

1 IN THE GRAND COURT OF THE CAYMAN ISLANDS
2 CRIMINAL SIDE

3
4 INDICTMENT NO: 008/2011
5

6
7 THE QUEEN

8
9 V

10
11 CAMILO OSVALDO NARANJO
12 &
13 OSMAN JOEL BONILLA
14



15
16 **Appearances:**

For the Crown:

17 DPP, Ms. Cheryll Richards Q.C. and Senior Crown
18 counsel Ms. Elisabeth Lees, on behalf of the Crown

19
20 **Defence Counsel:**

21 Mr. Clyde Allen on behalf of the Defendant

22 **Before:**

Honourable Mr. Justice Charles Quin

23 **Sentencing Submissions Heard:**

20th February 2013

24
25 **SENTENCE RULING**
26

- 27
- 28 1. On the 4th January 2013 the Defendant, Camilo Naranjo, pleaded guilty to Count 4
29 on the Indictment. The offence is Conspiracy to Supply Cocaine contrary to s.321 of
30 the Penal Code (2007 Revision) and s.3(1)(f) of the Misuse of Drugs Law (2009
31 Revision). The particulars of the offence are that the Defendant, Camilo Naranjo,
32 between the 19th October 2010 and the 24th November 2010, within the Cayman
33 Islands, conspired with Osman Joel Bonilla, and persons unknown, to supply
34 controlled drugs, namely cocaine, to another, without lawful excuse.

1 *SUMMARY OF THE FACTS*

2 2. On the 24th November 2010 the Defendant, Naranjo, was arrested by the Royal
3 Cayman Islands Police Service (RCIPS) following an undercover drug operation –
4 “Operation Battery” – which began in August 2010.

5 3. The purpose of Operation Battery was to seek to identify whether there were
6 suppliers of cocaine operating in night clubs and places of entertainment in George
7 Town. For this purpose two undercover police officers, posing as real estate
8 entrepreneurs, and using fictitious names, went to various night clubs and bars.

9 4. Contact with the co-conspirator, Osman Bonilla, began on the 15th September 2010
10 when the undercover officers attended a bar on the West Bay Road. At 22:54 hrs the
11 undercover officers were at the bar area when the co-Defendant, Bonilla, entered the
12 bar. One undercover officer approached him and engaged him in conversation,
13 initially about his clothing. The officer then said to him:

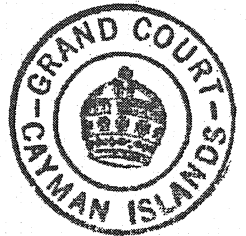
14 *“The word is that you are the guy to see about the white stuff, is that right?”*

15 Bonilla replied:

16 *“Yeah. \$50CI for a gram, you aren't a cop are you?”*

17 The undercover officer replied by laughing and denying being a cop and said that
18 they were down here doing real estate deals and had already bought some property.

19 5. At 23:00 hours Bonilla handed over to the undercover officer a small bag, which
20 later tested positive to be cocaine of a weight of 0.441 grams. The undercover
21 officer handed Bonilla CI\$50.00 and then went immediately to the restroom in order
22 to pretend that he had taken the cocaine. Both undercover officers left the bar and



1 sealed and labelled the cocaine, ADH4, and then handed it over to their senior
2 officer who was waiting outside the premises.

3 6. There then followed a series of meetings with the co-Defendant, Bonilla – one
4 meeting on the 19th October 2010 with this Defendant, Naranjo, and his co-
5 conspirator, Bonilla, and subsequently, meetings with Naranjo by himself as well as
6 a number of telephone calls. Each meeting was recorded by video and audio
7 equipment and a number of the telephone calls were also recorded.

8 7. On each occasion when they bought cocaine the undercover officers immediately
9 handed over the cocaine to other officers to have the cocaine tested, sealed and
10 secured.

11 8. The undercover officers had further meetings with the co-defendant, Bonilla, and
12 small amounts of cocaine in the sum CI\$50.00 were purchased. A video of the co-
13 Defendant, Bonilla, shows him meeting this Defendant, Naranjo, on the 21st
14 September 2010.

