of Eastern Avenue
13 which is sector 1, namely LIME mast 908-1, which covers the area of
14 Shedden Road/Eastern Avenue and borders the location of Scranton.

15 471. In relation to Call #50 at 18:08:55 hrs:

16 a. A call is made to 927-1751, and this call ends at LIME mast 908-1, again
17 covering Scranton.

18 472. In relation to Calls #51 through to #56 from 18:10:40 hrs and 18:18:09 hrs:

19 a. Ms. Woods' evidence shows that six calls were made by 547-6452
20 between 18:10:40 hrs and 18:18:09 hrs.

1 b. Her evidence is that, with the exception Call #53, which was served by
2 CAY 0025, which is the DIGICEL 002 sector 2, she confirms that each
3 of these calls used the DIGICEL Cay 002 mast, which covers
4 approximately the same area as LIME mast 908 – used by 927-1751 at
5 18:10:13 when Calls #49 and #50 ended.

6 c. Accordingly, from Ms. Woods' evidence, the two cell phones – 927-
7 1751 and 547-6452 are in the same locality.

8 473. In relation to Call #57 at 18:20:28 hrs:

9 a. This call was unanswered by 927-1751 and, according to Ms Woods, it
10 was diverted to voicemail.

11 b. The telephone was covered by LIME mast 908 sector 1 and therefore
12 remained in the George Town area near Shedden Road, Eastern Avenue
13 and the Scranton area.

14 474. In relation to Call #58 at 18:52:12 hrs:

15 a. 547-6452 calls out and this DIGICEL phone is served by DIGICEL mast
16 CAY 004 sector 1, which is in the area of Salt Creek, towards West Bay.

17 475. In relation to Calls #59 to #61 between 18:57:14 hrs and 19:07:11 hrs, the
18 phone moved from George Town to West Bay:

19 a. Three calls were made to 927-1751. According to Ms. Woods and the
20 exhibits these are shown as being served either by LIME 901-5 (or 901-
21 2).

1 b. This is LIME mast 901, sector 2, and the area is Town Hall Road and
2 Watercourse Road.

3 476. In relation to Call #62 at 19:21:42 hrs the phone has moved into West Bay:

4 a. Another call is made to 927-1751. This call is picked up by LIME mast
5 901, sector 3 – the Northwest Point cell site mast. According to Joanne
6 Woods the best locality is now west of Watercourse Road – the sector
7 that serves Bonaventure Road best.

8 477. According to Ms. Woods, and based on the Exhibits, there was no usage on
9 either 927-1751 or 547-6452 for the next 40 minutes.

10 478. In relation to Call #63 at 20:01:43 hrs:

11 a. A call was received by 927-1751 and went to voicemail.

12 b. This call was picked up LIME mast 906 sector 1 – placing it in the
13 locality of Harquail Bypass/West Bay Road

14 479. In relation to Call #64 at 20:09:58 hrs, the phone has moved back to George
15 Town.

16 a. There is an incoming call to 927-1751 picked up by LIME mast 908
17 sector 3, which covers the area of Shedden Road and Martin Drive,
18 which is also known as Scranton.

19 480. In relation to Call#66 at 20:28:54 hrs:

20 a. There is another incoming call to 927-1751 picked up by LIME mast 908
21 sector 3, covering the area of Shedden Road, Martin Drive and Scranton.

- 1 481. In relation to Call #67 at 20:41:15 hrs:
- 2 a. There was an incoming call to 927-1751 and it is picked up by LIME
- 3 mast 9111, which is the South Sound Road and Walkers Road locality.
- 4 482. In relation to Calls #68 to #75 and #78 to 79 between 20:46:21 hrs and
- 5 21:18:16 hrs:
- 6 a. This total of 10 calls took place in a period of just over 30 minutes and
- 7 were received or made by 927-1751.
- 8 b. Ms Woods's cell site evidence shows that these calls were either served
- 9 by LIME mast 911 sector 2 or by LIME mast 937 sector 3.
- 10 c. Ms Woods confirmed that LIME mast 911 sector 2 is South Sound
- 11 Sports complex and LIME mast 937 sector 3 is Prospect Point.
- 12 d. MS Woods explained that the phones could either have moved from
- 13 South Sound to Prospect Point and back, or, alternatively, because of the
- 14 open water of the Bay at South Sound, different masts could be used,
- 15 even though the phone could have remained stationary.
- 16 483. In relation to Call #77 at 21:14:29 hrs:
- 17 a. This call was from 547-6452 and lasted 23 seconds and employed a
- 18 DIGICEL mast CAY 010 sector 3, which is the Red Gate/Airport/Owen
- 19 Roberts Drive/Northsound Road/Crewe Road locality.
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- 1 484. In relation to Call #80 at 21:21:58 hrs:
- 2 a. This was a call to 927-1751 and was picked up by LIME mast 911 sector
- 3 2 serving the South Sound locality.
- 4 b. At the end of the call 21:25:11 it is at LIME mast 933, sector 3, which is
- 5 the mast at the Linford Pierson Highway.
- 6 485. In relation to Call #81 at 21:27:22 hrs:
- 7 a. This call was made to 927-1751 and was served by LIME mast Red Bay,
- 8 which is Crewe Road/Tropical Gardens/Airport locality.
- 9 486. In relation to Call #83 at 21:28:35 hrs;
- 10 a. This call was made to 927-1751 and Ms. Woods confirmed that there
- 11 was no cell site location.
- 12 b. Ms. Woods confirmed that this would infer that the phone had been
- 13 switched off.
- 14 487. In relation to Call #84 at 21:32:45 hrs:
- 15 a. This is another call to 927-1751 and Ms. Woods again confirmed that
- 16 there was no cell site location.
- 17 b. Ms. Woods confirmed that this would infer that the phone had been
- 18 switched off.
- 19 488. In relation to Call #87 at 21:49:28 hrs:
- 20 a. 927-1751 sends an SMS.

1 493. Ms. Woods said she had been an Analyst in the Cayman Islands for
2 approximately four years but she had never been to Bonaventure Road. She
3 accepted that there were roads and drives and lanes that she did not know in
4 that area.

5 494. Ms. Woods also conceded that DIGICEL was unable to provide some data in
6 relation to certain calls and she accepted that she began working on this
7 matter in late 2010.

8 *Cross Examination of Angeleta Wilson*

9 495. Angeleta Wilson produced the aerial maps from Lands and Survey. She
10 confirmed to Defence counsel

11 496. that there was no scale on the map and therefore there were no distances.

12 *Examination in Chief of Detective Superintendent Kurt Walton*

13 497. Detective Superintendent Walton was the senior investigating officer for
14 operation Caledonia. He recalled that on the 14th July 2009 he received a call
15 from the family of the young man Adryan Powell to attend his grandparent's
16 address.

17 498. Detective Superintendent Walton said he received a call from Tammy
18 Tibbetts – the mother of Adryan Powell. Detective Superintendent Walton
19 said Ms. Tibbetts spoke to him. As a result told of his conversation with
20 Adryan Powell's mother, Detective Superintendent Walton had to speak to
21 Adryan Powell himself. Accordingly, he went to Jackson Memorial Hospital
22 and took a statement from Adryan Powell. Based on the conversation

EVIDENCE ON BEHALF OF THE DEFENCE

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508. The Defendant chose not to give evidence but contends that he is not guilty and that he was not one of the two gunmen on the 8th July 2009 that shot and killed Marcus Ebanks and shot and wounded Adryan Powell and Rod Ebanks, and attempted to shoot Jose Peto Sanchez and Al Martino Joe Bush.

