



Neutral Citation Number: [2026] CICA (Crim) 5

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

**CICA CRIM APPEAL No. 0010 of 2024
(formerly IND 0001 and 0039 of 2023)**

BETWEEN

RICHARD LINCOLN REID JR

Appellant

AND

HIS MAJESTY THE KING

Respondent

Before: **The Rt Hon Sir John Goldring, President
The Hon Sir Richard Field, Justice of Appeal
The Hon Sir Michael Birt, Justice of Appeal**

Appearances: **Ms. Katie Williams, Samson Law for the Appellant
Mr. Orrett Brown, Office of the Director of Public Prosecutions for the
Respondent**

JUDGMENT

Transcript of oral judgment dated 7 May 2026 and approved for Release 14 May 2026

The President:

1. On 19 October 2023, following a trial before Mrs Justice Richards and a jury, the appellant was convicted of 3 counts of robbery, 3 counts of possession of an imitation firearm and 2 counts of attempted theft. On 16 February 2024 he was sentenced to a total of 5 years' detention. Having received a negative advice from trial counsel, the applicant did not at first seek to appeal against conviction. Having instructed Ms Williams, who represented him before us, he sought an extension of time and leave to do so. On 7 May 2026, we extended time, granted leave to appeal but dismissed the appeal. These are the reasons.

The facts*The robberies*

2. On the evening of 8 December 2022 there were 3 robberies in 3 different locations in the area of Georgetown in the Cayman Islands. Each time the robber wore a mask. He threatened his victims with what appeared to be a firearm. It is clear from images taken of the robber at different times that evening, that he was not identifiable. The robber was described variously as slim, brown or light skinned, young, between 5 feet 6 inches and 6 feet tall.
3. The first robbery was at around 19.47 hours in Devon Road in Prospect. The victim handed over CI\$400. The robber had said she would be shot if she did not.
4. The second robbery was at around 20.18 hours at the Sky Bar and Lounge in Georgetown. The robber threatened 2 employees with the apparent firearm. He took some CI\$800 from the till. The victims handed over a total of CI\$310.
5. The third robbery was at around 20.44 hours in Paxton Street. Having been threatened by a masked man bearing what appeared to be a firearm, the victim handed over her Scotia bank card. At 21.13 hours two attempts were made to use that card at an ATM. The person doing so was wearing a mask. There was an image of that person. He could be seen to be wearing a blue glove on his right hand, a white glove on this left hand.

The evidence against the appellant

6. There was a very powerful circumstantial case against the applicant.
7. There was a connection between each of the robberies and a white Honda Civic. The “Chronology of Events,” based upon Automatic Number Plate (APNR) images and CCTV footage strikingly sets out how the white Honda Civic followed each victim before the robbery, culminating in its final location in the area of the bank cash point from which the attempts were made to draw out money using the Scotia card stolen in the last of the three robberies.
8. The white Honda Civic displayed a false licence plate. It read 8041. That number in fact related to a red Honda Civic. We shall return to the significance of that so far as the appellant is concerned shortly.
9. The white Honda Civic can be seen to be damaged. It had plainly been involved in an accident. Among other things, the rear windscreen had been replaced by plastic, the rear bumper was missing, the small rear window was taped and a rear red light on the left side was missing. The fact the white Honda Civic was had suffered damage was significant. For on 25 October 2022, some two weeks before the robberies, the appellant driving a white Honda Civic, was involved in an accident in which the vehicle was damaged. Although in interview the appellant disputed it, a witness, Alicia McField said the appellant was the driver at the time of the accident. The appellant later discussed the accident on what, for reasons which will become apparent, the jury could conclude was his mobile phone. The police obtained the details of the white Honda Civic at the time. Its VIN number was ES1402291. Its licence plate was 142213.
10. On 18 December 2022 (some 10 days after the robberies), the white Honda Civic was recovered from an address at Shamrock Road. The appellant’s brother was one of those living at that address. It had no licence plate displayed. However, that it was the vehicle driven by the applicant at the time of the accident on 25 October 2022 was clear. It had a DVDL coupon which indicated its licence plate number as 142213. Its VIN number was ES1402291. Moreover, there was further evidence this was the appellant’s vehicle. His fingerprint was found on the rear view mirror. Inside was a bag and gift card addressed to the appellant’s girlfriend.

