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2 **IN THE GRAND COURT OF THE CAYMAN ISLANDS**
3 **CRIMINAL SIDE**

4
5 **INDICTMENT NO: 14/12**

6
7 **THE QUEEN**

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9 **V**

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11 **CALMORE WILBUR RANGE**



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14 **Appearances:**

Ms. Candia James for the Crown

Mr. John Furniss for the Defendant

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18 **Before:**

The Hon. Mr. Justice Charles Quin

19 **Heard:**

**9th March 2012 (Sentencing
submissions heard)**

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22 **SENTENCE RULING**
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24 1. On the 17th February 2012 the Defendant pleaded guilty to one charge of
25 attempted robbery contrary to s.242 of the Penal Code (2010 Revision) and
26 the particulars of the offence are that the Defendant, on the 2nd day of
27 December 2011, at Countryside Shopping Centre, Bodden Town, Grand
28 Cayman, attempted to steal a bag of cash from Donovan Ricketts ("Mr.
29 Ricketts"), and in order to do so used force against the said Donovan
30 Ricketts.

31 2. Crown counsel set out the facts and stated that Mr. Ricketts, a security
32 officer, was on duty, and was involved in the transportation of money for
33 Cayman Armoured Security Company. Mr. Ricketts was leaving Foster's

1 Food Fair in the Countryside Shopping Centre, with a black canvas bag.
2 When he was approaching the armoured van the Defendant approached him
3 from the opposite direction and grabbed the black money bag in an attempt to
4 pull it out of Mr. Ricketts's grip.

5 3. After a short struggle Mr. Ricketts punched the Defendant in the stomach
6 area and pulled hard on the bag, thereby freeing the bag from the
7 Defendant's grip. This caused Mr. Ricketts to fall backwards and stumble to
8 the ground and, at the same time, the Defendant ran away from the scene on
9 foot – disappearing behind the buildings at the edge of the road.

10 4. Four (4) days later on the 6th December 2011 the police officers from the
11 Bodden Town Police Station were contacted by the Immigration Officers at
12 the Owen Roberts Airport and were informed that the Defendant was
13 currently at the airport attempting to depart.

14 5. PC Berry and Detective Sgt Mason attended the airport and arrested the
15 Defendant on suspicion of attempted robbery.

16 6. The Defendant, once with the police officers, admitted that he, in fact, was
17 the person who attempted to rob Mr. Ricketts, and the Defendant said he was
18 sorry that he "did something so stupid."

19 7. During an interview with the police the Defendant stated that he had three or
20 more beers on that evening and he was walking to Foster's Food Fair to
21 purchase a meal. He said he had also just finished speaking with his
22 daughter, who lives in Venezuela, on the telephone, and she had told him that
23 she was ill and that the Defendant's mother was seriously ill. The Defendant

- 1 said the emotional stress caused by this information, coupled with the effects
2 of the alcohol he had consumed, affected him so that, when he saw the
3 security officer come out of Foster's with the bag, he immediately attempted
4 to grab the bag and pull it from him.
- 5 8. It is accepted by the Crown that the Defendant cooperated with the police.
- 6 9. The Crown accepts that this was a spontaneous attack and that nobody was
7 hurt and no money was stolen. The Crown also accepts that the Defendant
8 did not use any weapon in this attempted robbery.
- 9 10. Counsel on behalf of the Defendant asked the Court to consider this offence
10 as an isolated incident. The Defendant has been very stupid and has admitted
11 his stupidity to the police. The Defendant did not try, in any way, to avoid
12 acknowledging his culpability. The Defendant's mother and sister are
13 infirm, and this, coupled with the effects of the alcohol on the night in
14 question caused the Defendant to carry out this very foolish attack on the
15 security guard, the result of which was a clumsy attempt to try and steal the
16 money bag from the security guard.
- 17 11. Both counsel have referred the Court to the UK Sentencing Guidelines and
18 both accept that this attempted robbery comes into the category of less
19 sophisticated commercial robberies.
- 20 12. The nature and duration of the force and threat on the security guard was
21 minimal. The Defendant caused no injury to the security guard and no
22 property was stolen.
- 23

1 13. The Court also accepts that this was an unplanned and opportunistic attack,
2 which probably resulted from the Defendant having consumed too much
3 alcohol, and also from him having received the news of the sudden ill-health
4 of his family members. Both these factors, combined with the Defendant
5 seeing a lone security guard with what was probably a bag of money,
6 evidently propelled the Defendant into thinking that instant wealth from
7 robbing the security guard was a possibility.

8 14. Both counsel refer to the UK Sentencing Guidelines and Crown counsel
9 submits that this offence comes into the second category where the starting
10 point is four years' custody and the range is from two (2) to seven (7) years'
11 custody. Defence counsel submits that the nature of the offence makes the
12 sentencing ranging fall in the first category, with a starting point of twelve
13 (12) months custody, and a sentencing range of up to three (3) years custody.

14 15. In my view, the offence falls into the first category due to the following
15 mitigating factors:

16 a. This was a rather hopeless and clumsy attempt to steal money and there
17 is every indication that the attempt was unplanned and had very little
18 prospect of success owing to the facts that the Defendant:

19 a) Did not arm himself with a weapon to carry out his
20 robbery attempt;

21 b) Did not disguise himself in any way for the robbery;

22 c) Struggled only for a brief time with the security guard
23 and gave up the struggle at the first sign of resistance;

1 d) Evidently gave no prior thought to the possibility of a
2 uniformed officer being, in some way, armed, thereby
3 possibly enabling the security guard to wound him in
4 some way.

5 All this demonstrates and substantiates the unplanned nature of the offence.

6 16. I take into account the very helpful Social Inquiry Report from Mr. Joseph
7 Tatum, and the fact that the Defendant has shown genuine remorse and
8 contrition. Mr. Tatum highlights the fact that, on the management inventory
9 risk assessment the Defendant has a very low risk of re-offending and that he
10 is also a first-time offender.

11 17. I note that the Defendant comes before the Court as man of 41 years of age
12 with no previous convictions. He was fully cooperative with the police and
13 he entered a guilty plea at the earliest opportunity.

14 18. This was a wholly unnecessary attack on the security officer, which must
15 have alarmed him and those around him. Both Crown counsel and Defence
16 counsel have accepted that if persons commit a robbery or an attempted
17 robbery with force, they must expect a custodial sentence.

18 19. The starting point in the first category of the Sentencing Guidelines is 12
19 months custody, which is, after a not-guilty plea and a trial.

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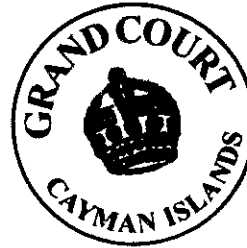
1 20. If twelve (12) months custody is the appropriate starting point, I will reduce
2 the Sentence by 3 months, to reflect the Defendant's guilty plea, and impose
3 a Sentence of nine (9) months imprisonment, with time spent in custody to be
4 taken into consideration.

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7 **Dated this the 16th day of March 2012**

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12 **Honourable Mr. Justice Charles Quin**
13 **Judge of the Grand Court**