

1 IN THE GRAND COURT OF THE CAYMAN ISLANDS
2 CRIMINAL DIVISION

3 Neutral Citation Number: [2026] CIGC (Crim) 26

4 INDICTMENT NO. 103/25

5
6 THE KING



8 v

9
10 CLAYBURN WILLIE WESTON EBANKS

11
12 Before: Acting Justice Benjamin Tonner KC

13 Date of Ruling: 17 July 2026

14 Prosecution: Kenneth Ferguson, Counsel for the Prosecution

15 Defence: Amelia Fosuhene of Brady Attorneys, Attorney-at-Law, for the Defendant

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17 *Criminal Law – Causing death by dangerous driving contrary to section 75(1) of the Traffic Act (2023*
18 *Revision) - Driving a vehicle while under the influence of alcohol and causing death contrary to section*
19 *83(1)(a) of the Traffic Act – Ruling on Voir Dire*

20
21
22 **RULING ON VOIR DIRE**

23 **ADMISSIBILITY AND SCOPE OF THE EXPERT EVIDENCE**

24 **OF MR COLLIN REDDEN**



1 INTRODUCTION

- 2 1. The defendant Clayburn Willie Weston Ebanks is charged on Indictment No. 103/25 with two
3 counts: Count 1, causing death by dangerous driving contrary to section 75(1) of the *Traffic*
4 *Act* (2023 Revision); and Count 2, driving a vehicle while under the influence of alcohol and
5 causing death contrary to section 83(1)(a) of the same Act.
- 6 2. The charges arise from a fatal collision on Seaview Road, East End, Grand Cayman, on the
7 night of 8 November 2024, in which a pedestrian, Nikhil Antal, aged 32, was struck by a Suzuki
8 Swift Sport motor vehicle driven by the defendant. Mr. Antal died the following day from his
9 injuries.
- 10 3. The prosecution seeks to adduce expert evidence from Mr Collin Redden of Vehicle Solutions
11 Grand Cayman, an accident reconstructionist and crash analyst, who attended the scene on the
12 morning of 9 November 2024 and subsequently inspected the subject vehicle. His evidence is
13 contained in a crash analysis report dated 19 May 2025 (exhibit CR1) and a supplementary
14 report dated 29 September 2025.
- 15 4. The defence objects to certain aspects of Mr Redden's evidence as set out in detail below.
- 16 5. The parties invited me to resolve the defence objections by hearing evidence from Mr. Redden
17 on *voir dire* and I agreed to this request. This ruling determines the admissibility and scope of
18 that expert evidence following the *voir dire*.

19 B. RECONSTRUCTION EVIDENCE AND ISSUES AT TRIAL

- 20 6. The fact that the Suzuki Swift collided with the pedestrian is not in issue. What is in issue is
21 the standard of the defendant's driving. Factors such as what the pedestrian was doing at the
22 time of and immediately prior to impact, the positioning of the defendant's vehicle on the road,
23 and the level of attention the driver was paying to the roadway and to any potential hazards,
24 are all relevant considerations. The most contentious parts of Mr Redden's evidence are those
25 which opine on the positions of the pedestrian and the vehicle at the point of impact. It is on
26 these matters that the parties have concentrated their efforts on this *voir dire*.
- 27 7. For the purposes of this *voir dire*, the relevant expert evidence that Mr Redden seeks to give,
28 contained in his report CR1 and the supplementary report, can be summarised as follows.



- 1 8. Mr Redden attended the location and observed the debris field, including belongings of the
2 deceased and parts of the vehicle left at the scene following the impact — a backpack, an
3 identification card, a phone, biscuits, and a fog light bezel. He observed various suspected
4 blood stains close to the edge of the road and on the guardrail. The pedestrian came to final rest
5 under the guardrail. Mr Redden says that location is marked by a pool of blood and flattened
6 grass under the guardrail.
- 7 9. Mr Redden observed a mark on the road which he opines was from the deceased's shoe. He
8 describes it as "starting dark" and "gradually fading as it runs westbound". The deceased's
9 right shoe was located at the scene, and Mr Redden opines that marks on its sole are consistent
10 with the roadway, caused when the pedestrian was contacted by the vehicle and taken off his
11 feet. He says in his report that close examination of the marks to the ball of the sole of the right
12 shoe indicates that this was the trailing foot.
- 13 10. The vehicle was travelling westbound — that much is apparent from the debris field and is not
14 in dispute. Mr Redden's proposed evidence is that the pedestrian was also traveling westbound
15 prior to the collision, and, from his identification of the shoe mark, that the left foot would have
16 been closer to the edge of the road than the mark (which he says was caused by the right shoe).
17 Mr. Redden does not say so explicitly, but the effect of this reasoning is that the vehicle must
18 have been travelling even closer to the edge of the road. Mr Redden concludes, from a
19 combination of the debris field, the suspected blood, and the shoe mark, that the AOI was on
20 the roadway some 6 inches from its edge.
- 21 11. The defendant's own account, given in interview, is that the pedestrian ran across the road and
22 into the path of the moving vehicle. Whether, at the time of impact, the pedestrian was walking
23 westbound or crossing the road (or doing something else) is accordingly a live issue at trial, to
24 be resolved by the jury on the whole of the evidence.
- 25 12. Mr Redden inspected the vehicle. He notes the location of suspected blood stains and blunt
26 trauma contact damage he observed on the vehicle, primarily to its left side, and opines that it
27 was the left front of the vehicle that contacted the pedestrian. He notes that the lower bumper
28 cover had two areas of black transfer consistent with contact with the pedestrian's legs. He
29 further opines that this pattern of damage indicates the pedestrian was walking westbound and
30 was contacted from behind, reasoning that had he been crossing the road, the damage would



show only a single imprint consistent with his side profile being exposed to the vehicle, rather than the two imprints observed.

