



Neutral Citation Number: [2025] CICA (Crim) 11

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

**CICA CRIM APPEAL No. 0003 of 2024
formerly Ind. 0067 of 2023**

JUDITH DOUGLAS

Applicant

V

HIS MAJESTY THE KING

Respondent

Before:

The Hon Sir Richard Field, Justice of Appeal
The Rt Hon Sir Jack Beatson, Justice of Appeal
The Rt Hon Sir Anthony Smellie KC, Justice of Appeal

Appearances:

Ms Kathleen Ryan for the Applicant
Mr Nimesh Jani of the Office of the Director of Public Prosecutions
for the Respondent

Transcript of Judgment

delivered 17 November 2025 Approved for release 11 December 2025

BEATSON, JA

1. On 25 August 2023, the Applicant, Judith Franciea Douglas, now aged 60, pleaded guilty to 32

counts of obtaining property by deception contrary to section 247 of the Penal Code (2022 Revision). Not guilty pleas to four other counts were accepted by the Crown, and formal verdicts of not guilty were entered. Subsequently, a psychological report was ordered.

2. On 28 February 2024, the Applicant was sentenced by Justice Cheryll Richards, KC, to 80 months on each count to run concurrently with time she had served on remand since 8 March 2023, to be taken into account.
3. Notice of appeal dated 8 March 2024 was filed. Grounds of appeal and the background were filed in a document dated 3 October 2023 by Miss Kathleen Ryan, who was not trial counsel.
4. The material parts of section 247 of the Penal Code provide:

"(1) A person who by any deception dishonestly obtains property belonging to another, with intention of permanently depriving the other of it commits an offence and is liable to imprisonment for ten years.

(2) For purposes of this section a person is to be treated as obtaining property if the person obtains ownership, possession or control of it, and '**obtain**' includes obtaining for another or enabling another to obtain or retain.

...

(4) For purposes of this section '**deception**' means any deception (whether reckless or deliberate) by words or conduct as to fact or as to law, including a deception as to the present intentions of the person using the deception or any other person."

5. The particulars of each of the offences were that on or between specific dates from December 2022 to March 2023, the Applicant obtained a sum of money from a named victim by falsely representing that an apartment at 55 Diaz Lane, George Town, which was family property, was available for rental and exclusive possession when it was not. Prospective tenants were shown the property. If they wished to rent it, they were asked to provide a deposit and/or advance rent of the amount specified in each count and given a date on which they could move in. Some of those who made payments were informed there would be a delay before the moving-in date. Others were not contacted again.

6. The total loss to the victims in respect of the 32 counts was KY\$52,355. This sum excluded KY\$14,050 which it was calculated had been returned by the Applicant to the victims of 6 counts where the plea was in respect of a lesser sum and the 4 counts to which not guilty pleas were accepted by the prosecution.
7. The prosecution's case was that the Applicant never had the right to lease the apartment and that messages obtained in the course of the investigation showed that she deliberately targeted non-Caymanian work-permit holders on low incomes with the low rental cost offered. All the 32 victims were non-Caymanians.
8. The evidence indicated that over the three-month period, the Applicant spent KY\$10,441 in round figures on Amazon purchases, health superfoods, shopping and ATM withdrawals. The prosecution stated that there was no evidence showing how the remaining over KY\$40,000 was spent and that although the Applicant's phone records revealed that she visited gambling sites some 1,060 times during the 85 days offending period, there were no records of what was expended or any gambling winnings. They dismissed the suggestion that she appeared to have a gambling addiction, and their submissions before this court state that they did not accept at any stage that the Applicant intended to pay back the funds taken from her victims.
9. Before the Judge, the prosecution submitted that the offending in this case was aggravated by the following factors: There were many victims and offences in a short period of time. The Applicant had previous convictions for dishonesty offences of a similar nature. She had a leading or sole role in the offences and limited remorse. The detrimental impact on victims by their loss of funds was high.
10. Two of the victims gave victim impact statements. One stated that he paid over KY\$3,400 to the Applicant on behalf of himself and five others to secure the apartment, and the impact of what happened was very stressful for him. At the time it happened, he had been supporting his family in the Philippines and his fiancée who had lost her job. He became depressed and could not sleep for months.

