

CAYMAN ISLANDS



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PRACTICE DIRECTION NO. 7 OF 2014

**(REMAND PROCEEDINGS BY WAY OF TELECONFERENCE)
CRIMINAL PROCEDURE CODE (AMENDMENT) LAW, 2014**



PRACTICE DIRECTION NO. 7 OF 2014

(Remand Proceedings by way of teleconference)

Criminal Procedure Code (Amendment) Law, 2014

1. Where the Court directs that remand proceedings be conducted by teleconference in accordance with section 60 of the Criminal Procedure Code (2013 Revision) as amended ("CPC"), an accused person confined in prison will appear before the court by live television link from Her Majesty's Prisons ("HMP") whether or not also represented by counsel present in court.

Scheduled Hearings

2. Where the Court makes a direction in accordance with section 60 of the CPC, hearings by teleconference will be scheduled on Tuesdays and Fridays, or on any other day that Criminal Mention Hearings are fixed.
3. Teleconference hearings between the Court and HMP will commence at 12 noon, or at any other time fixed by the presiding Magistrate and communicated to the parties in advance.
4. The time allotted for the appearance of each defendant on a remand hearing will be no more than 15 minutes unless the Court otherwise directs.

Unscheduled Hearings

5. Where it becomes apparent that an Unscheduled hearing by teleconference would be the most appropriate way to proceed, the Director of Prisons or Defence Counsel may request that the Court so directs.
6. A request for an Unscheduled hearing must be made to the "designated court officer" (that is, the person identified for that purpose by the Court Administrator or Clerk of

Court. The designated officer (to be identified in Court Lists published weekly and available at www.judicial.ky) will seek the appropriate direction of the Chief Magistrate.

7. Where the Court so directs, the designated court officer will inform or direct that all persons concerned are informed of the date and time fixed for the hearing, and will ensure that arrangements are made for the hearing; including co-ordination with the Director of Prisons.

Service of Documents

8. If during the course of a teleconference hearing it becomes necessary or appropriate to serve documents (such as prosecution evidentiary or disclosure material) on a defendant who is confined at HMP, the documents may be served on Defence Counsel representing the defendant in court and Defence Counsel will be responsible for the delivery of the documents to the defendant at HMP unless the court is persuaded to otherwise direct.
9. Where the defendant is unrepresented, Crown Counsel will be responsible for the delivery of the documents to the defendant at HMP unless the court is persuaded to otherwise direct.

Pre-Court Conferences

10. Where a hearing has been scheduled in accordance with section 60 of the CPC, the Court will facilitate one half-hour private Pre-Court Conference by television link between Defence Counsel and the respective defendants detained at HMP.
11. Such a Pre-Court Conference shall be attended by Defence Counsel and by the assigned social worker or probation officer (if Defence Counsel so indicates in advance on behalf of the defendant) and no other person will be permitted to attend unless the Court so directs.
12. Pre-Court Conferences may be scheduled on Mondays, Wednesdays or Thursdays between the hours of 2.00 pm and 4.00 pm by contacting the designated officer who will allot the respective times for use of the court television link facilities. Requests for links for Pre –Court Conferences must be made at least 24 hours in advance to allow notification by the courts to HMP to ensure that the defendant will be produced at the other end of the link at HMP at the time arranged.
13. If for any reason it is not possible for the Court to facilitate a Pre-Court Conference, Defence Counsel will nonetheless remain responsible for taking such instructions from

defendants as may be necessary for their representation at the scheduled remand hearing.

Co-ordination with HMP: Scheduled hearings and Pre-Court Conferences

14. By no later than 2:00 pm on the day prior to any Scheduled hearing or any Pre-Court Conference, the Courts will notify the Director of Prisons by email or fax of the name(s) of the defendant(s) who will appear by television link and of the time allotted for the appearance of each defendant, and the Director of Prisons will be responsible for ensuring the production of the defendant for the appearance at HMP at the appointed time. These email (or fax) notices will be copied to the respective Defence Counsel and to the Office of the Director of Public Prosecutions.
15. By no later than 9:30 am on the morning of any hearing (or in the case of a Pre-Court Conference, at least half hour before the appointed time) the Director of Prisons will be responsible for notifying the designated officer of any anticipated difficulty with ensuring the appearance of a defendant for the time appointed for his or her appearance.
16. By no later than 9:45 am, the court will be notified of any such difficulty to allow for the making of any alternative directions as may be appropriate in the circumstances.

Dated this 30th day of April 2014

The Hon. Anthony Smellie, Q.C.
Chief Justice