



1 **IN THE GRAND COURT OF THE CAYMAN ISLANDS**
2 **CRIMINAL DIVISION**
3

4 **Neutral Citation Number: [2026] CIGC (Crim) 16**

5 **INDICTMENT NO: 62 of 2025**
6
7

8 **R**

9 **v**

10 **BARRINGTON EBALFORD LATHAM**
11

12 **Appearances: Ms. Shauna-Kaye James, Crown Counsel, Office of the Director of Public**
13 **Prosecutions for the Prosecution**
14

15 **Mr. Greg Walcolm, Murray & Westerborg for the Defence**
16
17

18 **Before: The Hon. Justice Cheryll Richards KC**
19

20 **Submissions Heard: 15th May 2026**
21

22 **Sentence Judgment: 15th May 2026**
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26
27 ***Criminal Law – Sentencing, Common Assault contrary to section 215 of the Penal Code (2024 Revision),***
28 ***Possession of Offensive Weapon contrary to section 80 of the Penal Code (2024 Revision), Application of***
29 ***the Cayman Islands Sentencing Guidelines.***
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SENTENCE JUDGMENT

1. The defendant is before the Court for sentencing following his guilty pleas to two offences on the Indictment. Count 2 charges the defendant with Common Assault contrary to section 215 of the **Penal Code** (2024 Revision). The particulars are that he on the 3rd day of June 2025 in the vicinity of Homestead Crescent, Bodden Town, Grand Cayman, Cayman Islands unlawfully assaulted Omar Douglas. The maximum sentence for this offence is one year imprisonment.
2. Count 3 charges him with the offence of Possession of an Offensive Weapon contrary to section 80 of the **Penal Code** (2024 Revision). The particulars of the offence are that he at the said place and on the same date carried with him an offensive weapon, namely a knife. The maximum sentence is a fine of five thousand dollars and or imprisonment for four years.
3. The defendant was initially charged on the Indictment with the offence of Robbery only. He was first before the Grand Court on the 13th of June 2025. He was arraigned on the 27th of June 2025 and pleaded not guilty. A trial date was set for the 20th of October 2025. At a case management hearing on the 16th of October 2025 prior to the trial date, Counsel indicated that there had been discussions towards a possible plea and a proposed addition of two counts to the Indictment.
4. On the trial date of the 20th of October 2025, the Indictment was amended without objection to add Counts 2 and 3 as aforesaid. The defendant was arraigned and entered pleas of guilty. Pre-sentence reports were ordered. A Basis of Plea was provided which states as follows:-

“ I Barrington Latham plead guilty to the offences of Common Assault contrary to section 215 of the Penal Code (2022 Revision and Carrying an Offensive Weapon contrary to section 80 of the Penal Code (2022 Revision) on the following basis:

1. I am a 42 year old Caymanian heavy equipment manager married with children.

- 1 2. I have known Omar Douglas for many years. We were once very good friends, but we
2 are no longer close as Omar does not keep his word. He has owed me money for many
3 months but despite many requests and promises he has failed to pay me. He has been
4 avoiding telephone calls from me.
5
- 6 3. On 3 June 2025 I was at work and drove to Chill Spot restaurant in Savannah to get
7 food. When I arrived, I saw Omar leaving and again requested the money he owes me.
8 I was not upset when I spoke to him though I was surprised to see him as he had been
9 avoiding me.
10
- 11 4. We spoke very briefly and Omar told me to stop asking him for the money and I smiled
12 and walked further into the restaurant when Omar said to me, “ I know where you live
13 and where your children go to school.”
14
- 15 5. This utterance caused me to fear for my family and I reacted poorly in anger.
16
- 17 6. I walked outside the restaurant towards Omar, and I pulled my work knife from my
18 pocket and held it in one hand while I shoved Omar with the other hand. During the
19 shoving I gained possession of his necklace he was wearing but had no intention of
20 keeping it or disposing of it as though it were my own.
21
- 22 7. I sincerely apologise for the poor way I reacted. I lost my temper and should not have
23 reacted aggressively despite the words said to me.”
24



25
26 **THE FACTS**
27

- 28 5. The prosecution has provided a summary of the facts. The victim and the defendant had been
29 friends who had known each other for some ten years. They were said to be issues between
30 them in relation to a truck previously sold by the victim to the defendant on which the defendant
31 had made a down payment of \$5,000.00. The victim had repossessed the truck having not



1 received the full purchase price. On the day in question sometime after 10:30am in the morning
2 the victim was leaving the Chill Spot restaurant when the defendant was entering.

