



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

3 **Neutral Citation Number: [2026] CIGC (Crim) 25**

4 **INDICTMENT NO: 129 and 130 of 2025**

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8 **R**

9
10 **V.**

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12 **BREVON SINCERE WATSON**
13
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15

16 **Appearances: Mr. Martin Mulgrew, Senior Crown Counsel, Office of the Director of Public**
17 **Prosecutions for the Prosecution**

18
19 **Ms. Amelia Fosuhene, Brady Law for the Defence**
20
21

22 **Before: The Hon. Justice Cheryll Richards KC**
23

24 **Submissions Heard: 12th June 2026**
25

26 **Sentence Judgment: 13th July 2026**
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31 ***Criminal Law** – Sentencing, Robbery contrary to section 242 of the Penal Code (2024 Revision),*
32 *Possession of an Imitation Firearm with Intent to Commit an Offence contrary to section 18 (6) of the*
33 *Firearms Act (2025 Revision). Cayman Islands Sentencing Guidelines, Principles on Sentencing.*
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SENTENCE JUDGMENT

1. The defendant is before the Court for sentencing following guilty pleas on the 6th February 2026, to two counts of the Joint Indictment 129 and 130 of 2025 as follows.
2. Count 1 charges him with the offence of Robbery contrary to section 242 of the *Penal Code* (2024 Revision).
3. The particulars are that he on the 22nd day of November 2025 at 19 Fort Street, George Town, stole jewelry, namely eighteen (18) gold bracelets valued at eleven thousand (\$11,000.00) KYD, the property of Caribbean Gold Jewelers (Limited) and at the time of doing so and in order to do so, used force on the said Navin Totlani.
4. The maximum penalty is life imprisonment.
5. Count 2 charges him with the offence of Possession of an Imitation Firearm with Intent to Commit an Offence contrary to section 18 (6) of the *Firearms Act* (2025 Revision). The particulars are that he on the 22nd day of November 2025 at 19 Fort Street, George Town, had in his possession an imitation firearm with intent to commit an offence, to wit, causing fear or provocation of violence towards Navin Totlani.
6. The maximum penalty is a fine of two hundred and fifty thousand dollars or to imprisonment for a term of thirty-five years, or to both.
7. Charge 2025-01445, a charge of Aggravated Burglary of the same premises, (charge on (Indictment 130 of 2025), which is reflective of the same incident though transmitted to the Grand Court at the same time was not placed on the Indictment. This is understandable as it is clearly subsumed in Count 1.



1 CHRONOLOGY

- 2
- 3 8. The defendant first appeared in the Grand Court on the 28th November 2025. The defence asked
- 4 for time and foreshowed on the 9th January 2026, the third mention date that there were likely to
- 5 be guilty pleas. The defendant pleaded guilty on the 6th February 2026 and pre-sentence reports
- 6 were ordered.
- 7

8 THE FACTS

- 9
- 10 9. The prosecution has provided a summary of the facts and eleven photographs and CCTV stills of
- 11 the incident. These photographs were received as Exhibit 1 for the purpose of this sentence
- 12 hearing.
- 13
- 14 10. Shortly after 3pm on the afternoon of Saturday the 22nd November 2025, the defendant rode a
- 15 bicycle from the direction of Rockhole Road to Fort Street. He left the bicycle across the street
- 16 from the store Caribbean Jewelers. This store is in the center of the Town on Fort Street, just
- 17 down from the intersection of Seafarers Way on the waterfront. It is a short distance from the
- 18 Court building.
- 19
- 20 11. The defendant was wearing a yellow high visibility construction vest and was masked. He
- 21 alighted from the bicycle and went into the store holding aloft what appeared to be a firearm in
- 22 his left hand and a hammer in his right hand. This is shown in photograph WA0022.
- 23
- 24 12. He smashed his way into the glass cabinets which contained jewelry and took several items to
- 25 the value above stated. The victim, the owner of the store approached the defendant and a struggle
- 26 ensued. During the struggle the defendant hit the victim with the hammer several times on his
- 27 back and arm. The victim sustained a laceration to his left palm and injuries to his back. The
- 28 victims' wife was also present in the store at the time.
- 29
- 30 13. The defendant fled on foot from the scene leaving the bicycle behind. The victim gave chase as
- 31 the defendant ran along Fort Street and eventually on to Mary Street. There the defendant was
- 32 held by the police who had been alerted to the incident.
- 33



