

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

4 INDICTMENT NO: 10/2019
5

6 THE QUEEN
7

8 v.
9

10 DANIEL EZRA MEEKS
11
12
13



14 **Appearances:**

Mrs. Candia James-Malcolm for the Crown

Mrs. Margeta Facey-Clarke for the Defendant

17 **Before:**

Dame Linda Dobbs (Acting Judge)

18 **Judge Alone trial:**

10th – 13th December 2019

20 **Delivery of Decision:**

11th February 2020
21
22

23 **HEADNOTE**

24 *Criminal Law – Misconduct in Public Office – Trial by Judge Alone –*
25 *Misconduct in Public Office - Abuse of public trust.*
26

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28 **VERDICT JUDGMENT**
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1 **INTRODUCTION**

2 1. The Defendant, Daniel Meeks, is indicted on a single count of Misconduct in a Public
3 Office contrary to Common Law. The particulars of offence are:

4 “Daniel Ezra Meeks, between the 9th day of November 2017 and the 28th day of
5 November 2017, within the jurisdiction of the Cayman Islands, being a public
6 officer, namely a Police Constable of the Royal Cayman Islands Police Service,
7 without reasonable justification and excuse wilfully misconducted himself in office
8 to such a degree as to amount to an abuse of the public’s trust, by using his
9 position as a police constable to convince Vernice Johnson¹ to execute a transfer of
10 land belonging to her into his name, and subsequently registered that land to his
11 name.”

12 2. The Defendant has pleaded “Not Guilty”. He elected trial by a judge sitting alone. The
13 case commenced on Tuesday 10th December 2019 and concluded on Friday 13th
14 December. I reserved judgment.

15 **THE LAW**

16 **TRIAL BY JUDGE ALONE:**

17 3. Sitting as a judge alone I need to direct myself both as to the law and approach. I must
18 advise myself on the applicable principles of law, give myself the appropriate warnings
19 as necessary and state clearly the reasons for my findings. I bear in mind the guidance
20 given by Rowe, J. in *Richards v. R*² as follows:

21

¹ The Complainant: Ms. Vernice Maria Johnson Carter

² 2001 CILR 496



1 *"When a trial judge sitting alone has advised himself to the applicable principles*
2 *of law and given himself any necessary warning, he must indicate clearly in his*
3 *judgement his reasons for acting as he did, in order to demonstrate that he has*
4 *acted with the requisite degree of caution in mind and he has therefore heeded his*
5 *own warning. No specific form of words is necessary for this demonstration, what*
6 *is necessary is that the judge's mind upon the matter should be clearly revealed."*

7
8 4. I note and apply the guidelines set out by the Cayman Islands Court of Appeal (CICA)
9 in *R. v. Dave Kennedy Whittaker*³ and in *Randy Martin*⁴ v. *R. In Whittaker*, the Court
10 adopted the words of Lord Lowry LCJ in *R v. Thompson*⁵ where at page 83 he said:

11 *"While on the subject I might say a word on the duty of the judge when giving*
12 *judgement in a trial under the 1973 Act. He has no jury to charge and therefore*
13 *will not err if he does not state every legal proposition and review every fact and*
14 *argument on either side. His duty is not as in a jury trial to instruct laymen as to*
15 *every relevant aspect of the law or to give a full and balanced picture of the facts*
16 *for decision by others. His task is to reach conclusions and to give reasons to*
17 *support his view and, preferably, to notice any difficult or unusual points of law in*
18 *order that if there is an appeal, it may be seen how his view of the law informed his*
19 *approach to the facts."*

20
21 5. In *Martin* case the Court adopted the reasoning of Lowry LCJ in *R. v. Thain*⁶:

22 *"From these cases the following guideline may be discerned. The judge sitting in a*
23 *criminal case without a jury, in rendering his decision and giving his reasons for*
24 *so concluding, is not required to review every fact and to detail each argument on*
25 *which the prosecution and defence rely as if he were summing up to a jury. The*
26 *judge must set out the conclusion reached and make clear the reasons for arriving*
27 *at that conclusion. He is required to have regard to any difficult or unusual points*
28 *of law and to show how those points of law have in any way impacted the*
29 *conclusion that he has reached."*

30

3 Cr App No 14 of 2006

4 CICA Crim. Appeal No. 2/2010 (Ind. 27/2009)

5 1977 NI 74

6 [1985] NI 457



1 6. By way of summary, the task is to make findings, giving reasons in support of such
2 findings. It is not necessary to review every fact in the case or to set out the detailed
3 arguments as would be appropriate in a jury trial.

4 **INGREDIENTS OF THE OFFENCE**

5 7. Misconduct in Public Office is a common law offence. The elements of the offence are
6 set out in *Attorney-General's Reference No. 3 of 2003 2004*⁷:

7 8. The Crown must satisfy the Court so that it is sure of the following:

8 a. That the Defendant wilfully misconducted himself; that is to say, deliberately did
9 something which was wrong, knowing it to be wrong or with reckless indifference
10 as to whether it was wrong or not.

11 b. That the conduct amounted to an abuse of the public's trust in the office holder.

12 c. That there was no reasonable excuse or justification for the conduct.

13 d. That the misconduct was serious. Seriousness might depend on the seriousness of
14 the consequences that followed the act.

15 9. It has been held that the conduct must be of such degree as to be calculated to injure
16 the public interest, as to call for condemnation and punishment. (*R. v. Philip Thomas*
17 *Dytham*⁸). The mental element of the offence may vary depending on the act alleged
18 (*R. v. W (M)*⁹).