11. The second victim stated that he saw the advert for the rental on a social media site. After viewing the apartment, he paid KY\$4,600 from his savings and a loan from a friend to secure the lease. The start date of 1 March 2023, which he was given, kept being pushed back. The amount he paid was the equivalent of 805,000 Jamaican dollars, which was a significant sum for him and his family. He had to seek a further loan from his employer to find alternative accommodation and was of the view that the Applicant preyed on vulnerable expatriates who were seeking reasonably priced properties.
12. The Applicant's antecedent history contains two material convictions for obtaining property by deception. In the first, *R v Douglas and Hamilton* [2016] (1) CILR Note 13 was that on the 26th of April 2016, after rearraignment she pleaded guilty and was sentenced by Justice Quin to 30 months for 9 counts of obtaining property by deception. The Applicant and her co-defendant, who was convicted after a trial and sentenced to four and a half years, had told their victims that a payment of KY\$2,500 would secure them Caymanian permanent residence. The total amount taken was KY\$104,500 of which, according to the Applicant's then defence counsel, the Applicant received a total of KY\$20,500. The Applicant was in custody for those offences between 25 February 2016 and 28 August 2017.
13. In the present case, defence trial counsel, Mr. Jonathan Hughes, submitted on the basis of Quin J's decision that the appropriate starting point for the index offence in this case should be 4 years.
14. The second previous conviction was that on the 8 June 2021, following a trial and an appeal, which resulted in a retrial, the Applicant pleaded guilty to obtaining, in round terms, \$1.9 million by deception from a single victim between 2 November 2010 and 30th of January 2016. She was sentenced to five years' imprisonment. The deception consisted of false representations that the money was required for a legitimate application for permanent residency, status and a Caymanian passport. She was in custody in relation to this offence between 29 June 2018 and 23 June 2022.
15. When sentencing in the present case, the Judge had before her a Social Inquiry Report dated 18 October 2023 by Josephine Richards, a probation officer at the Department of Community Rehabilitation, and a psychological report dated 4 December 2023 by Dr Dominic Basson of

the Department of Behavioural Health.

16. The Social Inquiry Report stated that the Applicant's marriage broke down following her release from custody in June 2022 and the commission of the index offence, and that she and her husband are now separated although on civil terms. She has one child from a previous relationship who resides overseas. The report writer stated that the Applicant had told her that she had a supportive relationship with her son and her maternal sisters but a difficult relationship with her paternal sisters. Her mother was supportive and her death in May 2023, two weeks after she was incarcerated for the index offence, had a significant impact on her.
17. The report set out the Applicant's background history, her feeling that during her teenage years the love her stepfather previously showed her was transferred to two children he and her mother had, and her statement that she would get into trouble to gain his attention. It recorded collateral information that she was constantly being punished by her stepfather for taking what was not hers from a young age. There was also collateral information that she was arrested at the age of 14 for involvement in fraudulently using her sister's cheque book, that she was expelled from school and sent to a reform school in Jamaica for two years, which she said she could not remember as it was a traumatic time for her. She left school at 17 after becoming pregnant with her son and, after gaining experience, was employed by the Education Department as a Special Needs Support Assistant for ten years. She informed the report writer that she left that job voluntarily in 2012 after being arrested for an offence because she felt ashamed about her involvement in that offence.
18. In relation to the Applicant's previous offending in response to supervision, the report stated she was referred in 2017 for outpatient counselling upon conditional release in 2018 but that she was not compliant with the condition. In April 2023, while on remand, she stated that she had suicidal thoughts and received medication to treat anxiety, depression and sleeplessness. The report also stated that while in custody, the Applicant has enrolled and successfully completed various courses with very good grades.
19. Under the heading "Attitude towards Offence", the report stated that the Applicant:

"... divulged that she was addicted to gambling at the time of the offences and had been

for many years prior. When challenged on why her addiction problems had not been spoken about during her two prior custodial sentences and her interactions with DCR, she stated that she had been 'buying numbers' (gambling) from 2009. She reported that she lied and 'was scared' because she 'did not want people to know' but she 'would stay in town for hours gambling'."

20. She claimed to the report writer that "two months before her current remand, she realised that she had an addiction". She is recorded as able to express remorse to her behaviour when prompted and stated that she felt bad for the victims.

21. She also stated that:

"...her actions would be traumatizing for the victims and [she] disclosed that one victim had to sleep in his car as he did not have anywhere to go after she had lied to his landlord about the property being available."

...

"One victim was very compassionate because of [her] lies as when she realised that she was not going to get the property she gave [the Applicant] a payment plan to pay back the money."

