

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

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4 **INDICTMENT NO: 0010/2012**

5
6 **THE QUEEN**

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8 **V**

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10 **BIANCA NANETTE VEGA**

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13 **Appearances:**

**Ms. Elisabeth Lees on behalf of the DPP for
the Crown**

**Ms. Lucy Organ of Samson and McGrath
for the Defendant**

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19 **Before:**

**Honourable Mr. Justice Michael Mettyear
(Actg.)**

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21 **Heard:**

2nd July 2013



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24 **Preamble**

25 *Immediately prior to the start of this trial Miss Organ, counsel for the defendant,*
26 *submitted that there should be further prosecution disclosure. She asked that I*
27 *order the prosecution to disclose contemporaneous notes made by Miss Lees,*
28 *counsel for the prosecution, of pre-trial interviews with the two main prosecution*
29 *witnesses. I refused the application and indicated that I would give my reasons*
30 *later. These are my reasons.*

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32 **DISCLOSURE RULING**
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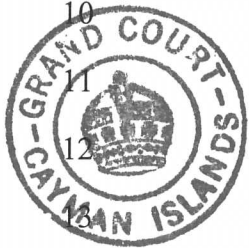
- 34 1. The single count indictment relates to an incident which occurred on the 18th
35 December 2011. An argument took place between the victim and the defendant
36 which ended when the victim was stabbed. The defendant admits the stabbing but
37 claims that it happened in self-defence.

1 2. The pre-trial interviews took place in April and June of this year. Miss Lees sent
2 “summaries” of what emerged in those interviews to Miss Organ. She used the
3 contemporaneous note to help her compile the summaries.

4 3. The use of pre-trial interviews in this jurisdiction was considered and approved by
5 Henderson J. in *R v. Ezekiel Carter and Osbourne Douglas* Indictment 48 of 2004.

6 4. Miss Lees has explained to the Court her approach to what appears in such
7 summaries. She is aware of her duty to disclose anything which might assist the
8 defence or undermine the prosecution case. Any information that might do either of
9 these things, which emerges from the pre-trial interviews goes into the summaries.

10 However, she states that she goes further and includes any additional information
11 given by an interviewed person or any information which differs from that
12 previously given. That, she states, happened in the two summaries which are the
13 subject of this application. There is no reason to doubt her word and Miss Organ
14 has not sought to do so.



15 5. Miss Lees states that there is nothing in the notes that could possibly assist Miss
16 Organ, but she nevertheless objects, in principle, to disclosure as she has done all
17 that she is obliged to do and is anxious not to set an unnecessary and unjustified
18 precedent. Miss Lees has offered to let me see the notes and make up my own mind
19 about them. I have not found it necessary to do so.

20 6. Miss Organ states that she wishes to see exactly what was said and in what manner
21 and context. She submits that what may seem irrelevant to Miss Lees may not be so
22 for her. In making this submission she appears to have been under the impression
23 that verbatim notes were taken. Miss Lees has assured the Court that this is not the
24 case.

1 7. In my judgement no special rules attach to the documentation which is under
2 consideration. Miss Lees has applied the normal considerations and there is no
3 reason to make any further order for disclosure. There may be particular cases
4 where such notes do become disclosable under the normal application of the stated
5 principles, but this is not such a case.

6 8. I have kept this decision under review throughout the case and, had anything
7 occurred at any stage that caused me to reconsider, I would have called for further
8 argument. In fact, as the case has progressed, I have become more convinced that
9 nothing in what has been sought could possibly help with the central issues in the
10 case.

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13 **Dated this the 12th day of July 2013**



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A handwritten signature in cursive script, appearing to read "Michael Mettyear".

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19 **Honourable Mr. Justice Michael Mettyear (Actg.)**
20 **Judge of the Grand Court**