509. The Defendant pleads not guilty to the charge of murder and the four charges of attempted murder. Furthermore the Defendant pleads not guilty to the possession of an unlicensed firearm.

510. The Defendant does not have to prove his innocence. The burden of proof is always on the Crown from the beginning to the end of the case. The Defendant is entitled to remain silent and leave the Crown to prove the case against him.

Examination by Defence of Nurse Kerry Ann Atkinson Ebanks

511. Nurse Ebanks is a Registered Nurse at the Health Services Authority (HSA) of the Cayman Islands. On the 9th July 2009 she was on duty, assigned to the Critical Care Unit, working from 7 a.m. to 7 p.m.

512. Nurse Ebanks said there was no protocol at the HSA for police attending on accident victims. Nevertheless, the policeman would normally

“...ask the nurse before going to the patient.”

Nurse Ebanks said,

“If the patient is unable to speak,”

1 she would not let the patient speak to the police and she would normally be

2 *“...strict about this.”*

3 *Cross Examination by Crown of Nurse Kerry Ann Atkinson Ebanks*

4 513. Crown counsel asked to see the HSA records and stated that he saw no
5 reference to Adryan Powell being visited by the police and Nurse Ebanks
6 agreed. Asked, *“Is that normally the case”* that there would be no record of a
7 visit by the police and Nurse Ebanks said,

8 *“No.”*

9 Asked, *“You say the police would need to come to you, did any officer come*
10 *to you?”* in order to see Adryan Powell and Nurse Ebanks replied,

11 *“I have no recollection of an officer speaking to me”*

12 after checking her notes.

13 514. Nurse Ebanks said that when she spoke with Adryan Powell he was alert.

14 515. Nurse Ebanks confirmed that Adryan Powell had received multiple gunshot
15 wounds to his legs, back, shoulder, arm and face. Furthermore there was a
16 fracture of the spine and he was

17 *“...in a pretty bad way.”*

18 *Examination by Defence of Ambulance Paramedic Shawn Paul Kelly*

19 516. Shawn Kelly arrived at the scene at Bonaventure Road on the 8th July 2009
20 and he attended one of the victims – Adryan Powell – who was

1 *“...awake and lying on his back outside.”*

2 Shawn Kelly said Adryan Powell’s eyes were open and he was talking and
3 he, Shawn Kelly

4 *“...secured him on a spine board,”*

5 and then Adryan Powell was placed in the ambulance and taken to the
6 George Town hospital, which was approximately a 15-minute drive.

7 517. Shawn Kelly said that during the drive to the hospital that Adryan Powell
8 complained of back pains. Shawn Kelly said he spoke to Adryan Powell
9 continuously. Shawn Kelly said he,

10 *“...talked to him [Adryan] to check his mentation and cognitive skills”*

11 and Shawn Kelly said these were

12 *“...okay.”*

13 518. Shawn Kelly said that Adryan Powell had said,

14 *“...he didn't know who he [the shooter] was.”*

15 Shawn Kelly said that victims could,

16 *“...die on the way to the hospital,”*

17 and that is another reason why paramedics talk to victims on the way.

18 519. Shawn Kelly said he, Shawn Kelly, was not interviewed by the police.

1 520. Asked by Defence counsel if when the ambulance reached the hospital,
2 "...he [Adryan Powell] was till speaking?" and Shawn Kelly replied,

3 "Yes."

4 *Cross Examination by Crown of Ambulance Paramedic Shawn Paul Kelly*

5 521. Shawn Kelly said that Adryan Powell appeared very frightened and his
6 injuries were very serious.

7 *Examination by Defence Counsel of Chantel Forbes Borden*

8 522. Mrs. Borden said she knew Meagan Martinez for about five years. She said
9 she was not sure when she met Meagan Martinez but it was some time in
10 2006.

11 523. Mrs. Borden said that she knew who Raziel Jeffers was and she said that on
12 one occasion, she was in the company of Raziel Jeffers and Meagan
13 Martinez. Mrs. Borden said Meagan Martinez asked her to braid Raziel
14 Jeffers's hair at his mother's house. Mrs. Borden recalled the occasion and
15 she said nothing unusual happened.

16 Mrs. Borden said that whilst with them she was never shown, nor did she
17 ever see any firearms. Asked, "*Did you see Meagan or Raziel with*
18 *firearms?*" Ms. Borden said no.

19 524. Mrs. Borden said she did not know Raziel Jeffers very well an she did not
20 see Raziel Jeffers with a gun on any other occasion.

21

1 *Cross Examination by the Crown of Chantel Forbes Borden*

2 525. Ms. Borden said it was only on that one occasion, when she went to braid
3 Raziel Jeffers's hair that she had ever been to Raziel Jeffers's mother's
4 home.

5 526. Ms. Borden confirmed that she was married to Cleve Borden and that she
6 knew him since December 2006 and had got married to him in March 2010.

7 527. However, Ms. Borden said she did not know her husband's friends because,

8 *"I wasn't a road person."*

9 528. When asked for the surnames of "Justin" and "Jordan" and "Devon" who
10 she confirmed were her husband's friends, Ms. Borden said she could not
11 recall. Ms. Borden was reminded that she knew these persons surnames on
12 the 1st April 2010 when she gave her statement. She said that at the time of
13 giving her statement,

14 *"I had my family helping me..."*

15 and that was why she was able to give the full names of these persons. She
16 said,

17 *"I don't walk and study people name."*

18 529. Mrs. Borden was asked, "*When was it that you went and braided Raziel*
19 *Jeffers's hair?*" and she replied,

20 *"I can't remember the year nor the date."*

1 Asked “*Was it 2008, 2009, 2010, 2011,*” and Mrs. Borden said,

2 *“I can’t remember. I can’t remember which year it was.”*

3 530. Asked “*Is Raziel a close friend of your husband?*” Ms. Borden said,

4 *“Yes.”*

5 531. It was put to Ms. Borden that she knew Raziel Jeffers “*is accused of murder*
6 *and he is your husband’s friend*” and therefore she was forced to come to
7 court and speak on Raziel Jeffers’s behalf, to which Ms. Borden replied,

8 *“No one can make me come here. I didn’t have to come.”*

9 Asked if she would accept that “*your husband Cleve Borden is anxious to*
10 *help Raziel,*” Ms. Borden said,

11 *“You would have to ask Cleve Borden that himself.”*

12 It was then put to Ms. Borden, “*I am suggesting that you were asked to come*
13 *and lie,*” to which she replied,

14 *“I came of my own will.”*

15 532. Asked “*Do you remember the shooting of the 8th July 2009, and that it was*
16 *not long before that that you braided Raziel Jeffers’s hair? For how long did*
17 *he have the braided hair and on that occasion, did he have a gun?*” to which
18 Ms. Borden replied,

19 *“I did not saw (sic) Raziel with any gun.”*

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Re-examination by Defence of Chantel Forbes-Borden

533. Asked, *"Did anybody force you to come here?"* and Ms. Borden replied,

"No."

Examination by the Defence of Andy Myles

534. Mr. Myles said he worked for the Ministry of Sports and has been a sports instructor for over 21 years. He said he is also a football coach and,

"Yes, I know Raziel."

Mr. Myles said he knew Raziel Jeffers's family and he knew Raziel from he was a child.