13. Mr Redden also states that the fog light filament shows hotshock, indicating the lights were illuminated on impact, and that the absence of hotshock to the brake light filament indicates the brakes were not applied at the point of collision. He further states that the lane is sufficiently wide that, if the pedestrian were walking at the side of the roadway, a vehicle the size of the Suzuki Swift could have safely passed the pedestrian without any steering input, had the vehicle been travelling in the centre of its lane.

14. Mr Redden summarises his ultimate conclusion, at page 11 of CR1, in these terms: “Based on the location of the suspected blood stains, the marks from the sole of the right shoe, the right side fog light bezel, the final rest for the male pedestrian, the ID and the cell phone which were all found on the left side of the road by the edge or by or under the guardrail,” this indicates that the vehicle was travelling too close to the edge of the road instead of the approximate middle of the travel lane where vehicles should travel, as required by the Road Code.

C. DEFENCE CHALLENGE AND PROSECUTION RESPONSE

15. The defence does not accept that Mr. Redden should be accepted by the Court as an expert witness. The defence submits that Mr. Redden has failed to demonstrate that he possesses the foundational qualifications that are necessary before he may give opinion evidence in the specific disciplines in which he purports to opine. Moreover, the defence submits that Mr. Redden is not sufficiently independent. Furthermore, it is submitted that Mr. Redden has failed to comply with certain basic requirements of an expert witness (such the requirement to make proper disclosure of his source materials and to comply with certain formalities in his report). For all these reasons, the defence submits that Mr. Redden’s evidence should not be admitted.

16. In her written submissions filed at the conclusion of the *voir dire*, Ms. Fosuhene added the following submissions:

- a. Mr Redden’s approach demonstrates fundamental methodological failures, including failure to examine the left shoe, self-contradictions about the shoe mark, and the absence of mathematical calculations;



- b. Mr. Redden is inconsistent in his evidence concerning the bumper marks; there is a discrepancy between two bumper marks described in Mr. Redden's report and three marks identified in his *voir dire* evidence;
- c. his work is incapable of peer review since his conclusions are not properly explained or supported by any working papers underlying them;
- d. Mr. Redden failed to answer questions in cross-examination, which is incompatible with the duty to assist the court. Mr. Redden's partiality is demonstrated by examining only what the police directed, a standing contract with the instructing authority incompatible with independence, and his failure to disclose a prior relationship with the defendant.
- e. Mr. Redden failed to engage with the pathologist's report.

17. The prosecution maintains its position that Mr. Redden is properly qualified to be admitted as an expert, as he has been on many previous occasions before this court, and that any legitimate criticisms are relevant to weight only and not admissibility. The Prosecution does concede that Mr. Redden's limited engagement with the post-mortem report means that he cannot properly give expert evidence as to the injuries of the deceased or use those injuries as supporting evidence for any of his opinions.

D. LAW ON EXPERT EVIDENCE AND FUNCTION OF THE COURT

18. Opinion evidence is, as a general rule, inadmissible. A witness may give evidence only of what he personally perceived. A recognised exception to the general rule is that a person accepted by the court as an expert in a relevant field may give evidence of opinion within that field: ***R v Robb*** (1991) 93 Cr App R 161. The question in every case where a party seeks to adduce expert evidence is whether the subject matter is one in which expertise may exist, and whether the particular witness has, by study or experience, acquired sufficient knowledge of that subject matter to render his opinion of value to the court: ***R v Silverlock*** [1894] 2 QB 766.
19. That such a witness possesses formal academic or professional qualifications is common, but it is not a precondition. In *Silverlock*, a solicitor who had studied handwriting for some years, without any professional qualification in the field, was held competent to give opinion evidence comparing handwriting: 'there is no decision which requires that the evidence of a man who is skilled in comparing handwriting, and who has formed a reliable opinion from past experience, should be excluded because his experience has not been gained in the way of his business'



(Lord Russell of Killowen CJ). *Robb* confirms that this pragmatic approach extends across the range of recognised expert fields, including accident reconstruction.

20. The same approach has been applied locally, in the specific context of accident reconstruction, in *Woods v Francis* [1986–87 CILR 207], a civil division case in which the Cayman Islands Court of Appeal held that evidence on accident reconstruction from a witness with no academic qualifications in physics or engineering was admissible, his expertise having been acquired instead by practical experience. Although *Woods* arose in a civil claim, the same admissibility test applies in criminal and civil proceedings alike: *R v Perez* [2009 CILR 500], considered further below.

21. Practical experience in a relevant field, accumulated over time and tested against real cases, may accordingly found expert competence, without more: *R v Oakley* [1979] RTR 417; *R v Murphy* [1980] RTR 145. In *Oakley*, a police constable with fifteen years' traffic experience, who had attended over 400 fatal accidents and passed a qualifying examination in accident investigation, was properly permitted to give opinion evidence on the cause of a collision, notwithstanding the absence of any further formal qualification.