... "she recognised the pattern of her behaviour and that the impact on the victims [made her] want to change. She acknowledged the impact of her behaviour on the wider community and stated that the community would have 'no trust' due to 'things being abused'."

As to the impact on her, she stated that she "...felt ashamed and bad for her actions. Furthermore, she stated that it will be hard for the victims to forgive [me] but [I] am sorry".

22. The report assessed the Applicant's overall risk of reoffending as high with six of the eight criminogenic factors in the "very high" and "high" categories. It described her as having "pro-criminal thinking and a pattern of generalized trouble", that her "repeat offending while on a conditional release licence would suggest a disregard for laws and an attitude supportive

of crime, and [her] continued involvement in fraudulent matters, a pattern of dishonest behaviour and entrenched beliefs that foster a criminal lifestyle".

23. As to sentencing options, the report stated that in the light of the assessment that the Applicant posed a high risk of reoffending, she "... will need to develop protective factors and engage in rehabilitative intervention to address her thinking and behaviour". It stated that "given [her] repeat offending behaviour and its financial implications on the victims, the court might be minded to impose a custodial sentence" but also that "the court may wish to consider having a comprehensive psychological assessment completed prior to sentencing to enable further insight into [the Applicant's] addiction problems and reoffending behaviour, which would assist with guiding most appropriate rehabilitative interventions." In its concluding paragraph, the report states that the Applicant asked for leniency and an alternative sentence to imprisonment as she did not believe that prison would help her.
24. Dr Basson's psychological report records the background history the Applicant provided which was not corroborated. The Applicant described being sexually and physically abused as a child and of learning about the game of numbers from her stepfather. She also stated that she was abused by other males and would be paid money. Dr Basson stated that "... it seemed that gambling became a pleasurable escape and distraction from her unpleasant and abusive home environment."
25. Dr Basson also stated that, "while displaying some traits associated with antisocial personality disorder", it was possible that she "... is also experiencing bipolar disorder as she described having periods of mania, involving excessive spending and gambling, followed by feelings of low mood". He also stated that, "during the assessment [the Applicant] presented as pressured in speech and had racing thoughts, which is consistent with a bipolar presentation." Dr Basson concluded that it is likely that the Applicant "is suffering with a mood disorder (Bipolar type), that she displays traits of an antisocial disorder and would appear to have a gambling addiction." He recommended that she be offered psychological interventions for her difficulties.
26. In mitigation before the Judge, it was submitted on behalf of the Applicant that it was evident from her prepared statements during her police interview and her subsequent basis of plea (most of which was not accepted by the prosecution) that she had stolen an average of approximately

KY\$1,636 from each of the 32 victims to fund an addiction to playing numbers, a form of illegal gambling.

27. The Applicant's case was that events began with a genuine rental opportunity but that the existing tenant did not move out as expected. It was also said that because the Applicant had already gambled away the deposit, she was unable to return it and that she made the unwise decision to attempt to secure another deposit from a second potential renter in the hope of recovering her gambling losses and repaying the deposit. In the words of her basis of plea, "this started a vicious cycle of taking from Peter to pay Paul."
28. This, it was submitted on her behalf, was borne out in the evidence, including the evidence from the psychologist. Nine victims were repaid a total of over KY\$14,000. The Applicant met and engaged with some of the victims after she had received their money, often to make partial or full refunds. The police analysis of her finances showed a black hole of where she spent the remaining over KY\$40,000 with no trace of those funds. She visited gambling websites over a thousand times during the 85 days of her offending spree, an average of 12.5 times a day.
29. Counsel also asked the court to take account of the Applicant's early admissions in interview, her mental disorder or learning disability, the fact that there was little or no prospect of success in the scheme, and her personal circumstances and history as set out in Dr Basson's psychological report.
30. The Judge's sentencing judgment summarised parts of the report that were before her, the submissions by the prosecution and the defence in the light of the *Sentencing Council for England and Wales Guidelines for the Offence of Fraud*, and the general guidelines in the *Cayman Islands Sentencing Guidelines* about the aims of sentencing and paragraph 6.1 on Concurrent Sentences. In relation to the England and Wales guidelines, the Judge noted at paragraph 43 that category A high culpability is demonstrated by any one of a number of factors including *inter alia* a large number of victims and deliberately targeting victims on the basis of vulnerability. Those guidelines provide that harm is determined by loss caused or intended in monetary value and the range for category 3 is UK sterling £20,000 to £100,000 with a sentencing starting point of UK sterling £50,000. There is provision for movement up a

category where the impact of the harm is high because of a serious detrimental effect on the victim, whether financial or otherwise, or the victim is particularly vulnerable due to factors including but not limited to age, financial circumstances, and mental capacity.