He said Raziel Jeffers had represented the Cayman Islands in cricket on a tour of Jamaica as part of the under 15 team, and he, Mr. Myles was the coach for that tour. Mr. Myles said he recalled,

"He [Raziel Jeffers] took the loss of the game very hard and he went off and started to cry."

Mr. Myles described the Defendant as

"...quiet and humble."

535. Mr. Myles said the last time he spoke to Raziel Jeffers was in 2005.

Exhibit 11

1

2 536. The Defence also put into evidence a letter dated the 15th November 2011
3 from the HMPS Northward Reception Office to Mr. Peter Polack. This letter
4 confirms that Raziel Jeffers was in prison from the 4th March 2005 and was
5 released from prison on the 6th March 2008. Raziel Jeffers next returned to
6 HMPS Northward on the 4th May 2010.

7 537. The Defence submits that this casts doubt on the evidence of Adryan Powell
8 who claims that he knew the Defendant through his association with football
9 during the years 2007 and 2008.

10 538. Defence also submits that Exhibit 3 – the letter setting out the registered
11 players of the different Cayman clubs – does not have Adryan Powell's
12 name.

Direction on Defendant's Bad Character

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14 539. I have heard that the Defendant has spent time in HMPS Northward as a
15 result of a conviction for GBH (Grievous Bodily Harm).

16 540. The Prosecution may suggest that this evidence is relevant because it is
17 establishes that the Defendant has a propensity for crimes of violence.
18 However, evidence of previous behaviour is only part of the evidence in the
19 case. I must remind myself that its importance should not be exaggerated. I
20 must also remind myself that it does not follow that just because a Defendant
21 behaved in a certain way in the past, he would do so again. I must also
22 remind myself that bad behaviour in the past cannot in any way prove guilt.

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Direction on Defendant's Failure to Give Evidence

541. Section 18(b) of the Evidence Law (2011 Revision) reads:

"The failure of a person charged with an offence to give evidence shall not be made the subject of comment by the prosecution but the Court or jury may draw any reasonable inference from such failure."

542. I must remind myself that the Defendant does not have to give evidence. The Defendant is entitled to sit in the dock and require the prosecution to prove its case. I must not assume that the Defendant is guilty because he has not given evidence. The fact that he has not given evidence proves nothing one or the other. It does nothing to establish his guilt.

543. On the other hand, it means there is no evidence from the Defendant himself to undermine, contradict or explain the evidence put before me by the prosecution.

1 *SUMMARY OF THE DEFENCE CASE*

2 544. The Defendant pleads not guilty. He says he is not the gunman who shot at
3 the males at 9 Bonaventure Road on the 8th July 2009, nor is he the gunman
4 who shot and killed Marcus Ebanks.

5 *Direction on Alibi*

6 545. The Defence is that the Defendant is not one of the gunmen and therefore he
7 was somewhere else. Accordingly, the Defence alleges an alibi. The
8 Defendant says he was not at the scene of the crime when it was committed.
9 As the Prosecution has to prove the Defendant's guilt so that I can be sure of
10 it, the Defendant does not have to prove he was elsewhere at the time,

11 546. On the contrary, the Prosecution must disprove the alibi.

12 *Not a Planned Attack*

13 547. The Defence asks how could the attack have been a planned one, as claimed
14 by the Prosecution, when the purported target of the attack – Jose "Peto"
15 Sanchez – was not living at 9 Bonaventure Road at the time of the shooting;
16 he resided at 9 Daisy Lane.

17 *Inconclusive Finding Relating to the Bullet*

18 548. The Defence also submits that, with a bullet being found on the road outside
19 9 Bonaventure Road, which remains unexplained, all that can be understood
20 is that there was a shooting on the road.

1 Moreover, this is linked to the fact that Allen Greenspan confirmed that he
2 had examined the bullet and found that it may have well come from the same
3 gun in another investigation altogether.

4 *Adryan Powell*

5 549. The Defence submits that Adryan Powell's identification evidence is
6 unreliable. The Defence relies on the case of *Kenneth Evans v. R* [1991] 39
7 WIR and the case of *Aurelio Pop v. R*. 2003 WL 21161224 and submits that
8 the purported identification in those two cases is identical in nature to that
9 asserted by Adryan Powell in this case. The circumstances were the same in
10 that, it was a gun murder, a nighttime identification, an issue of claimed
11 recognition, the witness lying face down whilst purporting to make the
12 identification, and, the identification taking place in a matter of seconds –
13 making it a fleeting glance.

14 Consequently, the Defence submits that Adryan Powell's evidence is not
15 reliable or credible.

16 The Defence also submits that Adryan Powell did not tell the ambulance man
17 who his assailant was.

18 The Defence submits that the Crown relies upon its contention that Adryan
19 Powell was not in a fit condition to give reliable evidence in his first two
20 statements dated the 9th and the 11th July 2009. However, the Defence
21 submits that both Nurse Kerryann Ebanks and the ambulance man Shaun
22 Kelly contradict that evidence and state that Adryan Powell's cognitive
23 abilities were good at a time very close to the shooting.

1 In addition, the Defence questioned the reliability of Adryan Powell's
2 evidence that he knew the Defendant from playing football. The Defence
3 submits that this is called into question by virtue of the fact that Raziel
4 Jeffers was not released from HMPS Northward Prison until the 6th March
5 2008 and further, Adryan Powell's name does not appear on the list of
6 players registered with the football association, which was produced to the
7 Court as Exhibit 3.

8 550. In addition, the Defence highlights the fact that Joseph Hurlston told the
9 Court that they were all drinking and smoking ganja at 9 Bonaventure Road.

10 Defence says this is further supported by the fact that April Manderson told
11 the Court that Adryan Powell told her not to tell his Dad he was present at
12 the yard – the inference being that he did not want his Dad to know that he
13 was drinking and smoking ganja. The Defence raises this because it could
14 well mean that Adryan Powell's ability to see what was happening could
15 have been impaired by the consumption of these substances.

16 551. The Defence submits that if Adryan Powell saw his assailant in the manner
17 he described, and that the mask fell off the assailant's face, wouldn't the
18 assailant then have ensured that Adryan Powell was dead so that Adryan
19 Powell would not be able to identify the assailant? Defence also submits that
20 this is contrary to the impression Adryan Powell gave that he was playing
21 dead.

22 552. The Defence submits that Adryan Powell is lying and suggests that he gave
23 the evidence to escape liability for the "trouble" he and Justin Manderson
24 were in with the police.

1 553. Defence relies upon the fact that the reason Adryan Powell gave for not
2 disclosing the identity of his assailant to the police, namely Raziel Jeffers,
3 until the 15th July 2009, was only after he heard that Marcus Ebanks was
4 dead and Adryan Powell discovered that he, himself, was paralyzed. Defence
5 says that this pours cold water on the Prosecution's argument that before the
6 15th July 2009 Adryan Powell's inability to disclose the identification of his
7 assailant was due to his medical condition.

8 Further, the Defence says that this reason – learning of the death of Marcus
9 Ebanks and his discovery that he would be paralysed – was not recorded
10 anywhere, and only given in a pre-trial interview.

11 The Defence says this all weakens Adryan Powell's evidence and makes it
12 unreliable.

13 ***Meagan Martinez***

14 554. The Defence submits that at no time in her evidence did Ms. Martinez tell the
15 Court that Raziel Jeffers identified Jose Sanchez, Joe Bush and Joseph
16 Hurlston as his enemies.

