



1 **IN THE GRAND COURT OF THE CAYMAN ISLANDS**  
2 **CRIMINAL DIVISION**

3 **Neutral Citation Number: [2025] CIGC (Crim) 4**  
4 **INDICTMENT NO: 13 and 14 of 2024**

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6  
7 **R**

8  
9 **V.**

10  
11 **RANDON ODELL DAVIS**  
12 **AND**  
13 **LINCOLN DONOVAN SIBRON JR**  
14

15  
16  
17 **Appearances: Mr. Kenneth Ferguson, Crown Counsel 1, Office of the Director of Public**  
18 **Prosecutions for the Prosecution**

19  
20 **Ms. Amelia Fosuhene of Brady Law for the Defendant Randon Odell Davis**  
21 **Ms. Stacy-Ann Kelly for the Defendant Lincoln Donovan Sibron Jr**  
22

23  
24  
25 **Before: The Hon. Justice Cheryll Richards KC**

26  
27 **Submissions Heard: 9<sup>th</sup> December 2024**

28  
29 **Sentence Judgment: 10<sup>th</sup> January 2025**  
30

31  
32  
33 ***Criminal Law – Sentencing, Robbery contrary to s.242 of the Penal Code (2022 Revision), Possession of***  
34 ***an Imitation Firearm with Intent to Commit an Offence contrary to s.18 (6) of the Firearms Act (2008***  
35 ***Revision), Application of the Cayman Islands Sentencing Guidelines.***



## SENTENCE JUDGMENT

- 1  
2  
3 1. The defendants are before the Court for sentencing following guilty pleas to the three  
4 counts on the Indictment.  
5
- 6 2. **Count One** charges them jointly with the offence of Robbery contrary to s.242 (1) of the  
7 **Penal Code** (2022 Revision). The particulars are that they on the 8<sup>th</sup> day of February  
8 2024 at Vidette's Grocery, No. 14 Reverend Blackman Road, West Bay, Grand Cayman,  
9 Cayman Islands, stole approximately CI\$1,500.00 and two packs of Rothman cigarettes  
10 belonging to Vidette's Grocery, and immediately before or at the time of doing so and in  
11 order to do so, used force against Glenroy Antonio Bodden.  
12
- 13 3. **Count Two** charges them jointly with the offence of Robbery contrary to s.242 (1) of the  
14 **Penal Code** (2022 Revision). The particulars are that they on the 8<sup>th</sup> day of February  
15 2024 at JN Money Transfer within Vidette's Grocery, No. 14 Reverend Blackman Road,  
16 West Bay, Grand Cayman, Cayman Islands, stole approximately CI\$23,436.00 and US  
17 \$1,215.00 belonging to JN Money Transfer Cayman, and immediately before or at the  
18 time of doing so and in order to do so, used force against Janicka Ebanks.  
19
- 20 4. The maximum penalty for the offence of Robbery is life imprisonment.  
21
- 22 5. **Count Three** charges them jointly with the offence of Possession of an Imitation Firearm  
23 with intent to Commit an Offence, contrary to section 18 (6) of the **Firearms Act** (2008)  
24 Revision). The particulars are that they on the 8<sup>th</sup> day of February 2024 at Vidette's  
25 Grocery, No. 14 Reverend Blackman Road, West Bay, Grand Cayman, Cayman Islands,  
26 had in their possession an imitation firearm with intent to commit an offence, namely  
27 robbery.  
28
- 29 6. The maximum penalty for this offence is 20 years imprisonment and a fine.  
30



1 7. The defendants first appeared in the Summary Court on the 12<sup>th</sup> February 2024. The  
2 charges were transmitted to the Grand Court for first mention on the 16<sup>th</sup> February 2024.  
3 Between the 16<sup>th</sup> February and the 10<sup>th</sup> May 2024 the defendant Davis changed attorneys.  
4 Two tentative trial dates were identified, the Court having been advised that not guilty  
5 pleas were likely. The last trial date identified was 23<sup>rd</sup> September 2024 with a case  
6 management hearing on the 27<sup>th</sup> June 2024. Defence Counsel nevertheless asked for  
7 arraignment to be deferred pending reviews and conferences. On the case management  
8 date, defence Counsel indicated that there were to be guilty pleas and asked for the case  
9 to be mentioned. The defendants entered pleas on the 28<sup>th</sup> June 2024.

10  
11 **THE FACTS**

12  
13 8. The prosecution has provided a summary of the facts which is not disputed.

14  
15 9. Both robberies occurred at the same location, Videttes Grocery Store in West Bay. This  
16 has a JN Money Transfer facility to the back of the Store. The facility is equipped with  
17 Closed Circuit Television (CCTV) Cameras which recorded the robbery.

18  
19 10. On Thursday 8<sup>th</sup> February 2024, at about 7:25pm, Ms. Janicka Ebanks, the teller at JN  
20 Money Transfer, dealt with her last customer. At about 7:28pm, she telephoned for the  
21 Brinks armoured truck to collect the cash intake for the day. She had just completed the  
22 deposit slip for the Cayman Islands currency amounting to CI\$23,436.00 and placed the  
23 money in a package. She placed the package on top of a metal safe under the counter.  
24 She had US\$1,215.00 in her hand and was in the process of completing the deposit slip  
25 for that sum when the incident began.