14. Several items of jewelry still with tags on them were recovered from beside the defendant in the gravel on the ground. The hammer was also recovered. A black toy pistol was recovered from the floor of the store. (See an unlabeled photograph showing this). Photograph AT/BW 3 is a still image of the defendant in the course of the confrontation with the victim which shows most of the defendant's face. Photograph WA0007 shows reddish bruising to the back of the victim. Photograph JW/BW 6 shows smashed glass counters in the store.

15. The defendant was arrested and interviewed on the 23rd November 2025 under caution in the presence of his attorney. He exercised his legal right and declined to answer questions.

VICTIM IMPACT REPORT

16. The Department of Community Rehabilitation ("DCR") has provided a Victim Impact Report ("VIR") which is dated the 15th April 2026.

17. The victim, Navin Totlani says that this was a frightening experience for him which has caused significant changes in his life. In describing the impact on him he said that at the time on seeing the defendant armed with a firearm and a hammer he had no way of knowing whether the weapon was real or an imitation. He believed that his life and the life of his family was in immediate danger. He was afraid that he was going to be shot and had an overwhelming sense of panic. He says that the offender acted aggressively in smashing the showcases and in forcefully and physically confronting him and causing him to fall to the ground. During the confrontation he sustained a deep cut to his left hand from the claw of the hammer and bruises and swelling to his back. He had to seek medical treatment and stitches at the George Town hospital.

18. Since the incident he has been feeling unsafe and on constant edge. He feels distress whenever he encounters anyone of similar appearance. He replays the incident over and over in his mind. He still feels fear, shock and heaviness and seeks a non-contact order against the defendant.

19. The victim also states that the robbery resulted in significant financial loss and damages including damage to the jewelry showcases and displays, and loss of valuable merchandise, some of which was not recovered by the police. It also resulted in damage of valuable goods and the costs

1 associated with repairs and restoration, disruption to business operations and increased security
2 concerns and costs.



3
4 20. In a statement to the Court the victim states :

5
6 “Beyond the personal impact, this offence has broader implications for our community and
7 our country. The Cayman Islands are widely regarded as a safe and welcoming destination,
8 both for residents and for visitors from around the world. Incidents of this nature threaten
9 that reputation and undermine the sense of security that is fundamental to our society.

10
11 As a nation that relies heavily on tourism, our image of safety and stability is essential.
12 When violent crimes occur in public-facing businesses with tourists present, it not only
13 affects those directly involved, but also sends a concerning message to visitors and
14 investors. It creates fear within the business community and places additional strain on
15 those who work hard to uphold the integrity and reputation of our Islands.

16
17 We, as a community, have a shared responsibility to protect and care for our Islands. Acts
18 of violence such as this stand in direct opposition to those values. No employee, business
19 owner, or member of the public should have to fear for their life while contributing to the
20 economy and wellbeing of this country.

21
22 I respectfully ask the Court to consider the seriousness of this offence not only in terms of
23 the harm caused to me personally, but also in light of its broader implications.

24
25 Such actions contribute to ongoing crime and undermine public safety, community
26 confidence and the reputation of the Cayman Islands. An appropriate sentence is necessary
27 to reflect the gravity of the offence and serve as a clear deterrent against similar conduct in
28 the future.

29
30 It is important that this matter sets a clear example – that offences which harm our Islands
31 and its people are treated with the utmost seriousness.
32

1 Individuals must be encouraged to consider the consequences of their actions with full
2 awareness that our judicial system and court are committed to upholding justice with
3 firmness and integrity.”
4

5 21. The Probation Officer’s assessment is that the victim was significantly impacted at the physical,
6 financial and psychological levels. The psychological impact is said to be compounded by the
7 constant replaying of the incident. The victim’s family was present at the time and they were also
8 traumatised by witnessing what occurred. The financial impact included the damage to the
9 showcases, the loss of inventory and the disruption to the business which led to loss of earnings.
10 The Officer also notes the wider social impact because the incident occurred in a busy town center
11 which attracts a high volume of tourists and locals and the attendant safety risks to the general
12 public.
13

