

IN THE GRAND COURT OF THE CAYMAN ISLANDS

SCA# 33/96

JAMES MICHAEL EBANKS

v

REGINA

Appearances:

Furniss of Collins Broadhurst and Furniss for appellant Ebanks.
Bonnar of the Legal Department for the Crown.

JUDGMENT

The appellant James Michael Ebanks and four others were charged with a number of offences under the Misuse of Drugs Law which were alleged to have been committed on the evening of Sunday, 13 August 1995. The appellant Ebanks and two of the other defendants pleaded guilty at an early stage to importation of 250lbs of ganja, for which Ebanks was sentenced to 2 1/2 years imprisonment. He also pleaded guilty to possession with intent to supply, for which he received 2 years imprisonment, the sentences to run concurrently.

1 He now appeals on two grounds:

2 (1) that the sentence is harsh and unjust;

3 and

4 (2) that he as an accomplice playing a minor
5 role received a lengthier sentence than his

6 co-accused who was the captain of the
7 vessel.

8

9 Counsel for the appellant submitted that his client, having pleaded guilty at
10 an early stage and whose testimony was instrumental in the conviction of
11 the three other defendants was entitled to a substantial discount. Counsel
12 argued that two of the appellant's co-accused received lesser sentences, one
13 eighteen months, the other twelve months, and the third, who did not plead
14 guilty until the appellant's testimony was completed, received a four year
15 sentence.

16

17 The records show that the learned Magistrate clearly took into account all
18 the mitigating factors to which counsel has referred. There is also no
19 indication that his several previous convictions influenced the magistrate in
20 any way.

21

22 In sentencing the appellant the learned Magistrate said "You not only gave a
23 witness statement, but also testified against your co-accused providing
24 substantial assistance to the Crown. Taking those factors into account as

1 From the pattern of sentencing for similar offences it is obvious that the
2 learned Magistrate did give the appellant a significant discount. It is wrong
3 to equate his sentence with that of the two who were merely provided the
4 transport for the conveyance of the drug, and for which they would be paid
5 a fee.

6

7 Accordingly, his appeal is dismissed.

8

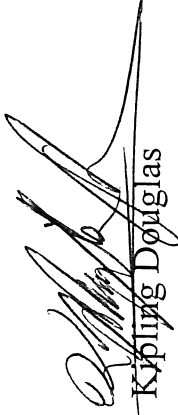
9

10

11

12

13


R. M. Douglas

14 Judge of the Grand Court

15

16

17 Dated this 18th day of July 1997

18

19

20 KD/cc