



Neutral Citation Number: [2026] CICA (Crim) 4

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

**CICA CRIM APPEAL No. 0016 of 2025
(formerly IND 0107 of 2023)
(formerly SC 0008 of 2025)**

BETWEEN

CORY SHAMAR PUSEY

Appellant

AND

HIS MAJESTY THE KING

Respondent

Before: **The Rt Hon Sir John Goldring, President
The Hon Sir Richard Field, Justice of Appeal
The Hon. Sir Michael Birt, Justice of Appeal**

Appearances: **Ms. Sophia Lee, Brady Law for the Appellant
Ms. Shauna-Kaye James, Office of the Director of Public Prosecutions for the
Respondent**

Date of Hearing: **7th May 2026**

Ex Tempore Ruling: **7th May 2026**

CICA (Crim) Appeal 0016 of 2025 – Corey Pusey v His Majesty The King - Judgment

JUDGMENT**FIELD, JA:**

1. This is an application by Corey Shamar Pusey for leave to appeal against a sentence imposed on him by Justice Richards upon an appeal from the Magistrate's Court where the applicant was convicted of the following offences and sentenced to the following period of imprisonment:
2. On charge 1, common assault on Lysandra Hydes-Pusey, 30 days' imprisonment consecutive to the sentence imposed on Charge 2.
3. On Charge 2, making threats to kill Raheem Khalil Dallay, 26 months' imprisonment.
4. On the third charge, assault causing actual bodily harm committed against Raheem Khalil Dallay, 11 months' imprisonment concurrent to the sentence imposed on Charge 1.
5. Justice Richards was of the view that there were no grounds for finding that the conviction of this applicant was unsafe in any respect of those three charges.
6. The applicant was represented in the Grand Court by Mr. Hughes, an experienced counsel in these islands. Mr. Hughes invited the judge to grant a credit against the overall sentences which the judge was otherwise minded to uphold, having regard to the fact that the applicant had been subject to a curfew. The terms of the curfew were that from 10:00 p.m. to 7:00 a.m. up to the date of sentence he had to be at home. The total days that the curfew operated was some 659 days.
7. Mr Hughes drew Justice Richards' attention to the relevant sentencing guidelines that deal with the grounds upon which credit can be given for the impact of a curfew order on what would otherwise be the freedom of movement of a defendant, depending on whether it is, or is not, electronically supervised.
8. Justice Richards, in paragraphs 67 to 69 of her judgment in the Grand Court, said this:

67. "The Appellant sought and was granted leave to address the court directly and submitted that he had not received any credit for the time which he had spent in curfew before he was sentenced.
 68. Counsel for the appellant drew the Court's attention to the Cayman Islands Sentencing Guidelines and the principles set out at paragraph 12.
 69. The Court records indicate that the appellant was on a curfew from 10:00 p.m. to 7:00 a.m. up to the date of sentence. The calculation of counsel is that this was a total of 659 days. The court noted that this was during the night hours and the curtailment of liberty would have been limited, except perhaps weekend night outings. The appellant is afforded credit for 15 percent or 99 days".
9. Justice Richards was here exercising a discretion. Challenges to how a judicial discretion has been exercised are limited. Unless it can be demonstrated clearly that the judge exercising the discretion had stepped outside the margin of appreciation that the discretion was based upon, or that the judge's final decision was wholly and demonstrably wrong, the likelihood of any disturbance of such an exercise of discretion is extremely low.
 10. The applicant's counsel, Ms Lee, submitted to this Court that the 99 days credit granted by Justice Richards was far too little.
 11. Ms Lee drew our attention to a number of authorities. One was the decision of the English Court of Appeal in *R v Whitehouse* [2025 EWCA Crim 352.
 12. She also referred us to the decision of Justice Linda Dobbs in the Grand Court in *R v Tibbetts* (unreported 16 December 2016) where that learned judge exercised her discretion to reduce a sentence imposed for causing death by careless driving by 140 days, which represented 23.5% of

the 596 days that the defendant had been subject to an electronic curfew which had not prevented him from going about his daily life.

13. The cases cited by Ms Lee were of very limited assistance to the Court because they depended on their particular facts.
14. The court has already outlined the facts that we are concerned with. The curfew was from 10:00 p.m. to 7:00 a.m. up to the date of sentence and so there was limited curtailment of liberty, but perhaps a little more over the weekends.
15. In this Court's view, there are no reasonably arguable grounds to challenge Justice Richards' exercise of discretion. She explained how she came to the conclusion that the credit should be 99 days. In doing so, she took careful note of the terms of the curfew and of the number of days it lasted, and she would have had well in mind paragraph 12 of the Sentencing Guideline.
16. It follows that this application for leave to appeal cannot succeed and is hereby dismissed.