



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

Neutral Citation Number: [2026] CIGC (Crim) 10

Case Number: IND. 26 & 85 of 2025

THE KING

V

TOMY DANIEL MARTINEZ GOMEZ

**Appearances: Mr. Scott Wainwright, Counsel for the Prosecution
Mr. Greg Burke, Counsel for the Defence**

Before: Hon. Justice Emma Peters

Sentence Ruling: 24th April 2026

SENTENCE RULING

Introduction

1. Mr. Martinez Gomez is to be sentenced for four offences across two indictments. In June of 2025, he pleaded guilty to all three counts on Indictment 26/2025 relating to offences committed on the 1st of March 2025. Those charges are as follows:

- (i) Possession of an unlicensed firearm contrary to section 15 of the Firearms Act in respect of his possession of a Glock .45 calibre pistol



- (ii) Possession of unlicensed ammunition concerning 8 rounds of .45 ammunition (in the magazine contained in that pistol)
- (iii) Possession of unlicensed ammunition in respect of the possession of an extended capacity magazine containing nine rounds of .45 ammunition

2. The fourth offence for which he is to be sentenced is an offence of Affray to which he pleaded guilty in the alternative to the Robbery count on Indictment 85/2025. That indictment concerned an incident at a café in George Town in July 2025 (whilst on bail for the first incident and the month after he had entered his guilty pleas and was awaiting sentence).

Indictment 26/2025 -The Facts

- 3. In the early hours of the 1st of March 2025, the defendant drove to Bananas nightclub on Eastern Avenue in his white Mercedes motorcar. He had with him the various items that are the subject of the three counts.
- 4. He was seen on CCTV parking his vehicle close to the nightclub entrance and then walked towards the entrance of the club. He was refused entry by security. He walked away and then returned shortly thereafter and was permitted entry.
- 5. He left the nightclub sometime later and returned in the direction of his car before returning to the club and again being refused entry. He once more returned to his vehicle and is seen to have opened the door and reached down under the seat before returning again to the nightclub entrance, being searched, and being allowed entry.
- 6. He appears, thereafter, to have again left, returned to the vehicle, and then returned to the club and it was at that stage that the police were called, and he was arrested, at which time the weapon and ammunition were found in his car.
- 7. The Crown suggests that the irresistible inference from these comings and goings between the club and his car, together with the various occasions upon which he was refused entry, would appear to suggest that there were times at which he was carrying this weapon when seeking entry to the club.



8. I note, however, that in the defence written sentencing submissions, the defence case is that he went to that nightclub in the early hours of that morning with the weapon and ammunition in order to return them to a friend who had left those items in his car. Whether he was taking the items to a busy nightclub at that time of night to return them to their true owner or for another purpose is not such, in my assessment, as to make a material difference to sentence given the mandatory minimum sentence to which he is liable.
9. That being so, I shall sentence him on his account of going there to return them. In either event, taking such dangerous items to a busy nightclub in the early hours of the morning is such as to increase the danger inherent in the possession of unlicensed items.
10. When the police searched his vehicle, they found the pistol loaded with the magazine under his driver's seat and, in the center console of the car, they found the extended magazine containing the nine rounds.
11. The pistol was a fully operational lethal barreled weapon, and the ammunition was also capable of being fired. His DNA was found on the weapon.

Indictment 26/2025 - Sentencing Guidelines

12. The maximum sentence for each of the three counts on this indictment is 20 years imprisonment.
13. The provisions of Section 39 of the Firearms Act (2025 Revision) apply and require that the Court, unless exceptional circumstances apply, must pass a sentence of at least 10 years in respect of each of the three counts to which the defendant has pleaded guilty.
14. Furthermore, the Crown observe that the matter is aggravated by the firearm being loaded with a significant amount of ammunition being carried across the two magazines and the item being taken to a busy nightclub. When the items were not in the defendant's possession, they were left unattended in his motor vehicle, and the fact of the extended magazine is aggravating insofar as it creates an additional lethality to the items.



15. The defence accept that the mandatory minimum sentence applies, and they do not seek to argue that there are exceptional circumstances which would justify the Court in departing from that mandatory minimum sentence.

Indictment 28/2025 – The Facts

16. A few months later, on the evening of the 18th of July 2025, the defendant approached a DJ who was known to him from the Dominican community, who was playing music at the Carib café. The defendant was one of three men who approached and grabbed the complainant's shirt and three gold chains from around his neck, ripping those chains from his neck. The defendant then brandished a knife, prompting the DJ, Mr. Manon, to flee. The defendant and his colleagues caught up to the complainant and began to hit and kick him. The defendant is seen on CCTV to throw a punch towards the complainant, although the rest of the confrontation was not caught on CCTV.
17. In interview, the defendant claimed to have acted in self-defence, acknowledging that there was a physical altercation but denying any intention to commit robbery. He suggested that the chains may have fallen off during the struggle; certainly, they were no longer visible on the complainant's neck by the end of the struggle.
18. The defendant pleaded guilty to the alternative offence of Affray (not hitherto on the indictment) after the jury had been sworn on the first day of trial.

