

**IN THE CAYMAN ISLANDS COURT OF APPEAL
ON APPEAL FROM THE GRAND COURT OF THE CAYMAN ISLANDS
CRIMINAL DIVISION**

**CICA (Crim) APPEAL No. 14 of 2023
(Grand Court Cause No. Ind 46 of 2021)
(SC#00601 of 2021)**

BETWEEN

PATRICK DERVAL WILLIAMS



APPELLANT

V

HIS MAJESTY THE KING

RESPONDENT

BEFORE: **The Rt Hon Sir John Goldring, President
The Rt Hon Sir Richard Field, Justice of Appeal
The Rt Hon Jack Beatson, Justice of Appeal**

Appearances: **Applicant in person
Mr Scott Wainwright of the DPP for the Respondent**

JUDGMENT

**Transcript of oral judgment dated 21 November 2024 Approved
Release 28 November 2024**

FIELD, JA

1. Patrick Derval Williams (“the applicant”) applies for leave to appeal the sentences imposed on him by Williams J on 9 June 2023 on one count of being in possession of an unlicensed firearm, namely a 38 SPL Taurus revolver, and another count of being in possession of an unlicensed firearm in the

form of 6 rounds Winchester 38 SPL rounds of ammunition that were in the pistol the subject of the first count.

2. Mr. Williams pleaded guilty to both counts at the earliest opportunity on the 13 May 2023. The sentences imposed on the two counts were eight years' imprisonment on count one and one year's imprisonment on count two, those sentences to run concurrently.
3. Williams J, also imposed a further sentence of one year's imprisonment to run consecutively to the two concurrent sentences imposed on counts one and two by activating a two year suspended sentence of two years imposed on 15 February 2022 on a charge of being in possession of an imitation firearm with intent to cause fear or provocation of violence. The applicant had used the imitation firearm to administer a "pistol whipping."
4. The facts relevant to counts 1 and 2 can be stated relatively briefly. At approximately 1:00 am on 18 March 2022, police officers were conducting an operation under the Misuse of Drugs Act in the vicinity of a bar known as Archie's on Shedden Road, Georgetown. Upon seeing the police, the applicant ran away pursued by police officers shouting to him to stop. He jumped over a fence and then lost his footing and fell, at which point he was detained. The officers saw what appeared to be a firearm in his waistband. This turned out to be the 38 calibre Taurus 38 revolver, which was loaded with six live rounds of 38 calibre ammunition.
5. Both the firearm and the ammunition proved to be viable. Under section 39(2)(a) of the *Firearm Associated Ammunition Act*, on a guilty plea for the possession of an unlicensed firearm the minimum sentence is one of imprisonment for 7 years, unless there are "exceptional circumstances relating to the offence or the offender".
6. The applicant was unrepresented today. He told us that he regarded the sentences as excessive. He said he had not had a full reduction in respect of his guilty pleas and he complained that when he was sentenced only eight months were left of the suspended sentence. He also submitted that there were other inmates within the prison who appeared to be being released when he felt his circumstances matched those of these other inmates yet he remained in custody. He accordingly felt that he had been unfairly sentenced.

7. The sentencing judge had the benefit of written submissions provided by the applicant's counsel, Ms P Bodden, which were not added to when she attended the sentencing hearing.
8. In her written submissions, Miss Bodden contended that the applicant's mental health issues constituted "exceptional circumstances". Her submissions made reference to a social inquiry report and reports from a psychologist and from a psychiatrist.
9. The social inquiry report detailed the traumatic, dysfunctional and alarming upbringing riddled with drugs, abuse and abandonment that the applicant had experienced. As a self-sufficient child, he was often left to fend for himself. His psychological issues undoubtedly had an impact on his offending. However, despite this, the applicant had been able to complete his education and enjoy going to school since it removed him from what was going on at home. He had been described as a respectful individual who was easily led.
10. The psychiatrist's report stated that early substance abuse due to family problems was an issue. The applicant had had a traumatic childhood, including the death of friends and family and exposure to domestic violence, which had resulted in him: (i) being ADHD with significant tendencies towards hyperactivity, distractibility, and impulsivity; (ii) having low esteem; and (iii) suffering bipolar disorder. Despite these matters, the applicant seemed desperate to overcome his problems and was open about his needs and he had the capacity and capability to benefit from intensive long-term trauma-based therapy.
11. The psychological report confirmed depression and anxiety and likely periods of marked emotional, cognitive and behavioural dysfunction.
12. When passing sentence, the judge said that he had taken the aforesaid reports very carefully into consideration which showed that the applicant's upbringing had been unfortunate but at the same time the reports revealed that his intelligence and general knowledge varied from average to above average and he was someone who would be sufficiently able to pursue tertiary studies.
13. The judge proceeded to sentence on the basis that there were no exceptional circumstances. As already stated, the minimum sentence on the guilty plea to count one was seven years. The judge took a starting point of eight years, with a range going up to 10 years for count one. When activating

the suspended sentence, he observed that the reoffending after the imposition of that sentence occurred only one month after the sentence had been imposed.

14. In our judgment, the judge was well entitled not to accede to Miss Bodden's submission that these psychiatric and psychological reports were sufficient to establish exceptional circumstances. We are further of the clear view that there is no arguable basis for contending that the sentences were manifestly excessive or wrong in principle.
15. It follows that this application for leave to appeal sentence must be and is dismissed.