

CS/UB

ORIGINAL

IN THE GRAND COURT OF THE CAYMAN ISLANDS

HOLDEN AT GEORGE TOWN, GRAND CAYMAN

SCA NO. 23/02

16/5/03

BETWEEN:

DUNCAN WRIGHT

Appellant

- and -

HER MAJESTY THE QUEEN

Respondent

R U L I N G

Delivered by The Honourable Mr. Justice Henderson,
on May 16, 2003, in George Town, Grand Cayman

FOR THE RESPONDENT

Ms. M. Smith-Andalcio

FOR THE APPELLANT

Represents self

REPORTED BY: C. ROUSE

OFFICIAL COURT REPORTER

2.
Ruling

1 Friday, May 16, 2003

2

3 R U L I N G

4

5 Henderson, J. (Orally):

6

7 Duncan Leroy Wright brings this appeal from a
8 sentence of imprisonment for five years imposed
9 upon him in the Summary Court for possession of
10 cocaine with intent to supply and possession of
11 ganja. It is the possession of cocaine with
12 intent to supply that is the most serious of
13 the offences and it is upon that which I will
14 focus in these reasons. There was also a
15 conviction for consumption of ganja.

16

17 Mr. Wright pleaded guilty. He has an extensive
18 criminal record, including a previous
19 conviction for possession of cocaine with
20 intent to supply. The learned Magistrate said
21 in her reasons for sentence, "The offence was
22 committed while the defendant was on
23 probation". That was in error. Counsel are
24 agreed that Mr. Wright was not on probation at
25 the time the instant offences were committed.

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3.
Ruling

1 The learned Magistrate's misconception would
2 clearly have influenced her as an aggravating
3 factor. I think for that reason alone this
4 sentence must be reduced.

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6 Mr. Wright did plead guilty and he is someone
7 who, as the magistrate found, was struggling
8 with an addiction. Having regard to the cases
9 which have been cited, I am not satisfied that
10 Mr. Wright's guilty plea was recognized to the
11 appropriate extent. On the other hand, there
12 is a principle of sentencing which suggests
13 that, in general, repeat offenders should be
14 given longer sentences than they have been
15 given in the past, provided there is some rough
16 equivalence between the present offence and the
17 offences for which they were convicted
18 previously. Mr. Wright's longest sentence in
19 the past has been a term of imprisonment for 18
20 months, although nine months of that sentence
21 was suspended.

22
23 In all of the circumstances here, and having
24 regard to the concession made by the Crown
25 during argument, I am of the view that the

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4.
Ruling

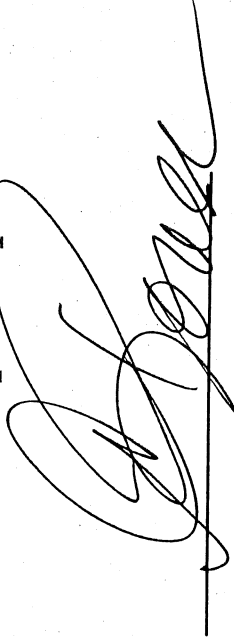
1 sentence under appeal must be set aside and a
2 sentence of imprisonment for three years
3 substituted in its place. The appeal is
4 allowed. The sentence is reduced to one of
5 imprisonment of three years.
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7

8 Henderson, J.

9 The Honourable Justice Henderson
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17 REPORTER'S CERTIFICATE
18

17 Certified correct to the best of my skill and ability,
18 dated the 3rd day of May 2003.
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25



Carol Rouse

Friday, May 16, 2003