



**IN THE GRAND COURT OF THE CAYMAN ISLANDS
CRIMINAL DIVISION**

Neutral Citation Number: [2025] CIGC (Crim) 62

Case Number: IND. 49 of 2025

THE KING

V

**ERIC JUNIOR CUNNINGHAM
&
RADMOND JUNIOR SAMUELS**

Appearances: Ms. Shauna-Kaye James, Counsel for the Prosecution
Ms. Prathna Boddan, Counsel for the Defendant Cunningham
Miss Katie Williams, Counsel for the Defendant Samuels

Before: Hon. Justice Emma Peters

Sentence Ruling: 28th November 2025

SENTENCE RULING

Background

1. The two defendants in this case Eric Junior Cunningham (42 years old) and Radmond Junior Samuels (33 years old) pleaded not guilty in May 2025 to the offence of Illicit Trafficking of a Controlled Drug (Ganja), contrary to section 19(2)(a) of the Misuse of Drugs Act (2017 Revision). A trial date was set for September 29, 2025 and on September 9 (so about 3 weeks prior to that trial date) they asked to be re-arraigned and each entered guilty pleas to the charge.



2. Mr. Samuels' plea was accompanied by a Basis of Plea that was determined not to make a material difference to sentence. It read:
- (i) He knew that he was involved in exporting ganja illegally from Jamaica;
 - (ii) He was given GPS co-ordinates as a location to bring the drugs;
 - (iii) He did not know that the drugs were destined for the Cayman Islands. He misspoke in his interview because by that stage he was already in the Cayman Islands and had worked out where they were going;
 - (iv) Although he was pressured by others, he accepts that this does not meet the level for legal duress.

The Facts

3. The facts that gave rise to this charge can be taken briefly. In the early hours of the 25th March 2025 the defendants were on board a vessel which was intercepted by a Coast Guard vessel at 32 nautical miles south of Grand Cayman.
4. The operator of the vessel was Mr. Cunningham and the passenger was Mr. Samuels. Having been detained and taken aboard the Coast Guard vessel their vessel was searched and nine packages of ganja containing 162 lbs and 80oz (or 75.75kg), a GPS and a SAT phone were recovered.
5. Mr. Cunningham was interviewed the next day in the presence of his attorney. He explained that he was a fisherman who lived in Jamaica and that a week before he had been approached by a man he knew as "D" who told him to deliver some packages.
6. He said that he agreed and was picked up and taken to an unknown location where he saw that the boat had already been loaded with the packages which he knew contained ganja. He did not know the identify of the intended recipient and nor did he know his co-defendant until they met on the boat.



7. Thy left Jamaica on 23 March and were at sea until their interception two days later. The destination was already inputted on the GPS and he was given a phone number to call on arrival. He was promised money, but none was paid.
8. Mr. Samuels was also interviewed that day also in the presence of his attorney. He made a prepared statement indicating that he was threatened with a gun to his head by a male known to him as “Bigs” who told him to deliver a boatload of drugs to the Cayman Islands. On the 23rd March 2025 three men came to his residence and took him to an unknown location where he saw a boat and Mr. Cunningham (whom he had not met before). He became aware that the packages contained ganja.

The Law

9. Section 19(2) of the Misuse of Drugs Act (2017 Revision) provides that:

*A person on a ship to which this section applies, wherever it may be who –
(a) has a controlled drug in his possession...*

Knowing or having reasonable grounds to suspect that the drug is intended to be imported or has been exported contrary to section 3(1) or the law of any state other than the Islands commits an offence and is liable –

(ii) if the controlled drug is not a hard drug, on conviction on indictment to a fine and to imprisonment for fourteen years.

Sentencing Guidelines

10. There are no Cayman Islands’ Sentencing Guidelines for this offence. The UK Sentencing Guidelines on Fraudulent Evasion of a Prohibition by bringing into or taking out of the UK a Controlled Drug is agreed to be instructive in providing a framework for how to approach sentence especially since the equivalent offence in England and Wales carries the same statutory maximum.
11. The Cayman Islands Court of Appeal (CICA) in *Johnson and Campbell v R* [2021 (1) CILR 83] held that “there was good reason to follow the Sentencing Council for England and Wales Drug Offences



Definitive Guideline. There was no Cayman guidance; the maximum sentences for the offending were similar; and the characteristics relating to culpability and harm were equally apposite”.

Harm

12. The weight of the ganja recovered was 162 lbs and 80oz which converts to 75.75kg which is therefore agreed by all to fall within Category 2 Harm.