15 9. Following on these small purchases, on the 30th September 2010 the undercover
16 officers asked the co-Defendant, Bonilla, to obtain a larger amount of cocaine – ½
17 ounce for \$500.00. Bonilla said there was a shortage on the island but he would have
18 a chat with “the guys.”

19 An analysis of telephone records discloses that 7 minutes after the meeting with the
20 undercover officers Bonilla telephoned the Defendant, Naranjo, and they spoke for
21 over 30 seconds.

22 There was further analysis of telephone records which disclosed that the Defendant,
23 Naranjo, and his co-Defendant, Bonilla, had several telephone conversations.



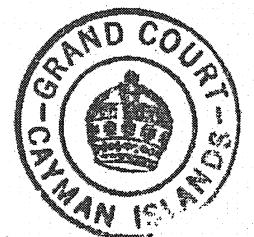
1 On the day following the undercover officers' request for the ½ ounce of cocaine,
2 that is, on the 1st October 2010, the undercover officers again called Bonilla about
3 the ½ ounce of cocaine. Within an hour after the officers called Bonilla, Bonilla
4 called back the officers and agreed to meet to hand over the cocaine. Telephone
5 analysis shows that, within that hour, Bonilla received a call from Naranjo and
6 Naranjo's call is the only incoming call to Bonilla's phone between the calls with
7 the undercover officers.

8 The undercover officers arrived at another location on the West Bay Road and
9 within an hour of receiving Bonilla's call received the ½ ounce of cocaine from
10 Bonilla, for which they paid him CI\$500.00.

11 10. On the 13th October, at 13:41 hrs, the undercover officers asked Bonilla if they could
12 get one (1) ounce of cocaine. Again Bonilla said he would have to contact "his
13 guys". Telephone analysis showed that Bonilla telephoned the Defendant, Naranjo, 3
14 minutes after meeting with the undercover officers. Bonilla told the undercover
15 officers that he could get an ounce of cocaine but the price would be CI\$900.00 as
16 he was scraping something off the top for himself. Later that same day, at 17:55 hrs,
17 Bonilla supplied the undercover offices with 22.1 grams of cocaine in exchange for
18 CI\$900.00.

19 11. The undercover officers then advised Bonilla that would like to buy more cocaine
20 and transport it to the UK and, if successful, other purchases would follow. Bonilla
21 said he would have to speak to some other guys, but he was sure they could work
22 something out.

23 12. This request led to the first meeting with the Defendant Naranjo.



1 13. The Crown's case is that the Defendant, Naranjo, is higher up in the chain and he is
2 the one with whom deals involving larger amounts have to be discussed and agreed.

3 14. On the 19th October 2010 the co-Defendant, Bonilla, arranged for the undercover
4 officers to meet Naranjo at another restaurant on the West Bay Road. Bonilla arrived
5 at the restaurant with Naranjo and introduced Naranjo to the undercover officers.

6 The undercover officers explained that they were thinking of starting with ½ kilo
7 and if it got through they would then consider larger amounts.

8 The Defendant Naranjo explained that he had a way that he could work it out for the
9 person to carry 2 kilos on the body.

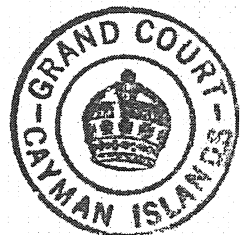
10 When asked about prices for a regular export line from Grand Cayman to the UK,
11 Defendant Naranjo said that he and Bonilla would have a chat and Bonilla would get
12 back to them with a price list.

13 This meeting lasted 1 hour and 14 minutes and on that same evening Bonilla
14 telephoned the undercover officers and said the price for ½ kilo would be
15 \$10,500.00.

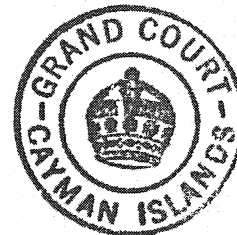
16 15. Again telephone analysis showed that Bonilla and Naranjo were in regular telephone
17 contact that evening.

