THE COURT OF APPEAL OF THE CAYMAN ISLANDS

Criminal Appeals 027/20 and 28/20
SCA# 0028/20 and 29/20
SC#2845/20 and SC#2844/20

BETWEEN

SKYLAR ANN MACK

1st Appellant

-and-

VANJAE RASHAM RAMJEET

2nd Appellant

-and-

HER MAJESTY THE QUEEN

Respondent

Before:	**The Rt. Hon Sir John Goldring, President** **The Rt. Hon Sir Richard Field, Justice of Appeal** **The Rt. Hon Sir Alan Moses, Justice of Appeal**
Appearances:	**Mr. Ben Tonner QC instructed by Mr. Jonathan Hughes of Samson Law on behalf of the Appellants** **Mr. Greg Walcolm of DPP on behalf of the Respondent**
Heard:	**22 December 2020**
Judgment delivered	**14 January 2021**

JUDGMENT

GOLDRING, PRESIDENT

Introduction

1. As relevant, Regulation 3 of the Control of Covid-19 (No. 3) Regulations, 2020 ("the Regulations"), made under the Public Health Act (2002 Revision), and entitled, "*Restrictions on arrival of all persons to the Islands to control the spread of the virus*," provides:

> "*(1) For the purposes of controlling the spread of the virus…where a person arrives in the Islands that person shall, for the purposes of these Regulations, be required by a customs and border control officer, in respect of the person or the person's dependants-*
>
> *(a) to complete a medical and travel questionnaire in such form as is provided by the Medical Officer of Health; and*
>
> *(b) to undergo a medical examination if the customs and border control officer considers that a medical examination is necessary.*
>
> *(2) Where a person arrives in the Islands, if-*
>
> *(a) the person is a Caymanian or resident of the Islands, the person shall, for such period from the date of arrival as may be determined by the Medical Officer of Health, for the purposes of surveillance by the Medical Officer of Health, remain at a private residence or such other place of isolation as specified by the Medical Officer of Health and shall be subject to such directions as are provided by the Medical Officer of Health;*
>
> *(b) the person is a tourist visitor or other visitor, the person shall, for such period from the date of arrival as may be determined by the Medical Officer of Health, for the purposes of surveillance by the Medical Officer of Health, be managed by the Medical Officer of Health at a place specified by the Medical Officer and shall be subject to such directions as are provided by the Medical Officer of Health…*
>
> *…(5) A person who contravenes this regulation commits an offence and is liable on conviction to a fine of ten thousand dollars and imprisonment for two years.*"

2. On Friday 27 November 2020 Skylar Ann Mack, the First Appellant, arrived in the Cayman Islands on a flight from Miami. She was required to quarantine for a minimum of 14 days. On Sunday 29 November she broke the terms of her quarantine. She spent a substantial part of the day at a jet-ski event in South Sound. Vanjae Rasham Ramjeet, the Second Appellant, was the First Appellant's boyfriend. He took her to the event in his car. He was competing in it.

3. On 4 December 2020 the Appellants appeared before Magistrate Hernandez in the Summary Court. The First Appellant was charged with failing to comply with the directions of the Medical Officer of Health by leaving her place of quarantine contrary to section 3 of the Regulations, the Second Appellant of aiding and abetting her offence. They each pleaded guilty. The First Appellant was ordered to serve 40 hours community service, to be completed between 14 December 2020 (when her period of quarantine was to elapse) and 22 December 2020, when she was due to leave the Cayman Islands. She was ordered to pay $CI2,500 for the cost of her quarantine. The court 'recommended' that she not be allowed to return to the Cayman Islands during the currency of restrictions. The Second Appellant was required to serve a period of curfew between 7.00PM and 7.00AM. A 40 hour Community Service Order was made. He was also required to pay $CI2,600 as the cost of the quarantine he was required to serve.

4. The Crown appealed the sentences of Magistrate Hernandez to the Grand Court under section 165 of the Criminal Procedure Code (2019 Revision), which provides that:

> "*Any person who is dissatisfied with any judgment, sentence or order of the Summary Court in any criminal case or matter to which he is party, may appeal to the Grand Court against such judgment or sentence*."

5. On 14 December 2020 Acting Justice Chapple allowed the Crown's appeal. He accepted the Crown's submission that Magistrate Hernandez's sentences were unduly lenient and imposed sentences of four months' imprisonment in respect of each Appellant. He did not disturb the other orders made by Magistrate Hernandez, save that he imposed a term of six months' imprisonment in default should the Second Appellant not pay the compensation ordered.