14 22. The recommendations include an exclusion order to prevent the defendant from entering the store
15 and an order that the defendant not go within 100 yards of the victim.
16

17 **ANTECEDENT HISTORY**

18

19 23. The defendant has no criminal convictions recorded against him.
20

21 **SOCIAL INQUIRY REPORT**

22

23 24. The Department of Community Rehabilitation (“DCR”) has provided a Social Inquiry Report
24 (“SIR”) with respect to the defendant which is dated the 15th April 2026.
25

26 25. The defendant is nineteen years old. He has younger siblings, a sister who is eighteen years old,
27 a brother who is seventeen years old and two younger brothers who are seven and eight years
28 old. The defendant was raised in what was essentially a single parent household. He describes no
29 issues during his growing years in the household. He reported that his high school years were
30 difficult due to being bullied. The bullying extended to his sister and he got into fights trying to
31 defend her. This led to suspensions. He graduated high school with multiple passes in final
32 examinations and went on to enroll in tertiary studies. He was unable to complete these due to





1 financial struggles. Since being on remand, he has undertaken courses with a view to continuing
2 his education.

3
4 26. By way of work history, prior to being on remand he held various short term jobs. He is presently
5 employed as a cleaner at the Prison. There are positive reports about him from the Prison. He is
6 said to be doing a good job and to have excellent behaviour. There are no adjudications since
7 being on remand and no issues with prison officers or inmates.

8
9 27. The defendant reported to the Probation Officer that prior to the offence he had been in debt of
10 \$3,000 to \$4,000 to a person who is known to him and that his motivation for the offence was to
11 obtain money to repay the debt. He said that he had borrowed small amounts of around \$300.00
12 at a time over a period of eleven months. The money was for him to go out to have a good time
13 and to help with family finances until he got a job. The individual had been demanding his money
14 back for about three or four months before the incident. The defendant said that he was threatened
15 with violence and instructed to go and rob so that he could repay the money owed. He said that
16 he was given a fake gun, hammer and bicycle and they had driven around to identify the store to
17 target. Caribbean Jewelers was identified as *"the smartest place as the doors were wide open"*.
18 He said that when confronted by the victim, he hit him with the hammer but also said that he was
19 frightened and denied any intention to harm anyone.

20
21 28. The defendant has no major health issues, although in the past he has had counselling for anger
22 problems which were linked to feelings of depression. The Probation Officer notes that he had
23 some difficulties coping due to his present circumstances and recommends that he has therapeutic
24 intervention from the Clinical team at HMP Northward.

25
26 29. The defendant is described by his relatives as empathetic and protective of his family. His family
27 are supportive of him. The offending was a shock to his family who say that it is out of character
28 for him. There is some emotional impact on them.

29
30 30. The defendant's overall risk of re-offending was assessed as low with none of the eight
31 criminogenic factors in the high or very high categories. The defendant expressed remorse for his
32 actions. He is said to have some attitudes supportive of crime but to also demonstrate some victim
33 awareness and a willingness to engage with therapeutic treatment and the rehabilitative process.

1 The recommendation of the Officer is that he would benefit from engaging with the rehabilitative
2 interventions available to him, as well as accessing counselling services while in custody.

3
4
5 **CHARACTER REFERENCES**



6
7 31. Defence Counsel has provided several letters in respect of the defendant.

8
9 32. Ms. Cherrie Graham in a letter dated 30th April 2026 states that she is the godmother of the
10 defendant, having been a friend of his mother since 1996. Ms. Graham describes the defendant
11 as consistently demonstrating qualities of good character. He is said to be loving, kind, humble
12 and deeply devoted to his family. He is said to support those around him and to have a genuine
13 desire to do what is right and to have the capacity for growth, reflection and positive change. Ms.
14 Graham states that she believes that he has a strong support system around him and that with
15 guidance and opportunity he can continue to be a productive and contributing member of society.