22. Whether a particular witness is competent to give expert evidence is not decided in the abstract or on a generalised basis. It is a focused question, determined by reference to the specific issue on which the opinion is offered and the specific evidence available to the court as to that witness's knowledge and expertise on that issue: *R v Abadom* [1983] 1 WLR 126; [1983] 1 All ER 364. It follows directly from this that a single witness may be accepted as an expert on some of the opinions he offers and rejected on others within the same case. The court's task is not to make a single global finding that a witness is, or is not, 'an expert'. It is to examine each distinct opinion advanced and ask, issue by issue, whether this witness has the expertise to advance it.

23. In *R v Perez* [2009 CILR 500], the Grand Court held that the admissibility of expert evidence depends on two conditions: first, that the subject matter of the opinion is such that a person without expertise would not be able to form a sound judgment on the matter without the assistance of an expert, and that the area is one of sufficiently recognised knowledge; and second, that the particular witness is qualified to express an opinion on that subject matter and has sufficient knowledge to render the opinion of value to the court. *Perez* also confirms that this approach applies equally in criminal and civil matters.



- 1 24. In *R v Stewart, Cunha, Burges and Donegan* [2002 CILR Note 025], the Grand Court held
2 that because an expert's opinion is accorded special weight and will not lightly be rejected once
3 his status is recognised, the court must exercise scrupulous care to ensure that a witness
4 tendered as an expert is in fact qualified, and should not admit expert evidence on matters with
5 which ordinary members of the community might be expected to be familiar (applying the dicta
6 of Lawton L.J. in *R v Turner (T.)* (1974) 60 Cr App R 80). The court held that, in assessing the
7 suitability of a purported expert, it may conduct a *voir dire* to investigate the methodology used
8 to arrive at the opinion — precisely the exercise the court has been invited to undertake in this
9 case.
- 10 25. In *Kennedy v Cordia (Services) LLP* [2016] UKSC 6, the English Supreme Court articulated
11 four requirements that must be satisfied before expert opinion evidence is admitted: (a) the
12 evidence must be necessary to assist the court in matters outside the ordinary experience and
13 knowledge of the tribunal of fact; (b) the witness must have the necessary knowledge and
14 experience to render his opinion of value; (c) the witness must be impartial in presenting and
15 forming his opinion; and (d) there must be a reliable body of knowledge or experience to
16 underpin the opinion. I treat these four requirements as the analytical structure for assessing
17 each opinion Mr Redden advances in this case.
- 18 26. The expert's duty is to the court, not to the party who calls him. His evidence must be, and
19 must be seen to be, the independent product of the expert uninfluenced as to form or content
20 by the exigencies of the litigation: *National Justice Compania Naviera SA v Prudential*
21 *Assurance Co Ltd (The Ikarian Reefer)* [1993] 2 Lloyd's Rep 68. An expert should provide
22 independent assistance to the court by way of objective, unbiased opinion in relation to matters
23 within his expertise, and should never assume the role of advocate. He must state the facts or
24 assumptions on which his opinion is based and must not omit to consider material facts which
25 could detract from his concluded opinion. Where a question falls outside his expertise, he must
26 say so.
- 27 27. The fact that an expert has some connection with the party calling him — whether commercial,
28 contractual, or otherwise — does not of itself render his evidence inadmissible; it is a matter
29 that bears on the weight the tribunal of fact should give it. It is not appropriate to rule an expert's
30 evidence inadmissible simply because he has some connection with the party intending to call
31 him, which may or may not affect the weight given to it: *Leo Sawrij Ltd v North Cumbria*



1 **Magistrates' Court** [2010] 1 Cr App R 22. Only where the deficiency goes to the existence of
2 the necessary expertise itself, or to the evidential foundation for a specific opinion, does it
3 become a matter of admissibility rather than weight.

4 28. A judge has a discretion to direct a *voir dire* to determine whether a purported expert should
5 be permitted to give evidence as an expert, but that discretion is to be exercised sparingly. The
6 court should be astute to avoid unnecessary satellite litigation, and a *voir dire* is not a substitute
7 for cross-examination before the jury: **G** [2004] EWCA Crim 1240. The Cayman Islands Court
8 of Appeal has gone further, holding that a *voir dire* on the qualification of an expert witness is
9 normally unnecessary, since the credibility and weight of the witness' evidence is a matter for
10 the jury: **Gouldbourne v R** [2008 CILR 144].

11 29. I have conducted this *voir dire* mindful of this guidance, and I have sought throughout to
12 separate what is properly a question of admissibility, to be resolved by me, from what is
13 properly a question of weight and reliability, to be left to the jury with appropriate directions.

14 30. Although neither party addressed the court on the point explicitly, I have also kept well in mind,
15 throughout this exercise, the court's general power to disallow evidence under section 40 of
16 the Evidence Act, which provides that "[n]othing in this Act derogates from the power of a
17 court in any criminal proceeding to disallow evidence otherwise admissible which, in the
18 opinion of such court, would, if allowed, operate unfairly against an accused person." That
19 statutory power is distinct from, but reflects the same underlying concern as, the residual
20 common law discretion to exclude evidence whose prejudicial or unfairly damaging effect
21 outweighs its probative value: see **R v Flemming** (1988) 86 Cr App R 32, per Woolf LJ, applied
22 in the expert evidence context in **G** [2004] EWCA Crim 1240, and locally in **R v Orrett,**
23 **Borden, Montague and Ebanks** [2010 (1) CILR Note 4], where the Grand Court declined to
24 exclude scientific evidence of imperfect reliability, holding that such concerns could be met by
25 cross-examination and appropriate directions rather than exclusion, provided the evidence
26 retained sufficient probative value.

