

17/2/2006
Criminal

1 THE GRAND COURT OF THE CAYMAN ISLANDS HOLDEN IN
2 GEORGE TOWN, GRAND CAYMAN

3 IND. NO. 25A OF 2005

4
5
6 REGINA

7
8 V.

9
10 TRAVIS EBANKS

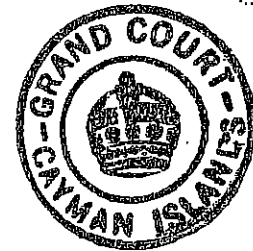
11
12 LEON CLARKE



13
14
15 **Appearances:** Mr. Trevor Ward for the Crown
16 Mr. Nicholas Dixey of Quin & Hampson for the Defendant Clarke
17 The Defendant Ebanks, in person

18
19 **Before:** Hon. Justice Henderson

20
21
22 **Heard:** February 17, 2006



23
24
25 **RULING**

26
27
28 Leon Clarke and Travis Ebanks have been convicted of a joint enterprise: an assault upon a guard
29 at Northward Prison in circumstances where the prison was somewhat dysfunctional. This
30 occurred immediately after Hurricane Ivan at a time when the prison was running on emergency
31 power. The prison was not fully staffed. There was unrest and prisoners were planning to escape,
32 including Clarke and Ebanks. They formed a plan.

33
34 The victim, Dennis Parchment, is a prison guard who reported for duty after the hurricane. Upon
35 entering a certain unit in the prison, he was assaulted by Mr. Ebanks with what was described as a
36 "pipe". Parchment suffered some injuries.

1 Just after this assault, Mr. Clarke joined in. He managed to wrest from Mr. Parchment the keys to
2 the prison, although they dropped on the floor. Mr. Clarke did not inflict any violence upon
3 Parchment himself, other than the violence associated with the forceful removal of the keys from
4 Mr. Parchment's neck.

5
6 Mr. Clarke then went outside the unit and was confronted by another prison guard. Clarke
7 immediately demanded keys from that guard, who replied that he would not give Clarke the keys.
8 The guard then ordered Clarke to sit down. Mr. Clarke acquiesced; he sat down and took no
9 further part in any assaults on guards or in any attempt to escape. Those circumstances mitigate
10 Mr. Clarke's guilt.

11
12 Mr. Ebanks has pleaded guilty and is entitled to the usual discount upon sentencing.

13
14 Assault on a prison guard is one of the most serious types of assault. Prison guards deserve and
15 need the protection of the courts. It is essential to good order in a prison that every prisoner be well
16 aware that any assault on a prison guard will be punished with a consecutive sentence of
17 imprisonment and that the sentence will be substantial. Nothing less than that can accomplish the
18 goal of maintaining order in Her Majesty's prisons.

19
20 As a matter of general principle, the sentence must be consecutive and it must be a term of
21 imprisonment of significant length. The maximum sentence here is five years.

1 I do not think Mr. Ebanks deserves the maximum sentence, given the circumstances. This offence
2 falls in the middle range of the spectrum of assaults which may be committed upon prison guards.
3 The appropriate sentence with respect to Mr. Ebanks would be three years consecutive. From that,
4 I deduct one year because of his guilty plea. Mr. Ebanks is sentenced to imprisonment for two
5 years, consecutive to every sentence he is now serving.

6
7 Mr. Clarke's involvement was less serious but he does not receive any discount as he pleaded not
8 guilty. The appropriate sentence for Mr. Clarke is a term of imprisonment of 18 months,
9 consecutive to any sentence he is now serving. I impose that now. No time in custody is to be
10 taken into account.

11
12 Mr. Clarke is a Jamaican citizen. I recommend that he be deported upon the completion of his
13 sentence.

14
15 Dated this 17th day of February, 2006

16
17 *Henderson, J.*

18 Henderson, J.
19 Judge of the Grand Court

