

IN THE COURT OF APPEAL FOR THE CAYMAN ISLANDS

CRIMINAL APPEAL NO. 5/84

BEFORE: The Hon. Mr. Justice Zacca, President
 The Hon. Mr. Justice Kerr, J.A.
 The Hon. Mr. Justice Ross, J.A.

SAMUEL BLACKMAN)
JULIO RODRIQUEZ)
EDUARDO GOMEZ) v. REGINA
HERNANDEZ ULLOA)

Appellants appeared in person
Mr. A. Smellie for the Crown

25th June, 1984

ZACCA, P.:

The Court has considered the submissions made on behalf of all these four Appellants, and as far as the appeals against convictions are concerned, the Court is of the view that there was sufficient evidence before the learned Magistrate for him to come to the conclusion that he did, in other words, that there was sufficient evidence on which he could come to a finding that all four Appellants had the necessary knowledge that the ganja was on board and that they all must have known that the ganja was on board, and having regard to the evidence it must have been placed on board after the boat left Florida. We see no reason for disturbing the convictions and the decision as to convictions and the appeals against all convictions are dismissed.

However, having regard to the evidence it is not clear and perhaps the better view might be that this ganja was not intended to be disposed of in the Cayman Islands, in other

words, that although there was sufficient evidence for the offence of importation that in fact the offence had been committed, I think the evidence discloses that the better view is that the ganja was destined for the State of Florida in the United States and, therefore, it is our view that the sentence which was imposed for importation ought not to have been any graver than the sentence for the charge of possession having regard to the fact that this ganja was destined not for the Cayman Islands but for Florida. What we propose doing is varying the sentences with respect to the offence of importation in each case, so that in respect of the Appellant, Blackman, the sentence of six years and the fine of fourteen thousand dollars will be varied to a sentence of five years and a fine of five thousand dollars and in default of payment of the fine, one year, that has now been varied to one year.

In respect of the Appellant, Rodriques, his sentence on the importation charge of five years and eleven thousand dollars is varied to one of three years and a fine of two thousand dollars or one year in default.

With respect to the Appellant, Gomez, his sentence on the importation charge of five years and a fine of eleven thousand dollars is also varied to a sentence of imprisonment of three years and a fine of two thousand dollars^{or} in default, [^] one year.

In respect of the Appellant, Hernandez Ulloa, having regard to the age of the Appellant we consider that a sentence of two years and a fine of two thousand dollars and

and in default, one year, would be an appropriate sentence both with respect to the charge of importation and possession, and, therefore, the sentence with respect to importation and also with respect to the charge of possession would be varied to one of two years in each case, two years' imprisonment and a fine of two thousand dollars, and in default, one year.

(TO THE INTERPRETER, MRS. BRANDON)

Mrs. Brandon, could you inform them. The sentences are concurrent and will run from the date of conviction.