6. On 22 December 2020 we heard the Appellants' appeals against the sentences of imprisonment under section 29(1) of the Court of Appeal Act (2011 Revision). We reduced the sentences from four to two months' imprisonment. These are the reasons for our decision.

The facts: more detail

7. We rely on Acting Justice Chapple's helpful summary of the facts.

8. The First Appellant is 18 years of age. She is a citizen of the United States and a medical student at the University of Georgia. She arrived in the Cayman Islands on a flight from Miami on Friday, the 27th of November. She had been granted permission to travel to the Cayman Islands to visit her boyfriend, the Second Appellant, under the Cayman Islands Government and Health Services Authority "*Phased Opening of our Borders Programme*".

9. The day before she travelled, the First Appellant had signed a monitoring technology participant agreement to terms and conditions. The form concluded:

> "*By signing this form, you signify your agreement to these terms and conditions of participants*".

10. On arrival at Owen Roberts International Airport the First Appellant was fitted with a smart wrist band and supplied with a monitoring device. She had been given permission to quarantine at a private address in Bodden Town. Having been transported there from the airport, she was required, as a condition of her admission to the programme, to remain inside that property for a minimum of 14 days and, thereafter, until she provided a negative Covid test, and had been given permission to end her quarantine. She had also agreed as a condition of the programme not to tamper with or remove her wrist band.

11. On Saturday the 28th of November, soon after midday, the First Appellant contacted public health officials requesting that her wrist band be changed, complaining that it was too tight and was restricting her blood flow. A team responded immediately, substituting the original wrist band for a looser fitting one. We should add that Mr Tonner QC, on behalf of both Appellants, said there was some evidence from a member of the mobile compliance team that attended the First Appellant, that the wrist band was tight: that the looser one substituted was at the correct level of tightness.

12. On Sunday, the 29th of November, both Appellants were seen together at a jet-ski event in South Sound. The Second Appellant was a competitor at this event. The First Appellant was not wearing her wrist band. Subsequent enquiries revealed that she had slipped her band, undoubtedly made possible by the looser-fitting band that she had requested.

13. As a result of concerns expressed by members of the public present at the event, police were called, attending soon after 4:00 o'clock in the afternoon.

14. The beach was described as "*heavily crowded*". A police inspector estimated that hundreds of people were in attendance.

15. The Second Appellant, when interviewed under caution, explained to the police that:

> "*On the 28th of November 2020, Skylar and I had a discussion about the wave runner race that I was taking part in and she told me that she wanted to go. I told her it was a bad idea and she insisted that she wanted to come. Both of us talked about it on the phone until I gave up. On the 29th of November at about 8:30 a.m., I picked up Skylar from her home. I remained in the car and did not go into the house. Skylar came out, got into the car and we drove to South Sound dock*".

16. The First Appellant does not argue with that version of events.

17. It follows that the Appellants were on the beach and at the event together for some seven hours or so.

18. After initially and briefly lying to the police, suggesting that she had been on island for two weeks, the First Appellant admitted the truth, accepting that she had only been on island for two days, that she had been interacting with others at the beach, including with a young child and with the Second Appellant, who was himself interacting with others.

19. The First Appellant was arrested and taken to the premises at which she was supposed to be quarantined. There, officers found her wrist band intact next to the monitoring device. She was taken to a mandatory quarantine facility at the Holiday Inn, George Town. The Second Appellant also quarantined there separately. The cost of that quarantine was $2,600 per Appellant.

The reasons for the Summary Court's decision

20. Magistrate Hernandez provided some 'sentencing notes.' In her 'sentencing considerations,' she set out, among other things, that the breach was deliberate, that there was no sentencing precedent for the offence and that the fact the Appellants attended a public, family type event increased the seriousness. She set out in detail the personal mitigating features, including the good character of the Appellants, their youth, their prompt admissions and their remorse. She said that:

> "*7. The Court acknowledged this is a difficult exercise, especially as we navigate through this pandemic and the protection of our society. There is a delicate balancing act of immediate custody to send a clear message and deter others from such breaches, whilst at the same time noting the defendants' particular circumstances and how else could punishment be met.*
>
> *8. Ms Mack was not going to be allowed to simply leave the jurisdiction as soon as she got out of quarantine, with no conviction recorded. She is 18 years with no independent means. Noting there would be no purpose in burdening the state further. Ms Mack was given 40 hours of community service to be completed between the time she was scheduled to leave quarantine (Dec 14) and when she was scheduled to leave the jurisdiction (Dec 22). That was the maximum amount of CSO which would have been possible within that 1 week window…The Court also recommended that she not be allowed to visit whilst our borders were still closed or with restrictions.*
>
> *9. Mr Ramjeet was held to a higher standard, as he was well aware of what his government had sacrificed for us to be where we are. Ms Mack was collected and taken to South Sound. He played a major role*."