11. Examination of the white Honda revealed damage which was similar to that which could be seen in the APNR images of the white Honda Civic involved in the robberies.
12. There was, in short, convincing evidence from which the jury could infer that the appellant's white Honda Civic involved in the accident on 25 October 2022, and recovered from the premises at which his brother lived, was the same white Honda Civic seen on the APNR pictures taken of the white Honda Civic connected with the robberies on 8 December 2022. It does not stop there.
13. We now move on to 20 December 2022. At this time, the applicant's white Honda Civic was of course in the custody of the police.
14. On 20 December 2022 there was an incident in South Sound involving another Honda Civic, this time a silver one. Following a police chase, the silver Honda Civic crashed. Its two male occupants ran away. However, they left near each other and in the vicinity of the crashed silver Honda Civic two items rightly said by the Crown to be of considerable significance as far as the robberies were concerned. The first was a mobile phone: TR 3. The second was the Scotia bank card which the robber had been taken from the victim of the third robbery and had twice attempted to draw money out using it.
15. The two males who ran away on 20 December 20 succeeded in evading arrest. However, there was cogent evidence that one of them was the appellant. His fingerprints were in several locations on the outside of the silver Honda Civic. The abandoned mobile phone had his fingerprint on its screen. It contained several images of the appellant and messages to his girlfriend. It also contained some reference to the accident of 25 October 2022.
16. As we have said, the white Honda Civic connected with the robberies on 8 December 2022 bore the licence plate of a red Honda Civic, namely 180415. The phone TR 3 contained photographs of that red Honda Civic. Its licence plate was clearly depicted. The photographs encompassed the period of the robbery. On 9 December 2022, the day after the robbery during which its number plate was used, the appellant discussed selling the red Honda.
17. In short, there was compelling evidence that the appellant had at the material time access to the false licence plate which was displayed on the damaged white Honda Civic connected with the

robberies. Both the abandoned phone and the Scotia debit card plainly connected the appellant to the robberies

18. There was further evidence.
19. As we have said, two attempts were made to use the stolen Scotia bank card at an ATM. An image of that person was taken. He was wearing a mask. Visible on the mask were the letters H-R-A-S-H. The appellant was depicted on the mobile phone wearing a T shirt upon which was written T-H-R-A-S-H-E-R. Although the Respondent's expert witness could not say how common such shirts were, the font and the sequence of letters visible on the robber's mask were similar in sequence, colour and font size to those in the applicant's T shirt depicted on the mobile phone.
20. The appellant was interviewed. He denied involvement in the robberies. He spoke of not having a phone or owning a car. He had never been in a white Honda Civic. He later said, when his fingerprint in the vehicle was pointed out, he had been in it. He knew someone who had a white Honda Civic. He was not in the silver Honda Civic in South Sound. The fact his photo may be on the mobile phone TR 3 did not mean it was his phone. The 'TRASHER' T shirt was not his. He was just wearing it in the photo. He had no idea who owned the red Honda Civic.
21. The appellant did not give evidence
22. As it seems to us, the jury was plainly entitled to conclude:
 - (1) The robber in all three robberies was the same person.
 - (2) The robber was using a white Honda Civic to move to the different locations at which the robberies took place, and ultimately to where attempts were made to withdraw money on the card stolen in the third robbery.
 - (3) The white Honda Civic was the appellant's. He had driven it when it was involved in an accident and sustained damage. Its damage was similar to that of the white Honda Civic involved in the robberies. During the robberies, the white Honda Civic was displaying the number plate of a red Honda Civic with which the appellant was connected and was trying to sell immediately after the robberies.
 - (4) The robber was wearing as a mask a T shirt identical to one the appellant had.