⁷ 2 Cr. App R 23

⁸ (1979) Cr. App. R 387

⁹ [2010] 1 Cr. App R 28)



1 **THE CROWN'S CASE IN SUMMARY**

2 10. The case arises out of an incident on 10th November 2017, when the Defendant,
3 together with another police officer, attended the home of the 71-year-old complainant,
4 Miss Vernice Maria Johnson Carter (hereinafter referred to as "Miss Johnson"), having
5 received a report of a domestic disturbance. As a result of the visit, the complainant's
6 daughter was arrested. A day or so later, it is alleged that the Defendant returned to the
7 Complainant's home and said that he would like her to help him purchase a house.
8 Miss Johnson declined, but the defendant was persistent. Eventually Miss Johnson was
9 persuaded to attend on a Notary Public where she signed some documents which were
10 notarised. The documents transferred Miss Johnson's Title to her property to the
11 Defendant and herself jointly. The Defendant then submitted the documents to the
12 Lands and Survey Department. Subject to the payment of stamp duty, the Defendant
13 would become co-owner of the property. Some days later a complaint was made to the
14 police by both the complainant and her daughter. Very soon afterwards, the Defendant
15 signed a letter withdrawing from the transaction.

16 11. The Crown's case is that the Defendant used his influence as a police officer to
17 manipulate and take advantage of a vulnerable woman (who was the complainant in a
18 matter in which he was the investigating officer) into adding him to the title of her
19 house in order to obtain a benefit. He used his role as the police officer in the case to
20 ingratiate himself into the complainant's life - preying upon her vulnerabilities, with
21 the ultimate aim of securing her property for his personal gain. Had the transfer gone
22 ahead, the Defendant would have been able to use the property as security for his
23 proposed house purchase or even, ultimately be able to gain from the sale of the
24 complainant's property.



1 **THE DEFENCE**

2 12. The Defendant's case is that Miss Johnson asked him to have his name added to the
3 title deeds so that he could look after her grandson Hubert, an autistic youth living in a
4 care home, as she did not trust her daughter (Hubert's mother, who had mental health
5 problems) to do so. The Defendant agreed to help Miss Johnson as he felt sorry for her
6 and wanted to help her. At no time did he put pressure on her. Miss Johnson acted of
7 her own free will, voluntarily, knowing full well what she was doing.

8 **EVIDENCE AT TRIAL**

9 *Vernice Maria Johnson Carter ("Miss Johnson")*

10 13. The first and main witness in the trial was Miss Vernice Maria Johnson Carter ("Miss
11 Johnson"). In evidence-in-chief she told the court the following.

12 14. She is 73. She had been a housekeeper and retired in 2004. She has a daughter Sasha
13 and a grandson, Hubert, who lives in a care home. She lives at 244 Palmdale which she
14 owned. She has very limited reading and writing skills having had no schooling since
15 the age of 9.

16 15. Miss Johnson described how, in November 2017, she was living at home with her
17 daughter Sasha who had mental health problems. Regularly, she had to call the police
18 due to her daughter's violent behaviour.

19 16. On Friday 10th November 2017 Miss Johnson called the police because she and her
20 daughter got into an argument. Miss Johnson's daughter had smashed Miss Johnson's
21 phone and caused other damage. The Defendant, Daniel Meeks, was one of the police

1 officers who attended in response to the call. He later arrested Sasha. This was the first
2 time the complainant, Miss Johnson, had met the Defendant.

3 17. Miss Johnson explained how the Defendant returned the following day in civilian
4 clothes. He had bought a phone to replace her broken phone as he said she seemed
5 such a nice lady. He got into a conversation with Miss Johnson and told her that he was
6 looking for someone to “stand responsible” for him to get an apartment. Miss Johnson
7 replied that at her age she could not do something like that. The Defendant replied that
8 he was not a thief. He had two sick children and where he lived was so small. She said
9 she couldn’t help him. He persisted. She understood that he wanted her to put his name
10 on her land papers so he could take them to the bank. He had some papers with him
11 and he told her to sign them. She told him that she did not know what she was doing
12 and what she was signing. She didn’t know why she signed it. She was scared because
13 she was alone and because she could not read. At this stage of her evidence, Miss
14 Johnson became very distressed.

15 18. Miss Johnson said that she had told the Defendant about the problems with her
16 daughter; that her daughter had an autistic son Hubert who was in a care home and that
17 she would like to leave the house for her grandson; also that she was widowed and by
18 herself.

19 19. The Defendant returned on a third occasion bringing some fruits and water for her. She
20 had not invited him back. He told her that they had to go to a Justice of the Peace to
21 sign some more papers. She went with him on 16th November to sign the documents
22 because she was scared. She explained that at the time, she was having such problems
23 with her daughter and that she was in a poor state of mind; she was living on a pension



1 and had to give some money towards Hubert's upkeep. Sometimes she didn't have
2 food to eat.

3 20. On one occasion the Defendant took Miss Johnson to see her grandson. It had arisen
4 out of a conversation in which the Defendant said that he did community service. Miss
5 Johnson said, in that case, she asked if he would be prepared to take her grandson out
6 sometimes. The Defendant agreed. She went with the Defendant to the care home
7 where he met Hubert.

8 21. On the second visit of the Defendant when Miss Johnson had declined to "stand
9 responsible", the Defendant had said he could send someone to paint her house. She
10 did not accept his offer, but a man came by who said he was sent by the Defendant to
11 do some painting. Miss Johnson told him to go away.

12 22. Miss Johnson went with the Defendant to the Justice of the Peace and signed her name.
13 She was not able to read the document and did not know what it was. She didn't know
14 why she signed. Very little was said at the office.

15 23. The Defendant took her home. She couldn't sleep all night because she didn't know
16 whether she had done something wrong by signing the papers at the JP's office. She
17 didn't speak to anyone about it. However, later she made a report to the police station
18 as she thought she ought to report it because *"he is a policeman and he is not supposed*
19 *to do this thing. If you come to arrest someone you are not supposed to do this kind of*
20 *thing."*

21 24. On 27th November, she signed a letter of withdrawal and submitted it to the Lands and
22 Survey department to cancel what had taken place. The letter was prepared for her. She
23 signed it and took it to the Lands and Survey office herself.



1 25. She never made an offer to the Defendant to transfer half her property to him. She
2 hadn't really understood that by signing the document she was actually transferring
3 half the property to the Defendant. She was not signing voluntarily. She was very
4 nervous and did not know exactly what she was doing. The Defendant had asked
5 repeatedly for assistance on a number of occasions. Eventually she signed the
6 documents because she was scared of him, living as she was on her own. She said that
7 she still doesn't understand what all the documents mean and what happened. She did
8 not intend the Defendant to be part owner of her house. She felt very sad as she had
9 worked very hard all her life for her home. She would never willingly pass it over to a
10 stranger.