18 16. At a later chance meeting in a supermarket, Defendant Naranjo gave an undercover
19 cover officer his telephone number and told him,

20 *“Just ring me or Osman [Bonilla] when you want to talk about the price.”*



- 1 17. A week later the undercover officers telephoned Naranjo and arranged to meet him
2 at the same West Bay Road restaurant. On that occasion, Naranjo provided the
3 undercover officers with a sample of cocaine which was later found to have a purity
4 of 86.1%.
- 5 18. Naranjo told the officers that he had been dealing with drugs since he was a kid and
6 that year alone he and his men had generated probably over half a million dollars.
- 7 19. Naranjo explained techniques to body pack cocaine and processes for trafficking
8 cocaine. Naranjo explained that he would help with the packaging of the drugs after
9 the deal was done and he told the officers of his group's experiences with using
10 women's tights for smuggling rocks of cocaine.
- 11 20. Shortly afterwards the Defendant, Naranjo, confirmed in a telephone call that the
12 price for 3 kilos of cocaine for export would be CI\$57,000.00. Naranjo said he
13 would he would try to "*get his guys down on the price.*"
- 14 21. On the 11th, 12th and 19th November 2010 there were further telephone calls with the
15 Defendant, Naranjo, and eventually the price was negotiated down from
16 CI\$57,000.00 to CI\$54,000.00 for 3 kilos of cocaine.
- 17 22. On the 21st November 2010 there was a further meeting when the Defendant,
18 Naranjo, and the undercover officers agreed the handover location for the cocaine.
19 During this meeting Defendant Naranjo said that the handover of the drugs and the
20 money were to take place on the 23rd November 2010. The Defendant laid down the
21 conditions as to how the meeting would go and the undercover officers obtained a
22 video recording of what the Defendant said, that is, that the transaction had to be
23 done his way and that the men are to trust him.



THE CROWN'S SUBMISSIONS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

30. The Crown points to the pattern of contact between Naranjo and Bonilla; the conduct of the co-Defendant, Bonilla; Bonilla's introduction of the Defendant Naranjo to the undercover officers; and, the discussions at meetings in October and November, confirming an agreement between Bonilla and Naranjo, and both Defendants acting in accordance with the agreement.

31. The Crown submits that on the evidence before the Court, the Defendant is an experienced dealer in drugs and the Defendant was further up the chain of command than his co-Defendant, Bonilla.

32. On the 9th February 2012 the co-Defendant, Bonilla, pleaded guilty to conspiracy to supply cocaine and was sentenced by Mr. Justice Panton to 8 years' imprisonment.

On the 13th February 2012 the Defendant Bonilla was found guilty in the Summary Court for 5 counts of Supplying Cocaine, for which the learned Magistrate sentenced him to 8 years' imprisonment to run concurrent with the sentence imposed by Mr. Justice Panton.

33. The Crown points out that the English case law is not particularly helpful because the maximum for conspiracy to supply cocaine in the United Kingdom is 20 years' imprisonment, whereas the maximum in the Cayman Islands is 10 years' imprisonment.



1 *DEFENCE SUBMISSIONS*

2 34. The Defendant is 28 years of age. His father is from Cuba and his mother is from
3 Honduras. The Defendant was born, raised and educated in the Cayman Islands and
4 has Caymanian status. He has four brothers and one sister. His parents divorced
5 when he was 10 years old and there was a custody battle.

6 35. Counsel for the Defendant acknowledges that the phone contact, the trace of cocaine
7 on the scale and the evidence of the undercover officers prove the case of conspiracy
8 to supply cocaine between the 19th October 2010 and the 24th November 2010.

9 36. Counsel for the Defendant submits that the English Court of Appeal case of *R v.*
10 *Shaun Anthony Stephen Burrows* [2011] 1 Cr App R. (S) 71 on which Mr. Justice
11 Panton relied in the sentencing of the co-Defendant Bonilla, would make the starting
12 point for this offence for this Defendant, based on a not guilty plea, 6 years.
13 Therefore, with this Defendant's guilty plea, the sentence, counsel submits, could be
14 4 years.

