

IN THE CAYMAN ISLANDS COURT OF APPEAL

CRIMINAL APPEAL 28/2016

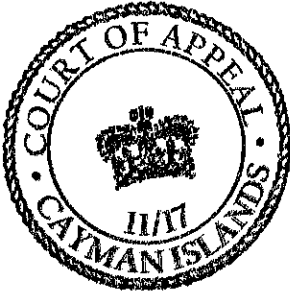
IND.93/14

SC#03811/14

BETWEEN:

BRANDON RENO LIBERAL

Appellant



- and -

Her Majesty the Queen

Respondent

BEFORE: **The Rt. Hon Sir John Goldring, President
The Rt. Hon Sir Bernard Rix, Justice of Appeal
The Rt. Hon Sir Alan Moses, Justice of Appeal**

Date of Hearing: **Wednesday, 31 October 2018**

Appearances: **Mr. John Furniss, Attorney-at-Law for the Appellant
Ms. Darlene Oko for the DPP for Respondent**

JUDGMENT

Transcript of oral judgment dated 31 October 2018

Approved and Released 10 December 2018

GOLDRING, PRESIDENT:

1. This is an application for leave to appeal sentence. The applicant was found guilty by the Honourable Justice McDonald-Bishop, sitting alone, of, on 6 May 2012, burgling the Treasure Island Resort in Grand Cayman.

2. It was a professional burglary. The premises were entered by night. A safe containing some 75,000 Cayman Island dollars and 31,000 US dollars was taken. There were two people visible on the CCTV. They could not be identified. The circumstantial evidence implicating the applicant was strong. He admitted the offence to one witness. A car to which he had access was identified as being the car which had carried the burglars and taken them away from the scene of the robbery. A glove which was worn by a burglar was similar to, if not identical, with one found at his premises. There was telephone evidence from which one could trace the applicant going from where he lived towards the burgled premises and back again. Very shortly after the burglary, he bought an expensive motorcar and a motorcycle.

3. He was sentenced by the judge to five years' imprisonment consecutive to sentences which he was then serving. Plainly correctly, the judge took as her starting point for this commercial burglary a sentence of four years with a range of two to six years. She regarded this burglary at the upper end of commercial burglaries and concluded the appropriate sentence would have been one of six years. She reduced it to five to take account of the fact that should it be served consecutively, the total sentence which he would then be serving would be one of fourteen years. That was because at the time, he was serving sentences of seven years and six years' concurrent for an offence of robbery and possession of an unlicensed firearm used in the course of that robbery.

4. The submission Mr. Furniss makes is that the judge should have imposed the sentence to run not consecutively but from the date she was imposing the sentence. The resultant sentence of 13 years was, he submits, manifestly excessive.

5. We can see no conceivable basis to impugn the consecutive sentence of five years. The fact of the matter is that the robbery and the possession of the unlicensed firearm during the course of it, were committed when he was on bail for the present offence.

6. This application for leave to appeal against sentence is refused.

