



The Court of Appeal for Bermuda

CRIMINAL APPEAL No. 1A of 2018

B E T W E E N:

THE QUEEN

Applicant

- v -

JERMAINE BUTTERFIELD

Respondent

Before: Baker, President
Bell, JA
Smellie, JA

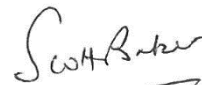
Appearances: Cindy Clarke, Office of the Director for Public Prosecutions, for the Appellant.
Charles Richardson, Compass Law Chambers, for the Respondent.

Date of Hearing: 21 June 2018
Date of Judgment: 22 June 2018

JUDGMENT

1. This judgment should be read in conjunction with that of Butterfield's Co-Appellant Kimmisha Perinchief whose appeal was heard separately. The judgment in her case was handed down immediately prior to this one.
2. Like Perinchief, Butterfield was sentenced to 2 years' imprisonment, but in his case for the offences of Conspiracy to Import Cannabis and Conspiracy to Supply Cannabis, concurrently.
3. The Crown submitted before the judge, and maintained the submission before us, that the sentence for each Appellant should be the same.

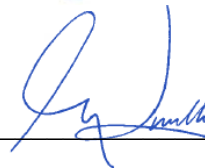
4. The case against Butterfield was that he was responsible for organising Adlawan and that he arranged for the cell phones for himself and Adlawan. He recruited Perinchief because he could not travel to the United States due to his previous convictions. Those convictions were for drug offences but were relatively minor.
5. Perinchief's involvement in the conspiracy was greater than Butterfield's but he was closely involved with the arrival of the drugs and was also guilty of conspiracy to supply.
6. The judge heard the evidence and was well placed to form a view about the relative culpability of the two appellants and her view accorded with that of the Crown. We do not think that in those circumstances we should interfere.
7. For the reasons explained in our judgment in Perinchief we think a sentence of 2 years' imprisonment was on the low side, but we do not think it was manifestly inadequate and we decline to interfere.



Baker P



Bell JA



Smellie JA