The judge's reasons for allowing the appeal

21. There was no dispute as to the test the Grand Court should apply when considering whether to interfere with the sentence imposed by the Summary Court. It was set out by this court in *Guardiola* [1994-95 CILR N-20] and effectively repeated in *DPP v Jackson* [2012] (2) CILR Note 1. As the judge put it:

"*This court should only interfere with the sentence of the lower court if it falls outside the range of appropriate and permissible sentences, if it is unreasonably lenient or wrong in principle*."

22. The judge (as had Magistrate Hernandez) referred to the Alternative Sentencing Act (2008 Revision). He said:

"*26….Section 4 of the **Alternative Sentencing…[Act]** goes back to basics, as it might be, and serves as a reminder of the aims and objectives of sentencing. I quote:*

"*A court shall, in imposing a punishment under this Act, take into account the following principles: A. That the fundamental purpose of punishment is to contribute along with crime-prevention initiatives, to respect for the Act, and the maintenance of a just, peaceful and safe society by imposing just sanctions which have one or more of the following objectives*".

27. Various objectives are then set out, but I need only in this case look at the first two of those which are:

"1. To denounce unlawful conduct; and,
2. To deter the convicted person and other persons from committing an offence".

28. These are, it seems to me, the most obviously relevant considerations in this case but, of course, as subsection (b) of section 4 indicates, a punishment must be proportionate to the gravity of the offence and the degree of responsibility of the convicted person.

29. I remind myself particularly of the provisions of sections 4(f) and (g).

"(f) A convicted person shall not be deprived of liberty if less restrictive sanctions may be appropriate in the circumstances; and,

(g) All available sanctions other than imprisonment that are reasonable in the circumstances of each case should be considered for all convicted persons".

All of those principles this court bears very well in mind."

23. The judge referred to the fact there were no offence specific guidelines. However, his attention having been drawn to them, he referred to Chief Justice Smellie's Guidelines issued on 11 May 2020 in respect of breaches of curfew orders made under section 49(7) of the Police Act (2017 Revision). The maximum sentence for breach of such an order was imprisonment for one year and a fine of CI$3,000. As the judge said, were the Guidelines applicable to the present case, the starting point would be six months' custody with a range of three to twelve months. For this would be an offence of greater harm and higher culpability under the Chief Justice's Guidelines.

24. As we have set out, offences under Regulation 3 carry a maximum sentence of two years imprisonment and a fine of CI$10,000. As the judge observed, the present offences initially provided for a maximum sentence of six months' imprisonment and a maximum fine of $CI1,000. They were increased as from 26th November 2020.

25. The judge went on to say:

"*33. This was as clear and unambiguous an indication as there could be from the Legislature that it had revised its view as to the seriousness with which such offences should be viewed. This was a five-fold increase in the maximum financial penalty and a quadrupling of the maximum custodial sentence…*

34…

35. It is important to look at this legislation and the increased penalties in context.

36. I have only recently been able to return to this jurisdiction. I can take judicial notice and, in any event, there is no dispute, of the response to the Covid pandemic by the Government of the Cayman Islands. The Government's response was swift and decisive. It imposed draconian measures to control the spread of the virus and to

protect its people. When describing those measures as "draconian", I do not mean that by way of criticism. Far from it. The results of those measures have paid dividends which are surely the envy of the world. Strict adherence to these measures has created, as the learned Magistrate put it in her helpful reasons for sentence: "a safe bubble" around these islands.

37. *The population of these islands endured a great deal of hardship, loyally complying with the measures taken by the Government in a collaborative and community spirit. The reward was a reduction in Covid transmission, almost to the point of extinction. As I understand it, there is little to no local transmission. Such positive tests as are recorded are from visitors from abroad.*

38. *Borders have begun to open but in a phased and careful way. The greatest protection against the transmission of the virus is firm adherence to the obligatory 15-day quarantine period, initially only at a Government facility, but now permission can be sought and granted for home quarantine.*