15 37. Counsel for the Defendant relies on *Burrows*, where the trial Judge put the starting
16 point at 14 years and reduced the sentence to 9 years to reflect the guilty plea.
17 However, the Appeal Court felt that the case did not have sufficient aggravating
18 features nor did the case appear to be on the same scale as other cases, and therefore
19 the Appeal Court felt that the appropriate starting point would be 12 years. Giving
20 the Appellant credit for his plea, the sentence was reduced to 8 years.

21 On this basis counsel for the Defendant states that a fair sentence for Camilo
22 Naranjo would be 4 years.



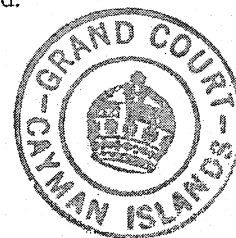
1 38. Counsel for the Defendant submits that the Defendant's professed intimate
2 knowledge of trafficking was made-up bravado. Additionally, there were others
3 involved. Mr. Allen submits on Naranjo's behalf that the Defendant's intention was
4 to take the money from the police and run.

5 39. Defence counsel asks the Court to accept that the Defendant is a low-level trader in
6 drugs and not a large scale operator.

7 40. The Defence submits that the previous convictions of the Co-Defendant, Osman
8 Bonilla, are more serious than the Defendant, Naranjo, in relation to illegal drugs,
9 and therefore, the Defendant Naranjo should receive a lighter sentence of
10 imprisonment. In comparing the antecedents of the Defendant Naranjo with the co-
11 Defendant, Bonilla, Defence counsel points out that Bonilla had 4 previous
12 convictions relating to possession of cocaine with intent to supply for which he was
13 sentenced, on the 23rd December 2002, to 5 years' imprisonment. On the 3rd June
14 2008 Mr. Bonilla was sentenced to 12 months' imprisonment for supply of cocaine.
15 More recently, there are also Bonilla's two 8-year term sentences, which run
16 concurrently – one for this offence on the 10th February 2012, and the other in the
17 Summary Court on the 13th February 2012.

18 41. The Defendant Naranjo appeared in Summary Court on the 19th July 2005 when he
19 was sentenced to two years' imprisonment for Causing Grievous Bodily Harm and
20 to six months' imprisonment for consuming ganja, failing to provide a specimen of
21 urine and failing to surrender to custody. Counsel therefore points out that Camilo
22 Naranjo's record is less serious than Osman Bonilla's record.

23



- 1 46. The Defendant did not wish to avail himself of the benefit of a Social Inquiry Report
2 and therefore the Court is confined to considering the submissions of the DPP and
3 Defence counsel.
- 4 47. The RCIPS undercover officers and the telephone analysts are to be commended for
5 their excellent work in tracking both Defendants down. The information that these
6 officers unearthed verifies that both Defendants Bonilla and Naranjo were deeply
7 involved in a conspiracy to supply cocaine in the Cayman Islands. The ease with
8 which they obtained cocaine and sold it to the undercover officers is very disturbing.
- 9 48. Bonilla consistently supplied the undercover officers with their initial requests for
10 small amounts of cocaine – with verifiable contact with Naranjo. When the request
11 came for larger amounts of cocaine, Naranjo was introduced as the direct contact.
12 The evidence shows that, at relatively short notice, the Defendant Naranjo was
13 clearly able to obtain large amounts of cocaine for him to agree a deal with the
14 undercover police officers for 3 kilos at a price of CI\$54,000.00
- 15 49. The Defendants were responsible for, what appears to be a developed and
16 established illegal cocaine trafficking operation and it is my view that their criminal
17 activity in the retail and distribution of cocaine merits a sentence at the top end of
18 the scale.
- 19 50. I reject the Defence's submission that the starting point for this offence is six years
20 imprisonment, thereby submitting that, with the guilty plea, the appropriate sentence
21 would be 4 years. I also reject the Defence's submission that the Defendant
22 Naranjo's intimate knowledge of illegal drug trafficking was mere bravado.
23 Furthermore, in view of the number of cocaine transactions which took place over a
24 relatively short space of time, and the fact that Naranjo provided a sample which



1 was 86.1% pure, I reject the assertion that he never really intended to sell the larger
2 quantity and that he knew that the purchasers of the cocaine were undercover
3 policemen.