27 31. In terms of procedure, I derive assistance from **R v A. Powery** [2009 CILR Note 7] (Grand
28 Court, Quin J.). In **Powery**, the Crown was refused leave to adduce a late statement of expert
29 findings for want of compliance with section 20 of the Evidence Law (2007 Revision), which
30 requires a party who proposes to adduce expert evidence to furnish the other party, as soon as
31 practicable, with a statement in writing of any finding or opinion he proposes to adduce by way



1 of that evidence; a party who fails to comply may not adduce that evidence without the leave
2 of the court. Quin J held that the guidance given by the English Court of Appeal in *R v B (T)*
3 [2006] 2 Cr App R 3, approving the statement of an expert witness's duties set out in *R v Harris*
4 [2006] 1 Cr App R 5, and reproduced at §10-68 of the 2008 edition of Archbold, "should be
5 adopted and followed in the Cayman Islands in relation to expert evidence statements." I adopt
6 and apply that guidance in this ruling, in particular in assessing the adequacy of Mr Redden's
7 reports later below.

8 32. Accordingly, the court's function on this *voir dire* is as follows. The court must determine,
9 issue by issue and opinion by opinion: (i) whether the subject matter of each opinion is one in
10 which expertise may exist; (ii) whether Mr Redden has, by study or experience, acquired
11 sufficient knowledge of that specific subject matter to render his opinion of value to the court;
12 (iii) whether there is an adequate evidential foundation for each opinion, such that it is the
13 product of reasoning rather than bare assertion; and (iv) whether any question of partiality or
14 connection with the instructing party is so significant as to go to admissibility rather than
15 weight. Where an opinion fails that test, it may be excluded. Where it passes, any residual
16 concerns about reliability, methodology, or independence are likely to be reflected in directions
17 to the jury on weight, not in exclusion.

18 E. GENERAL QUALIFICATION

19 33. Mr Redden has been accepted as an expert by courts on numerous previous occasions, over
20 many years, including at Grand Court jury trial level. I have kept that history well in mind, but
21 history is not a substitute for my own assessment of an expert witness's expertise and
22 independence.

23 34. I have considered Mr. Redden's oral evidence on the *voir dire* and the following material: Mr
24 Redden's statement dated 19 May 2025 exhibiting his report CR1; CR1 itself; the
25 supplementary report dated 29 September 2025 responding to questions raised by the DPP; Mr
26 Redden's handwritten notes; his curriculum vitae (Exhibit 2); the Fire Service incident report
27 of Sub-Officer Sidney Carlson; Mr. Redden's certificates of completion for an Accident
28 Investigation Course (1995) and a course in Advanced Traffic Accident Investigation (1999);
29 Mr. Redden's certificate of recognition from NAPARS (2012); his certificates of attendance at
30 WREX (2016, 2023) and the ARC/CSI Crash Conference (2009, 2010, 2011, 2013, 2017); the
31 memorandum entitled "Rules of Engagement for Expert Services," disclosing Mr. Redden's



1 ongoing arrangement with the RCIPS; the photocopied training-manual extracts selected by
2 Mr Redden as being relevant (in his view) to his expertise in the disputed areas in this case; his
3 Declaration and Duty of Care document; the agreement between the Cayman Islands
4 Government and Mr Redden t/a Vehicle Solutions dated 1 May 2024; and the autopsy report.

5 35. Mr Redden is a retired RCIPS officer. He served as a Constable from 1986 to 1993 and as a
6 Sergeant from 1993 to 2004. He was attached to the Traffic Department from 1989 to 2002,
7 during which time he investigated serious and fatal road traffic accidents. He completed
8 advanced police driver training in Florida and received training in accident investigation at
9 police training school. He was Fleet Manager of RCIPS from 1992 to 2003, responsible for all
10 police vehicles and driver training. He retired from the RCIPS in 2004.

11 36. Since 2011 Mr. Redden has operated Vehicle Solutions Grand Cayman as its owner,
12 conducting post-crash inspections, crash analysis, radar/lidar training, and expert witness
13 services. Between 2004 and 2011 he operated earlier iterations of the same business. He says
14 he has investigated more than 5,000 accidents over his career, conducted post-crash inspections
15 for almost all fatal collisions and many serious collisions in the Cayman Islands for the past 25
16 years, and to have given expert evidence in hundreds of cases in the Summary Court, Grand
17 Court, Coroners Court, Appeal Court, and Civil Court. He has also provided reports for
18 coroners' inquests in Canada and the United Kingdom.

19 37. Mr Redden's professional memberships include: accredited member of the ARC/CSI Network
20 (Accident Reconstruction Network / Collision Safety Institute), member number 1525;
21 accredited NAPARS member (National Association of Professional Accident
22 Reconstructionists Specialists); WREX member (World Reconstruction Exposition); and
23 registration with the Institute of Traffic Accident Investigators (ITAI) in the United Kingdom.
24 He holds CDR Technician Level 2 certification (crash data retrieval from event data recorders).
25 He is an ASE certified xEV Technician Electrical Safety Level 2.

26 38. Mr. Redden has participated in continuing professional development since retirement. From
27 2009 to at least 2016 he attended either the ARC/CSI annual conference or the WREX
28 exposition every year. The 2009, 2010, and 2011 ARC/CSI conferences each included sessions
29 described in his curriculum vitae as 'ACTAR Accredited' involving fully instrumented live
30 crash testing. He attended the 2023 WREX exposition in Orlando, attended by 1,300 people



1 and presented by 21 professional associations worldwide. He receives the NAPARS Accident
2 Reconstruction Journal bimonthly.