Culpability

13. The Crown submits that Mr. Cunningham falls within a significant role. His role in sailing the boat to the required destination was him fulfilling an operational function within a chain and he had been promised payment and told that he could earn eight hundred thousand (\$800,000.00) Jamaican dollars so he clearly had an expectation of significant financial advantage.
14. They say that Mr. Samuels should fall into Lesser Role as he was performing a limited function under direction. The Defendant stated in his interview that he was threatened by a criminal boss to deliver a boatload of drugs and was “hit with a piece of board leaving him no choice but to agree to transport the drug”. It is submitted that given his limited role there is no evidence that he had any awareness or understanding of the scale of operation or that he had any influence on those above in any operation/chain.
15. That being so the Crown submits that Cunningham’s offending has a starting point of 4 years’ custody with a category range of 2 years and 6 months - 5 years’ custody.
16. Ms. Bodden on behalf of Cunningham agrees with that categorisation.
17. They submit that Samuels’ offending has a starting point of 2 years’ custody with a category range of 18 months - 3 years’ custody.
18. Ms. Williams on Samuels behalf agrees with that categorisation.



19. The Crown does not identify any aggravating factors but observe that it is accepted mitigation that neither defendant has any previous convictions.

Credit for Plea

20. The defendants entered guilty pleas after a trial date was set. The Crown submit that this may reduce their sentence by 25%.
21. The Crown submits, however, that the Court should reduce their sentence at a lower percentage as even in the absence of their admissions, the case against them was overwhelming given that they were caught on a boat with ganja in their possession, intercepted by the Coast Guard.
22. In Pillarchie and others, reference was made to the Cayman Islands' Sentencing Guidelines paragraph 10.7.1. that –

“Where the prosecution case is overwhelming, it may not be appropriate to give the full reduction that would otherwise be given. Whilst there is a presumption in favour of the full reduction being given where a plea has been indicated at the first reasonable opportunity, the fact that the prosecution case is overwhelming without relying on admissions from the defendant may be a reason justifying departure from the guideline”.

23. Pillarchie and others were given a 20% reduction for their guilty plea at the earliest opportunity as opposed to the full one-third reduction.
24. Ms. Bodden submits that Cunningham, having made admissions in interview, simply wanted to be sure that his family back in Jamaica were all safe before his plea was entered.
25. Both defence counsel accepted that my assessment of credit being 20% was unarguable.



Mitigation – Cunningham

26. Ms. Bodden speaks of the defendant's remorse and also point to the fact that Mr. Cunningham is a man of good character; he has no criminal convictions.
27. He is a 42 year old Jamaican national. He has one child and five stepchildren; he raises them as his own. He is a fisherman by trade. He was trying to support a small farm that his wife was managing, as they needed to make essential home improvements.
28. Mr. Cunningham was in desperate need for money; he confirms this in his SIR. He was struggling to support his family and feed the various farm animals. The family found themselves in large amounts of debt and his wife went to work to stock shelves. They are a low-income family who were struggling.
29. Their house had been damaged by a hurricane; they have since lost it in the recent Hurricane Melissa. The family are now destitute. He was then told that there was 'an opportunity' for people like him, who could drive so in an act of desperation he agreed.
30. He has suffered health issues since his arrest and it is clear from his account that he was taken advantage of, even when he called for help with a broken engine, none came. He is genuinely remorseful and begs this court for leniency so that he can go back and help his family rebuild in Jamaica.
31. Ms. Bodden urges the court that, whilst the differential in roles is accepted, not to distinguish too radically when determining the sentences for these two men.

Social Inquiry Report – Cunningham

32. I have found the SIRs in this case both to be extremely helpful and detailed. Mr. Cunningham comes from a large Jamaican family. He was raised in a fishing community to a family who occasionally used physical punishment. He married in 2019 and has one child of his own and 5 stepchildren. As well as earning a living through fishing, the defendant decided to keep animals with a view to supplementing that income. He took out a loan to help him establish that part of his business, but that line of work is



now doing no more than burdening his wife with the need to make repayments on the loan. The animal houses are destroyed, and the animals are lost.

33. Cunningham did not discuss his temptation with his wife when he was first offered money to import drugs and clearly feels a sense of guilt to have now left her to run the family whilst he is incarcerated.
34. He is assessed overall as having a low risk of reoffending.

Mitigation – Samuels

35. Miss Williams reminds the Court that her client is also a man of previous good character. He comes from a difficult and deprived background, having lost both his parents at a young age. Those bereavements led to a loss of structure and stability and to the end of his education.
36. He has 3 children through 3 separate mothers, the mother of his most recent child has very recently found out that she is very ill. That fact, together with the impact of Hurricane Melissa, has caused him a great deal of guilt and remorse.
37. Having played this limited role under direction having been engaged through pressure, Ms. Williams urges the court to take as lenient and compassionate an approach in sentencing as possible.

