

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN ON 5TH SEPTEMBER 1984
BEFORE THE HON SIR JOHN SUMMERFIELD CBE QC JP
CHIEF JUSTICE

CASE NOS. 1601/83 and 1616-1619/83

APPEAL NO: 19/84

EDWARD C EBANKS V RECINA

SELLING COCAINE
POSSESSION OF COCAINE
USING COCAINE
SELLING COCAINE
POSSESSION OF COCAINE

Mr. Levy for appellant

Mr. Smellie for respondent

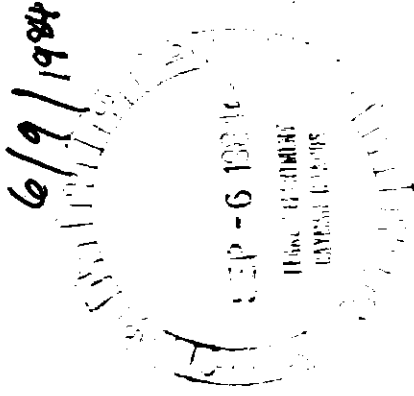
JUDGMENT

The appellant was convicted of sale and possession related offences concerning cocaine hydrochloride committed on two consecutive days. The amounts involved were 2.7 grammes and 3.7 grammes. He was also convicted of consuming part of the drug for sale on the first day in pursuance of the sale.

He was sentenced to imprisonment and fines equal to or above the mandatory minimum. He is in no position to pay the fines or any substantial part of them. He is a first offender aged 31 years. It was a straight entrapment case.

As he is in no position to pay the fines the cumulative effect of the sentences is that he would serve a sentence of imprisonment of 10 years and 3 months for the first offences involving 6.4 grammes of cocaine hydrochloride - less than a quarter of an ounce. What do you do with a man convicted of dealing in a kilo? - or 10 kilos?

I need not repeat the principles considered in Eldon Ebanks and Dave Kelly v R Appeal 14/84. I need only apply them. Although the quantity involved in that case was less than that involved in this case



and that, in this case, the offences were committed on two consecutive days, sentences near the minimum are appropriate. They are varied as follows:

For possession on 10th August 1983 1 year imprisonment and a fine of \$1000 simpliciter.

For selling on 10th August 1983 3 years imprisonment and a fine of \$10,000 simpliciter.

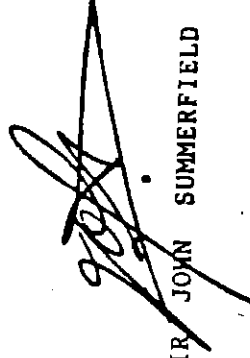
For the offence of consuming 1 year imprisonment and a fine of \$1000 simpliciter.

For possession on 11th August 1983 1 year imprisonment and a fine of \$1000 or 1 month imprisonment in default.

For selling on 11th August 1983 3 years imprisonment and a fine of \$10,000 or 2 months imprisonment in default.

The substantive sentences of imprisonment will run concurrently. The terms of imprisonment in default, if there is default, will run ~~concurrently~~ ^{concurrently} to the substantive terms and to each other.

The appeal against sentence succeeds to the extent specified but is otherwise dismissed.


SIR JOHN SUMMERFIELD

6th September 1984