11 26. Miss Johnson was cross-examined at length. The main points are set out. She agreed
12 that when the Defendant came to take a statement from her, she had talked extensively
13 about her problems with her daughter, the daughter's mental problems and, about her
14 grandson Hubert. She agreed that she was pleased that the Defendant could take her to
15 see Hubert as she had a problem with her knee. She had told the Defendant that she
16 had no phone and would have to wait until she could afford to buy one. She did not
17 know that he was going to bring her a phone – she was shocked when he did, but
18 happy to accept it. She was adamant that the Defendant had asked her to “*stand for the*
19 *apartment*” the Defendant was seeking to buy. The Defendant had told her he had two
20 sick children whom he had to take to Miami for treatment as they had a heart problem.
21 She denied that she wanted the Defendant to look at after her grandson when she died.
22 She said that he has a father who lives in Miami who takes care of Hubert financially
23 along with the government.

24 27. She agreed that she had told the Defendant that she would like Hubert to have her
25 house. Her daughter Sasha had said that if Miss Johnson left the house to her, she



1 would sell it, as she did not want it. Miss Johnson wanted her grandson to have
2 somewhere to live once he had to leave the care home.

3 28. The Defendant, when she asked, did not explain what the documents were that he
4 wanted her to sign. After signing, she became worried and went to her old bank where
5 she originally had a mortgage. There she was told to go to the Lands and Survey
6 Office. She did and was told that the Defendant's name was to be on her land papers.
7 The man from the Lands and Survey office then phoned the Defendant.

8 29. She explained that initially she was not scared of the Defendant. However, with each
9 visit she became more scared, but went along with what he wanted. She was very
10 scared by the time they went to the Notary Public as she didn't know what was
11 happening. She was also very depressed at that time and did things she would not
12 normally do. She didn't show her worry or concern at the office. She did not give the
13 Notary Public any identification although she always kept the title deeds in her
14 handbag. The Notary Public did not explain anything to her. She was just told to sign.

15 30. She could not recall if there was a conversation in the office about stamp duty. The
16 Defendant bought her a sandwich before taking her home. It was only outside the
17 office that she exhibited any distress when the Defendant had gone to fetch his car.
18 That night she had a feeling that something wasn't right. She didn't confide in anyone
19 as she does not confide in her sisters. A few days later, she decided to tell her daughter
20 about what had happened. Sasha was very angry with her and went to Lands and
21 Survey office to find out what had happened. However, they would not deal with the
22 daughter, so Miss Johnson went there. After that, she then went to the police to tell
23 them what had happened.



1 31. Re-examined Miss Johnson said that she was so depressed at the time because, over
2 the years, she and her daughter had been fighting and the police were coming around
3 every two weeks. She said "*It was bad living*".

4 **Mr. Luke McKoy**

5 32. The next live witness was **Mr. Luke McKoy** who is a notary public. On the 16th
6 November 2017 he was operating from his office in Margaritaville. He recalled
7 notarising documents for Mr. Daniel Meeks and Miss Johnson. He received a call from
8 a lady called Senovia Meeks who worked in the accounting department at HHG. Her
9 husband Mr. Meeks came in the following day with an elderly lady whom he identified
10 as his mother-in-law. Daniel Meeks presented some documents for Mr. McKoy to
11 notarise. The documents were already filled in with their respective names. Mr.
12 McKoy asked for identification, which they both produced. He notarised the
13 documents. He did not make any enquiries as to whether Miss Johnson could read. He
14 asked if they could understand the documents and they both confirmed. Nothing
15 seemed out of the ordinary. He had a brief conversation about transfer fees
16 recommending that they see an attorney. Mr. Meeks said he had an attorney and would
17 speak to him. The conversation arose because transfer fees can be waived when it
18 comes to family members, and this is why Mr. McKoy raised the issue. Mr. McKoy
19 identified his signature on the documents which were land title transfer documents. Mr.
20 McKoy did not recall if he asked Miss Johnson whether she was signing freely and
21 voluntarily as stated in the form.

22 33. Cross-examined he said he knew Mrs Meeks from work. He now remembered that it
23 was Mrs Meeks who had told him that the old lady was the mother-in-law. He didn't
24 question the relationship when they were in the office. The mother-in-law produced a



1 passport. The transfer was adding Mr. Meeks to the property. He explained that it was
2 a transfer document and the mother-in-law did not disagree. She just signed it. Mr.
3 McKoy filled in the details. There was definitely a discussion about going to get advice
4 from a lawyer because family members do not have to pay stamp duty. He noticed
5 nothing unusual. There were no red flags.

6 34. The rest of the Prosecution case was reduced into Admissions. The evidence covered
7 the defendant's employment status, including a number of documents of particular
8 relevance, namely, the RCIPS Code of Conduct, the Public Servant's Code of Conduct
9 and the Cayman Islands Government Code of Business Ethics and Conduct. The
10 relevant documents from the Lands and Survey Department were produced including
11 the land title, the copy of the land transfer, the letters signed by both Miss Johnson and
12 Mr. Meeks on 27th November 2017 withdrawing the transfer and an email from Mr.
13 Meeks to the Lands and Survey Department dated 9th January 2018. So far as the land
14 transfer document is concerned, this was presented for registration at the Department
15 by Mr. Meeks on 17th November. The transfer was processed and stamp duty assessed
16 in the amount of \$20,625. On 23rd November the transfer was returned to Mr. Meeks
17 requesting payment of fees to complete the registration process.

18 35. On 26th November 2017 Miss Johnson made a report to the police about the Defendant.

19 THE DEFENCE CASE

20 36. Ms. Facey-Clarke on behalf of the Defendant made a submission of "No case" at the
21 end of the Prosecution case on the basis of the second limb of *Galbraith*¹⁰. The
22 submission was rejected for the reasons set out at the time.

¹⁰ (1981) 73 Cr App R 124, [1981] 2 All ER 1060, [1981] 1 WLR 1039



1 37. The Defendant **Daniel Meeks** gave evidence. He told the court that he was a married
2 man with twin daughters. He had been a police officer in Jamaica prior to coming to
3 the Cayman Islands in September 2011.