3
4 6. The defendant asked the victim for his money, which is the repayment of the \$5,000.00. The
5 victim responded that there would be no repayment of money until items said to be missing
6 from the truck were returned to him. The defendant became upset, pulled a knife from his waist
7 band and without opening it poked the victim in his side. A third person intervened and tried to
8 pull the defendant away. The defendant flipped the knife open and motioned it towards the
9 victim. As he did this, he pulled the victim's chain and pendant from around his neck and left
10 with them.

11
12 7. The victim called the police. A witness Ian Campbell stated that he had heard the victim say to
13 the defendant just before the incident I know where your kids go to school so be careful what
14 you are doing. The chain and pendant have since been returned to the victim following the
15 pleas.

16
17 8. The prosecution produced Closed Circuit Television footage ("CCTV") of the incident.
18

19 **VICTIM IMPACT REPORT**

20
21 9. The Department of Community Rehabilitation ("DCR") has provided a Victim Impact Report
22 ("VIR") dated 12th April 2026.

23
24 10. The Probation Officer expresses the view that the victim was significantly impacted mentally,
25 psychologically and financially. The victim reported that the defendant caused significant
26 emotional stress to him and his extended family. He explained that they felt unsafe and
27 experienced anxiety and fear because of the actions of the defendant.

28
29 11. Additionally, the victim has indicated that he felt that the threats were not isolated threats made
30 in anger. He explained that he has made lifestyle changes because of his heightened awareness
31 of his surroundings and the Officer notes that there are underlying safety concerns.
32



ANTECEDENT HISTORY

12. The defendant has an antecedent history of four previous convictions. The three most recent are in 2017 for Threats to Kill, Possession of Offensive Weapons and Intentional Harassment Alarm and Distress. The defendant was sentenced to a sentence of 8 months imprisonment suspended for 2 years.

THE SOCIAL INQUIRY REPORT

13. The Department of Community Rehabilitation has provided a Social Inquiry Report in respect of the defendant which is dated the 12th of February 2026, (“SIR”).

14. The defendant is forty-three years old, married with six children, three of whom are still teenagers. Two of the children reside in the defendant’s home country. The SIR indicates that the defendant migrated to the Cayman Islands in 2004 in order to establish a relationship with his father, his parents having separated when he was eight years old. The defendant graduated high school and a trade school without incident. Since leaving school, he has been employed at various jobs and now operates his own businesses in heavy equipment and electronics.

15. The defendant is described by a family member as a good father and husband and overall, a very kind person. He is said to have changed and to have made progress since the last anger management counseling that he received. The Court is requested to grant him leniency as his children in his home country depend on him for financial help and have been adversely affected by the recent hurricane.

16. The Probation Officer notes that there was a Supervision Order attached to the sentence which was imposed in 2017 and that the defendant successfully completed the anger management programme component.

17. The Officer states that the defendant generally appears to have been brought up in an environment that encouraged positive morals and values which he appears to adhere to as an

1 adult. The Officer expresses concern that he has a prior offence of a similar nature and
2 committed the instant offence after completing the anger management programme. The Officer
3 says that it is therefore assessed that he could benefit again from engaging in this programme.
4 There is now a different curriculum than the one offered in 2018. Such a programme will assist
5 him to gain insight into his anger triggers and to learn techniques to manage his anger
6 effectively whilst enhancing his assertive communication skills so that he can adequately
7 address future conflicts.¹

- 8
9 18. The defendant's overall risk of reoffending was assessed as very low with none of the eight
10 criminogenic factors above the low categories. The Officer recommends that as part of a
11 sentence the defendant would benefit from the new anger management programme offered by
12 the DCR to assist him in controlling his anger in challenging situations. It is suggested that the
13 Court could give consideration towards a conditional discharge or Probation Order for 12
14 months with conditions to complete anger management counselling and to be of good
15 behaviour towards the victim and to keep the peace.

