

Cayman Brac residents back on jury list

By **Andrel Harris** - October 2, 2023



Cayman Brac residents are now being allowed to sit as jurors for trials on Grand Cayman, following on from when Elvis McKeever had his case thrown out when it came to light that judicial staff were consistently removing people from jury pools because they lived in the Sister Islands.

McKeever, 65, a former political hopeful for Cayman Brac, was due to stand trial in February this year on a charge of transmitting a dangerous communication and another of misuse of an information communications technology network to defraud, abuse, threaten or harass.

However, before the trial could begin, McKeever's attorney, Prathna Bodden, argued that the jury was not made up of the defendant's peers because none of the seven jurors were residents of Cayman Brac.

At the time, it was discovered that residents from Cayman Brac and Little Cayman were being **struck off at the initial selection process** as a cost-saving measure which did not amount to a legal basis for their exclusion.

It's not clear when Judicial Administration changed its stance and began allowing Cayman Brac residents to begin serving on jury trials. However, on Tuesday, 12 Sept., the proceedings of a rape trial ended an hour early to allow two jurors from Cayman Brac enough time to get to the airport to catch the evening flight home.

Since then, other Cayman Brac residents have been selected to serve on another trial, a clear indication that people from the Sister Islands may now be permanently included on the list going forward.

It is unclear, however, how the additional expense of flying jurors over from the Brac for possibly weeks on end for a long trial will affect the Judicial Administration budget.

A jury of one's peers

The process for creating a jury in Cayman is governed by the Judicature Act, which sets out criteria for how jury pools are to be formulated and governed.

The over-riding list from which all potential jurors are selected is the electoral roll, which comprises all persons who are eligible to cast a vote in a general election.

However, the law states that persons aged 70 and over are restricted from serving on juries.

Also included in the exemptions listed in Section 8 are the governor, deputy governor, MPs, judges, magistrates, medical practitioners, constables and litigation attorneys, among others.

The law requires that on or before 1 Oct., each year, a court bailiff create an alphabetical list with the names and addresses of all persons who are eligible to serve.

The bailiff can also be fined \$20 for every person who is eligible to serve, but is excluded from the list by way of error.

Once the master list has been created, four smaller lists are then drafted to accommodate the four jury sessions for each year. A jury session typically lasts three months, with each session's list comprising 72 to 124 names.

These smaller lists are what make up the jury pool, from which trial juries are selected.

One court, multiple bodies

To the layman, Judicial Administration is a single body, with the ultimate power residing with the judges and, by and large, this is true.

However, the more subtle reality is that Judicial Administration is a complicated network of departments and tribunals that complement each other and collectively provide a means for justice to be dispensed, and law and order upheld.

Within the administration, support staff create the jury pool as outlined above, and also maintain the lists.

Judges have no say in the process – even when they know that the jury pool has not been truly randomly selected, as was demonstrated during the trial of Elvis McKeever.

Once a jury has been selected from the pool, the jurors are sworn in and placed under the guidance of the judge, where they are then outside the reach of the judicial support staff.

During the trial, the judge provides the jury with an interpretation of the law, when and where applicable, and at the end of the trial the jury is directed by the judge on what matters they should take into consideration, by summing up the cases of the prosecution and defence.

Once the jury has returned a verdict, the jurors are either released from duty and removed from the jury pool, or they are returned to the pool where they are again placed under the oversight of the court's administrative staff until they are selected for another jury or the session comes to an end.
