

21/11/97

Michael Legal
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IN THE GRAND COURT OF THE CAYMAN ISLANDS

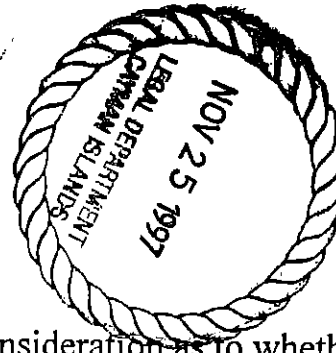
IND# 1/96 AND 14/96



Regina v Jonathan Mark Ramoon

Appearances:

Samuel Bulgin, Senior Crown Counsel for the Crown,
John Furniss for the defendant.



RULING

This matter now comes before the court for consideration as to whether a partially suspended sentence (2 years imprisonment with 18 months suspended) handed down on 14th August 1996, for the offence of Causing Grievous Bodily Harm should be activated.

The question arises because during the term of his suspended sentence, the defendant has been convicted on his own plea for the offence of possession of ganja with intent to supply and sentenced to 3 years imprisonment.

The provisions of section 27 of the Penal Code are automatically brought into effect. That being so, this Court is required to restore the part of the sentence held in suspense on the earlier indictment for GBH, unless this Court is satisfied that it would be unjust to restore the suspended sentence.

1 In this regard I have considered the offer of assistance made to the
2 authorities by the defendant, (and confirmed by Mr. Bulgin as likely to be
3 helpful) but have taken the view - subject only to a factor to be weighed
4 below - that any credit to be given for that can properly be given in the
5 context of the consideration of the appropriate sentence to be imposed for
6 that offence.

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8 I know very little about the circumstances of that offence and so express no
9 views in that respect. I gather that that sentence may be the subject of an
10 appeal now pending.

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12 To return to the present matter: I see no basis for holding the ordinary
13 course of the law should not be allowed to run. That course requires the
14 restoration of the part of the sentence suspended. The only issue which
15 appears to my mind still to be addressed is whether the restored portion
16 should be ordered to run concurrent or consecutive to the sentences now
17 being served for the drug offences. It has been held - in R v Ithell and
18 Others [1969] 53 Cr. App. R 210 - that unless there are some quite
19 exceptional circumstances, the suspended sentence when activated should
20 be ordered to run consecutively to the sentence given for the latest offence.

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22 There are no such exceptional circumstances in this case which would, to
23 my mind, require that the sentence not at all be ordered to run
24 consecutively.

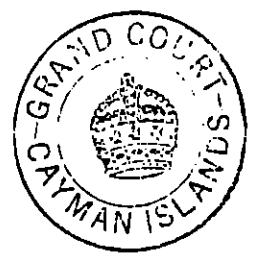
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1 I do, however, here take account of the likelihood that the defendant would
2 have harboured hope of some discount in the suspended sentence if he took
3 the course he has now taken in relation to the drug offences. That view is
4 arrived at because this hearing was in fact postponed to await the outcome
5 on the drug offences and although that was directed as a matter of the
6 procedurally correct dispensation of the case, I accept would also have
7 encouraged the defendant in the way I have already mentioned.

8
9 In that light, notwithstanding my earlier conclusion that discounts for his
10 guilty plea and co-operation are to be properly reflected in the sentence for
11 the drug offence, there is, in my view, proper place for some dispensation in
12 this case.

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14 With that in mind, I direct that the suspended sentence of 18 months be
15 activated in part to the extent of 12 months only and that the defendant shall
16 serve that part of 12 months consecutive to the sentence to be served in
17 respect of the drug offence.

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25 Anthony Smellie
26 JUDGE OF THE GRAND COURT
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29 Dated this 21st day of November 1997