16
17 33. Ms. Jannetta Bush in a letter dated 30th April 2026 states that she is a close member of the family
18 who has known the defendant since birth. He is described as a respectful, well-mannered and
19 caring young man who consistently demonstrated love and commitment to his family. In a single
20 parent household, he has served as a positive role model and father figure. He has been involved
21 in church from a young age and his values have been shaped by this involvement. He is said to
22 be deeply remorseful and to have expressed shame for his actions.

23
24 34. Ms. Diandra Myles in a letter dated 30th April 2026 speaks to the deep emotional impact which
25 the defendants' absence has had on his younger brothers. They are still very young and have a
26 sense of sadness, confusion and abandonment because of the defendant's absence. Ms. Myles
27 describes the defendant as an intelligent and capable young man with good intentions and a
28 willingness to do what is right. He is said to have made a serious mistake but to be deserving of
29 the opportunity to redeem himself and to be given a chance for rehabilitation rather than
30 punishment. This it is said would allow him to grow, mature and become a pillar for his family.
31 Ms. Myles states in part: -
32

1 “At just 19 years old, Brevon is still developing emotionally and mentally. While he may
2 be considered an adult by law, he is still in a critical period of growth, learning and self-
3 discovery. This is a time where guidance, accountability, and opportunity can shape the
4 direction of his entire future.

5
6 I respectfully ask the court to consider not only the present circumstances, but the broader
7 picture of who Brevon is, a young man with strong family ties, positive influence within
8 his household and the potential to contribute meaningfully to society. He has the
9 foundation, the support system, and the character needed to learn from this experience and
10 move forward in a better direction.

11
12 I truly believe that Brevon deserves the opportunity to redeem himself. A chance for
13 rehabilitation rather than a punishment that could permanently hinder his future would
14 allow him to grow, mature and continue being a pillar for his family.”

- 15
16 35. The defendants’ sister Jenna Watson in an undated letter speaks to the supportive, caring role
17 which the defendant played in the family and the emptiness now because of his absence. The
18 defendant is said to love his family deeply and to have brought a sense of safety and stability to
19 the family. The defendant’s mother describes him as a source of strength and support who has
20 cared for his younger siblings and as a person with an exceptional work ethic. His cousin Jhaiyre
21 Willis says that he has guided her, played a positive role and made a real impact on her life. He
22 is said to have a heart for the people around him.



23
24 **THE SUBMISSIONS**

- 25
26 36. Both Counsel referred the Court to the *Cayman Islands Sentencing Guidelines* for the offence
27 of Robbery.
28
29 37. Counsel for the prosecution Mr. Mulgrew submits that the offending is at the level of Category 2
30 A under the *Guidelines*. The defendant produced a weapon and used it to strike the victim.
31 Counsel also submits that it is an aggravating factor that the defendant was masked.
32



- 1 38. As to credit for guilty plea Mr. Mulgrew submits that the defendant entered a plea after a second
2 appearance before the Grand Court and that credit would be around 20% to 25 %.
- 3
- 4 39. For the offence of Possession of an Imitation Firearm, Counsel submits that by reference to the
5 ***United Kingdom Sentencing Council Guidelines*** the offending falls within Category 2 B and C
6 with a range of sentence of 2 to 4 years.
- 7
- 8 40. Defence Counsel submits that there are particular features of the offence of Robbery which place
9 it in the lower end of the spectrum of robberies of this type.
- 10
- 11 41. Counsel submits that of material significance to the defendant's culpability are four matters.
12 Firstly, that the firearm which he carried was an imitation firearm which was not capable of
13 discharging a projectile and causing injury. The injury sustained by the victim was an accidental
14 consequence of the defendant's actions in the course of the robbery. It was not a separate or
15 planned act of violence and there was no intention to cause harm. The third is that the defendant
16 was apprehended almost immediately and not too far from the premises and the duration and
17 impact of the incident was relatively limited. Fourthly, the offence was not planned by him but
18 by others who sought to intimidate him.
- 19
- 20 42. In mitigation Counsel submits that the defendant is a young man with no prior criminal history
21 who has accepted full responsibility and who has substantial personal mitigation which is both
22 extensive and compelling. Counsel said that this offence represents an isolated and anomalous
23 departure by someone who had never prior to this caused harm to anyone.
- 24
- 25 43. Counsel submits that the defendant entered a guilty plea at the earliest opportunity and that not
26 only is he deserving of the full credit of one third, but his plea is a significant practical expression
27 of remorse and acceptance of responsibility. He understands how much hurt his actions have
28 caused.
- 29
- 30 44. Counsel asked the Court to take account of the young age of the defendant as relevant to an
31 assessment of his moral responsibility and culpability. Reliance is placed on the case of ***R v ZA***¹
32 and the ***United Kingdom Sentencing Council's Definitive Guideline on Sentencing Children***