31. At paragraph 60, the Judge concluded that the Applicant's offending was serious given the high level of culpability and harm. It firmly and unequivocally passed the custody threshold. The judge accepted that the Applicant's admission for the first time that she has an addiction to gambling was a positive and encouraging first step but considered that in her case one of the primary aims of sentencing had to be punishment and deterrence with rehabilitation the lesser aim.

32. The Judge stated that there were features in the Applicant's case which were out of the ordinary. At paragraph 64, she stated that even if it was accepted that the Applicant's offending began in this case innocently, "by the third or fourth victim, the die had clearly been cast". She continued that "the offending was targeted at the most vulnerable in the community. It affected not only the victims themselves but their families waiting in their home countries for financial support." Referring to what the Applicant had said to the Probation Officer, the Judge said that "[t]he defendant spoke of one victim having to sleep in his car as a result of what she had done". Reflecting the prosecution's sentencing note, the Judge also stated that "the loss of the deposit money had a disproportionate, and in some cases, devastating impact on this vulnerable group. In some cases, the victims have had to leave the Island." Her conclusion was that "[t]he harm and the mental trauma is at the highest level." She also stated at paragraph 65 that the Applicant "must have been aware of the cruel impact of her actions, yet she continued to act nevertheless and did not seek help" and that "there was a wanton disregard for the harm being done to others and a focus on self and financial gain".

33. The Judge set out her method of determining sentence at paragraphs 68 - 77. Her starting point was 5 years' custody because the offence was within the high culpability category A of the England and Wales Guidelines, and the significant level of harm justified raising that factor from category 3 to category 2. The Judge stated at paragraph 78 that the starting point of 4 years utilised in the earlier case of *Douglas and Hamilton* relied on by the defence was inappropriate in view of the stark differences between that and the present case, in terms of the method, and the much smaller number of victims.

34. She then stated that the Applicant's offending in the index offences was also significantly aggravated by the two previous convictions of obtaining property by deception and the fact that the present offending was committed while she was on licence. Those factors respectively served to increase the sentence to 9 years and by a further year to 10 years.
35. The Judge stated at paragraph 72 that she took into account everything said in favour of the Applicant by her counsel and in the reports. She stated that this included the Applicant's remorse, attempt at rehabilitation, and her gambling addiction and personality disorders "as identified in the psychological report" she had summarised earlier in her judgment. It also included the Applicant's early admissions, childhood issues and trauma, attempts to pay back some victims, personal circumstances, and the fact there was little or no prospect of success in the scheme. Those factors, she stated, served to decrease the sentence by 18 months, and the full one-third credit given for the plea reduced it to 68 months.
36. Referring to paragraph 6.1 of the *Cayman Islands Sentencing Guidelines*, the Judge stated that concurrent sentences were appropriate for the series of offences, here offences of the same kind arising out of related facts. However, in the light of the provision in the Guidelines that "the sentence should reflect the overall criminality involved" and "the presence of the associated offences", the totality and gravity of the Applicant's offending justified an uplift of 12 months to the sentence for the principal offence. The total sentence she imposed was thus 80 months on each count.
37. The Judge stated at paragraph 77 that she was satisfied that this would not amount to double counting because "the overall criminality involved is wider than multiple victims in a single count". At paragraph 79, she stated that this is a case where the Applicant is at high risk of reoffending and where she needs to be protected from herself and the community needs to be protected from her. In view of the clear need for rehabilitative treatment, the Judge made an order that during the Applicant's incarceration assistance must be provided to her to address her gambling addiction and the other issues addressed by the psychologist.
38. In the grounds of appeal, Ms Ryan submitted that the sentence was manifestly excessive and advanced four grounds of appeal. They are that the Judge:

(1) erred by double-counting when imposing an uplift for totality and gravity;

- (2) failed properly to consider the Applicant's lifelong gambling addiction;
- (3) was wrong in finding that the victims who suffered loss were vulnerable and saying that the Applicant deliberately targeted the most vulnerable members of the community; and
- (4) did not take into consideration the Applicant's mental disabilities or the magnitude of her childhood trauma.

