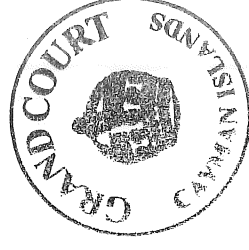


1 IN THE GRAND COURT OF THE CAYMAN ISLANDS  
2 CRIMINAL SIDE  
3

✓  
13-09-12  
COURTS OFFICE LIBRARY

4 INDICTMENT NO.: 57/12



5 DAVID EMMANUEL PARCHMENT  
6

7 v.  
8

9 REGINA  
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14  
15 **Appearances:**

16 Mr. Michael Wingrave of Stenning &  
17 Associates for the Applicant/Defendant

18 Ms. Tricia Hutchinson for the  
19 Respondent/Crown  
20

21 **Before:**

Justice Carol Beswick (Actg.)

22 **Heard:**

31<sup>st</sup> August 2012

23

24 **RULING ON APPLICATION FOR BAIL**  
25

26 1. The Applicant is charged with the offence of conspiracy to commit robbery, and the  
27 particulars are that on the 2<sup>nd</sup> and the 3<sup>rd</sup> May 2012 he conspired with three named  
28 Co-Defendants to commit robbery at Scotiabank Ltd., in George Town, Cayman  
29 Islands.  
30

31 2. All the alleged perpetrators were arrested and remanded in custody. Bail was not  
32 granted to the Applicant, but was offered to the others charged for the same offence.  
33 The Applicant, Mr. David Parchment, now renews his application for bail.

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*THE FACTS*

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3     3. On the 3<sup>rd</sup> May 2012 three masked men entered a branch of Scotiabank Ltd. and  
4 robbed the cashiers of cash. The vehicle used by the three men to flee the scene of  
5 the robbery was abandoned and was later found to be registered to this Applicant,  
6 David Emmanuel Parchment.

7  
8     4. The Applicant's girlfriend, Shavonda Watson, provided a statement to the police, in  
9 which she stated that she owned the vehicle but licensed it in the name of her  
10 boyfriend, Mr. Parchment. He drove the vehicle regularly because she did not have  
11 a valid driver's licence. Ms. Watson spoke of the Applicant's whereabouts on the  
12 3<sup>rd</sup> May 2012 and said that on that day she saw him between 9 a.m. and 10 a.m.,  
13 when he visited her at her workplace on a bicycle, to return what she knew to be the  
14 only key for the vehicle in question. She said she saw the Applicant again sometime  
15 after 1:00 p.m. and they spent the rest of that afternoon together.

16  
17     5. On the morning of the 4<sup>th</sup> May, the Applicant reported to the police that the vehicle  
18 had been stolen. When he and Ms. Watson were interviewed at the police station  
19 during the course of that report, the Applicant was arrested for suspicion of robbery.

20  
21     6. On Friday the 8<sup>th</sup> June the Applicant provided a caution statement to the police  
22 implicating three other accused persons as being part of planning the robbery at the  
23 bank. The Applicant also stated that it was agreed with the other accused persons  
24 that he would receive a sum of money for the use of the car belonging to his  
25 girlfriend.



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“19. .... -

- (a) *the nature and seriousness of the offence (and the probable method of dealing with the defendant or offender);*
- (b) *the character, antecedents, associations and community ties of the defendant or offender;*
- (c) *the defendant's or offender's record as respect the fulfillment of his obligations under previous grants of bail ...; and*
- (d) *in the case of a person referred to in section 17(1)(a), the strength of evidence of the defendant having committed the offence.”*

**FAILURE TO SURRENDER TO CUSTODY**

12. The likelihood of the Applicant failing to surrender to custody if granted bail must be considered. The Defendant has demonstrated that he may fail to surrender to custody, if left to his own devices. He has done so twice, though it is not clear whether reference to those 2 instances concerns one incident. In any event in this matter he was to have reported at the police station and when he did not, the police found him at his premises in an attic which could only be accessed by climbing up a ladder which was not in place.

**OBSTRUCTING THE COURSE OF JUSTICE/PROTECTION & WELFARE OF APPLICANT**

13. The Prosecution will be relying on the evidence from Mr. Parchment to prosecute his co-defendants. It appears that there is some concern that, if released on bail, there may be interaction between the Applicant and his co-defendants, resulting in the prosecution being unable to present sufficient evidence against the men. That possibility does exist. However, the reality is that the co-defendants are on bail and there is now no readily apparent reason why the Applicant should be remanded in custody when his co-defendants enjoy freedom from custody.

1 14. That situation, in and of itself may well result in the Applicant not cooperating to  
2 provide evidence for the prosecution because of a perception that he has not been  
3 treated fairly by the system.  
4  
5 15. The police are said to be concerned about this Applicant's safety once he comes out  
6 into the community. Neither the Applicant nor his mother shares this concern.  
7  
8 16. The Prosecution has complete statements from the Applicant, Mr. Parchment, and  
9 applications can be made to utilise these statements in the event that viva voce  
10 evidence from him is not available or possible.  
11  
12 17. A Risk Assessment Report dated the 5<sup>th</sup> September 2012 has now been done by the  
13 police and there is no information that the Applicant or family is under threat.  
14  
15 18. The current girlfriend of the Applicant has been visiting with him regularly at  
16 HMPS Northward. There have been no negative reports concerning the interaction  
17 between the Applicant and his girlfriend, and the police do not oppose such a  
18 continued relationship although she is known to be friendly with some or all of the  
19 co-accused persons.

20 ***POSSIBLE SENTENCE/SERIOUSNESS OF OFFENCE***

21  
22 19. The Applicant would have been in custody one year by the date of trial and there is  
23 the possibility that the sentence could be anywhere between non-custodial and  
24 custodial as he has assisted police investigations and is admitting his guilt in  
25 committing the serious offence of conspiracy to robbery.  
26  
27

1 20. The Prosecution has not established why the Defendant should not be on bail. All  
2 the reasons for objection can be addressed by appropriate conditions being attached  
3 to an offer of bail. It is my view that the Applicant should not remain incarcerated  
4 whilst the others, equally charged, have received the benefit of bail.  
5  
6 21. Accordingly, the Court will offer bail in these circumstances with conditions  
7 similar to those of his co-accused. These conditions are to increase the likelihood of  
8 his returning to stand his trial and to afford him the same treatment as his co-  
9 accused.  
10  
11 22. Accordingly, I order that bail be offered in the sum of \$30,000 with one surety with  
12 the following conditions:  
13 The defendant is:  
14 (i) To live at home at 57 Miss Daisy Lane, West Bay;  
15 (ii) To be indoors at his home under curfew from 7pm to 7 am;  
16 (iii) To be electronically monitored as soon as a monitor becomes available;  
17 (iv) To report to West Bay Police Station everyday between 4pm and 6  
18 p.m.;  
19 (v) Not to travel outside of the jurisdiction - Stop Order to be placed at the  
20 ports;  
21 (vi) To confirm that a notation has been made in the system and records of  
22 the enforcement section of the Cayman Islands Immigration  
23 Department and the Governor's Office that the Defendant/Applicant's  
24 travel documents, namely the British Overseas Territory citizen  
25 passport issued to the Defendant has been lost and has been  
26 cancelled/revoked and that the Caymanian passport has been cancelled.  
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3 (viii) To have no contact or association with co-accused or their relatives or

4 known friends of the co-accused, excluding Shevanda Watson, whilst

5 she remains his girlfriend or companion.


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8 **Dated this the 11<sup>th</sup> September 2012**

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13 **Madam Justice Carol Beswick (Actg.)**  
14 **Judge of the Grand Court**