¹ [2023] EWCA Crim 596



1 *and Young People*. Counsel notes that this *Guideline* identifies rehabilitation as the primary
2 sentencing objective when dealing with young offenders. Counsel urges the imposition of a
3 sentence structured towards this objective rather than one which exposes him to the hardening
4 influences of prolonged custody. This, it is said would be the most effective means of protecting
5 the public from any future offending.

6
7 45. Counsel submits that the defendant participated in the offence because he was afraid for himself
8 and his family. He had borrowed money in order to help his family into better circumstances and
9 feared the consequences of what would happen if he did not immediately pay back the money
10 which he had borrowed.

11
12 46. Counsel says that the defendant has suffered from depression and in his depression and fear he
13 faced the possibility of harm coming to those he loved most. These were the two material factors
14 which led to the commission of the offence.

15
16 47. He is the oldest of his siblings and is a constant and role model in their lives. He has always tried
17 to look after his family. His absence from his family is heartbreaking for him and will have a
18 significant impact upon them. Counsel submitted in summary that: -

19
20 “ 20. In determining the appropriate sentence, the Court is invited to bring to bear the full
21 weight of the following mitigating considerations:

- 22 (a) The weapon was an imitation firearm, not a real one;
23 (b) The physical injury caused was accidental and not the product of deliberate
24 violence;
25 (c) The offence was entirely unplanned by this defendant;
26 (d) There was no gang involvement by the Defendant who was placed in fear in
27 order to commit the offence;
28 (e) The Defendant was apprehended almost immediately;
29 (f) A timely and unequivocal guilty plea was entered;
30 (g) The Defendant has no previous convictions;
31 (h) The Defendant is nineteen years of age, *R v ZA [2023] EWCA Crim 596*;
32 (i) The Defendant cooperated with police;



(j) The Defendant's depression and personal hardship are relevant both to culpability and to the appropriate disposal.

(k) Prison overcrowding, *R v Arie Ali [2023] EWCA Crim 232*;

(l) The Defendant's family circumstances and the letters attached; and

(m) The exceptional circumstances which make up this case."

48. Counsel's submission is that these factors taken cumulatively may significantly reduce the categorisation of this offending and place it at the lower end of the scale in terms of culpability. Counsel urges that this case is an exceptional one such that there may be a departure from the normal sentence that would be imposed in cases such as this and asks the Court to consider the possibility of a non-custodial sentence for a young first time offender.

49. In the case of *Ali*, the English Court of Appeal referred to formal notifications which had been made by the Minister of State, the Ministry of Justice and Deputy Prime Minister as to a very high prison population. The Court stated that prison capacity was a factor to be considered on sentence. It will principally apply to shorter sentences *"because a significant portion of such sentences is likely to be served during the time when the prison population is very high."* The Court referred to the applicable principles as follows: -

"In *R. v Manning [2020] EWCA Crim 592* this court has recently re-stated established principles which apply in situations such as this:-

"Furthermore, the court heard the instant reference at the end of April 2020 when the nation remained in lock-down as a result of the COVID-19 emergency. The impact of that emergency on prisons was well-known and the current conditions in prison represented a factor that could properly be taken into account in deciding whether or not to suspend a sentence. In accordance with established principles, any court would take into account the likely impact of a custodial sentence on an offender and, where appropriate, on others as well. Judges and magistrates could, and should, keep in mind that the impact of a custodial sentence was likely to be heavier during the current emergency than would otherwise be the case. Applying ordinary principles, where a court was satisfied that a custodial sentence had to be

1 imposed, the likely impact of that sentence continued to be relevant to the further
2 decisions as to its necessary length and whether or not this could be suspended.
3 Moreover, sentencers should bear in mind the Guilty Plea Guideline, which made
4 it clear that a guilty plea might result in a different type of sentence, or enable a
5 magistrates' court to retain jurisdiction, rather than committing for sentence.”
6