39. *The risk of a visitor from a country where Covid infection rates are high is so obvious as not to require emphasis from me, and if infection is introduced into the safe bubble of the Cayman Islands, it risks, firstly, all the hard work and sacrifices that were being made set at naught, and secondly, a further lockdown – which comes with all the hardship and economic damage that would cause as this country begins to take steps towards recovery.*

40. *In the view of this court, the sentencing guidelines for breach of curfew are of only limited value in this case. The landscape has changed very considerably since the Chief Justice issued those guidelines…Now, thanks to those measures, the country has been able to return to a relatively normal way of life.*

41. *The situation in May was very different from the situation now. The offences to which the Respondents have pleaded guilty are aimed at those who abuse the very considerable privilege of being permitted entry to these islands during a world pandemic. Nevertheless, the approach to an assessment of culpability and harm is helpful.*

42. The actions of these Respondents gave risk to a significant risk of harm to the public health.

43. The First Respondent had arrived from the USA where Covid infection rates are alarming. She remained at South Sound for seven hours or more at a crowded water sports event. I was told that four households were required to self-isolate as a result of her presence on the beach.

44. The first Respondent's actions were entirely deliberate and planned, as is demonstrated by her contriving to have a looser wrist band fitted in order to facilitate her intended escape from quarantine. It cannot for a moment be said that she did not appreciate her duties and responsibilities. This was as flagrant a breach as could be imagined; borne of selfishness and arrogance.

45. The Second Respondent's behaviour endorsed and facilitated this offence. Of course he should have refused to help. Had he done so, the chances are that the First Respondent would not have been at the event at all and, of course, I note that he has lived through the restrictions imposed and should have realised the enormity of his actions.

46. The learned Magistrate properly noted the essential mitigating features in this case. Three features in particular are powerful mitigating factors - they are, of course, firstly the ages of these Respondents, particularly the First Respondent. She is only 18 years old. The Second Respondent is 24 years old. He is old enough to know a great deal better but still relatively youthful.

47. Secondly, both Respondents are of previous good character and deserve substantial credit for that.

48. Thirdly, both Respondents pleaded guilty at their first appearance. The First Respondent admitted, after initial prevarication, what she had done. Both are plainly now remorseful for their actions.

*49. Returning to the **Alternative Sentencing…[Act]**, the Court must decide what are the main objectives of sentencing in this case. It is worth repeating the words of s.4:*

> *"The fundamental purpose of punishment is to contribute, along with crime-prevention initiatives, to respect for the…[Act], and the maintenance of a just, peaceful and safe society".*

And, of course, one underlines here the word "safe". In these troubling global times, the word "safe" assumes enhanced significance.

50. The first two stated objectives of s.4, as I have already noted, are of prime importance; those objectives being to denounce unlawful conduct, and to deter the convicted person and other persons from committing offences.

51. These courts have a clear duty to implement the will of the Legislature. And as I have said, their message is abundantly plain.

52. It should not be forgotten that these courts pass sentence on behalf of the public. It is of fundamental importance that the public have faith in the courts. The anger, frustration and fury of the public at selfish behaviour such as this, which could bring Covid-19 back to these islands after all the sacrifices and progress that has been made, is a feeling which is palpable and should properly be reflected in the sentence of the court.

53. As to deterrence: Of course these Respondents do not themselves need to be deterred from behaving in this way again. As I have said, their remorse and contrition are clearly genuine. But these courts must send a deterrent message; a message to deter others who may be tempted to behave in a similar manner - putting themselves before the safety of the country.

54. Whilst no court relishes the prospect of imposing sentences of imprisonment, particularly on young people of good character, there is, in some cases, particularly where public feeling is high, sometimes no alternative.

55. *The learned Magistrate observed at paragraph 7 of her reasons, and I quote her:*

> *"This is a difficult exercise, especially as we navigate through the pandemic and the protection of our society. There is a delicate balancing act of immediate custody to send a clear message and to deter others from such breaches, whilst at the same time noting the defendant's particular circumstances and how else punishment could be met".*

56. *It is certainly difficult, in the sense that imposing custodial sentences on young people of good character is always difficult. However, this court disagrees that the balancing act was a delicate one.*

57. *It is perhaps of relevance that the Magistrate did not dwell, in her careful reasons for sentence, upon the need to reflect the public's disapproval and proper concern for the admitted behaviour of these Respondents.*

58. *The learned Magistrate did place some emphasis on the fact that the First Defendant was booked on a flight back to the USA on the 21st of December. She explained at paragraph 8 of her sentencing reasons that 40 hours of community service was:*

> *"...the maximum amount of community service which would have been possible within that one week window"*

This is a reference to the window between her release from quarantine and her flight to Miami.