16
17 **THE SUBMISSIONS**

- 18
19 19. Both Counsel refer the Court to the *Cayman Islands Sentencing Guidelines* for the two
20 offences. There is agreement as to the categorisation under which the offending falls. Counsel
21 submit that the Common Assault is a Category 3 offence under the *Guidelines* being one of
22 lesser harm and lower culpability.
- 23
24 20. Defence Counsel submits that the time that elapsed between the veiled threat from the victim,
25 the production of the knife, the pushing of the victim and the defendant walking away was
26 approximately twenty seconds. The defendant pushed the victim once with one hand while
27 holding a knife in the other. The victim suffered no injuries, and the weapon was not used to
28 hit or threaten to hit the victim.



29
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¹ Page 6 of the SIR

- 1 21. It is said to be lesser harm because of the absence of injury and lower culpability because of
2 the lack of premeditation and or that there existed a greater degree of provocation than normally
3 expected. The provocation is said to be the veiled threat by the victim towards the defendant's
4 children prior to the assault.
5
- 6 22. The starting point for a Category 3 offence is a fine with a sentence range of a discharge to a
7 fine. Counsel submits that there are no additional aggravating factors with respect to this
8 offence.
9
- 10 23. With respect to the offence of Carrying an Offensive Weapon, defence Counsel submits that
11 while the defendant brandished the knife, he did not use it to cause injury to the victim, and he
12 did not utter any threatening words. The further submission is that while there was the use of a
13 bladed article in public which created a risk of disorder, there was no risk of serious disorder.
14 Counsel said that no real disorder was caused. As to the presence of other members of the
15 public, save the defendant, the victim and a witness known to them, no one else is mentioned
16 as being present and the incident lasted no more than twenty seconds.
17
- 18 24. Counsel says that the circumstances place the offending as a Category 2 offence as none of the
19 Category 1 factors are established. As to culpability it is accepted that during the incident the
20 defendant did cause fear to the victim and that his culpability would be higher culpability.
21
- 22 25. A Category 2 offence has a starting point of 6 months custody with a sentence range of 3 to 12
23 months custody. Counsel asked the Court to treat the veiled threat as a mitigating factor which
24 would result in a reduction of the starting point. Counsel said that while the defendant does
25 have a previous conviction for possession of an offensive weapon, it is almost nine years ago.
26 It is said that given the age of this previous offending, the Court should consider not increasing
27 the sentence from the starting point.
28
- 29 26. In mitigation Counsel submits that the defendant is remorseful, that this was a single blow as
30 well as being an isolated incident. Counsel submits that the defendant has shown complete
31 remorse for his actions and clearly demonstrated where he went wrong.
32



1 27. With respect to the defendant's previous convictions, Counsel submits that none of these are
2 for inflicting violence and that they are of some vintage being almost nine years ago and the
3 defendant has not since then reoffended. Counsel submits that the Court may well consider that
4 the defendant should be treated as a first-time offender given the passage of time since his last
5 offending and the fact that he has no previous convictions for offences in which violence was
6 inflicted.

7
8 28. As to the reduction for guilty plea, Counsel for the prosecution submits that the discount should
9 be no more than 10% because trial dates had previously been set. Defence Counsel submits
10 that the pleas were offered at the first reasonable opportunity being immediately following the
11 filing of the amended Indictment.

12
13 29. Defence Counsel submits that in this case the custody threshold has not been passed and that
14 the incident does not reflect the more serious offence.

15
16 **THE SENTENCE**



17
18 30. Having watched the CCTV footage of the incident, two things are plain to the Court. The first
19 is that it was the words spoken by the victim which formed the catalyst for the offending. The
20 second is that the ignition of the defendant's anger in seconds, his visible rage and his inability
21 to control his temper is a serious cause for concern. The presence of the witness who intervened
22 and endeavoured to bring calm very likely made a difference to the outcome of the incident.