3 39. Applying the framework in Part D of this ruling, I am satisfied that Mr Redden has extensive
4 practical experience in accident reconstruction and post-crash vehicle inspection, substantially
5 exceeding the experience of the constable accepted as an expert in *Oakley*. The threshold for
6 general qualification as an accident reconstructionist is met.

7 **F. INDEPENDENCE AND CONFLICTS OF INTEREST**

8 ***The prior relationship with the defendant***

9 40. The defence alleges that Mr Redden had prior professional dealings with the defendant during
10 Mr. Redden's service in RCIPS, and that he failed to disclose this in either of his reports.

11 41. The defence particularised this allegation in correspondence dated 31 May 2026, identifying
12 two categories of prior contact: that Mr Redden attended a scene involving the defendant on
13 one occasion as one of several officers; and that Mr Redden served as cell officer on occasions
14 when the defendant was detained. The source of the first category is an anonymous former
15 police officer who has declined to be identified or to give evidence. The source of the second
16 is, we are told by defence counsel, Mr Dennis Brady, whose firm acts for the defendant in this
17 case. Mr Brady has not provided a statement.

18 42. Mr Redden was cross-examined on such matters. His evidence was that he did not recall any
19 specific prior dealings with the defendant that he regarded as material to his independence as
20 an expert. I am satisfied by his answers, and I find the defence objection is not made out.

21 ***The standing contract with RCIPS***

22 43. Mr Redden acknowledged in evidence that he operates under a standing arrangement with
23 RCIPS to attend road traffic accident scenes and provide analysis. The written contract has
24 been disclosed. The defence submits this institutional relationship is incompatible with
25 independence.

26 44. I do not accept that this standing arrangement, without more, disqualifies Mr Redden as an
27 independent expert. Experts are routinely engaged on a recurring basis by one side. What
28 matters, applying *Leo Sawrij*, is whether the individual opinions expressed are the independent
29 product of the expert's expertise. I will hear counsel in due course as to what direction the jury



1 should receive in relation to the standing arrangement and its relevance when the jury assesses
2 the weight of Mr Redden's evidence.

3 ***The CV language — 'successful convictions'***

4 45. Mr Redden's curriculum vitae contains repeated references to prior cases in terms of the
5 convictions obtained. Several entries are framed explicitly by reference to whether the
6 defendant was convicted. He describes working to 'get a successful conviction' in one radar
7 case. He describes an attempted murder case as resulting in 'a conviction by the jury', with
8 apparent professional satisfaction. He describes his role as including instructing the Traffic
9 Crown Counsel in countering defence experts.

10 46. I accept the prosecution's submission that the use of this language does not automatically mean
11 that Mr Redden's actual opinions in any given case are compromised by partiality. The question
12 is whether the opinions themselves are the independent product of his expertise. I am
13 nonetheless troubled by the consistent pattern of this language across multiple entries and
14 multiple cases. It does tend to imply that success is measured by conviction outcome rather
15 than by the accuracy and independence of forensic analysis. That is antithetical to the *Ikarian*
16 *Reefer* principle.

17 47. Defence counsel has also invited the Court to consider Mr Redden's conduct in the witness box
18 during the *voir dire*. It is submitted that he failed on several occasions to engage with questions
19 being put by defence counsel and, worse, he failed to answer certain questions at all. Whilst
20 defence counsel's submissions are accurate, I do not consider that Mr. Redden's conduct in this
21 regard was motivated by bias; rather, it was him reacting to his skill, experience and
22 professionalism being impugned in robust terms. I may of course be wrong about that, which
23 is why the jury will be better equipped to decide the issue.

24 48. Ultimately, I stop short of finding that Mr Redden's evidence should be excluded in its entirety
25 on grounds of lack of independence. The threshold for exclusion on independence grounds is
26 high, and *Leo Sawrij* confirms that connection with an instructing party goes to weight. I do,
27 however, consider that the jury should receive a specific direction about Mr Redden's
28 independence, drawing their attention to the standing contract and the CV language in
29 particular. I encourage the parties to assist me in formulating that direction in due course.



G. THE CONFERENCE ATTENDANCE ARGUMENT

49. The defence submits that Mr Redden's claim to have attended lectures at the 2016 WREX conference is contradicted by the conference brochure, which reveals those sessions to be breakout discussions rather than taught lectures; that no certificate of completion was issued for individual sessions; and that he lists 14 subject areas when only 13 breakout sessions were available to him, making his account arithmetically impossible.

50. I do not accept that these matters bear on admissibility. Mr Redden's general qualification as an accident reconstructionist does not stand or fall on the precise characterisation of sessions at a single conference. His training history extends over more than 15 years and multiple conferences and events. Even discounting the 2016 WREX conference entirely, the remaining training record is substantial. Whether the discrepancy between 13 and 14 sessions reflects an honest error, an overlap in sessions, or something more concerning is a matter that goes to his general credibility. In accordance with *Bates v Chief Constable of Avon and Somerset Police and Bristol Magistrates' Court* (2009) 173 JP 313, that is a matter for the jury, not a ground of inadmissibility. I do, however, keep the discrepancy in mind when assessing Mr Redden's credibility on the *voir dire* generally.

H. FOOTWEAR MARK

51. Mr. Redden identifies a mark on the roadway 6 inches from the road edge. He opines that it is a shoe mark. Going further, he attributes the shoe mark to the right foot of the deceased pedestrian.

