



Neutral Citation Number: [2025] CICA (Crim) 12
IN THE CAYMAN ISLANDS COURT OF APPEAL ON APPEAL FROM THE GRAND COURT OF
THE CAYMAN ISLANDS CRIMINAL DIVISION

Criminal Appeal No. 9/2024
(IND # 0050/2022
SC # 00906/2022)

BETWEEN

JAVON JAMES DIXON

APPELLANT

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: **Mr Dixon not present, unrepresented**
 Mr Scott Wainwright of ODPP for the Respondent

Heard: **17 November 2025**

Transcript of Judgment
delivered 17 November 2025 Approved for release 11 December 2025

FIELD, JA

1. Javon James Dixon applies for leave to appeal his conviction on 16th February 2024 following a trial in the Grand Court before Acting Justice Philip St. John-Stevens (“the judge”) and a jury, for

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the manslaughter by reason of provocation of Jovin Omar Fuentes, this being an available alternative verdict to the single count on the indictment that charged the applicant with murder.

2. The applicant also applies for leave to appeal the sentence of 23 years' imprisonment which was passed on him by the judge on the 9th of May 2024.
3. At a previous trial faced by the applicant in February 2023 for the same offence in the Grand Court presided over by Justice Richards, the jury had been unable to reach a verdict.
4. The applicant has refused to attend this hearing either in person or by remote video link.
5. The Court proposes to deal with these applications in those circumstances for the following reasons: The applicant's application was listed for mention at a hearing of this Court on the 11th of September of this year when he appeared in person and informed the Court that he had not been able to obtain legal representation, having encountered significant difficulties in finding counsel who were willing to act with the benefit of legal aid. He also told the Court that he had only received the transcript of the trial on 30th July 2025, and this had severely limited the time available for review and analysis.
6. At that hearing, he was told in very clear terms that his application to challenge his conviction and sentence would be heard whether or not he had obtained legal representation at the next November session of this Court.
7. This pronouncement of the Court was repeated in an email sent to the applicant via the prison where the applicant was being held and was repeated in a further email dated the 16th of October 2025 that also advised that any information the applicant wished to place before the Court should be in the bundle to be provided to the court.
8. The applicant, having taken the stance that has been referred to, has not presented any argumentation in support of his application for leave to appeal conviction and sentence. There have been no grounds of appeal filed, and in these circumstances, the court has given very careful consideration to the summing up that the judge addressed to the jury and to the sentencing remarks

made by the judge that led him to impose the sentence of 23 years; and in these circumstances, the Court proposes, as it warned it would do, to deal with this application today in the absence of the applicant.

9. The background facts of this application are these: Shortly before 5:00 pm on the 1st of July 2022, Mr Fuentes (the deceased) arrived at a convenient store in the vicinity of Gun Square Road, Bodden Town. The applicant then arrived in the vicinity of the convenient store in his silver Honda Accord and an argument broke out between the applicant and the deceased whilst they were outside the store about a debt the deceased owed to the applicant.
10. Part of the incident was captured on CCTV footage.
11. At some stage during the course of the incident, Mr Fuentes was seen to produce a machete from his vehicle, which he later put back in the vehicle. During the course of the altercation between the two men, the applicant produced a firearm and fired two shots, one of which struck Mr Fuentes in the heart, killing him instantly. The applicant then sped away from the scene in his vehicle. The incident was witnessed by three individuals, two of whom were uncles of Mr Fuentes -- Messrs George Berry and Charles Berry. A third eyewitness was the deceased's Aunt Sharon Berry.
12. These witnesses all attested to the fact that it was the applicant who had shot Mr Fuentes at close quarters.
13. The applicant was arrested approximately two hours after the incident at his home in Bodden Town. Two days later, on the 3rd of July 2022, he was interviewed by the police under caution in the presence of an attorney. In summary, he stated that he knew the deceased, and there had been a prior disagreement over money owed in relation to the hire of a vehicle.
14. On the day in question, he had given a lift to a man he knew only as "Blacks", during which he stopped to speak to Mr Fuentes, whom he had seen in the vicinity of Gun Square Road. An argument then developed between himself and Mr Fuentes over the unpaid debt, in the course of which the man Blacks unexpectedly produced a firearm and shot Mr Fuentes dead.