7 THE SENTENCE

8

9 50. The offending in the instant case is serious and clearly passes the custody threshold. Much has
10 been said about the good personal qualities of the defendant, his path to rehabilitation, his young
11 age, the needs of his family for his presence in the home and his reasons for committing these
12 offences. These circumstances are accepted by the Court.
13

14 51. However, there are other serious circumstances which must be balanced. This was a daring
15 daylight robbery in the full center of George Town, just feet away from the usually busy
16 waterfront thoroughfare. This was a jewelry store, catering to a large extent to tourists who visit
17 these Islands. The Cayman Islands as a tourist destination relies heavily on its image of safety
18 and stability. The victim, a businessman details the possible impact on the tourist industry and
19 businesses caused by robberies such as these. There is also the impact on the wider society.
20

21 52. The primary aims of sentencing in this case include punishment and rehabilitation but there must
22 also be a strong element of deterrence. Any sentence imposed must serve to deter the defendant
23 from repeating such conduct and must also serve to deter others from similar behaviour.
24

25 53. As to the level of culpability, defence Counsel submits that the defendant's culpability is reduced
26 because he was involved through intimidation. Under the heading of lesser culpability there are
27 four factors in the **Guideline**. Of the other three factors, the defendant did not play a limited role
28 in the offence, the threat or use of force was not minimal and there was more than a little planning.
29 This offending does not fit comfortably into the category of an offence of lesser culpability. The
30 Court accepts the submissions of the prosecution. In the Court's view this is an offence of high
31 culpability, (A). It involved the production and use of a weapon to inflict violence as well as the
32 production of an imitation firearm to threaten violence.
33

- 1 54. The level of harm is at the level of Category 2 due to the value of goods taken and the fact that
2 there was some detrimental impact on the business as set out in the VIR.
- 3
- 4 55. The recommended starting point for a Category 2 A offence is 9 years custody.
- 5
- 6 56. The aggravating factors are the attempts to conceal identity and the fact that the offence is likely
7 to negatively impact confidence in the tourist industry. These serve to increase the sentence by 2
8 years to one of 11 years or 132 months imprisonment.
- 9
- 10 57. In mitigation, the Court takes into account everything said and written in the defendant's favour.
11 The defendant has no previous convictions and is of good character. He has the personal
12 characteristics which are detailed by his Counsel and by his references as summarised above. The
13 offending is out of character for him. He is relatively young at 19 years old with a level of maturity
14 which may not be the same as an older adult. He is genuinely remorseful. He grew up in a single
15 parent household and the difficulties attendant upon this. He has suffered from depression. He is
16 a member of a supportive family where he plays a key role as a father figure to his younger
17 siblings. His absence will seriously impact the family, including his mother who relies on him.
18 He is at low risk of re-offending and is open to engaging in rehabilitation processes which are
19 available to him at the prison. While on remand he has been hard-working and of good behaviour.
20 Defence Counsel also raises the issue of possible overcrowding at the Prison which may make it
21 more difficult for the defendant to serve a sentence of imprisonment. All these factors taken
22 together would serve to reduce the sentence by 15 months. The Court also takes into account as
23 an additional element the intimidation and coercion to which he was subject. This reduces the
24 sentence by a further 12 months for a total reduction of 27 months. At this stage the sentence is
25 105 months.
- 26
- 27 58. A further reduction of 15% is afforded for the additional matter raised of which Counsel are
28 aware. Consideration is given to the particular circumstances and the cases cited in the
29 **Guidelines**². The sentence is reduced to one of 89 months imprisonment.
- 30



² Paragraph 11 of the Cayman Islands Sentencing Guidelines



1 59. Counsel disagree as to the level of credit which should be afforded for the defendant's guilty plea.
2 The **Guidelines** refer to an assessment as to whether the plea was offered at the first reasonable
3 opportunity. Paragraph 10.6 states:

4
5 “Determining the ‘First Reasonable Opportunity’

6 The critical time for determining the reduction for a guilty plea is the first reasonable
7 opportunity for the defendant to have indicated a willingness to plead guilty. This
8 opportunity will vary with a wide range of factors and the Court will need to make a
9 judgment on the particular facts of the case before it.

