

IN THE CAYMAN ISLANDS COURT OF APPEAL

CICA (Criminal) No. 26 and 27 of 1999
Summary Court of Appeal No. 50 of 1998

BETWEEN:

HER MAJESTY THE QUEEN

Respondent

- and -

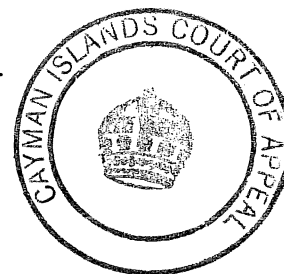
**ALVA ROBINSON
MARGARITTA MEIKLE**

Appellants

BEFORE: The Rt. Honourable Mr. Justice E. Zacca, President
The Rt. Honourable Mr. Justice T. Georges, J.A.
The Honourable Mr. Justice I. Rowe, J.A.

Douglas Schofield instructed by Brooks & Brooks for the Appellant Robinson.
John Furniss instructed by Keith Collins & Co. for the Appellant Meikle.
Solicitor-General, Samuel Bulgin, for the Respondent Crown.

August 18th 1999



ZACCA, P.

These related appeals against sentence were heard in the Cayman Brac where the offences were committed. We wish to record that this was an historic occasion in that the Cayman Islands Court of Appeal had its first sitting there.

The appellants Alva Robinson and Margaritta Meikle pleaded guilty in the Magistrate's Court on charges of Possession of Cocaine with Intent to Supply. Appellant Robinson was sentenced to sixteen years imprisonment and appellant Meikle to eight years imprisonment. On appeal to the

Grand Court, the sentence with respect to Robinson was reduced to fourteen years and the sentence of Meikle was increased to ten years.

The facts are briefly stated: The appellants were arrested and charged with Possession with Intent to Supply of 18.5 kilograms of cocaine. Having received certain information the police, on Sunday, May 10th 1998, in an undercover capacity contacted appellant Robinson and purchased from him one kilo of cocaine for CI \$ 8,000.00. He was arrested and later handed over a half kilo of cocaine stating that was all the cocaine he had left.

The appellant Meikle was subsequently arrested and charged along with Robinson. A search of Meikle's residence revealed US \$ 4,800.00, and CI \$ 632.00. Both appellants admitted that the money was the proceeds of drugs.

The next day the appellant Meikle made a request to speak to the police. She told the police that she wished to take them to the spot where she had taken the appellant Robinson on the Monday night to get the one kilo of cocaine which was sold to the police. She led them to an area west of the Brac Reef Hotel. The police recovered 17 packets of cocaine each weighing one kilo. Robinson admitted that he had buried the cocaine at that location. The cocaine was found buried in the sand.

It was accepted by the Crown that the cocaine had been found by Robinson after it had washed up on the shore. It was also accepted that when the cocaine was found by Robinson, he was urged by Meikle to report the find to the police. Unfortunately for her she was persuaded by Robinson not to report the matter to the police.

Mr. Schofield for the appellant Robinson submitted that the sentence of fourteen years was harsh and excessive. He referred the court to the guidelines as to sentencing which were suggested in a speech by the then Chief Justice Harre at the opening of the Cayman Islands Grand Court session on May 6th 1998. Mr. Schofield argued that this was a first offence and that a sufficient discount was not given for the guilty plea. Further he argued that the starting point taken by the Magistrate was too high.

Mr. Furniss for the appellant Meikle submitted that the Grand Court judge was in error in increasing the sentence to ten years. The appellant had pleaded guilty and co-operated with the police in pointing out where the rest of the cocaine was hidden. She also wished to report the finding of the cocaine to the police but was influenced by the appellant Robinson not to do so. She was therefore not given a sufficient discount for her guilty plea and co-operation and assistance to the police.

The maximum sentence for this offence is twenty years which should only be imposed for the worst possible offence. This may also include previous convictions for drug offences. Before the Magistrate, Crown Counsel submitted that the starting point should be fifteen years, having regard to the circumstances of the case.

In respect of appellant Robinson, we accept having regard to the circumstances of the case that the starting point should be fifteen years. Having pleaded guilty he was entitled to a discount. Whilst it is sometimes argued that there should be a one third discount for guilty pleas, this will depend on the facts of each case. The appellant was not completely honest with the police. Having found the

drugs he set up a distribution network in which he gave other persons the cocaine to sell. This was a commercial venture for profit. He is therefore not entitled to a full discount. We consider the appropriate sentence, taking into account a discount, to be one of twelve years imprisonment.

In the case of Meikle, she also was a first offender. She had urged the appellant Robinson to call the police on the finding of the cocaine. She co-operated with the police and assisted them in locating the balance of the cocaine. But for this, a large quantity of cocaine may have reached a large number of persons to their detriment. She is therefore entitled to a discount for her guilty plea and a substantial discount for her assistance and co-operation with the police in the recovery of a large quantity of cocaine.

The Magistrate clearly did not regard her participation in this offence on the same level as the appellant Robinson. The Magistrate was of the view that she should receive a sentence which was equal to one half of the sentence imposed on Robinson.

Having regard to the appellant's participation in the offence and taking into account her guilty plea and her assistance and co-operation with the police, we are of the view that a sentence of six years imprisonment would be appropriate. This would be in keeping with the Magistrate's view that she should receive a sentence equal to one half of the sentence imposed on the appellant Robinson.

The appeal against sentence in respect of each appellant was allowed. The sentences were vacated and a sentence of twelve years imprisonment was substituted for the sentence imposed on Robinson and a sentence of six years substituted for the sentence imposed on Meikle.