59. *The implication is that more hours of community service would have been imposed had her return flight been booked for a date in, say, January.*

60. *As Mr. Moran [the Director of Public Prosecutions] rightly submitted, the fact that she had a return flight booked should not have weighed in the sentencing process, given the predominant aims of sentencing in this case.*

61. This court concludes that the sentence of the lower court was unduly lenient and wrong in principle. There was, in all the circumstances, no proper alternative to an immediate custodial sentence.

62. I have in mind the principle in a prosecutor's appeal against a sentence of double jeopardy. Quarantine is not a pleasant experience at the best of times. The Respondents are now at an end of this quarantine, which I am sure has been made considerably worse and considerably more stressful by the knowledge and worry of this appeal and the prospect of imprisonment. That principle does not dissuade this court from substituting custodial sentences, but it has served to decrease the length of those sentences.

63. For a case of this gravity involving a deliberate, planned, sustained and inexplicably selfish breach; being present at a crowded event for many hours, a starting point of 15 months' imprisonment, or thereabouts, in the view of this court is appropriate.

64. In the case of the First Respondent, a substantial reduction is appropriate to reflect her age, her good character and her obvious remorse. A reduction of six months is appropriate on that account, bringing the sentence down to nine months' imprisonment. The sentence should then be reduced further by one-third to reflect her guilty plea at the first opportunity; reducing the sentence to one of six months' imprisonment. A still further reduction of two months is appropriate to reflect the double-jeopardy principle, leaving a sentence of four months' imprisonment.

65. Given all that I have said above, it would not be appropriate to suspend that sentence.

66. Whilst there are differences between the two Respondents, particularly that the Second Respondent is older, and having experienced the Cayman lockdown at first hand, should, as I have said, known a lot better. This court sees no powerful reason for not treating both Respondents equally."

The grounds of appeal

26. The fundamental submission made on behalf of both Appellants was that the judge should not have interfered with the sentences imposed by the Summary Court. They were not unduly lenient. They were sentences Magistrate Hernandez was entitled to pass for the reasons she explained. Mr Tonner submitted the judge failed adequately to take into account the devasting effect of immediate imprisonment, in particular, on the First Appellant. That submission was lent force by evidence before this court to the effect that imprisonment would result in the First Appellant losing a year of her medical studies. Mr Tonner also highlighted other evidence before this court. The Cayman Islands Watercraft Association had imposed draconian sanctions on the Second Appellant, something which the judge said he could not take into account as it had not been before the Magistrate. There were many impressive letters of support and references in respect of each Appellant, which undoubtedly amounted to powerful mitigation.

27. Mr Tonner submitted that judge was wrong in seeking to take into account what he perceived to be the public's "*anger, frustration and fury*" at the inadequacy of the sentences passed. Public opinion is irrelevant in deciding the appropriate sentence, submitted Mr Tonner.

28. Mr Tonner further submitted the judge erred in a number of respects in his approach to the Alternative Sentencing Act. As he submitted, Community Service was a means of providing reparation for the harm done by the Appellants in accordance with section 4(a)(v); section 4(d) was applicable in that the sentences were not similar or proportionate to sentences imposed on similarly convicted persons. In support of that submission, Mr Tonner relied on the contents of a news report 25th November 2020, which recounted that two mature Canadian tourists were fined by the Summary Court for similar offending to the present. That case was not, said Mr Tonner, drawn to the judge's attention. Mr Tonner also submitted the judge failed adequately to take into account sections 4(f) and 4(g). This was a case, as he put it, in which sanctions less restrictive than imprisonment were appropriate and reasonable.

Analysis

29. We have no doubt that for several reasons this offending required the imposition of an immediate sentence of imprisonment.

30. Unlike most other parts of the world, the Cayman Islands has managed to control the spread of the virus. The actions taken by its Government and people have enabled there to be a safe 'bubble'

around the Islands. That has enabled those present in the Islands to live comparatively safe, normal lives, quite unlike the inhabitants of most other parts of the world. That safety and normality will be imperilled by those who come to the Islands from elsewhere (whether or not they are Caymanians) unless the most stringent safeguards are in place and are enforced. The requirement to quarantine is plainly a critical element in that safeguarding. Any breach of it is inevitably a matter of considerable seriousness. In the final analysis, it places lives at risk.

