

In the Grand Court of the Cayman Islands  
Holden at George Town, Grand Cayman

Before the Hon. The Chief Justice

On the 10th June 1988

10-06-88

Summary Court Appeal No. 74 of 1988

SHARMENE LENITA BUSH

V

REGINA

Mr. R. Alberga Q.C. and Mr. K. Collins for the Appellant

Mr. S. Brooks for the Respondent

COLLETT, C.J.

JUDGEMENT

Having considered counsel's very helpful submissions on behalf of the Appellant this Court is constrained to agree that the family circumstances of this Appellant and in particular the circumstance that the sentence under appeal will deprive two young children of all parental care for the best part of a year deserves to be regarded as exceptional and to call for the exercise of mercy and compassion as was considered appropriate by the English Court of Appeal in the cases cited by counsel.

In normal circumstances I should have regarded the sentences passed upon this Appellant as not inappropriate for the offences to which she pleaded guilty in view of the amount involved and the position of trust which she occupied. In the exceptional family circumstances revealed, this Court is entitled to regard the imposition of an immediate custodial sentence as inappropriate.

Accordingly the appeal against sentence is allowed in part and the

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sentence passed in case 6689/87 is varied so that all but 10 days of the two years imprisonment passed in that case is suspended for 2 years and the sentences of 12 months imprisonment passed in cases 6688 and 6690 to be served concurrently are likewise varied so that all but 10 days of those terms are suspended for 2 years. The effect will be to permit the Appellant's immediate release from prison. The restitution order in her case will stand.

Dated the 10th June, 1988.



G. Collett.