10 The key principle is that the purpose of giving a reduction is to recognise the benefits that
11 come from a guilty plea not only for those directly involved in the case in question but
12 also in enabling Courts more quickly to deal with other outstanding cases.

13
14 The Court should adopt a consistent approach where a determination has to be made as to
15 the ‘first reasonable opportunity’ to plead guilty. Guidance may be derived from the
16 following:

17 (a) the first reasonable opportunity may be the first time that a defendant appears
18 before the court and has the opportunity to plead guilty;

19 (b) but the court may consider that it would be reasonable to have expected an
20 indication of willingness even earlier, perhaps whilst under interview;

21 Note: For a) and b) to apply, the Court will need to be satisfied that the defendant
22 (and any legal adviser) would have had sufficient information about the
23 allegations.

24 (c) 10.7 where an offence is triable only on indictment, it may well be that the first
25 reasonable opportunity would have been during the police station stage; where that
26 is not the case, the first reasonable opportunity is likely to be at the first hearing in
27 the Grand Court;”

28
29 60. In this case the defendant attended an interview with the police and gave no indication of guilt.
30 This is after he had fled the store, was chased by the victim and was held by the Police on Mary
31 Street with the stolen jewelry in close proximity to him. This was within minutes after the robbery
32 had been committed. He had been caught red-handed.



1
2 61. On his first appearance before the Grand Court on the 28th November 2025, the defence
3 application was for a listing for a bail hearing. The bail application was heard and refused on the
4 3rd December 2025. There were then two mention hearings on the 12th December 2025 and the
5 9th January 2026 before the plea was entered on the 6th February 2026. On the 9th January 2026,
6 the Court was advised that there were “*likely to be guilty pleas in some form*”.

7
8 62. In the Courts’ view, the first reasonable opportunity in the particular circumstances of this case
9 must surely have been at the time of his interview with the police. Both the defendant and his
10 then attorney must have had sufficient information about the allegations at that time. The
11 defendant is afforded a reduction of no more than 25% for a final sentence of 67 months
12 imprisonment.

13
14 63. For the offence of possession of an imitation firearm with intent, the factors set out in the case of
15 *R v Avis*³ have been reviewed. The English Court of Appeal stated that the appropriate level of
16 sentence for a firearm offence will depend on all the facts and circumstances relevant to the
17 offence and the offender. It will usually be appropriate for the sentencing court to ask itself a
18 series of questions:

19
20 a. What sort of weapon is involved?

21 “Genuine firearms are more dangerous than imitation firearms. Loaded firearms
22 are more dangerous than unloaded firearms. Unloaded firearms for which
23 ammunition is available are more dangerous than firearms for which no
24 ammunition is available. Possession of a firearm which has no lawful use such as
25 a sawn off shot gun will be viewed even more seriously than possession of a
26 firearm which is capable of lawful use.”

27 b. What if any use has been made of the firearm?

28 c. With what intention, if any, did the defendant possess or use the firearm?

29 d. What is the defendant’s record?

30 “The seriousness of any firearms offence is inevitably increased if the offender has
31 an established record of committing firearm offences or crimes of violence.”

³ [1998] 1 Cr. App. R. 420

1
2 64. In this case it was an imitation firearm, which was carried, used and possessed with the intent to
3 cause fear. The defendant has no previous record of firearm offences.
4

5 65. By reference to the *United Kingdom Sentencing Council Guidelines* for possession of a firearm
6 with intent to cause fear of violence and adapting the starting point to reflect a higher maximum
7 sentence in the Cayman Islands (35 year maximum instead of 10 years), a Category B 3 offence
8 would attract a starting point of 6 years or 72 months rather than 2 years. With one increase for
9 aggravating factors and reductions at each stage at the same levels as above, for a final sentence
10 of 44 months imprisonment.
11

12 66. The sentences are to run concurrently with time served to be deducted.
13

14 **Dated this the 13th July 2026**

15 

16 **The Hon. Justice Cheryll Richards KC**
17 **Judge of the Grand Court**