31. As from 26th November 2020, the maximum sentence of imprisonment for breaching the quarantine requirement was increased from six months' imprisonment to two years. That must be taken to reflect the (unsurprising) importance the Legislature attached to complying with the requirement to quarantine, and the seriousness with which it regarded any breach. That is something which the court is bound to take account of when passing sentence for any breach of Regulation 3. For it reflects the will of what now is Parliament.

32. Any sentence must seek to deter others tempted to breach the requirement to quarantine under Regulation 3.

33. Finally, as the judge said, this was a deliberate, planned and sustained breach of the Act.

34. While, as Mr Tonner submitted, there was powerful mitigation in respect of both these Appellants, its impact in the circumstances is bound to be limited. The protection of the public must be of paramount importance. We cannot accept, that sentences of imprisonment were contrary to the principles set out in the Alternative Sentencing Act. They are in accordance with section 4(a)(i) and (ii). Community service was not in the circumstances appropriate. Imprisonment is proportionate to the gravity of the offence. A less restrictive sanction is not appropriate. No other sentence is reasonable in the circumstances. Finally, section 4(d) does not require a court to impose an inadequate sentence because a previous court may have done so.

35. Before turning to the appropriate length of sentence, there are two aspects of the judgment below with which we should deal.

36. As we have said, the court is bound in passing sentence to reflect the will of Parliament. However, that does not mean passing sentence on the basis of public opinion or public clamour. As the President of the Queen's Bench Division said (paragraph 69), when giving the judgment of the

Court of Appeal of England and Wales in *Henry Long, Albert Bowers and Jessie Cole* [2020] EWCA Crim 1729 (an Attorney General's reference):

> "*Public confidence about sentencing in accordance with…[sentencing] guidelines is to be distinguished from public concern about a particular sentence, which may sometimes be based on a misunderstanding of the circumstances of the case in question, or of the reasons for the sentence*."

37. The judge made several comments which, as Mr Tonner submitted, suggested he was taking public opinion into account when deciding what the appropriate sentences were. He spoke of the public's "*anger, frustration and fury*" (paragraph 52 of the judgment), he referred to the public's "*high [feeling]*" (paragraph 54 of the judgment), and of the Summary Court's failure to "*dwell…upon the need to reflect the public's disapproval and proper concern for the admitted behaviour of these [Appellants]…*"

38. These were not relevant matters in deciding the appeal. They should not have been taken into account. It is for the sentencing court to form its own judgment of the seriousness of the criminality involved in the offending, without allowing itself to be influenced by reports of the public's outrage or high feeling at the defendant's offending.

39. Secondly, as we indicated, the judge considered that in deciding the appeal, he was restricted to matters which were before the Magistrate. That meant he disregarded the letter from the Cayman Islands Watercraft Association submitted on behalf of the Second Appellant.

40. In our view, the judge's approach was mistaken. Once it has been established that on the basis of the case before it, the sentence of the Summary Court was unduly lenient, the Grand Court is considering the matter afresh. The process seems to us similar to that of an Attorney-General's reference to the Court of Appeal on the grounds that the sentence below was unduly lenient. In such a reference, fresh evidence going to mitigation is frequently adduced. If the judge were right, it would mean ignoring, for example, a relevant medical report which had not been available to the Magistrate.

41. Finally, we turn to the appropriate length of the sentences of imprisonment.

42. Albeit the judge appears to have taken into account matters which he should not and, in one regard, failed to take into account something which he should, we agree with much of what he said. We agree with a starting point in the order of some fifteen months' imprisonment, that the reductions he made in each case were appropriate and that he was right not to distinguish between the Appellants. We concluded, however, that the sentences should be reduced for the following and only reason.

43. There is no sentencing guideline for breaching the requirement to quarantine under Regulation 3. This is the first case in which a higher court has considered what the appropriate sanction for such a breach should be. We are prepared to accept that these Appellants may not have appreciated the seriousness with which the court would regard their conduct: what the possible outcome in terms of sentence might be. Given that, and with some hesitation, we concluded a further reduction of two months from the sentences imposed by the judge was appropriate. However, as we emphasise, that is not likely to be the position as far as any future case is concerned. The seriousness of any breach of Regulation 3 is now clear, as is the appropriate sanction.

44. We would make two final observations. Firstly, it would seem to us sensible clearly to set out the possible sanctions for any breach in any documentation provided to those required to quarantine (including in any document to be signed). Secondly, the document entitled 'Covid-19 Guidance: Quarantine Information,' first published on 8th October 2020, and apparently updated on 14th December 2020, should be corrected. It erroneously states that those breaching quarantine may be liable to a fine of CI$1,000 and imprisonment for six months.