4 38. On 10th November 2017 he was on duty with a colleague when they received a call
5 about a domestic dispute. They went to 244 Palmdale and spoke to Miss Vernice
6 Johnson who made a complaint about her daughter who had damaged some property (a
7 door and Miss Johnson's phone) and threatened her. Miss Johnson described prior
8 occasions when her daughter had threatened her. The daughter, Sasha Carter, was not
9 at home when the police arrived. When Miss Carter returned home the officers arrested
10 her for damage to property and threats to kill. The daughter resisted arrest but
11 eventually was restrained by the police and taken away.

12 39. The Defendant, Mr. Meeks, was the officer in the case. Accordingly, he returned to
13 244 Palmdale to take a statement from Miss Johnson. He was with his colleague
14 Officer Parker. He took a statement from Miss Johnson and later interviewed Sasha
15 Carter who was kept in custody. When Miss Johnson finished her statement she
16 indicated that she was frightened as she didn't have a phone to call the police and she
17 couldn't afford one. Mr. Meeks told her that he had a spare phone at home which he
18 could give her. She was happy to have it.

19 40. The following day the Defendant, Mr. Meeks, returned to see Miss Johnson. He was in
20 civilian clothes. He brought the phone and put Miss Johnson's sim card into it. Miss
21 Johnson told Mr. Meeks about her daughter, past events and her concerns. She told Mr.
22 Meeks that she wanted someone honest to take care of her house for her grandson
23 Hubert who was autistic and in a care home as she was concerned that Sasha would
24 sell it. She was looking for someone like Mr. Meeks to help her. She didn't have a will,



1 but she would make one. Mr. Meeks replied that he was not interested in being added
2 to her will. Miss Johnson said that she would add his name jointly to her property to
3 give him authority to take care of Hubert. He accepted her offer. She said that Sasha
4 was on her life policy and would be left that as her inheritance. Hubert could not stay
5 at the care home for the rest of his life and she wanted someone to take care of him
6 when he came out.

7 41. Miss Johnson had told the Defendant, Mr. Meeks, that she did not trust her family.
8 There was a family member who wanted to use her property as collateral for a
9 business. She explained how she had acquired the property bit by bit. Mr. Meeks told
10 Miss Johnson that he too was purchasing a property for his wife and twins. He did not
11 mention anything about the health of his daughters.

12 42. Miss Johnson said that she would like Mr. Meeks to meet Hubert. He agreed. He
13 picked her up on the Saturday before church and visited Hubert, who took an instant
14 liking to Mr. Meeks, jumping onto his lap. He spent an hour at the care home. At Miss
15 Johnson's request he had bought Hubert a bag of crisps as she did not have any money.
16 After the visit he dropped Miss Johnson home.

17 43. Miss Johnson called him and asked him to bring her fruits and a bottle of water. He
18 went to her house having bought some for her. Miss Johnson said that they needed to
19 add his name to the property swiftly so that Sasha did not find out. She said they
20 needed to go to a Justice of the Peace. Mr. Meeks did not know a Justice of the Peace.
21 He spoke to his wife and she suggested Mr. McKoy. The Defendant was with his wife
22 when she phoned Mr. McKoy on speaker phone and arranged an appointment.

23 44. The following day, 16th November, Mr. Meeks picked up Miss Johnson. She talked
24 about her grandson and his father who lives in Miami. On their arrival at Margaritaville



1 where Mr. McKoy had his office, Mr. Meeks dropped Miss Johnson off and then
2 parked his car. Mr. McKoy was waiting outside. He led the two of them to his office.
3 Mr. Meeks told Mr. McKoy that Miss Johnson was adding him to the property so they
4 would have joint title. They sat down and Mr. McKoy filled in the information. He
5 then asked for identification which they both produced. Mr. McKoy asked them to sign
6 and he witnessed their signatures. He then sealed the documents and handed them to
7 Mr. Meeks. Mr. McKoy said that there was a fee that needed to be paid. There was a
8 possibility of getting the fee waived and they should seek legal advice about it. All
9 walked to the entrance. Miss Johnson said that as she was diabetic, she needed
10 something to eat. Mr. Meeks called a server who brought a menu. Miss Johnson
11 ordered cake, sandwich and orange juice. Mr. Meeks picked up his car and drove Miss
12 Johnson home.

13 45. Mr. Meeks submitted the signed form to the Lands and Survey Department on the
14 Friday and paid a \$50 fee. He did not take the legal advice Mr. McKoy had suggested.

15 46. On 25th November Miss Johnson phoned Mr. Meeks. She was hysterical. She said that
16 Sasha had found out about the transfer. The following morning he had a phone call
17 from Sasha who was cursing him and saying she would chop him up if she saw him,
18 that it was her property and he must leave the Cayman Islands. She told him he was
19 going to jail.

20 47. He then received a phone call from the Lands and Survey department saying that Miss
21 Johnson was there and was going to cancel the transaction. Mr. Meeks said that it did
22 not look or sound good because Miss Johnson had volunteered the transfer. He spoke
23 to his wife and told her that Miss Johnson was cancelling the transfer and that it put his
24 job in disrepute. They agreed that he should write a letter cancelling the transaction. He



1 wrote a letter and took it to the Lands and Survey department. The message he had
2 received, was “*come now, it does not look good*”.

3 48. Mr. Meeks told the court that he was nervous and frightened after he received the call.
4 He was thinking about the repercussions. He didn’t like trouble. He handed his letter in
5 to the Lands and Survey department and was given a copy of both his letter and Miss
6 Johnson’s letter. He was aware, when he handed in the letter that a report had been
7 made to the police.

8 49. Mr. Meeks went on leave on 11th December 2017. He received a call saying that his
9 contract would not be renewed. It was a year later that he was aware that he was being
10 charged for breach of trust and misconduct. He was not interviewed.

