

9.4.98

IN THE CAYMAN ISLANDS COURT OF APPEAL
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

C.I.C.A. 19/98
IND 57/95

CAROL FOX SEALES

VS

REGINA

BEFORE: THE RT. HON. EDWARD ZACCA, PRESIDENT
THE RT. HON. TELFORD GEORGES AND
THE. HON. GERALD COLLETT, JUSTICES OF APPEAL

Mr. Howard Hamilton Q.C. and Miss Sheridan Brooks for the appellant and Mr. Adam Roberts for the Crown.

The Court cannot accede to Mr. Hamilton's request for a community service order.

We are satisfied that a sentence of 18 months imprisonment on a guilty plea is not in itself manifestly harsh or excessive having regard to the guideline in Barricks Case.

However we are of the view that there are exceptional circumstances in this case, and that the Court below did not adequately take them into account.

It is clear that the husband was the driving force in the marriage and in their business enterprises.

The appellant did not benefit personally and restitution was made of the entire sum.

Whereas it is true that she had the option of refusing to participate in the wrongdoing the reality is that she could only do so at the cost of sacrificing her marriage and the family. We have noted that the appellant is five months pregnant and also the social enquiry report.

While accepting that a deterrent sentence is called for in these cases and it is also accepted that is essential to preserve the good name of Cayman as a business centre, these

purposes are properly served by maintaining the sentence imposed but suspending the entire sentence for a period of two years.

In the circumstances the appeal against sentence is allowed in part in that we would order that the period of 18 months imprisonment be suspended for a period of two years.

Dated 9th April, 1998

President

Justice of Appeal

Justice of Appeal