Indictment 28/2025 - Sentencing Guidelines

19. The Crown has inadvertently submitted two sentencing notes from different Crown counsel, submitting variously that this offence of Affray is properly placed within category 2A or 2B of the Public Order sentencing guidelines. Mr. Wainwright, for the Crown at sentence, conceded that, in all fairness, the Court ought to adopt the more favourable of those submissions to the defendant, especially given the likely sentence on the other indictment. Ultimately, it is a matter for the Court.
20. The affray therefore either carries a start point of 9 months or of 3 months imprisonment.



21. The Crown submits, and the defence accepts, that the most obvious and significant aggravating factor was the fact that the offence was committed while on bail for, and having pleaded guilty to, the firearms offences.

Mitigation

22. The defendant is 31 years of age with no previous convictions. He has shown genuine remorse and accepts that the sentence he faces will leave his wife and his 3-year-old son without his support for several years to come.
23. No Social Inquiry Report was requested or ordered in this case due to the fact that it is accepted that the defendant is liable to the minimum sentencing provisions.
24. The defence point to the mitigation previously referred to in the original sentencing note (although they accept that mitigation does not go so far as to justify departure from the mandatory minimum term), including the cooperation that the defendant sought to show and his pleas of guilty to the main indictment at an early stage and to the alternative offence of affray (albeit just before trial).
25. The defendant came to the Cayman Islands in 2016 and has worked hard since then, including setting up and running a janitorial business. He has bought a house, and therefore the inevitable sentence that he faces will leave his wife to run the business and pay the mortgage on her own.
26. Prior to his remand in custody, he was on a tagged curfew from March 2025 until his remand after his arrest on the second indictment. The court is asked to make a deduction to its sentence in respect of that period of time.
27. Two character references have been submitted. Jose Pena employed the defendant until February of 2025 and refers to his respect, fairness, and integrity in his business dealings. He says that the defendant was hardworking and dependable. A Prison Officer who has worked alongside the defendant in custody speaks of the defendant's positive behaviour in prison and also his clear regret at the situation in which he finds himself and the steps that he has taken towards his rehabilitation.



28. Mr. Burke, on behalf of the defendant, accepts that, in all the circumstances, the sentence for the affray must be consecutive to the firearms sentence, but reminds the court of the principle of totality that it must apply in so doing.

The Court's conclusions and Sentence

29. It was very clearly Parliament's intention when they revised the mandatory minimum sentencing provisions for firearms offences to seek to punish and deter all those on these Islands who contemplate the possession of unlicensed firearms and ammunition.
30. The proliferation of firearms in the Cayman Islands, and the resultant impact on the safety of all those who live here, demands that there be condign punishment of those who ignore the law since only by being treated severely will criminals think twice about possessing firearms that are unlicensed, and only by that means will the possession of such firearms properly be deterred.
31. That the defendant had this pistol and 17 rounds of ammunition in his possession that night was crime enough. That he took them to the vicinity of a busy nightclub in the early hours (for whatever reason) carried the most enormous danger to those innocent members of the public who seek to enjoy such visits to nightclubs.
32. For possession of the weapon alone, I can see no good argument in favour of the sentence being anything less than the mandatory minimum 10 years. It is not suggested by the defence that any such argument can be advanced.
33. There are three charges on that indictment, each of which attracts that mandatory minimum. In my view, it is right to order that the sentences on those three charges run concurrently, but having made that decision, I consider it only proper to make an uplift to the sentence on Count one (1) to reflect the fact that the defendant also had a significant quantity of ammunition.
34. Were it not for the mitigation that I have heard, the sentence I would have passed on count one would have been 12 years and 6 months, but I do reduce the sentence by 6 months to take account of the mitigation and other information that I have heard during these proceedings. Furthermore, the fact that

the defendant spent a number of months on a tagged curfew means that I will make a further two-month deduction to that sentence.

35. That being so, the sentence on count 1 will be 11 years and 10 months imprisonment. The sentence on each of counts 2 and 3 will be 10 years imprisonment, each of which will be concurrent.
36. The fact that the defendant committed the affray whilst on bail for the firearms offences and just a few weeks after he had pleaded guilty to that indictment means that, in my view, that sentence must be a consecutive sentence, albeit one that takes into account the important principle of totality.
37. I also take account of the fact that the charge of affray was not on the original indictment, and therefore, I am prepared to give the defendant reasonable credit for that plea despite it being entered on the first day of trial and after the jury had been sworn. That being so, the sentence for the affray will be a consecutive two-month sentence, which will make a total sentence of 12 years imprisonment. That is the least possible sentence consistent with my public duty that properly takes account of the seriousness of the offences and the matters advanced on the defendant's behalf.
38. Finally, by way of ancillary orders, I order forfeiture and destruction of the firearm and the ammunition.

Dated the 24th day of April 2026



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