11 50. Mr. Meeks denied telling Miss Johnson that he was looking for someone “to be
12 responsible” as he wanted to buy an apartment. It must have been a misunderstanding
13 because he had told Miss Johnson that he was buying a property, not that he wanted
14 her to “stand responsible”. He did not ask her to sign any statements other than the one
15 she gave to the police about her daughter.

16 51. Mr. Meeks explained that Miss Johnson had said that she wanted someone to paint the
17 face board [Fascia Board] of the house. After he had left her house, he saw a man
18 walking down the road who appeared to be a construction worker. He asked the man if
19 he could do painting as a lady down the road needed a painter. He asked the man to do
20 the job and said that the lady would pay him. The man recognised whom he was
21 talking about and said it was the lady he had lent his phone to.



1 52. Asked about the government policy on receiving hospitality, entertainment or gifts,
2 Mr. Meeks said that he had never seen the document. He did not receive it with his
3 contract.

4 53. Mr. Meeks came to court on the second day of his evidence with some documents
5 which he had previously not shown to his counsel. He explained that he had told Miss
6 Johnson that he was getting a loan for the home he wanted to purchase. His brother- in-
7 law had an accident and had agreed to lend Mr. Meeks and his wife some money from
8 the compensation he was to receive so that they could acquire the property. This was
9 confirmed in a letter from Chapman's attorneys on 27th November 2017. They needed
10 a down payment of \$47,000 for the home. The brother- in-law gave them \$46,000 on
11 15th December 2017 - evidenced by a bank draft which Mr. Meeks produced. They
12 entered into a verbal agreement with the brother-in-law. Mr. Meeks also produced two
13 insurance policies. One in his wife's name and one in his own name dated 7th and 1st
14 December respectively. Mr. Meeks explained that the reason why the transaction did
15 not go ahead was because he lost his job.

16 54. Mr. Meeks was cross-examined. He was questioned about the documents he had
17 brought to court that morning. He said he had mentioned them to his counsel
18 previously, but had not brought them to court. He was referred to the Public Servant's
19 Code of Conduct which was one of the attachments to his contract of employment. He
20 accepted that he must have received the document but said that it did not come with his
21 contract. He had not read it or any other Code of Conduct, despite having worked for
22 the Royal Cayman Islands Police Service (RCIPS) force for 6 years.



1 55. He accepted that he would have to guard against any conflicts of interest in the
2 performance of his job. Mr. Meeks said it was not in his character to solicit or receive a
3 bribe. He knew the principles in the code.

4 56. Mr. Meeks agreed that he owed a duty of care to both Sasha Carter and Miss Johnson.
5 He knew that Miss Johnson was vulnerable and that she was scared of her daughter.
6 Miss Johnson had told Mr. Meeks that she could not sleep at night due to this fear. He
7 knew that she was retired and surviving on her pension and could not afford to replace
8 her phone. He agreed that she was mentally, physically and financially vulnerable.

9 57. Mr. Meeks accepted that he was wrong when he said he had taken the statement from
10 Miss Johnson about the incident with her daughter. It was taken on the same day by
11 another officer. He submitted the case file to Darlene Oko in the Director of Public
12 Prosecutions (DPP's) office under the fast-track procedure on 12th November. He had
13 taken a withdrawal statement from Miss Johnson on the 11th which he had forwarded
14 to the DPP. He accepted that there was no record on the Incident/Investigation Report
15 (Record Management System Report which is meant to document all steps taken
16 during the investigation) of the statement being taken. He also accepted that Darlene
17 Oko had recommended charging Sasha Carter on 12th November, despite the fact that
18 he had apparently enclosed a withdrawal statement from Miss Johnson. Sasha Carter
19 was charged on 12th November 2017.

20 58. There was no work-related reason for him to return to see Miss Johnson, therefore he
21 made no note of his subsequent visits to Miss Johnson. He returned to see her on 13th
22 when he was off duty, in order to give Miss Johnson the phone. The following day, the
23 14th, he brought her fruits and water to Miss Johnson and, the fifth visit, was when he
24 took Miss Johnson to see Hubert in the home.



1 59. The Defendant, Mr. Meeks, said the reason he was visiting Miss Johnson was because
2 he is a very compassionate man and thus he wanted to help Miss Johnson who needed
3 someone she could trust to take care of the property for Hubert. Mr. Meeks said he
4 would grant her desire. The agreement was that Hubert would be brought home and
5 that a caretaker would be employed to look after him. That was Mr. Meeks' suggestion
6 with which Miss Johnson agreed. He accepted that it would have been a serious
7 imposition on himself. He had not met Hubert at that stage and thus had done no
8 assessment as to exactly what would be required. He did not consult a lawyer about the
9 implications. Hubert was not going to leave the care home for some years, but the
10 urgency was because Miss Johnson didn't know when she was going to die. It was not
11 a very good plan, but Miss Johnson had made the offer and he had accepted.

12 60. Mr. Meeks agreed, when shown his duty report dated 12th December 2017, that he had
13 written that he had suggested that Miss Johnson add his name as co-owner. He
14 explained that he had made a mistake when earlier he had told the court that it was
15 Miss Johnson's idea. He agreed that he had not disclosed the offer to a senior officer,
16 HR or Professional Standards. Mr. Meeks said he told PC Hunter and he was not
17 seeking to hide it. Mr. Meeks agreed that it would have been a gain to him but that was
18 not the intention.

19 61. Mr. Meeks said that he was present when his wife spoke to Mr. McKoy. She did not
20 say that the old lady was the mother-in-law and Mr. Meeks said he had no idea where
21 Mr. McKoy got that impression from. He denied using his position as a police officer
22 to engage Miss Johnson's trust. He said he did not breach the code of conduct. Mr.
23 Meeks agreed that he was acting in a private capacity.



1 62. Mr. Meeks was asked by the court why it took him so long to write the email of 9th
2 January 2018 to the Lands and Survey department in which he complained that Miss
3 Johnson had lied in her letter of 27th November when he had been given a copy of that
4 letter on 27th November. He replied that he had not read the letter even when he had to
5 write a duty report for the Professional Standards on 12th December 2017. His attention
6 was drawn to the following extract from his email of 9th January 2018 to the Lands and
7 Survey Department: “*Legal advise (sic) was sought on the matter, and a transfer which*
8 *has already taken effect cannot be cancelled via a mere cancellation letter*” and Mr.
9 Meeks was asked when he had sought legal advice. Mr. Meeks told the court that he
10 had not sought legal advice. He had spoken to a friend who is a security guard in
11 Jamaica who said that he would speak to a lawyer. He made a mistake in the email
12 when he wrote that he had spoken to a lawyer. He had spoken to a friend who said he
13 would speak to a lawyer.