Social Inquiry Report – Samuels

38. The defendant had to leave school after his parents died, and he moved to live with his grandparents who are now also both deceased. Life was tough and he went into the fishing community to make a living. He reports that his health is not good. He told the DCR about the threats that he faced when he had initially refused to engage in this importation.
39. He is assessed as having a medium risk of reoffending.



The Court's Conclusions on Culpability

40. The Crown have put their case in respect of the guidelines very fairly and the defence agrees with their submissions whilst inviting the court not to distinguish unfairly between them as to their roles.
41. The miserable trade in illegal drugs is such that, whatever the drug and wherever the operation, those who are at the top of the illegal organisations that profit from the trade are often able to hide away, exposing themselves to the most limited extent possible, as they send out others below them to take the risks. Whilst those middle managers or workers will, of course, profit from the criminality in some way, it is undoubtedly the case that those at the top are making the most whilst exposing themselves the least.
42. I agree that neither of these men can be considered to be in a leading role. It is apparent from what they set out in their interviews and from what has been discovered about them by the DCR as set out in the SIRs that these men were Jamaican fishermen, engaged in this business for the sole purpose of getting these drugs to the Cayman Islands.
43. As Richards J said in *Pillarchie & others* Criminal Appeals 10, 11, 12 of 2020 (as not faulted by the CICA):

“In the context of the Cayman Islands as shown from the cited cases, the transportation of the drug into the Cayman Islands by sea appears to be a critical link in the local supply and distribution chain. Indeed, the reasonable inference from the cited cases is that it is the life blood of it. Matters appear to be arranged in such a way that the master minds are protected from identification and the transporters, should they be arrested, destroy any evidence which could lead to their identification”.

44. The explanation given by Cunningham as to the money that he would make from sailing the boat to Cayman with the drugs justifies the conclusion that he expected to make a significant financial gain by fulfilling this essential operational role in sailing the boat. He was more than just a courier given the skill that was required to get the boat safely to Cayman, but I accept that, although in a significant role, that role must be kept in context.



45. Samuels, the younger more inexperienced man, was the passenger on the boat, presumably there to lend a knowing hand if necessary but a man who was there having been subject to some pressure and intimidation. I accept that he appears to have had little awareness of the scale of the operation and certainly had no influence on anyone above him in the chain.
46. I conclude that on all the evidence I have read and the submissions that I have heard that putting Cunningham into a significant role and Samuels into a lesser role is the correct and fair way to categorise culpability this case but I also accept that ultimately these two men were the men with sailing experience who were going to get the drugs to the Cayman Islands but beyond that had no other role in the operation.
47. The weight of the ganja recovered was 162 lbs and 80oz which converts to 75.75kg which is therefore agreed by all to fall within Category 2 Harm. I note the start point is based on 40kg of cannabis, this quantity is therefore nearly twice that but still falls well short of the quantities applicable to category one. Nevertheless, the fact of that substantial quantity is relevant when considering whether to elevate from the start point.

The Court's Conclusions on Credit for Guilty Plea

48. These men both pleaded not guilty in May 2025. Their guilty pleas were entered approximately three weeks before their trial date. Credit diminishes the closer to trial a defendant gets. My conclusion is that to plead guilty 4 months after their not guilty pleas were entered and just 3 weeks before trial (especially in circumstances where the evidence against them having been caught on the boat with the drugs is so strong) is deserving of a maximum of 20% credit.
49. So far as Cunningham is concerned (with offending accepted to be within a range of two and a half years to 5 years) his operational role as the person to sail the boat as the experienced man of the sea together with the expectation of significant financial advantage is such that I consider a sentence at this stage of something in the region of 3 years is appropriate.
50. My start point for Samuels at this stage given his limited role and the intimidation he suffered but reflecting the significant quantity of the drugs is 2 years and 4 months.

51. They each have no previous convictions and that fact combined with the other mitigation I have heard especially the mitigation arising from the situations in which their families now find themselves as a result of Hurricane Melissa is such that I reduce the sentence to reflect that mitigation to 30 months for Cunningham and 24 months for Samuels.
52. Given their reduced circumstances, their anguish will have been significant knowing that due to their offending they were not there to support their families through the impact of the most powerful hurricane in recent Jamaican history.
53. I then apply the discount of 20% which leads me to pass the following sentences:
- (i) For Cunningham – 24 months imprisonment.
 - (ii) For Samuels – 18 months imprisonment.
 - (iii) These sentences will both be of immediate imprisonment. They are the least possible sentences that I can pass whilst properly discharging my public duty, but they also must have the necessary deterrent value – those who are tempted to succumb to the temptation of making money by getting into these drugs boats must have a reason to resist such temptation.
 - (iv) Their time in custody on remand is to count automatically towards sentence.
 - (v) I order forfeiture and destruction of the ganja.

Dated the 28th day of November 2025



**The Hon. Justice Emma Peters
Judge of the Grand Court**