15. Fearing inevitable repercussions from the incident, the applicant sped off from the scene in his vehicle together with Blacks, but Blacks then pulled the hand brake when the vehicle had reached the second speed bump on Condor Road, bringing the vehicle to a stop, at which point Blacks ran off and was not seen again. The applicant then abandoned his vehicle at the fourth speed bump on Condor Road.
16. The applicant's case at trial mirrored the statements he had made to the police when he was interviewed, but he did not give evidence.
17. He was represented by Mrs Riel Karmy-Jones, KC, instructed by Ms P. Bodden, a local attorney. Ms Riel Karmy-Jones, KC, practices from chambers in London.
18. At the trial, the prosecution relied on CCTV footage which captured significant portions of the incident including: (1) the appellant's silver Honda Accord arriving at the scene and parking alongside the deceased's white Honda Fit; (2) the confrontation between the appellant and Mr Fuentes; (3) Mr Fuentes producing a machete and subsequently returning it to his vehicle; (4) Mr Fuentes exiting his vehicle unarmed shortly before being shot; (5) the appellant fleeing the scene at high speed immediately after the shooting.
19. The CCTV evidence did not show any third party who could have been the alleged man Blacks being present in the appellant's vehicle at the scene; nor anyone jumping out of the applicant's vehicle at the second speed bump on Condor Road; nor the applicant abandoning his vehicle at the fourth speed bump on Condor Road. What it did show was that following the shooting, the applicant drove his vehicle to his cousin's address to hide it.
20. As has already been remarked, in preparation for this appeal, the court has read the trial judge's summing up to the jury, and we have been unable to find any omission or fault in what was said to the jury that is in any way capable of calling into question the safety of the applicant's conviction.
21. In our judgment, everything that needed to be said as to the following essential matters was clearly and correctly related to the jury either orally or, to a limited extent, in the form of written directions

and a route to verdict. The matters are these: the role of the jury as the sole finders of fact; the burden of proof being on the prosecution; the standard of proof to make the jury sure; the constituent elements of the offence of murder that the jury had to be sure had been proved by the prosecution; the need to consider the partial defence of provocation to the charge of murder and to find the applicant not guilty of murder but guilty of manslaughter if they were satisfied the applicant had shot the deceased intending to kill him or intending to inflict really serious injury but had been provoked to do so in the sense that he had been caused suddenly and temporarily to lose his self-control by things said and done by the deceased, rather than just out of his own bad temper or out of revenge; a fair and balanced summary of the evidence; the right of the applicant not to give evidence but to put the prosecution to proving to the requisite standard so as to make the jury sure that the applicant was guilty of murder or alternatively manslaughter by reason of provocation; how the jury should approach what the prosecution submitted were lies he told the police when he was interviewed; the applicant's previous good character, and how the jury should take that into account; a fair and balanced summary of the case advanced by the prosecution and the case advanced on behalf of the applicant; and, finally the direction to the jury that their verdict, whether it be guilty or not guilty, must be unanimous.

22. For these reasons, notwithstanding that we have not heard from the applicant, nor have we felt it necessary to call on Mr Wainwright, appearing for the respondent, we are of the clear view that there is no arguable ground whatsoever for challenging the safety of the conviction of the applicant for the manslaughter of Mr Fuentes; and, accordingly, we dismiss his application for leave to appeal conviction.

23. We turn to the proposed appeal against sentence. In sentencing the applicant, the judge followed the Cayman Islands Sentencing Guidelines for the offence of manslaughter by provocation, which appear within the Cayman Islands Sentencing Guidelines for violent offences dated June 2021. In doing so, the judge first had to decide what the level of harm was that had resulted from the offence of which the applicant had been convicted, and into which of the categories of culpability the offence fell — higher, medium or lower — to determine the starting point of the sentence. He then had to consider what increase, if any, should be made to the starting point, having regard to aggravating features, and what decrease should be made, having regard to mitigating factors.

24. The judge found that the level of harm was very high. Mr Fuentes had lost his life as a result of being shot in broad daylight in front of members of his family, who were deeply affected by witnessing his death. The applicant's children were also affected: they were not present, but the loss of their father bore heavily on them because they had previously lost their mother some years previously.
25. Turning to the level of culpability, the judge proceeded on the basis that Mr Fuentes took the machete out of his vehicle before the applicant fetched the gun, but he observed that this was not dispositive as to the degree of provocation, and in his view the degree of provocation was not very high, and the category of culpability was the higher category given the use of a firearm and the low level of provocation.
26. In the judge's opinion, given these findings of a high level of harm and culpability being in the higher category, the starting point was 24 years' custody, which indeed it was.
27. He then identified what he found to be aggravating features, namely, the applicant had intended to kill Mr Fuentes, not to inflict really serious harm; the offence took place in a public area, near the mini market where children were present at 5:00 pm in the evening, and in front of the deceased's family; the applicant had fled the scene and attempted to cover up and conceal evidence and had tried to put the blame on a third party, Blacks, who didn't exist. He had attempted to hide his car by taking it to the address of his cousin. He discarded his phone.
28. The judge then stated he regarded the applicant's young age and previous good character, including the lack of previous violent offending, as mitigating factors, but he went on to express the view that the features of the case demanded a significant term of imprisonment. He stated that the sentence he was going to pass would not alleviate the pain suffered by Mr Fuentes' family. It could only mark in brutal terms the correct sentence in all the circumstances commensurate with his duty, which was 23 years' imprisonment.
29. For these reasons, we are of the sure conclusion that the sentence passed was neither wrong in principle in any respect and nor was it manifestly excessive. Accordingly, this application for leave to appeal sentence is also hereby dismissed.