14 63. He did not know who was going to pay the stamp duty given that he knew Miss
15 Johnson had no money. He was asked why he didn’t go to an attorney regarding the
16 advice given by Mr. McKoy. He said he could not afford a lawyer. Asked to stand back
17 and comment on how the transaction would appear to an outsider – he said that it did
18 not look credible being the officer in the case and getting the transfer from the
19 complainant in the case. He accepted that it would affect the case and that the non-
20 disclosure would not be fair to Sasha who was a defendant in the case. He said that
21 when he started as a police officer, he received training, including on how police
22 officers should conduct themselves. He also received various materials in connection
23 with the training.



1 64. Re-examined, the Defendant, Mr. Meeks said that the email of 9th January 2018 was to
2 discredit Miss Johnson's letter of 27th November 2017. Mr. Meeks said that when he
3 was seeing Miss Johnson in November, he did not think there was any conflict of
4 interest with his job as the interactions were on personal time. His understanding was
5 that if he was left the property under the will, he would have full ownership of it and
6 not Hubert. He was a Christian. He didn't want full ownership. Under the agreement
7 made he could take care of Hubert.

8 65. The Defence closed its case. The court adjourned till the following day to hear closing
9 speeches. On that morning, defence counsel informed the court that Mr. Meeks has
10 given her a statement which he had taken from Miss Johnson which was the statement
11 he was referring to when he said he had returned to take a second statement. The
12 statement was dated 13th November 2017. Leave was sought to re-open the defence
13 case and re-call the defendant. The Prosecution objected. The Court gave leave.

14 66. Mr. Meeks explained that the statement he had produced that morning was a follow up
15 from the original statement taken from Miss Johnson to clear up issues arising from the
16 first statement. The content of the statement related to an incident with Sasha Carter in
17 2016. The reason he was still in possession of the statement was that the case was fast
18 tracked and sent by email, but further information was required, hence the reason for
19 him taking the statement on 13th November.

20 67. Cross-examined by the Crown, Mr. Meeks agreed that the RMS report made no
21 mention of the statement of 13th November. He agreed that the police were meant to
22 submit all original statements to the Office of the Director of Public Prosecutions
23 (ODPP's) office. Even in a fast track case where the documents are sent electronically,
24 the police still need to submit the original file. Mr. Meeks said that this case was an



1 exception. He did not prepare the hard copy of the file – it was passed over to other
2 officers. He agreed that he should not have police statements at home. He said he
3 found it in his personal file.

4 68. The court enquired whether Mr. Meeks was asked to return anything belonging to the
5 police when his job came to an end. Mr. Meeks replied that he was asked to give back
6 any property belonging to the police, not documents. Asked if he had checked all his
7 documents before he left to see if he had anything he should not have. He replied that
8 he had done this but had overlooked the statement.

9 CLOSING SUBMISSIONS

10 69. The court then heard closing submissions from both parties. The Crown submissions in
11 closing were much along the lines of the opening. Miss Johnson was a credible witness
12 and her evidence could be trusted. It would make no sense for Miss Johnson who has
13 worked hard to pay for her house to hand over half the title to a complete stranger of
14 her own volition. If it was her idea, why was there her immediate concern. She
15 intuitively knew something was not right. This meant that Mr. Meeks had exploited a
16 vulnerable old lady, who had shared personal details, for his own advantage. He
17 withheld all knowledge of the transaction from his superiors. The actions would have
18 led to significant gain. There could be no clearer conflict of interest. The Crown
19 suggest that once he lost his job, Mr. Meeks was trying to revive the transaction as
20 witnessed by his email to the Lands and Survey department in January 2018. Such
21 conduct satisfied the ingredients to be proved.

22 70. Miss Facey-Clarke made detailed submissions to the court, which are summarized as
23 follows.

- 1 a. The prosecution had not adduced sufficient evidence to convict because they had
2 not proved a) bad faith, b) that the defendant wilfully misconducted himself, c) that
3 he abused the public's trust or d) that he acted without reasonable excuse or
4 justification.
- 5 b. Miss Johnson was an unreliable witness and her evidence was contradicted by Mr.
6 McKoy; she also contradicted her own evidence.
- 7 c. The Defendant's interactions with Miss Johnson were conducted in his own private
8 time. They related to a private matter. If a police officer is to be bound by the Code
9 of Conduct at all times, when would their private lives come in and how could they
10 function as normal people? Mr. Meeks saw this as a private affair and thus there
11 was no need to report. It had nothing to do with breaching a code of conduct.
- 12 d. The misconduct complained of was not serious and there were no serious
13 consequences that followed the defendant's actions. Accordingly, any conviction
14 would be unsafe.

15 **DECISION**

16 71. I remind myself that the burden of proof is on the Prosecution to prove the case beyond
17 reasonable doubt, or put another way, so that I am satisfied as to be sure of guilt.
18 Before setting out my decision and reasons, it should be noted that I have reviewed all
19 the evidence and taken it into account.

20 72. This case is about credibility - of the main prosecution witness in particular. If I accept
21 the evidence of Miss Johnson, the Prosecution say that the case is made out. The
22 Defence submit that her evidence should not be accepted because Miss Johnson is not



1 a credible witness. There are inconsistencies within her evidence and inconsistencies
2 with the evidence of Mr. McKoy.

3 73. I remind myself about the approach to be taken in relation to inconsistent previous
4 statements and inconsistencies generally. It is important to identify the inconsistencies;
5 to decide whether they relate to important issues; to consider what explanation is given
6 for the inconsistency. The more material the inconsistency without a credible
7 explanation, the less likely that the evidence will be accepted. Minor inconsistencies
8 which are explainable will not have such grave consequences. It is a matter for the
9 tribunal of fact to decide what weight to give the evidence. The court can accept all the
10 evidence of a witness, reject all of it or accept some evidence and reject the rest.