52. He further opines that: the right foot was the trailing leg; the pedestrian was walking westbound; the left foot was closer to the road edge; the vehicle was travelling too close to the left edge of the lane.

53. The identification of a mark on a road surface as a shoe mark is the kind of observation an experienced scene examiner can properly make. The identification of that mark as having been made by a specific foot of a specific individual, in a specific gait phase, with attribution to the trailing rather than leading foot, is a different and more specialised exercise.

54. Mr Redden's curriculum vitae does not identify any specific training in forensic footwear examination. His training list, which I have examined in detail, does not include any course from the Forensic Science Regulator, the Chartered Society of Forensic Sciences, the



1 International Association for Identification, or any equivalent body in footwear mark analysis.
2 Mr. Redden was given ample opportunity to address this issue in the *voir dire*. The particular
3 pages of his training manuals, to which he directed the court's attention, did little to support
4 his level of expertise in this field.

5 55. As defence counsel points out, Mr Redden never examined the left shoe. Without examining
6 the paired shoe he cannot exclude the possibility that the mark was made by the left foot, or
7 that the features he identifies are common to both shoes.

8 56. The difficulties with this evidence were compounded by what occurred during the *voir dire*. In
9 cross-examination, when Mr Redden was asked to point to the area of the shoe where the scuff
10 marks were located, he pointed to the heel. His written report, however, refers to the ball of the
11 sole. When confronted with this discrepancy, Mr Redden said the marks were at both the heel
12 and the ball. There is no mention of the heel anywhere in report CR1. Mr Redden offered that
13 he had made a mistake.

14 57. The inconsistency goes further. Twice in cross-examination, when asked about the scuff mark,
15 Mr Redden said the mark indicated that the right foot was the leading foot. He said on two
16 occasions, words to the effect that, there will normally only be one shoe with scuff mark and it
17 is normally the leading foot. His written report, by contrast, concludes that the mark indicates
18 it was made by the trailing foot. When this direct contradiction was put to him, Mr. Redden did
19 not attempt to defend the "leading foot" answer; his explanation was that he had been "speaking
20 from memory" before reverting to the position stated in his report.

21 58. I find that Mr Redden may give evidence that a mark consistent with a shoe was found 6 inches
22 from the edge of the road, and he may give evidence of the AOI by reference to that measured
23 location together with the other physical evidence at the scene, including the blood-consistent
24 staining. He may not, however, attribute that mark to the right foot specifically, characterise it
25 as the trailing or leading foot, or draw from it any conclusion as to the pedestrian's gait or the
26 position of the left foot. The defence remains free to challenge Mr Redden's AOI estimate, and
27 the basis for it, in cross-examination before the jury, and the weight to be given to it will be a
28 matter for the jury.



I. BLOOD

59. Mr. Redden observed that a substance at particular locations appeared to be blood. That is an observation that any experienced scene examiner is competent to make. He may say that at identified locations on the road, on the guardrail, and on the vehicle, he observed substances that appeared to him visually consistent with blood.

60. Mr. Redden may also infer, from the distribution of those substances, the path of travel of the pedestrian (post impact) and the final rest location. This is not blood pattern or spatter analysis in the forensic sense. There are marks that look like blood stretching from the shoe mark to a large pool of blood. Vehicle debris and personal items of the deceased add to the picture. The defence is correct that Mr Redden may not give blood pattern analysis evidence, but that is not what he seeks to do. In my estimation, Mr. Redden is doing little more than reporting what he observed and where. The jury may draw inferences as they see fit.

61. In terms of the final rest location, Mr Redden says he observed compressed grass and a suspected pool of blood under the guardrail. He did not see the body in situ. I find that the final rest location conclusion, insofar as it rests on Mr. Redden's observations alone lacks adequate evidential foundation to amount to admissible expert evidence. However, the prosecution may adduce evidence of the final rest location through first responders.

J. PEDESTRIAN INJURY BIOMECHANICS

62. Mr Redden's curriculum vitae now reveals more training in pedestrian collision analysis than was initially apparent. The 2011 ARC/CSI conference included 'Auto Pedestrian Collision Analysis: Applications of formulas vs real world testing.' The 2015 conference included 'Relating Collision Trauma Biomechanics to Crash Reconstruction.' The 2017 conference included three dedicated pedestrian reconstruction sessions. The 2023 WREX conference included 'Injury Biomechanics for the Accident Reconstructionist' by a PhD-qualified expert. I accept that this training gives Mr Redden a basis for giving evidence about pedestrian collision dynamics as understood by accident reconstructionists.

63. However, the prosecution has formally conceded that Mr Redden's treatment of the injury evidence is not sufficiently reliable for it to form part of his opinions. The defence submits that Mr. Redden told counsel before giving evidence that he had never viewed the pathologist's report. In oral evidence Mr Redden said he had seen it once, briefly, in November 2024. His



report CR1 contains no reference to the pathological findings, no analysis of whether the injury pattern is consistent with his reconstruction hypothesis, and no note of any specific injury. An expert who purports to draw biomechanical conclusions about which body part struck which vehicle component, but who has never recorded a single injury from the pathologist's report and cannot recall any finding when asked, will not have engaged with the primary forensic evidence for those conclusions in any meaningful sense.

64. I accept and record the prosecution's concession. Mr Redden will not give evidence as to the injuries to the deceased or use those injuries as supporting evidence for any of his opinions.