17 555. The Defence submits that Meagan Martinez's evidence that she was shown a
18 gun in the presence of her cousin, Chantel Forbes-Bprden, and the
19 Defendant, is not true. The Defence relies upon the evidence of Chantel
20 Forbes-Borden who says that she never saw any guns in the presence of
21 Raziel Jeffers and Meagan Martinez.

22 556. The Defence says that Meagan Martinez is lying.

Direction on Previous Inconsistent Statements

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557. Meagan Martinez has admitted that she made a previous statement to the police, which was untrue and inconsistent with the evidence she gave in Court.

558. In her previous statement she told the police that on Wednesday the 8th July 2009 she woke up around 6 a.m. She said Raziel Jeffers woke up and took her to YPP and dropped here there. She then told the police she went to the Butterfly Farm and Boatswain Beach with her class, and at 1:15 p.m. her teacher, Ms. Dawkins, brought her home to get her swimsuit. She said Raziel Jeffers was at home with a man who was tall and had short hair. She said she subsequently left with her teacher and later she went to Newlands to visit a friend and did not get home until around 5 p.m.

559. Meagan Martinez accepted that in her statement of the 13th May 2010 to the police, and in her evidence to this Court she said she got up about 6 a.m. and Raziel Jeffers got up about 9 a.m. and they stayed home during the morning. She said Raziel Jeffers left the home in his white Camry car but she stayed home, and he returned with a man known as Ozzy.

560. Meagan Martinez said that she never mentioned Ozzy because Raziel had told her not to mention him. She was also scared because she described Raziel Jeffers as violent. Meagan Martinez said she was also considering her baby and what would happen if he had to grow up without a father. She therefore said that it was for these reasons she lied to the police.

1 Meagan Martinez for another woman and his family had kicked her out of
2 the house and tried to kidnap their son, Jaziel, from her, and this is why the
3 Defence submits Meagan Martinez fabricated the story that Raziel Jeffers
4 confessed these crimes to her.

5 567. Accordingly, I must consider whether the Defendant did in fact make the
6 confession to Meagan Martinez. If I am not sure that he did I must disregard
7 it. If, however, I am sure that he did make the confession, and that it was
8 true, I may take it into account when considering my verdict.

9 *Cellular Site evidence*

10 568. The Defence says that this evidence is weakened for the following reasons:

- 11 a. It assumes that the Defendant was at all times the user of both phones –
12 927-1751 and 547-6452;
- 13 b. It assumes that the various location points given by Ms. Woods are
14 specific points and not inclusive of other areas, which would cover other
15 areas measured by square miles.
- 16 c. It assumes that the movement of the phones which are ascribed to the
17 accused would be movements that would be unique to the accused. The
18 Defence reminds the Court that Detective Superintendent Walton
19 confirmed that the Defendant's mother also resided in the West Bay area,
20 with the inference being that she could have used the phone.
- 21 d. In addition, Officer Joan Woods did not provide a cell mast analysis of
22 the whereabouts of the telephone numbers attributed to Megan Martinez.

1 The Defence submits that this evidence could refute Meagan Martinez's
2 evidence as to her whereabouts.

3 e. Defence also submits that the movements of the phones, if they are
4 attributable to the Defendant, would indicate that, if Raziel Jeffers is the
5 assailant, why would he move up and down the island at such a leisurely
6 pace, apparently quite unconcerned about detection or enquiries.

7 ***GSR evidence***

8 569. The Defence submits that this evidence is highly suspicious for the following
9 reasons:

10 a. The Defence asks how could GSR particles be found on the Rizla paper
11 and not on the Nokia phone or on any of the other items.

12 b. In addition the Defence submits that such deposits cannot be traced to
13 any one particular incident.

14 c. Additionally it cannot be identified as to when such GSR has been
15 deposited. In this case, the GSR deposits on the Rizla paper were found
16 approximately one year and 5 months after the incident in issue.

17 d. Additionally the Defence says there is a conflict between the evidence of
18 PC Horner and DC Banks, in that, PC Horner said he saw DC Banks
19 search the accused on the night of his arrest, whereas DC Banks
20 categorically denied searching the accused.

21 e. In addition there is the fact that the GSR expert, Mr. Martinez, spoke of
22 secondary transfer, and noted that anything was possible. The Defence

1 575. The Defence reminds the Court that the burden of proof remains on the
2 prosecution, and that an inference from failure to give evidence cannot, on it
3 own, prove guilt. The Defence submits that the jury, or the tribunal of fact,
4 must be satisfied that the prosecution has established the case (sufficiently
5 compelling as to call for and answer) before drawing any inferences from the
6 Defendant's silence.

7 576. The Defence says that there is evidence to show that Raziel Jeffers is not the
8 sort of man who would be associated with this sort of offence, and this
9 evidence is from his former football and cricket coach, Andy Myles.

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1 *THE LAW*

2 577. The Defendant elected to be tried by a Judge alone rather than by a Judge and
3 jury, pursuant to s.129 of the Criminal Procedure Code.

4 578. The Defendant is charged with 1 Count of Murder, 4 Counts of Attempted
5 Murder, and, 1 Count of Possession of an Unlicensed Firearm.

6 579. Regarding Murder, s.181 of the Penal Code Law (2007 Revision) reads:

7 *“Whoever, of malice aforethought express or implied, causes the death of*
8 *another person by an unlawful act is guilty of the offence of murder.”*

9
10 Regarding Malice Aforethought, s.184 of the Penal Code Law reads,

11 *“Malice aforethought, which may be express or implied from the conduct*
12 *of the person charged, shall be deemed to be established by evidence*
13 *proving either of the following circumstances:*

14 (a) *an intention to cause the death of or to do grievous*
15 *bodily harm to any person, whether such person is the*
16 *person actually killed or not; or*

17 (b) *knowledge that the act or omission causing death will*
18 *probably cause the death of or grievous bodily harm to*
19 *some person whether or not such person is the person*
20 *actually killed, although such knowledge is accompanied*
21 *by indifference whether death or grievous bodily harm is*
22 *caused or not, or by a wish that it may not be caused.”*

23
24 580. The offence of murder involves the unlawful killing of another human being.
25 The Crown must prove that the Defendant caused the death of Marcus
26 Ebanks by an unlawful act.

27 581. Regarding Attempted Murder, s.194 of the Penal Code Law (2007 Revision)
28 reads:

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“Whoever:

(a) attempts unlawfully to cause the death of another; or

(b) with intent unlawfully to cause the death of another does any act.....such act or omission being of such a nature as to be likely to endanger human life....”

582. The offence of attempted murder charged in Counts 2,3,4, and 5 requires proof that the Defendant committed an act which was more than merely preparatory to the commission of the offence, with the intention to kill; in Count 2 – Jose “Peto” Sanchez; in Count 3 – Adryan Powell; in Count 4 – Rod Aaron Ebanks; and in Count 5 – Al Martino “Joe” Bush. In relation to attempted murder, the intention which the Crown has to prove on four charges of attempted murder is an intention to kill. In other words, I have to ask myself the question: Did the Defendant intend to kill, Jose “Peto” Sanchez, Adryan Powell, Rod Aaron Ebanks and Al Martino “Joe” Bush, and I must examine each Count separately.

583. I must remind myself of the doctrine of transferred malice. It is well established that if a man by mistake, that is, by bad aim, causes injury to a person other than the person which he intended to attack, he is guilty of a crime of the same degree, as if he had achieved his object. For example, if a man shoots at A with intent to kill him and kills B by mistake, it is murder. The harm done must be of the same kind as the harm intended.