- 39. Before considering the grounds, we summarise one of the two recent post-sentencing reports about the Applicant which are before the court which were served on the prosecution on the 27 August 2025.
- 40. The first report, which we do not summarise, is by Dr Marc Lockhart, Consultant Psychiatrist at HMP Fairbanks, dated 9 April 2025. It dealt with the Applicant's psychiatric treatment following the manifestation of her symptoms.
- 41. The second report, dated 4 July 2025, is by Professor Leam Craig, a Consultant Forensic & Clinical Psychologist at Forensic Psychology and Practice Ltd Sutton Coldfield in the UK.
- 42. At the outset of her submissions, Ms Ryan submitted that Professor Craig's report should be admitted by this court pursuant to section 16(a) of the Court of Appeal Act as a document connected with the proceeding containing factors not known about at the time of the sentencing judgment were in them, especially about her level of trauma. The court admitted the report *de bene esse*.
- 43. Professor Craig's report is based on two interviews via video link lasting approximately five and a half hours. He was instructed to provide “an independent expert opinion and conduct a comprehensive psychological assessment of [the Applicant] to clarify her pre-incarceration behaviours and functioning”. He stated at paragraph 1.6 that the Applicant “seeks to demonstrate that at the time of the offences she was unable to control her behaviour due to an undiagnosed gambling addiction and untreated bipolar disorder”. We note that the documents provided to him did not include the SIR report or the prosecution's sentencing note containing its challenges to the Applicant's account.
- 44. Professor Craig stated that the Applicant reported a highly fragmented early childhood

characterised by emotional neglect, physical and sexual abuse and dysfunctional parental regimes.

45. He assessed the Applicant as meeting the diagnostic criteria for Gambling Disorder Severe and persistent, bipolar disorder partially in remission, and PTSD with symptoms rooted in childhood adversity, persistent emotional dysregulation, and recurrent distress linked to trauma reminders. He considered that her offending "is closely associated with maladaptive coping strategies, particularly compulsive gambling, and reflects chronic difficulty in managing emotional distress, financial instability and interpersonal rejection." He stated that "it is likely that she was suffering from a gambling addiction at the time of the offences", and that "without targeted intervention her risk of recidivism remains high..."
46. Professor Craig also referred to Dr Basson and Dr Lockhart's diagnoses that the Applicant has adjustment disorder with depressed mood and traits of antisocial personality disorder.
47. In Professor Craig's summary of his response to his instructions, he stated that the Applicant faces increased vulnerability once released. Given her complex clinical profile, he considered that an integrated and trauma-informed approach in a supported setting, such as Trauma-Focused Cognitive Behavioural Therapy, is essential for effective psychological intervention and that would offer a pathway for risk reduction.
48. We turn to the four grounds of appeal.
49. **Ground 1:** Ms Ryan submitted that there was an uplift which amounted to double counting because the number of victims and their vulnerability were taken into account in setting the level of the categories under the England and Wales guidelines and then a further uplift was added applying the Cayman Islands guidelines.
50. *Ebanks* [1990] CILR N-22 and *Kastercum* [1972] 56 Cr. App. R., 298, the two cases referred to in her written submissions are, however, not about the issue of uplift, but about whether to impose a consecutive or a concurrent sentence for offences arising out of a single course of conduct or, as in this case, a series of offences of the same kind arising out of related facts. This Applicant's sentences were concurrent, and it is clear from the Judge's sentencing judgment, and the passages we have referred to earlier, that she was fully conscious of the risk

of double counting. She addressed it by observing that "the overall criminality involved is wider than multiple victims in a single count." We agree with that observation.

51. Moreover, the offending was of high culpability within category A under the England and Wales guidelines in any event because of the large number of victims and their vulnerability. The uplift applied by the Judge that it was submitted amounted to double counting was a consequence of her application of paragraph 6.1 of the Cayman Islands guidelines, but that was to reflect the overall criminality where there were multiple offences and multiple counts.
52. We therefore reject the submission that the Judge erred by double counting when raising the sentence for the principal offence by 12 months to reflect the totality of that offending and its gravity.
53. We turn to **Grounds 2 and 4**, which can be taken together. These are the Applicant's gambling addiction and her mental disabilities and the magnitude of her childhood trauma.
54. **Ground 2** concerns the gambling addiction. Ms Ryan described what had happened as a "vicious debt cycle" where the Applicant "would chase repayment monies by way of more gambling in the hope of a big win". She submitted that notwithstanding the Judge's express statement at paragraph 72 that she took into account the Applicant's gambling addiction and personality disorders, she did not, in fact, do so. She in fact contradicted herself by her statement at paragraph 65 that the Applicant "must have been aware of the cruel impact of her actions and yet she continued to act nevertheless". The grounds also set out paragraph 66 of the sentencing judgment which refers to the pattern of behaviour meaning that there was no seeking of help over many years.
55. Relying on Professor Craig's post-sentencing report, Ms Ryan's written submission was that "in plain and simple vernacular, due to the [Applicant]'s state of mind at the time of offending she was unable to stop."
56. We reject these submissions. Paragraph 72 is not the only place where the Judge refers to the Applicant's gambling addiction. She had referred at paragraph 33 to the statement in the Social Inquiry Report about the Applicant's gambling, and although her summary of Dr Basson's report does not expressly refer to what that report says about what the Applicant had said to