65. The prosecution can call Dr Jyoti and/or Dr McHayle to give evidence of the injuries sustained.

K. DIRECTION OF TRAVEL

66. An issue that runs through much of Mr Redden's evidence is the direction in which the pedestrian was moving at the time of the collision. I have already excluded, as part of the ruling on the shoe mark, any directional inference Mr Redden seeks to draw from his attribution of that mark to a specific foot. I make clear here that the exclusion is of general application. On the material disclosed to date, Mr Redden shall not be permitted to give any independent expert opinion that the pedestrian was walking in a particular direction — west, east, or otherwise — at the time of the collision, whether that opinion is said to rest on the shoe mark, the bumper mark pattern, the blood distribution, or a combination of them. Mr Redden's own evidence was that his understanding of the pedestrian's direction of travel came from information relayed to him by the police, who told him the deceased was on his way to work at Health City Hospital.

67. If the prosecution wishes to adduce evidence of likely direction of travel, it can rely upon Sonia Taroch and Ravi Singh, as to the pedestrian's movements that evening. Mr Redden may be asked to assume — consistently with the prosecution's non-expert evidence — that the pedestrian was walking west, and to give opinions based on that assumption as to what the physical evidence at the scene and on the vehicle is consistent with. What is not admissible is Mr Redden's own opinion, as an expert matter, that the pedestrian was in fact walking in a particular direction.

L. SEQUENCING OF BLOOD AND SHOE MARK

68. Mr Redden's evidence is that the first and second suspected blood stains were located further east than the shoe mark. On the working assumption that both pedestrian and vehicle were



travelling east to west at the time of collision, and that the shoe mark was caused when the vehicle swept the pedestrian off his feet, it is not obvious how this sequence of stains/marks is possible. The Court asked for Mr. Redden's opinion on this matter, but his answer was not convincing. That is, however, a matter of weight not admissibility, and it can be ventilated before the jury, if either party wishes to do so.

M. BUMPER MARK(S)

69. Mr Redden's written report CR1 refers to two vertical marks on the lower bumper cover of the vehicle. In oral evidence during the *voir dire* Mr. Redden circled three marks — two on the lower bumper and one on the upper bumper. Defence counsel is entitled to revisit this discrepancy in cross-examination before the jury.

70. In Mr Redden's opinion, this pattern of damage is consistent with the pedestrian being contacted by the vehicle from behind (which would be consistent with the pedestrian walking east to west, on the shoulder of the road). Mr Redden further states that, in his opinion, the two marks are inconsistent with a side-on impact (which would be inconsistent with the suggestion that the pedestrian may have been perpendicular to the vehicle at the point of impact).

71. On the material before me, I am not satisfied that these observations amount to expert opinion. Mr Redden is entitled to give evidence as to the marks he saw, but his opinion as to the direction of travel may not be given. The jury may form its own opinion without his assistance.

N. PEER REVIEW AND METHODOLOGY ARGUMENT

72. Mr Redden's work contains no literature references, no mathematical calculations, and no supporting methodology. The defence submits that this renders it incapable of peer review, and that this is a further ground for exclusion.

73. It is correct that a transparent and examinable basis for an expert opinion is what allows differences between experts to be properly tested and weighed. I do not, however, accept that the absence of calculations and literature references is itself a ground of inadmissibility in this case. Mr Redden does not seek to present conclusions on matters such as speed, momentum or trajectory. I have already imposed limitations on Mr. Redden's evidence in respect of shoe mark analysis, gait analysis and direction of travel. His remaining opinions rest primarily on scene observation, vehicle inspection, CCTV analysis, and nighttime visibility replication. I



1 am satisfied that these opinions are sufficiently well explained to allow the jury to assess them
2 critically.

3 **O. FORMAL FAILURES IN THE PREPARATION OF THE REPORT**

4 74. The defence highlights the fact that Mr Redden did not initially provide a curriculum vitae at
5 the outset of his instruction, providing it only on the first day of the hearing. Neither did he
6 disclose any letter of instruction or identify what he was told when he was first contacted in
7 relation to this collision. He did not initially provide a declaration of independence either.

8 75. It is submitted by the defence that these are serious departures from proper expert practice, and
9 amount to further grounds for the exclusion of Mr. Redden's evidence. It is submitted by the
10 defence that, when these failures were put to Mr Redden, he appeared not to appreciate that
11 these were established requirements of expert witness practice nor did he appreciate the
12 seriousness and significance of their omission.

13 76. By the time of writing this judgment, however, these omissions have been largely addressed
14 by Mr. Redden. The CV was provided. His standing retainer with Cayman Islands Government
15 has been disclosed and explained. A declaration of independence has been signed. As such, I
16 do not consider this to amount to a valid ground for exclusion of Mr. Redden's evidence.

17 77. I agree that these matters should have been addressed much sooner. I would ordinarily expect
18 them to be contained within, or exhibited to, the witness statement that also exhibited Mr
19 Reddens report CR1. In the future, I would expect the office of the DPP to ensure that such
20 matters are clearly explained to any expert witnesses upon which the prosecution seeks to rely
21 at the very outset of their instruction and documented accordingly.

22 **P. INTOXICATION**

23 78. The prosecution has conceded that Mr Redden's broad conclusions about the causal role of
24 alcohol in the defendant's failure to perceive the hazard go beyond the scope of his expertise.
25 I accept and record that concession. Mr Redden will not give evidence that alcohol caused the
26 defendant to fail to perceive the pedestrian, or that his perception was impaired by reason of
27 intoxication. That evidence, to the extent it is adduced at all, will come from other witnesses
28 and from the scientific evidence of the defendant's blood alcohol level.