11 74. Although it was not adduced in evidence, I treat the defendant as a person of good
12 character. That is something which the court can take into account in two ways –
13 namely his credibility and whether, given his character, is he likely to have committed
14 the offence.

15 75. Overall, I found Miss Johnson to be an honest witness. She was clear about it being the
16 Defendant who had raised the issue of the property both in evidence-in-chief and cross-
17 examination. She was unwavering. There were moments of some distress which the
18 witness had whilst recalling how she felt at the time, which came over as a genuine re-
19 living of events. Whilst she accepted many suggestions put to her by the Defence, she
20 remained firm about who instigated the transaction and why she went along with it. It
21 is correct that there were some inconsistencies and I will deal with the main ones raised
22 by the defence in their closing submissions.



1 76. The first discrepancy relied on is what took place in Mr. McKoy's office. Miss
2 Johnson says that she did not show Mr. McKoy her passport. It is clear from the
3 paperwork and the evidence of Mr. McKoy that she did. Mr McKoy could not have
4 notarised the transfer document without having seen proof of identity.

5 77. The Defence also rely on the fact that Miss Johnson said that she did not know what
6 she was signing yet she said that Mr. Meeks wanted title to her land so he could get a
7 loan.

8 78. And finally the Defence refer to the fact that the letter written on Miss Johnson's
9 behalf dated 27th November 2017 to cancel the transaction which read as follows: *"This*
10 *was done without my understanding and I signed the form without seeing a Justice of*
11 *the Peace or a Notary Public. I don't have knowledge of who the Witness was."*

12 79. I find that these discrepancies do not affect Miss Johnson's overall credibility such as
13 to reject her evidence completely. Miss Johnson is an elderly woman of very limited
14 education. She cannot read or write. None of the documents she saw were
15 comprehensible to her. At the time that these events transpired the evidence is that she
16 was going through a very difficult time. Mr. Meeks himself accepted in cross-
17 examination that Miss Johnson was a vulnerable person.

18 80. So far as events at Mr. McKoy's office are concerned, both Mr. McKoy and Mr.
19 Meeks gave evidence of a discussion about getting legal advice in relation to the
20 waiver of stamp duty fees, but when asked about it, Miss Johnson had no memory of
21 such a conversation. She didn't remember any conversation at the office. She describes
22 herself as scared and holding back her tears when she was at the office. It is
23 unsurprising therefore that Mr. McKoy noticed no "red flags". It is unsurprising that
24 she had no recollection of showing her passport.



1 81. Whilst Miss Johnson did refer to Mr. Meeks asking her about transfer, she gave
2 evidence that, after the signing, she felt she had done something wrong and went to her
3 old bank where she used to have a mortgage. There she was directed to the Lands and
4 Survey department. It was then that it was beginning to dawn on her what she had
5 done. This led her to go to the Police. At the end of her evidence she said that she still
6 did not quite understand what had happened. Her use of words like “transfer” given
7 events subsequent to the appointment with Mr. McKoy does not lead me to the
8 conclusion that she knew exactly the ramifications of what she was doing. Indeed, her
9 actions subsequent to seeing Mr. McKoy – actions including going to the bank and
10 Lands and Survey Department and telling her daughter about what she had done, are
11 more consistent with her evidence about her concern. The Defendant’s case that Miss
12 Johnson wanted the transaction done hastily and that she did not want her daughter to
13 find out is inconsistent with the actions taken by Miss Johnson.

14 82. As for the letter of 27th November. At first blush, the contents may seem to be totally at
15 odds with the evidence of Mr. McKoy. However, it is important to note that in cross-
16 examination Miss Johnson spoke of signing documents both at home and then
17 subsequently at Mr. McKoy’s office. It must also be remembered that she did not know
18 Mr. McKoy and that the cancellation letter was prepared for her to sign. Things may
19 have got lost in the telling. Miss Johnson did not read the contents. She was not cross-
20 examined about the contents of the letter. In the circumstances the discrepancies do not
21 lead me to reject Miss Johnson’s evidence.

22 83. Whilst I accept Miss Johnson as a witness of truth, I have to make my decision based
23 on all the evidence in the case. I turn to the other evidence therefore.



1 84. The Defence rely on Mr. McKoy as an independent witness who undermines Miss
2 Johnson. The Defence is in a difficult position though because Mr. McKoy provides
3 some evidence which supports Miss Johnson, in the sense that it is a pointer to the
4 Prosecution's contention that this was a scheme hatched by the defendant. This pointer
5 is Mr. McKoy's evidence of the "mother-in-law" which the Defendant denies. Mr.
6 McKoy was adamant that (a) he was told that Miss Johnson was the mother-in-law of
7 Mr. Meeks by Mrs Meeks and (b) the issue was raised in the meeting because he
8 advised them to seek legal advice in order to have the stamp duty waived due to being
9 family. He was clear that he would not have mentioned it had he not been under the
10 impression that Miss Johnson was the mother-in-law.

11 85. Mr. Meeks accepts that Mr. McKoy advised them to get legal advice about waiver of
12 stamp duty. He did not follow up on the advice – and the Prosecution say for very good
13 reason, because he knew that it would be pointless. This small piece of evidence is a
14 significant marker of where the truth in this case lies. The question needs to be asked –
15 why was it necessary, as I find, for Mr. and Mrs Meeks to give the impression that
16 Miss Johnson was the mother-in-law? The answer is simple. There was no enquiry on
17 the part of Mr. McKoy. As he said in evidence, he noticed no red flags to cause him to
18 question the transaction. Had Mr. McKoy been aware that Miss Johnson was no
19 relation to the Mr. Meeks and had only known him for a matter of days, there is no
20 doubt that he would have had concerns about the transaction. Mr. Meeks has lied on an
21 important matter in this case.