584. As the tribunal of fact I have endeavoured to remind myself of the prominent features of the evidence, both on behalf of the Crown and on behalf of the Defence, because it is my responsibility as the tribunal of fact to judge the evidence and to decide on the relevant facts of this case. Accordingly, I have

1 reviewed the evidence and I have also taken into account the arguments and
2 the speeches of Mr. Andrew Radcliffe Q.C. and of leading counsel for the
3 Defence, Mr. Peter Champagnie.

4 *Direction on Burden of Proof*

5 585. I remind myself that the burden of proof is always on the prosecution. It is
6 for the prosecution to prove that the Defendant is guilty, and further, it is
7 never for the Defendant to have to prove his innocence. I also have to remind
8 myself that the Prosecution must prove the Defendant's guilt to a high
9 standard of proof, namely that I must be satisfied that the Defendant is guilty
10 of the charge of murder and of the four Counts of attempted murder beyond
11 all reasonable doubt or, alternatively, I must be sure that the Defendant is
12 guilty. I must look at each Count separately. If I find that the Prosecution has
13 not made out the case so that I am sure, I must find the Defendant not guilty.

14 586. Accordingly, I must review all the evidence and decide whether the
15 Defendant is guilty of unlawfully causing the death of Marcus Ebanks and of
16 attempting unlawfully to cause the deaths of Jose Sanchez, Adryan Powell,
17 Rod Aaron Ebanks and Al Martino Bush.

18 *Direction on Joint Enterprise*

19 587. Section 19 of the Penal Code Law reads:

20 *"Where two or more persons form a common intention to prosecute an*
21 *unlawful purpose in conjunction with one another, and in the*
22 *prosecution of such purpose, an offence is committed of such a nature*
23 *that its commission was a probable consequence of the prosecution of*
24 *such purpose, each of them is deemed to have committed the offence."*
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1 588. In this case the Crown's case is that Raziel Jeffers with the other shorter man
2 committed this offence together. Where a criminal offence is committed by
3 two or more persons, each of them may play a different part, but if they are
4 in the enterprise together as part of a joint plan or agreement to commit it,
5 they are each guilty.

6 589. The words "plan" and "agreement" do not mean that there has to be any
7 formality about it. An agreement to commit an offence may arise on the spur
8 of the moment. Nothing need be said at all. It can be made with a nod and a
9 wink, or a knowing look. An agreement can be inferred from the behaviour
10 of the parties.

11 590. The essence of joint responsibility for a criminal offence is that each
12 assailant – and, in this case, the evidence is that there are two – the
13 Defendant and one other, not before the Court, shared the intention to
14 commit the offence and took some part in it so as to achieve that aim. If I
15 look at the case against the Defendant, and if I am sure that, with the
16 intention I have mentioned, he committed the offence or took some part in
17 committing it with the other man, then he is guilty. If I am not sure that he
18 committed the offence or that he took some part in committing the offence,
19 then I must find him not guilty. I must consider the evidence in relation to the
20 Defendant on all six counts.

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CONCLUSION

591. It is common ground that on the evening of Wednesday the 8th July 2009 two gunmen came from Bonaventure Road and entered into the yard of #9. At the time Jose "Peto" Sanchez was sitting in grey chair facing the road. Beside him was Joe Bush. Seated on the foundation wall were three young men – Marcus Ebanks, Rod Ebanks and Adryan Powell, with Adryan Powell being the closest to Bonaventure Road.

592. Jose Sanchez and Al Martino "Joe" Bush were the first to see the two men approaching the yard. Jose "Peto" Sanchez and Al Martino "Joe" Bush noticed that the faces of the men approaching the yard were covered, and that the men were hiding something under their shirts.

593. Joe Bush shouted an alarm and both he and Jose Sanchez ran into the house. The three young men – Adryan Powell, Rod Ebanks and Marcus Ebanks were last to see the two gunmen come into the yard at 9 Bonaventure Road.

594. It appears from the evidence that both gunmen opened fire at the men in the yard. Joe Bush and then Jose Sanchez managed to get into the house – although breaking down the door to do so – and thereby avoided being shot by the two gunmen.

595. Rod Ebanks was shot and fell over onto the foundation wall and he immediately pretended he was dead and did not look up or around.

596. Marcus Ebanks was also shot and attempted to run around the back of the house to escape when at least one other shot was fired by one of the gunmen, which hit him. Marcus Ebanks died shortly after that last shot was fired.

1 597. Adryan Powell was shot, and he fell on the ground close to the foundation
2 wall outside the house at 9 Bonaventure Road.

3 598. I am satisfied beyond all reasonable doubt from the evidence of the
4 witnesses at the scene that this was a joint enterprise carried out by both
5 gunmen – with the consequence that each is equally responsible for all that
6 happened that evening.

7 599. I am also satisfied beyond all reasonable doubt, from all the evidence of the
8 witnesses at the scene, that both gunmen opened fire indiscriminately on the
9 five males who were sitting in the yard. The only logical conclusion from
10 firing a gun at someone, is that there is an intention to kill.

11 600. The two gunmen used at least three firearms and fired over ten bullets in the
12 space of a couple of minutes or less. One witness heard 12 shots, another
13 witness heard about 14 shots and said it was “*like two guns firing at one time*
14 – *like one after the next, like bang, bang, bang, bang, bang, bang.*” Marcus
15 Ebanks received three separate gunshot wounds and died at the scene behind
16 9 Bonaventure Road. Rod Ebanks received gunshot wounds to his right index
17 finger, his right hip and to his left leg just below the knee. Adryan Powell
18 received multiple gunshot wounds to the face and torso, the left flank, his
19 right shoulder, right elbow, his back and his knee. Consequently, I am
20 satisfied beyond all reasonable doubt that the two gunmen intended to
21 murder the five males outside 9 Bonaventure Road.

22

23

- 1 601. The essential questions are:
- 2 a. Is Raziel Jeffers guilty of the murder of Marcus Ebanks
- 3 b. Is Raziel Jeffers guilty of the attempted murder of Jose “Peto” Sanchez,
- 4 Adryan Powell, Rod Aaron Ebanks and Al Martino “Joe” Bush.
- 5 602. If Raziel Jeffers is guilty of even one of the first five Counts, he is then
- 6 consequently guilty of Count 6. Conversely, if Raziel Jeffers is not guilty of
- 7 Counts 1 to 5, he could not be guilty of Count 6.
- 8 603. The Defence submits that the Crown’s evidence comes from five sources.
- 9 A. Motive: That is, the factional dispute between those from the
- 10 “Logwood” area, and those from the “Birch Tree Hill” area, and
- 11 the Defendant’s particular enmity towards Jose Sanchez, Joseph
- 12 Hurlston, Joe Bush and their associates.
- 13 B. Identification: That is, the identification of the Defendant by
- 14 Adryan Powell as the lead gunman in this joint enterprise attack.
- 15 C. The Defendant’s confession: That is, the evidence from Meagan
- 16 Martinez that Raziel Jeffers confessed to her of killing Marcus
- 17 Ebanks on or about late March 2010.
- 18 D. Cellular site Evidence: That is, the supporting telephone cellular
- 19 site evidence which tracks the movements of telephones known
- 20 to belong to the Defendant (the Defendant’s movements), and
- 21 which have an uncanny similarity to the description given by

1 Meagan Martinez of the Defendant's movements on the 8th July
2 2009.

3 E. The GSR evidence: That is, the evidence of GSR found on the
4 Rizla packet taken from the Defendant's pocket at the police
5 station at the time of his arrest, which was only hours after the
6 triple shooting at 9 Bonaventure Road.