- (5) The appellant was one of the two males who ran away following the incident with the silver Honda Civic on 20 December 2022. He lost his phone and the Scotia bank card stolen in the third robbery.
- (6) The appellant lied in his interview. It was untrue to say at first he had never been in a white Honda Civic or had had no connection with a red Honda Civic or that the phone TR 3 was not his.
- (7) The appellant did not give evidence because he had no answer which would stand up to questioning.

The grounds of appeal

23. There are two grounds of appeal. We shall take each in turn.

Ground 1

The identification issue

24. Ms Williams, who represented the appellant with skill and balance, was critical of what the judge said about identification. Before turning to her submissions, it may be helpful to set out in detail what the judge said.
25. At 20/2 she said:

“The central or primary issue in this case is the identification of the masked person who committed these offences. There is no facial identification in this case. The prosecution is endeavouring to prove its case as to identification by way of circumstantial evidence. And I will outline this for you in a moment. The sufficiency of the circumstantial evidence is challenged by the defence and the defence case is a denial.”
26. At 34/1 and following the judge said:

“An important issue in this case is the identification of the defendant as the person who did the acts alleged. The defendant denied being the person who robbed the complainants and denies being the person who attempted to use the bank card of Ms. Walton. It is for the prosecution to make you sure that he was the person. There is no burden on him to prove that he was not the person.

The prosecution is seeking to prove the identification of the defendant, as I have said previously, by way of circumstantial evidence.

In this case you have description evidence, members of the jury, and I just want to say a word on that. Identification evidence is where a witness has identified a specific person by naming the person or pointing the person out, whether in the street or at an identification parade.

In this case there is no identification evidence. Description evidence is where a witness has given a description which may or may not be similar to the appearance or clothing worn by the offender at the time of the offence. From description alone does not identify that person, so it can only go to support other evidence as in this case it is one aspect of the circumstantial evidence.”

27. At 39/13 and following, the judge said:

“A word about the CCTV footage...you have got CCTV footage and you have got photographs or stills that have been made from that footage, and you may be trying to compare the defendant; his height, his build against the person in the footage and the photographs. When making your comparison you must be cautious for the following reasons:

Experience has shown that when one person identifies another, it is possible for the person to be mistaken, no matter how honest and convinced they are. Also, the fact that several people identify a person does not mean that the identification must be correct. A number of people may all be mistaken and you yourselves must have this in mind when you are making your comparison.

Although you have been able to look at the defendant during the trial in good light and at relatively close distance and without any obstructions or distractions, none of you knew him beforehand so your ability to identify the defendant is not based on previous knowledge or having seen him in several different situations before. The defendant’s appearance may have changed since the time of the incident and you must not speculate about what the defendant looked like then.

The quality of the footage and photographs may affect your ability to make a comparison. If you decide that the quality of the footage or photographs does not allow you to safely make any comparison with the defendant, you should not try to do so. However, if you are satisfied that the quality is good enough to allow you to make a comparison, you

can study the footage or the photographs for as long as you wish. The footage and photographs that you have are only two dimensional and so do not provide the same amount of information as someone at the scene would have. And seeing footage and photographs from the time of the incident is not the same as witnessing it for yourselves. Having said that, a person at the scene only sees the incident once- usually without any warning that it is going to happen- but you have the advantage of being able to study the footage and photographs several times.

If you decide that the person shown on the footage or the photographs is similar to the defendant, even in several ways, that does not automatically mean that the person shown must be the defendant and you must also bear in mind that this is only part of the evidence in the case.”

28. In her written submissions, Ms Williams submitted the direction beginning at 39/13 should never have been given. It amounted to inviting the jury to identify the applicant by height and build. Estimating height from footage is notoriously difficult. It should not be done without expert evidence in which the limitations of the science can be explained to the jury. The jury should not have been left with the impression they were adequately equipped to estimate and compare the height of the suspect depicted in the footage with the applicant. The most they saw of the applicant was him sitting down. The partial Turnbull direction should not have been given. The jury must have been left with the impression they were in the position of identifying the applicant from the footage, when no identification was possible or invited. The direction amounted to inviting the jury to make a dock identification based on height and build alone.