22 86. Another aspect supporting the prosecution's case is the implausibility of the
23 Defendant's account which is that it was Miss Johnson, a complete stranger whom she
24 had only known for a few days, who pressed him to have a half share of her hard
25 earned property in order that one day he would look after her autistic grandson whom



1 he had met once. He had accepted the offer as a favour to Miss Johnson out of
2 compassion for her. The favour also included giving Miss Johnson a phone, buying
3 food and drink for her when she asked, paying \$50 fees for the processing of the
4 transfer documents and presumably the notary public fees. Moreover, Mr. Meeks had
5 not worked out where the stamp duty fees of over \$20,000 were to come from given
6 the impecunious state of Miss Johnson.

7 87. Mr. Meeks made no enquiries as to his responsibilities, the legal position, (especially
8 given how vulnerable Miss Johnson was), nor what would actually be needed in order
9 to look after the grandson and where the money to do so was to come from. Moreover
10 he gave no thought to the conflict of interest in relation to his position as the police
11 officer in the case involving Sasha Carter where Miss Johnson was the complainant –
12 especially as, on his case, Miss Johnson was seeking to disinherit Miss Carter from the
13 property. He did not raise it with his RCIPS superiors or HR.

14 88. Apart from the implausibility of his account, Mr. Meeks himself was an unsatisfactory
15 witness - inconsistent in a number of important areas. I deal with the most material
16 inconsistencies which were dealt with in cross-examination.

17 89. Mr. Meeks gave evidence that he was the person who took the original statement from
18 Miss Johnson when he visited her the following day after her report to the police on
19 10th November. In cross-examination he accepted when he was shown the statement
20 that it was his colleague who had taken the statement on the same day Miss Johnson
21 had reported her daughter to the police. Why is this discrepancy important? Because
22 the defendant sought to use it as a reason why he had to return to see Miss Johnson on
23 the 11th November.



1 90. Mr. Meeks then went on to say that he returned to Miss Johnson in order to take a
2 withdrawal statement from her. He submitted the statement together with the other
3 papers to Darlene Oko of the DPP's office on 12th November, who advised charging
4 Sasha Carter despite the withdrawal statement. He accepted that he had not logged the
5 fact of the visit to Miss Johnson nor the taking of the withdrawal statement in the
6 Record Management System (RMS) as he should have done. He made no record of
7 any of his visits to Miss Johnson subsequent to 10th November. This baffled him as
8 there should have been a record of the official visits. The lacunae in the paperwork and
9 inconsistency with the Defendant's evidence are a pointer to the fact that the visits said
10 to be for taking statements were *not* for official business.

11 91. In evidence-in-chief and cross-examination, Mr. Meeks was adamant that it was Miss
12 Johnson who had suggested that she transfer half title in her property to him. His
13 attention was drawn to page 6 of his Duty Report on the Sasha Carter case which read
14 *"I told her my wife and I are seeking to purchase a property so instead of doing a will*
15 *she could add me as co-owner which would leave me to do what she desired for*
16 *Hubert....."* He then conceded that it was his suggestion. This discrepancy is important
17 as the defendant has been at pains to portray Miss Johnson as the person driving the
18 transaction at all times.

19 92. In evidence-in-chief Mr. Meeks said that he had never been given a copy of the Public
20 Servant's Code of Conduct. However, in cross-examination he conceded that a copy
21 was enclosed with his contract of employment, but then went on to say that he never
22 read it. The importance of distancing himself from all the codes lies in the detail of the
23 prohibitions and why he did not declare any such interests or conflicts.



1 93. When, on the last day of the case, Mr. Meeks produced a statement, apparently taken
2 from Miss Johnson dated 13th November 2017, he could provide no good reason why
3 he had not submitted the statement to the DPP's office and made a note of it on the
4 RMS system and why it was still in his possession two years after he ceased being a
5 police officer with the RCIPS. First, he said that the papers had been sent electronically
6 under the fast track procedure. He conceded that the original still had to be sent to the
7 DPP's office and stated that this case was an exception. He had the statement because
8 the file had been taken over by other officers and he did not prepare the hard file for
9 the DPP's office. He had kept the statement in his personal file which was why it was
10 not at the police station. He had overlooked the statement when he went through his
11 papers to see if he had anything belonging to the police that he shouldn't when his
12 employment was terminated. Even assuming that the statement was genuine, the
13 content relating to a prior incident concerning Sasha Carter and her mother, the
14 continued failure to record visits and actions taken, are consistent with the defendant
15 not wishing to have his various visits to Miss Johnson's home known should it raise
16 any queries. It shows a complete disregard for appropriate standards of conduct.

17 94. Does the evidence satisfy me so that I am sure of guilt? It does. Mr. Meeks deliberately
18 persuaded Miss Johnson to sign the transfer document. He used his position as a police
19 officer to bring pressure to bear on Miss Johnson. He bought presents for her and paid
20 for items - all to achieve his goal. He knew what he was doing was wrong because he
21 did not document any of his visits, neither did he speak to any superior or other person
22 in authority about the appropriateness of the transaction. Even on his own version of
23 events it could be said to be reckless indifference.



1 95. This without a doubt is an abuse of the public's trust in the office holder. I can do no
2 better than quote from Miss Johnson, who in evidence said: *"I went to Georgetown*
3 *Police station as I thought I had to report this. He is a policeman and he is not*
4 *supposed to do this thing. If you come to arrest someone you are not supposed to do*
5 *this kind of thing"*

6 96. I find that there is no reasonable excuse or justification for the conduct. I would make
7 the same finding even on his own case. The misconduct is very serious even though,
8 mercifully, the transaction was reversed. In my judgment the conduct was so serious
9 as to be calculated to injure the public interest, and to call for condemnation and
10 punishment. Mr. Meeks' actions represent an abuse of his position, exploitation of a
11 very vulnerable old lady for his personal gain, a serious conflict of interest and breach
12 of some provisions of the various codes which govern the behaviour of public officials
13 – for example the provisions on acceptance of gifts, conflicts of interest, using position
14 of public officer for gain.

15 97. It follows from the foregoing, that I find Mr. Meeks guilty of the offence charged.

16
17
18 **Dated this the 11th day of February 2020**

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21
22 **Dame Linda Dobbs**
23 **Acting Judge of the Grand Court**