7 ***Motive***

8 604. Although the Prosecution does not have to prove motive, the Crown submits
9 that there is compelling evidence of motive, which not only goes to the state
10 of mind of the Defendant at the time of the attack, but also compelling
11 evidence that he carried out the killing.

12 605. Mr. Parsons gave evidence that he was in Renee's shop in West Bay when he
13 heard the Defendant tell another person about the need to "*kill off some of*
14 *these Logwood guys.*"

15 606. Although it is plain to the Court and to everyone in the Court that Mr.
16 Parsons was nervous, he remained adamant that that was what he heard the
17 Defendant state in Renee's shop and that this was not a very long time prior
18 to the date of the triple shooting on the 8th July 2009.

19 607. Although Mr. Parsons was rigorously cross examined, he remained
20 consistent and clear, and this Court accepts his evidence as accurate and
21 reliable.

- 1 608. Kendra Powery – the mother of two of the Defendant’s children – did not
2 give any evidence of any specific hostility between the Defendant and Jose
3 Sanchez, but she did state that her relationship with the Defendant came to an
4 end when the Defendant discovered that she had entered into relationship
5 with Jose Sanchez.
- 6 609. Meagan Martinez gave evidence that Jose Sanchez had assaulted her to such
7 an extent that she needed hospital treatment. Whilst committing the assault
8 on Meagan Martinez, Jose Sanchez repeatedly referred to the Defendant and
9 told Meagan Martinez to “*tell your bad man Raz to come and sort this out.*”
- 10 610. Joseph Hurlston, another witness who also initially appeared reluctant to give
11 evidence, told the Court that he was present when the Defendant assaulted
12 Jose Sanchez at Kelly’s Bar, some time in early 2009. Joseph Hurlston said
13 that the Defendant boxed Jose Sanchez in the face and Joseph Hurlston
14 described Jose Sanchez’s mouth as being busted and bleeding. It was put to
15 Joseph Hurlston that he was lying, but he rejected that suggestion and said
16 that he was telling the truth.
- 17 611. Meagan Martinez also gave evidence of the war between the Logwood guys
18 and the Birch Tree Hill guys.
- 19 612. From the evidence before this Court, Jose Sanchez, Joe Bush and Joseph
20 Hurlston were part of the Logwood gang, whilst the Defendant and others
21 were in the Birch Tree Hill gang. Also from the evidence before me there
22 was clearly a very hostile war going on between these two gangs.

1 for remembering Raziel Jeffers? How long was it between the original
2 observation and the identification to the police?

3 617. Adryan Powell was the youngest member of the group of five seated in the
4 yard at #9 Bonaventure Road on the evening of the 8th July 2009, although
5 Marcus Ebanks and Rod Ebanks were closer to Adryan Powell's age than
6 Jose Sanchez and Joe Bush.

7 618. Adryan Powell said he had known Raziel Jeffers for about two years. He said
8 he knew him from playing football, and at one point had been picked to play
9 on the same team. However, because of Adryan Powell's young age, he did
10 not wish to play with men much older than him.

11 619. Adryan Powell said the last time he had seen Raziel Jeffers was a couple of
12 days prior to the shooting. Adryan Powell said that the Defendant had been
13 by his house looking for his cousin. Adryan Powell clearly knew the
14 Defendant and what he looked like a few days before the shooting attack
15 occurred in the yard at 9 Bonaventure Road.

16 620. Adryan Powell described that he was sitting on the wall with Rod and
17 Marcus – with Marcus being the closest to Joe Bush and Jose "Peto"
18 Sanchez, whilst he, Adryan Powell, was closest to the road. Adryan Powell
19 said he could see daylight at the time of the shooting, and described the
20 ambient light as being somewhere between pitch black and broad daylight.

21 621. There is evidence that sunset occurred at 7:12 p.m., and, in addition to the
22 fading daylight, there was a light on the corner of the house, which would
23 have covered the area in which the five males were sitting.

- 1 622. Adryan Powell said that when he saw the men come up and start shooting he
2 began to run towards the bush and then was shot in the side, in the shoulder
3 and on the face, and fell to the ground on to his stomach.
- 4 623. Adryan Powell said that he saw the gunman with long braids hanging out
5 below his head covering, run past him, and Adryan Powell saw that the
6 gunman had two shirts – one on top of his head and the other around his face
7 in a mask.
- 8 624. Adryan Powell said that he thought, by the man's movements, that he looked
9 like Raziel Jeffers but he could not be sure. However the gunman turned
10 around and the shirt covering the gunman's face fell down. Adryan Powell
11 said he looked up at the gunman, and the gunman looked down at him. That
12 whole part of the incident lasted for approximately four seconds. Adryan
13 Powell told the Court that the face he saw was that of Raziel Jeffers. He said
14 there was nothing between him and Raziel Jeffers was about 5 to 6 feet away
15 from him.
- 16 625. Adryan Powell denied the suggestion that he was lying about seeing Raziel
17 Jeffers as the gunman. Adryan Powel told the Court that he was one hundred
18 percent sure it was Raziel Jeffers.
- 19 626. Adryan Powell described the gun that Raziel Jeffers had in his hand as a
20 black gun. Adryan Powell did not see the second gunman after the shooting
21 started.

1 627. Adryan Powell accepted that he did not tell the police that it was Raziel
2 Jeffers until after he had discovered that Marcus Ebanks had been killed, and
3 that he, himself, would be paralysed for the rest of his life.

4 628. Adryan Powell said, initially, just after the shooting, when he was still in the
5 Cayman Islands, he was too scared to tell the police that he had seen one of
6 the gunmen because he did not know whether Raziel Jeffers would have been
7 able to get him again and “*finish him off.*” Adryan Powell had been the
8 victim of a terrifying gun attack and, as a young 14 year old boy, I can
9 understand that he must have been frightened about telling the police of his
10 ordeal. I also don’t overlook the very serious injuries he received, and the
11 considerable amount of medication he was taking for his gunshot wounds.
12 However, once Adryan Powell realized that Marcus had died as a result of
13 the shooting and that he, himself, was paralysed as a result of the shooting,
14 he decided to come forward and say what he had to say to the police.

15 629. Adryan Powell told the police, six days after the shooting, that he saw the
16 first gunman. At this interview Adryan Powell was not on so much
17 medication and was consequently much more alert. He told the police it was
18 Raziel Jeffers and he described to Detective Supt. Walton exactly how the
19 shirt covering the face of the gunman fell down, revealing that it was Raziel
20 Jeffers. I also take into account that Adryan Powell knew Raziel Jeffers, so it
21 was a case of recognition.

22 630. Although Adryan Powell’s view of Raziel Jeffers’s face was not for a long
23 period of time, I find that his evidence was both clear and consistent. I accept
24 the Crown’s contention that this was no ordinary fleeting glance, but that

1 there was an opportunity for Adryan Powell to have observed his assailant
2 from a short distance of five to six feet away, and with nothing impeding his
3 view and for a period of about four (4) seconds.

4 631. By this time, Rod Ebanks had also sustained gunshot wounds. He had fallen
5 on the concrete foundation and was pretending to be dead. Jose Sanchez and
6 Joe Bush had run inside the house, and, Marcus Ebanks was trying to get
7 away and heading around the house at 9 Bonaventure Road.