29. Finally, at 58/14, the judge said:

“What then, on the evidence, is said to be the direct connection between the offences and the defendant Reid. One, is the evidence as to the general description of the person who committed the robberies and who is seen on the CCTV and the CNB [Cayman National Bank] ATM at the time of the attempted theft. So, general description, slim built [sic], young, that evidence came from two of the complainants. Height, approximate height, Mrs Tammie Walton [third robbery] said she was sitting down and the approximate height of the person was five-feet eight.”

30. In her oral submissions, Ms Williams was very critical of what was said at 58/14. She submitted the jury should never have been invited to embark upon the exercise of attempting to identify the appellant by comparing what were unclear photographs with the appellant. That was particularly so as far as height was concerned. There was also inconsistent evidence as to whether the robber had a lighter or darker skin colour. It was impossible to make a safe comparison. Effectively, the jury was left in the position to look at the CCTV and make an identification. The direction at 58/14 was, submitted Ms Williams, “potent.” At most, the jury could only consider general similarity, she submitted.
31. We are bound to say at the outset that in our view the jury should never have been invited to embark on the comparison exercise at all. It could not produce evidence of significant, if any, probative value. Unsurprisingly, descriptions of the robber by the victims of an armed robbery varied and were likely to be unreliable. There must be many slim young men in the Cayman Islands whose appearance was consistent with that of the robber insofar as it can be seen from the images.
32. An additional problem may be that the judge was using the word ‘identification’ in two ways. Firstly, she was meaning the identification of the applicant as the person responsible for these robberies. Hence the remarks in her earlier directions. Secondly, in the criticised CCTV direction, she was using it in the sense of identifying the applicant, albeit by general description, as the robber, hence her partial Turnbull identification direction.
33. We accept, as Mr Brown observed, the jury would be bound to start trying to compare the appellant as they could see him in court with the images of the masked robber. They should in our view have been directed in terms not to do so. For reasons which could be explained, nothing of probative value could be derived from such an exercise.
34. All that said, as Mr Brown submitted, when the judge’s directions are read as a whole, there was no question of the jury being directed that it was open to them to convict on the basis of any identification of the appellant. They were told that in terms. It must too have been perfectly obvious to them they could not identify someone from the images of the masked man which they had (and we have seen). Moreover, the impact of a finding of some consistency between the general appearance of the robber and the appellant could only have been of marginal significance in the face of the powerful evidence implicating the appellant. We cannot accept, as Ms Williams

put it in her skeleton argument, that the "...jury must have been left with the impression they were in the position of identifying the applicant from the footage, when no identification was possible or invited. The direction amounted to inviting the jury to make a dock identification based on height and build alone."

35. In the result we concluded the judge's directions on identification did not affect the safety of the convictions.

Ground 2

The recording issue

36. During the course of the second robbery the voice of the robber was picked up by the CCTV in a storage room. There was a recording of the applicant when he was interviewed. The judge said this about the two recordings:

"...I remind you that none of us, none of you, are expert in voice identification. So, you may need to be careful about trying to, be cautious about trying to make any comparison of voice. [sic]"

37. In our view, correctly, Ms Williams submitted that there should have been no question of the jury seeking to compare the electronic recording of the voice on the CCTV with the electronic recording of the applicant's voice during the course of the interview. The jury should have been directed accordingly. The observation effectively directing them that provided they were cautious they could make the comparison, appears to have been a short throwaway remark in the course of a long summing-up. It could not conceivably have affected the safety of these convictions.

Our conclusion

38. In dismissing the appeal, we bore in mind Ms Williams' submission that taken together the judge's directions falsely bolstered the circumstantial case, leaving the jury believing they could convict on the basis of the appellant's height and voice. That, as we concluded, was to go too far. While, as we said, we are critical of the directions, we had no doubt that in the face of this very powerful case these convictions are safe.