23
24 31. This was more than a possible pushing, punching or prelude to the use of fists. The defendant's
25 reach for a weapon, a closed knife and his opening of the knife in the course of the assault adds
26 a layer of seriousness to the incident which cannot be ignored. This incident took place in a
27 public place, in daylight hours, in a relatively busy area of Bodden Town. The sentence to be
28 imposed must take into account the fact that this is a defendant who has a previous conviction
29 for similar conduct, who has already undergone anger management counselling and yet behaves
30 in this way.

31
32 32. In the Court's view, the aims of sentencing in this case must be rehabilitation in particular to
33 provide further anger management treatment as well as the aim of deterrence. The defendant

1 must understand that this conduct cannot be repeated. He must not continue to carry offensive
2 weapons.

3
4 33. In the Court's view under the **Guidelines** for Common Assault, the offending is one of lesser
5 harm being injury or apprehension of injury which is less serious in the context of the offence.
6 It is accepted that it is one of lower culpability because of lack of premeditation and the
7 provocation in the form of words said by the victim.

8
9 34. An offence of lesser harm and lower culpability has a starting point of a fine.

10
11 35. I have considered Counsel's submissions as to the age of the previous offences. I do not accept
12 that they are so old that account ought not to be taken of them.

13
14 36. I find that it is an aggravating factor that the defendant has previous convictions of some
15 similarity. The defendant has previous convictions for Threats to Kill, Possession of an
16 Offensive Weapon and Intentional Harassment Alarm or Distress. These would serve to
17 increase the sentence from the starting point.

18
19 37. In mitigation the Court takes into account everything said and written in the defendant's favour.
20 The defendant is genuinely remorseful. He has accepted responsibility for his loss of temper,
21 aggression and his actions. This was a single blow and an isolated incident. His personal
22 circumstances include that he is an otherwise productive member of society who is described
23 as a good and supportive father and husband. He is at very low risk of re-offending. The
24 sentence would therefore be significantly reduced.

25
26 38. As recommended by the Probation Officer, for the offence of Common Assault, the defendant
27 is placed on a 12 month Probation Order with conditions that he is to complete anger
28 management programme, be of good behaviour towards the victim and keep the peace. There
29 are additional recommendations in the VIR which are also imposed to wit: -

- 30 i. Not to contact the victim directly, indirectly or via a third party.
31 ii. Not to go within 100 yards of the victim if he should see him in the community.
32 iii. Not to go to the residence or work place of the victim.
33



1 39. As requested by defence Counsel to allow the defendant time to assist with the repair of his
2 mother's house overseas which was damaged during the recent hurricane, the Probation Order
3 is to begin on the 15th July 2026.
4

5 40. For the offence of Carrying an Offensive Weapon the Court accepts the submission of both
6 Counsel that the offending is one of Category 2 harm. There is no evidence that the conduct
7 caused serious alarm or distress or that there was a risk of serious disorder. It is one of higher
8 culpability because of the carrying of a weapon which was used to threaten or cause fear.
9

10 41. The offence is a Category 2 A offence with a starting point of 6 months' custody. In the Courts'
11 view it is aggravated by the fact of the defendant's previous conviction for the same offence by
12 3 months for a sentence of 9 months imprisonment.
13

14 42. In mitigation account is taken of all the factors referenced above for a sentence reduced by 3
15 months to 6 months imprisonment.
16

17 43. The Court accepts the submissions of the defence as to credit for the guilty plea and the
18 defendant is given the full one third credit for his guilty plea for a sentence of 4 months
19 imprisonment.
20

21 44. The offending is serious. However, the personal circumstances of the defendant are such that
22 it is appropriate for the sentence to be suspended. The defendant is at very low risk of re-
23 offending, and he is genuinely remorseful and desirous of ensuring that this does not happen
24 again.
25

26 45. Consequently, the sentence is suspended for a period of 2 years.
27

28 **Dated this the 15th day of May 2026**

29 

30 **The Hon. Justice Cheryll Richards KC**
31 **Judge of the Grand Court**