

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

IND. # 12/89

REGINA V. HOWARD SMITH

For the Crown: Mr. A. Smellie
For the defendant: Pierre Lamontagne Q.C.,
with him Mr. G. Ritchie.

SENTENCE

It was submitted that, although I have found the charge against the defendant proved I should make an order discharging him without recording a conviction. I have that power under S 71 of the Criminal Procedure Code which is applied to Grand Court trials before a judge alone by section 121A of that Code. It is a measure of the view I take of the strong mitigating factors in this case that I gave this course some serious consideration. But I have come to the conclusion that it would be quite inappropriate in a case involving violence occasioning actual bodily harm. I must record a conviction, and impose a fine of \$250. That is a lenient penalty, and it is the least which I can impose without failing in my duty to indicate this Court's disapproval of such conduct in any circumstances.

In arriving at it I have taken particular account of Mr. Smith's genuine anguish at what occurred and the evidence of Mr. Vernon Jackson who was formerly Principal Secretary responsible for Education and Social Services and who still holds a number of important public offices. He spoke of the admirable work which Mr. Smith has done for young Caymanians at the Bonaventure Boys Home and his unblemished record as a teacher over his eleven years of residence here. He is entitled to have that weighed against his solitary lapse, in the extreme circumstances which I have already described both, by this Court and, I venture to hope, by others.

The defendant has 14 days in which to pay the fine.

