

COPY

IN THE GRAND COURT OF THE CAYMAN ISLANDS

HOLDEN AT GEORGE TOWN, GRAND CAYMAN

SCA #14 OF 2003

JAMES RAYBURN EBANKS

- vs -

REGINA

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REASONS FOR JUDGMENT delivered by The Honourable

JUSTICE A. HENDERSON on Friday, June 11, 2003

in George Town, Grand Cayman.

CHARGE: Burglary

APPEARANCES:

For the APPELLANT:

Self-represented

For the RESPONDENT:

Mr. A. Mon Desir

Judgment

1 FRIDAY, JULY 11, 2003

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3 REASONS FOR JUDGMENT

4 HENDERSON, J.

5 On this appeal from both conviction and
6 sentence, James Rayburn Ebanks argues, first, that his
7 plea of guilty should be struck out on the ground that he
8 has a defence to the charge of burglary, and, second, that
9 the sentence of 18 months' imprisonment is excessive in
10 the circumstances.

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12 The case for the Crown was strong. Ebanks
13 was found inside the residence of a woman without her
14 authority. He was arrested soon afterwards and found to
15 have a chain in his pocket which belonged to the woman.
16 Perhaps in recognition of the strength of the Crown's case
17 or perhaps because he had no legal representation, Mr.
18 Ebanks pleaded guilty at an early stage. He received some
19 consideration for that when sentence was imposed.

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21 Mr. Ebanks now provides to the court a
22 far-fetched tale as to how he entered the residence while
23 looking for a friend, without any felonious intent. He
24 says he sat on a settee and dropped some change from his
25 pocket. When he bent down to pick it up, he accidentally

Judgment

1 picked up the chain belonging to the resident of the house
2 and put that in his pocket. He denies any intent to
3 commit burglary or theft.

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5 There is absolutely no merit in this
6 application to strike out the plea of guilty. The
7 conviction appeal is, therefore, dismissed.

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9 With respect to sentence, Mr. Ebanks has a
10 criminal record containing 51 previous convictions. Many
11 of these are for minor public nuisance offences. It is
12 clear Mr. Ebanks has a terrible addiction to alcohol,
13 which has been the motivating force for most, if not all,
14 of his criminal behaviour over the years. The record I
15 have before me contains no indication that he has
16 attempted to deal with his addiction or is motivated to do
17 so. He has a previous conviction for burglary. In 1993,
18 he was sentenced to twelve months' imprisonment, but that
19 sentence was suspended.

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21 Having regard to the criminal record, having
22 regard to the fact that the burglary was of a residence
23 occupied by a woman, and having regard to the theft
24 inside, I do not think it can be said that this sentence
25 was clearly or manifestly excessive. The sentence appeal

Judgment

1 is dismissed.

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Henderson, J.

13 THE HONOURABLE JUSTICE HENDERSON

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