8 632. Shortly after the gunmen had fired their last shot and made their escape,
9 Adryan Powell called out to Rod Ebanks "*you know who those guys were.*"
10 My interpretation of his words, based on his evidence and the evidence of
11 Rod Ebanks, was that he knew who one of the gunmen was, but he wanted to
12 see if Rod Ebanks had seen what he had seen. This interpretation, in my
13 view, is supported by the evidence of Rod Ebanks.

14 633. I am mindful of the special need for caution with visual identification
15 evidence.

16 634. I can understand why a young boy of 14 years of age might be reluctant to
17 identify the gunman who had recently come into the yard and fired
18 indiscriminately at all five males. This was a ruthless and violent attack and
19 anybody who had witnessed it, let alone suffered multiple gunshot wounds,
20 might naturally be terrified to identify the perpetrators.

21 635. After a careful review of the evidence, and bearing in mind all the
22 circumstances surrounding this incident, and having watched and listened to
23 Adryan Powell's evidence, I am satisfied that he is a truthful witness. I am

1 satisfied that his evidence is accurate and therefore, reliable. I am
2 consequently satisfied on Adryan Powell give his evidence that the
3 Defendant, Raziel Jeffers, was the lead gunman in this shooting attack on the
4 males in the yard at 9 Bonaventure Road.

5 *Evidence of Meagan Martinez Regarding the 8th July 2009 and the*
6 *Defendant's Confession*

7
8 636. Meagan Martinez's evidence is that on the 8th July 2009 she and the
9 Defendant stayed at Nickel Lane where they had been living for some weeks.
10 They were there with their baby, Jaziel until, during the course of that
11 afternoon the Defendant left the house and returned in an about an hour with
12 a man called Ozzy.

13 637. Meagan Martinez told the Court that she told the Defendant that she did not
14 want Ozzy anywhere around her or the house, and particularly did not want
15 Ozzy to be anywhere near her child. The two men then went outside.

16 638. After the Defendant had his conversation with Ozzy, he told Meagan
17 Martinez that they were going to do some "fishing." Meagan Martinez knew,
18 from the Defendant's previous use of the word "fishing", that the Defendant
19 meant hunting for his enemies.

20 639. Meagan Martinez had told the Court that she had seen the Defendant with a
21 number of weapons. She said the Defendant had shown her a .44 revolver,
22 which he called "Grumps" because it was grumpy.

23 640. Meagan Martinez told the Court that she had seen this. She said it had a hard
24 black handle and she didn't see any bullets. She said this incident happened

1 at the Defendant's mother's house in West Bay. She also said that her cousin,
2 Chantel Forbes Borden was present at that time as she was braiding the
3 Defendant's hair.

4 641. Chantel Forbes Borden said that she did remember on one occasion braiding
5 the Defendant's hair, but at no time did she see any guns.

6 642. Meagan Martinez was never specifically asked whether Chantel Forbes
7 Borden had seen the .44 when she came to braid the Defendant's hair.

8 643. However, I find Meagan Martinez's account to be clear and consistent, and I
9 accept the Crown's submission that it would show an extraordinary degree of
10 imagination for Meagan Martinez to have invented such detail regarding the
11 .44 revolver and the nickname the Defendant gave it.

12 644. Meagan Martinez told the Court that she had seen a .38 gun when she was at
13 134 Fairbanks Road, which the Defendant kept in the broken armrest of a
14 chair.

15 645. Meagan Martinez also recalls a .22 handgun which she said she had seen
16 Raziel Jeffers deliver to a man called Joshua on Bankers Road.

17 646. Meagan Martinez also recalls an AK47 rifle which she was told was faulty,
18 in so far as it could only fire twice and it injured your hand when you used it.

19 647. In relation to firearms Meagan Martinez, lastly, told the Court that the
20 Defendant had told her about a 9mm handgun, and also that Ozzy had a stash
21 of weapons.

1 thought Marcus Ebanks was Peto, and, accordingly, that is why he shot him.
2 The Defendant told her that he did not realize that he had shot Marcus
3 Ebanks and not Jose Sanchez, until he heard the news the following day.
4 Meagan Martinez told the Court, both in examination in chief, and in cross
5 examination, that the Defendant expressed sorrow and regret that he had shot
6 Marcus Ebanks when he had meant to shoot Peto. Meagan Martinez told the
7 Court that the Defendant had told her that he was not sure which bullets hit
8 Rod Ebanks, as there were a lot of bullets flying. However, the Defendant
9 told her that he shot Marcus Ebanks and he felt really bad about it. Meagan
10 Martinez recalled asking the Defendant why he wanted to harm Peto, to
11 which the Defendant replied "*you have to kill before you are killed.*"

12 654. Meagan Martinez gave this same evidence in examination in chief and in
13 cross examination. However, at the close of her cross examination she, in
14 two answers, agreed with suggestions from counsel for the Defence, that
15 Raziel Jeffers had not made a confession, and that Raziel Jeffers had not
16 shown her guns. However, immediately after agreeing to these two
17 suggestions, to which she could either agree or disagree, Meagan Martinez
18 told the Court in re-examination about the Defendant's confession to her, and
19 repeated the fact that the Defendant had confessed to her and that he did not
20 mean for Marcus Ebanks to die – it was an accident, because he thought it
21 was Peto. Meagan Martinez also re-stated in her re-examination that, from
22 what the Defendant told her, she knew that he had killed Marcus Ebanks.
23 Furthermore, she also said in re-examination that Raziel Jeffers had shown
24 her the guns.

1 655. Her final evidence in re-examination regarding the Defendant's confession to
2 her, and his knowledge and possession of various unlicensed firearms, is
3 consistent with her prior detailed evidence, both in examination in chief, and
4 in cross examination. I am therefore satisfied that her evidence in re-
5 examination regarding the Defendant's confession and his possession of
6 various firearms removes any confusion and any uncertainty caused by her
7 answers to Defence counsel's suggestions at the close of the cross
8 examination. Accordingly I am satisfied, from the whole of Ms. Martinez's
9 evidence, that Raziel Jeffers confessed the murder of Marcus Ebanks, to her.

10 656. Ms. Martinez knew Raziel Jeffers very well and knew his lifestyle. She
11 described the whispering and the one-sidedness, when he would go to
12 Scranton, and she said that deep inside she had some feeling some
13 wrongdoing. Ms. Martinez said,

14 *"...no one controls Raziel..."*

15 657. Ms. Martinez told the Court that she had initially lied to the police and not
16 told about Ozzy because her guardian and baby father, Raziel Jeffers, had
17 instructed her not to do so. She described Raziel as violent and she was
18 clearly scared of him and his associates.

19 She said in testimony, *"What more was I to do? I know people who have*
20 *been shot dead and fed to the fish for speaking to the police."*

21 658. In relation to the guns Ms. Martinez told the Court that the majority of guns
22 to which Raziel Jeffers had access were held in Scranton. Her description of
23 the different guns, included the .44 with the nickname "grumpy", the .38 in

1 the armrest in Fairbanks, and even the AK rifle which could only shoot two
2 bullets, and when you shot it, it would cut your hands, is compelling.

3 659. This is all very detailed evidence which, in my view, is not from her
4 imagination nor said out of malice. In fact, I take on board her initial
5 reluctance to tell the police about the confession. I entirely reject the belated
6 suggestion from Defence counsel that Meagan Martinez was forced by the
7 police to give the "confession" witness statement. There is no evidence to
8 support that her statement was given under duress. There is also no evidence
9 that the police exhibited bias in their investigation. She explained to the
10 Court that Raziel Jeffers was the father of her child and her legal guardian.
11 She also said

12 *"I have no parents. Raziel and his people"*

13 were the only help she had to raise Jaziel.