Dr Basson about this, it was referred to in defence counsel's mitigation (see paragraphs 55 and 56 of the judgment, and in the Applicant's letter of apology summarised by the Judge at paragraph 57). Moreover, the Judge at paragraph 80 had stated that during the Applicant's incarceration "assistance must be provided to her to address her gambling addiction and the other issues identified by the psychologist".

57. It is clear, as the prosecution's written submission states, that the issue of gambling, which was referred to by both the SIR report and by Dr Basson, was in the front of the mind of the Judge when she was imposing the sentence. What was said at paragraphs 65 and 66, which were submitted to contradict taking account of the gambling, was said in the context of the Judge's rejection of the defence's submission that the sentencing process should focus to a large extent on rehabilitation. It is not inconsistent with taking into account the gambling addiction and other psychological issues referred to in the reports.
58. We turn to **Ground 4**. It is true that the extent of the childhood trauma the Applicant described in her account to Professor Craig was not available to the Judge, but it was apparent from Dr Basson's report and the SIR report that the Applicant had a troubled past where sexual offences were committed against her and that she suffered from some form of bipolar disorder. We reject the submission that the Judge did not take into account her mental disabilities.
59. The Judge's list of the mitigating factors she had taken into account at paragraph 72 included the personality disorders identified in Dr Basson's report which she had summarised earlier. She considered the suggestion in the SIR report (which we have summarised) that a full psychological assessment would enable further insight into the Applicant's addiction problems and reoffending behaviour which would assist in guiding the most appropriate rehabilitative interventions.
60. After hearing submissions from the defence and the prosecution, she decided that she had enough information to proceed, and it appears from paragraph 30 of Ms Ryan's written submissions on the appeal that defence trial counsel did not request that sentencing be postponed until a comprehensive psychological assessment was conducted. In those circumstances, given the information that was available to the Judge and taken into account by her, we do not consider that her decision not to postpone sentencing until a full assessment was completed was, as Ms Ryan submitted, a fundamental flaw and outwith the discretion available

to a sentencing judge.

61. Moreover, as to this court taking account of the matters in Professor Craig's report, as Mr Jani submitted, Professor Craig had not been given the SIR report and the prosecution sentencing note, and to that extent he did not have all the material facts before him.
62. We do not consider that the additional trauma reported by the Applicant to Professor Craig and reported on by Professor Craig did, as Ms. Ryan submitted, increase the mitigation in view of the seriousness of the offending, the number of victims, and the Judge's decision that this was a case in which rehabilitation was not the main aim.
63. Finally, we turn to **Ground 3**. We also reject the submission that the Judge erred in finding that the victims who suffered loss were vulnerable and the Applicant deliberately targeted the most vulnerable members of the community. The reliance on behalf of the Applicant on sections 41A and 41B of the Evidence Act (2021) and section 2 of the Mental Health Act (2023) is misconceived. The fact that immigrants are a majority of Caymanian society and that many Caymanians are in low paid occupations does not mean that those away from their home countries and supporting their families abroad or unfamiliar with local practices could not be regarded as vulnerable to being defrauded by reason of their circumstances.
64. It is clear that the Judge accepted the prosecution case (summarised in the prosecution's sentencing note) that the victims were all non-Caymanian work-permit holders, that the level of rent suggested they were on low incomes, and that the messaging between the Applicant and the victims meant that she targeted such persons. The Judge was in a good position to assess from the information provided by the prosecution and contained in the reports of what the Applicant had said about two of her victims, whether the victims were circumstantially vulnerable in the way illustrated by the accounts in the two victim impact statements.
65. For these reasons, while we grant leave to appeal, we dismiss the appeal.