1 79. Mr Redden may give evidence about what a driver in the approximate middle of the travel lane
2 could have perceived and done in the conditions that existed. That is within his competence.

3 **Q. OVERALL RULING AND SCOPE OF ADMISSIBLE EVIDENCE**

4 80. For all the reasons set out above, I make the following ruling.

5 81. Mr Redden is qualified to give expert evidence as an accident reconstructionist generally.

6 82. The challenge to Mr. Redden's independence does not succeed as a ground of exclusion, but
7 the matters identified — including the standing contract and the CV language about convictions
8 — will be reflected in specific jury directions about weight and independence.

9 83. The following specific categories of evidence are excluded and Mr Redden will not be
10 permitted to give the following opinions before the jury:

11 a. Any attribution of the road surface mark to the right foot rather than the left foot, any gait
12 analysis (leading or trailing foot), and any directional inference derived from that attribution.
13 These conclusions are excluded for want of adequate evidential foundation. Mr Redden may
14 give evidence that the mark is consistent with a shoe mark. He may give evidence as to its
15 measured location (6 inches from the edge of the road).

16 b. Attribution of the final rest location to the identified area of compressed grass without reference
17 to the evidence of first responders.

18 c. Any conclusion about which specific body part of the deceased contacted which specific
19 component of the vehicle; which leg was leading or trailing at the moment of impact; or the
20 direction from which the pedestrian was struck. These conclusions would require engagement
21 with the medical evidence and are excluded on the basis of the prosecution's concession and
22 the evidential foundation analysis above.

23 d. Any conclusion attributing the defendant's failure to perceive the pedestrian, or the cause of
24 the collision, to the effects of alcohol on his perception or driving. This is excluded on the basis
25 of the prosecution's concession.

26 e. Any expert opinion by Mr Redden that the pedestrian was walking in a particular direction —
27 west, east, or otherwise — at the time of the collision, whether that opinion is said to rest on
28 the shoe mark, the bumper marks, the blood distribution, or any combination of them. The



1 Prosecution can adduce evidence from lay witnesses that the pedestrian was likely to have been
2 travelling from east (home) to west (workplace).

3 84. The following evidence is admissible and Mr Redden may give the following evidence before
4 the jury.

5 a. General scene observations: the road layout, geometry, dimensions, shoulder width, condition,
6 the speed limit, and the presence and position of the guardrail.

7 b. Lighting and visibility: the identity and location of the unlit streetlight at CUC pole G8815; the
8 extent of the dark section of road; and the findings of the nighttime visibility study, including
9 the methodology and the results as to the visibility of a pedestrian in similar clothing from a
10 vehicle with headlights illuminated.

11 c. Vehicle damage: the location, nature, and distribution of contact and blunt trauma contact
12 damage to the Suzuki Swift Sport as factual observations of what was present on the vehicle.
13 He may describe what parts were damaged, shifted, missing, or penetrated (without attributing
14 those observations to specific body parts of the pedestrian).

15 d. Scene items: the location of the backpack, the Health City ID, the cell phone, the shoe, and the
16 fog light bezels. On the assumption that the pedestrian was walking west, consistently with the
17 lay evidence of those with whom he lived, Mr Redden may give evidence that the general
18 distribution of these items is consistent with that assumption; he may not himself conclude, as
19 an independent expert matter, that the distribution establishes westward movement. He may
20 give evidence that the mark on the road surface is consistent with a shoe mark and as to its
21 measured location, 6 inches from the edge of the road. As already stated above, he may not
22 attribute the mark to a specific foot, gait phase, or direction of travel.

23 e. Filament observations: the hotshock conclusion in respect of the fog light filament (illuminated
24 on contact) and the absence of hotshock in respect of the brake light filament (brakes not
25 applied on contact).

26 f. Absence of brake or tyre marks at the scene.

27 g. CCTV analysis: the identification of the Suzuki at the Frank Sound Road junction at 7:24:27
28 PM and its subsequent route to the Bodden Town Police Station, the timestamps, and the
29 vehicle damage visible on the CCTV footage.



- 1 h. Lane position: the general conclusion that the vehicle was travelling to the left of the normal
2 travel line for a westbound vehicle, supported by the physical evidence at the scene. The court
3 notes that the location of the vehicle debris, the damage pattern, and the positions of the
4 personal items all independently support the finding that the vehicle was travelling close to the
5 left edge of the lane, and Mr Redden may give that evidence.
- 6 i. Avoidance: the general conclusion that a driver travelling in the approximate middle of the
7 westbound lane could safely have passed a pedestrian walking on the road edge without any
8 steering input.
- 9 j. Road Code: the provisions of sections 9.1 and 9.2 of the Road Code and their application to the
10 pedestrian's position and clothing.
- 11 k. Mechanical condition: there were no mechanical defects that played a role in the collision.
- 12

13 **R. CONSEQUENTIAL MATTERS**

- 14 85. The prosecution is directed to serve on the defence, no later than **31 August 2026**, a revised
15 version of Mr Redden's evidence in chief that confines his intended oral evidence to the scope
16 permitted by this ruling. The defence is entitled to object to any aspect of the revised evidence
17 in chief that it considers goes beyond the permitted scope no later than **14 September 2026**.
- 18
- 19

20 **Dated this, the 20th day of July 2026**

21

22 

23 **Justice Benjamin Tonner KC**
24 **Acting Judge of the Grand Court**
25