14 660. The confession she described in examination in chief, cross examination and
15 re-examination demonstrates intimate details of what happened on the 8th
16 July 2009, and the fact that Raziel Jeffers did not realize, until he heard the
17 news the following day, that he had killed Marcus Ebanks instead of Jose
18 Sanchez. Ms. Martinez's initial reluctance to tell the police is as a result of
19 her concern for her baby and for the father of her baby. I find this to be very
20 plausible evidence.

21 661. Ms. Martinez recalled that when she went home one evening to Fairbanks
22 Road to find the lock had been changed and her clothes were put in garbage
23 bags outside, with no clothes for her child, Jaziel. She explained that, at that

1 time, she became tired of being beaten up, and, with her bags being outside,
2 with no clothes for her baby, and the thought that Raziel's family was trying
3 to kidnap her child, all this led her to give her "confession" statement of the
4 13th May 2010 to the police.

5 662. In light of the detailed nature of Meagan Martinez's evidence and, in light of
6 the consistency of her account in examination in chief, in cross examination,
7 and, in re-examination, I find her to be a witness of truth and I find her
8 evidence to be accurate and reliable. I find, beyond all reasonable doubt, that
9 the Defendant did confess to killing Marcus Ebanks and therefore of being
10 the first gunman who entered into the yard at 9 Bonaventure Road on the 8th
11 July 2009 and started shooting. I have no doubt that Raziel Jeffers made the
12 confession to Meagan Martinez, and I find her evidence to be true.

13 ***Cellular Site Evidence***

14 663. I find the cellular site evidence given by Ms. Woods is supportive of the
15 evidence of Meagan Martinez in relation to her account of the Defendant's
16 movements on the 8th July 2009.

17 a. Call #47 at 17:55 hrs. shows the Defendant (the Defendant's phone)
18 travelling south towards George Town with Ozzy on the way to Scranton
19 where Ozzy kept his stash of guns;

20 b. Call #49 at 18:08 hrs has the Defendant (the Defendant's phone) in
21 George Town, between Masts that include the Scranton area;

22 c. Calls #51 to #57, between 18:10 hrs. and 18:20 hrs. show that both of the
23 Defendant's cellular phones in that same area, which includes Scranton;

- 1 d. Call #58 at 18:52 hrs, shows the phone moving up to West Bay, after the
2 guns had been collected in Scranton;
- 3 e. Calls #59 to #61, between 18:57:14 hrs and 19:07:11 hrs, show the
4 Defendant's LIME phone in the vicinity of Town Hall Road and
5 Watercourse Road in West Bay on the way to 9 Bonaventure Road;
- 6 f. Call #62 at 18:57 hrs to 19:07 hrs has the Defendant's phone in the
7 Bonaventure Road area;
- 8 g. There is no phone traffic from 19:21 hrs until 20:01 hrs. This is a gap of
9 40 minutes, during which the attack on 9 Bonaventure Road took place
10 and Marcus Ebanks was murdered.
- 11 h. Call #63 at 20:01 hrs shows Raziel Jeffers's phone halfway back to
12 George Town away from 9 Bonaventure Road and away from the West
13 Bay area;
- 14 i. Ms. Woods's evidence shows that the two phones belonging to the
15 Defendant moved from being at Bonaventure Road up to Bodden Town,
16 which coincides with the Defendant leaving Bonaventure Road and
17 moving away from the scene of the murder;

18 ***GSR Evidence***

- 19 664. There were two particles of GSR both containing Lead Barium and
20 Antimony, commonly known as GSR.
- 21 665. From my review of the evidence there is no serious suggestion that this
22 evidence is compromised. What it does show is that the Rizla package has

1 been in contact with a hand which has been close to a discharged weapon.
2 The Crown's suggestion is that the only logical explanation for the presence
3 of GSR is that, at some point after firing the guns in the attack at 9
4 Bonaventure Road, Raziel Jeffers must have placed his hand in the pocket
5 containing the Rizla packet.

6 666. It is noteworthy that the Nokia 611 cellular phone for 547-6452 had been
7 used 14 times between the time of the murder and the Defendant's arrest.
8 However, the absence of GSR on the phone does not, in my view, weaken
9 the Crown's submission in relation to the Defendant's contact with GSR.

10 667. The Police officers were particularly careful to ensure they did not touch the
11 Defendant's hands and I would accept that the opportunity for cross
12 contamination, based on the evidence before me, is minimal.

13 668. In conclusion I accept the evidence of Adryan Powell. I find him to be a
14 clear, honest and reliable witness.

15 669. I accept the evidence of Meagan Martinez, who I find to be a forthright
16 witness, who, though she initially lied to protect the Defendant, acted as
17 promptly as she could – within the context of the circumstances facing her –
18 after hearing his confession, by telling the police about the confession. From
19 that point on, Meagan Martinez's evidence has been consistent and
20 unequivocal. I find her details of the different guns, compelling. Raziel
21 Jeffers told her that he had intended to kill José Sanchez, but had killed
22 Marcus Ebanks by mistake. Raziel Jeffers confessed to her because he felt
23 badly about killing young Marcus Ebanks by mistake, and he never expected

1 Ms. Martinez to go to the police and tell them. I accept her evidence as true,
2 accurate and reliable.

3 670. I have been very impressed by both young Adryan Powell and Meagan
4 Martinez, who have had the courage to come forward and tell the police the
5 truth of this ruthless and brutal shooting attack on the young men in the yard
6 at 9 Bonaventure Road, resulting in the death of Marcus Ebanks.

7 671. For all the aforesaid reasons I am satisfied beyond all reasonable doubt that
8 the Defendant was the lead gunman who carried out this joint attack, which
9 resulted in the murder of Marcus Ebanks. I accept the Crown's submission
10 that on all the evidence before me Raziel Jeffers had the motive, the means
11 and opportunity to commit all six crimes, and that the evidence establishes
12 that he did.

13 672. I find that the two principal elements of the Crown's case, namely the
14 identification and the confession are each sufficient to prove the charges
15 against the Defendant, Raziel Jeffers. The identification and the confession
16 are also independently supported by the evidence of motive, the movement
17 of the two telephone attributable to the Defendant at the material time, and
18 the GSR, which, when all taken together, are very damning of the Defendant.

19 673. Accordingly, I find the Defendant guilty of the murder of Marcus Ebanks.

20 674. I find the Defendant guilty of the attempted murder José "Peto" Sanchez.

21 675. I find the Defendant guilty of the attempted murder of Adryan Powell.

22 676. I find the Defendant guilty of the attempted murder of Rod Aaron Ebanks

1 677. I find the Defendant guilty of the attempted murder of Al Martino "Joe"
2 Bush.

3 678. I find the Defendant guilty of the possession of an unlicensed firearm.

4 679. I would just like to say: Another young man is dead in the Cayman Islands,
5 having been gunned down and murdered senselessly. And also, a young man
6 is paralysed for life – again as a result of the illegal use of firearms. Now, a
7 young man faces a life sentence - because of his involvement with the illegal
8 possession, and use, of guns. I implore young people, and all persons in
9 possession of firearms, to hand them over to the authorities. If you have
10 information regarding firearms, give it to the police. The future safety of the
11 Cayman Islands depends on it. Innocent lives have been lost.

12

13 **Dated this the 23rd day of February 2012**

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18 **Honourable Mr. Justice Charles Quin**
19 **Judge of the Grand Court**