4 51. There are very few mitigating features and many aggravating features in this case. In
5 light of all the circumstances it is my view that for this charge of conspiracy to
6 supply cocaine the starting point must be between 8 and 10 years. The Defendant
7 Naranjo has left it very late in the day to enter his guilty plea and therefore any
8 discount must be minimal.

9 52. The Court can take judicial notice of the fact that there is sufficient evidence in
10 recent years that the trafficking of cocaine and other illegal drugs within the Cayman
11 Islands has led to an increase in violent crime and the serious social breakdown in
12 the lives of many young people and their families.

13 53. The use of English case law is severely limited because the maximum for an offence
14 of this nature in the United Kingdom is 20 years' imprisonment. Sentencing is not a
15 mathematical exercise and, it would be wrong to half the period of imprisonment,
16 given for similar offences in the United Kingdom, simply because the maximum
17 period of imprisonment in that jurisdiction is double the maximum period of
18 imprisonment in the Cayman Islands.

19 54. Unlike most other jurisdictions, in this jurisdiction, the maximum penalty remains at
20 10 years' imprisonment. The Court can only sentence within the current intentions
21 of the Legislators as expressed in the legislation of the Cayman Islands. In light of
22 the prevalence of illegal drugs, and the well documented evidence of the damage
23 and harm caused by illegal drugs, the legislators may wish to consider whether the



1 maximum penalty of ten years' imprisonment truly reflects the gravity of such
2 offences, especially when there are little or no mitigating factors.

3 55. The Court notes that the Defendant Osman Bonilla, had previous convictions for
4 possession of cocaine with intent to supply, and, the possession of cocaine and the
5 supply of cocaine, whereas, the Defendant Naranjo had previous convictions for the
6 less serious offences of consuming ganja and failing to provide a specimen of urine.
7 However, I note that Camilo Naranjo was also sentenced to 2 years for causing
8 grievous bodily harm.

9 56. The evidence uncovered by the undercover policemen shows that Bonilla played a
10 lesser role and acted under Naranjo's directions. The Defendant Naranjo remained in
11 the background and only emerged from the shadows when the cocaine to be
12 purchased increased to a much larger quantity. Furthermore, it is the Defendant,
13 Naranjo, who unwittingly provides the undercover officers with his intimate and
14 detailed knowledge of trafficking the contraband extraterritorially. It was the
15 Defendant who provided the 86.1% pure cocaine sample.

16 57. Consequently, I find that the Defendant, Naranjo, played a leading role in directing
17 and organizing the sale of cocaine and was therefore closer to the original source.
18 The evidence discloses that he was further up the chain than Bonilla.

19
20
21
22



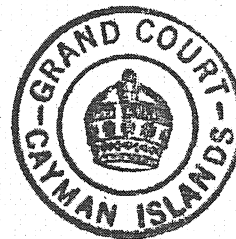
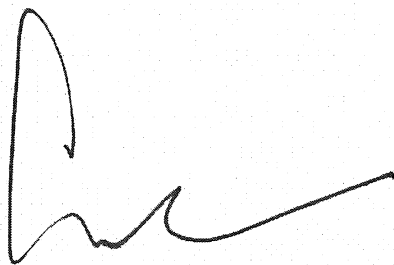
1 58. Mr. Bonilla was sentenced to 8 years' imprisonment. When I consider the
2 appropriate sentence for the Defendant Naranjo, it is my view that, in light of Mr.
3 Bonilla's previous convictions, and Mr. Naranjo's more significant role, there is
4 very little, if anything, to differentiate the punishment they both deserve to receive.
5 The evidence demonstrates that Bonilla acted on Naranjo's instructions and
6 therefore the Court could not impose a lesser sentence than the sentence imposed on
7 Bonilla. When I ignore the case against Bonilla and consider only all the evidence
8 against the Defendant Naranjo, I consider that 8 years is the proper sentence.

9 59. Accordingly, I sentence Camilo Naranjo to 8 years' imprisonment, with time spent
10 in custody to be taken into consideration.

11
12
13
14

15 **Dated this the 13th March 2013**

16
17
18
19
20
21



22 **Honourable Mr. Justice Charles Quin**
23 **Judge of the Grand Court**