26  
27 11. At about 7:32pm, both defendants drove to the Store in a white Honda Fit motor car  
28 bearing registration number 219 384. It was registered to a Rent-a-Car business. They  
29 alighted from the car and entered the Store. Both were masked but wore different and  
30 distinctive clothing.



- 1  
2 12. The defendant Davis who was wearing an orange construction shirt went to the back of  
3 the Store where the JN Money Transfer business was. He approached Ms. Ebanks who  
4 was behind the counter which was separated by Plexi glass from the customer area. He  
5 pointed the index and middle finger of his right hand at her and demanded money.  
6  
7 13. While this was happening, the defendant Sibron wearing a black hooded jacket went to  
8 the grocery section of the Store. He pulled what appeared to be a firearm from the left  
9 pocket of the jacket, pointed it towards the Store Clerk, Glenroy Bodden and said "*give*  
10 *me all the cash out of the pan.*".  
11  
12 14. Mr. Bodden handed over cash of CI\$1,500.00 and upon request a plastic bag. The  
13 defendant Sibron placed the money into the plastic bag and then asked that the safe be  
14 opened. Mr. Bodden responded that he did not have a safe and that he had handed over  
15 everything he had. The defendant ordered Mr. Bodden from around the counter and  
16 escorted him at gun point to the back of the Store to the JN Money transfer business. The  
17 defendant Sibron pointed the firearm at Ms. Ebanks.  
18  
19 15. Ms. Ebanks handed over cash CI\$23,436.00 and US\$1,215.00 and a plastic bag to the  
20 defendant Davis. Davis then took the firearm from Sibron with his right hand and walked  
21 two steps towards Miss Ebanks. From the CCTV footage he appeared to say something  
22 to her and she appeared to respond to him.  
23  
24 16. The defendant Sibron demanded and received two packs of Rothmans cigarettes from  
25 Mr. Bodden before both men ran from the Store.  
26  
27 17. The tellers contacted the police immediately and they attended the scene. The police  
28 received information from two householders who lived on Vulgunners Drive in West Bay  
29 which is near to the Store. As a result of this information and the assistance of the police  
30 helicopter, the rental car was found abandoned in the vicinity of 68 Vulgunners Drive.

1 CCTV footage subsequently obtained from Government cameras showed the car being  
2 driven from the scene to that area.

3  
4 18. At about 8:20pm, another householder from the area provided information about a man  
5 acting suspiciously at the rear of premises on the said Drive. The defendant Sibron was  
6 found hiding in a shed at the rear of those premises. Police officers detained and  
7 cautioned him. When asked why he was hiding in the shed, he told the officers that he  
8 had seen a man running so he ran. When the officers asked him to describe this man who  
9 he said he had seen running and where the man was running from, the defendant replied  
10 “no comment”. The police then arrested him on suspicion of committing robbery and  
11 took him into custody. A search of his person and of the shed did not reveal any firearm.

12  
13 19. The householder subsequently produced CCTV footage which showed both defendants  
14 running through the rear of the said property.

15  
16 20. Another householder at a different area of the same drive, telephoned 911  
17 communications and provided information which led the police to the area directly  
18 behind 28 Vulgunners Drive. This is a water treatment facility. The two properties are  
19 separated by an eight feet chain link fence.

20  
21 21. Upon arrival, the officers climbed the fence and approached the water tank. When they  
22 did so, the defendant, Davis emerged from the bushes around the tank and ran. He was  
23 not wearing shoes and had no clothing on his upper body. The officers pursued him whilst  
24 shouting commands for him to stop but he ignored them and attempted to scale the chain  
25 link fence. DS Barnett grabbed his feet, but he kicked the officer in his chest before  
26 scaling the fence and running away. The police chased him on foot into various properties  
27 whilst receiving assistance from the police helicopter until he was eventually held on  
28 premises at No. 32 Bahama Close and handcuffed.



- 1 22. DS Barnett observed that the defendant had a huge bulge at his waistline. When searched  
2 the defendant had CI\$14,871.00 and US\$1,159.00 in various bank notes all secured with  
3 staples and beige rubber bands, in his underpants. The notes were arranged in the same  
4 manner as they were arranged by the JN Money Transfer Teller Janicka Ebanks shortly  
5 before the robberies occurred.  
6
- 7 23. The rental car was searched and processed by the police on the 9<sup>th</sup> February 2023. An  
8 advertising sticker for the rental Company which had been on the outside rear of the  
9 vehicle at the time of the rental on the 31<sup>st</sup> January 2024 was found on the inside left front  
10 passenger door.  
11
- 12 24. A number of items were found inside the car. These included an unsealed pack of  
13 Rothman Switch cigarettes, a rubber band, two CI\$25.00 bills and the torn portion of a  
14 deposit slip later identified by Janicka Ebanks as part of the deposit slip for the Cayman  
15 Islands currency she had completed just minutes before the robbery. These were found  
16 on the floor of the front passenger side of the car. A pair of Timberland work boots, a  
17 plastic water bottle, and a multicoloured backpack were found in the rear seat of the car.  
18
- 19 25. The defendant Sibron's fingerprints were subsequently recovered from the rear-view  
20 mirror and from one side of the pack of Rothman Switch cigarettes. The defendant  
21 Davis's fingerprints were lifted from the anterior of the passenger side door and the A-  
22 pillar of the driver's door.  
23
- 24 26. Swabs from the inside surface of the pair of Timberland work boots, the inside of the  
25 plastic water bottle and the back straps and zipper pull of the backpack, when tested had  
26 the DNA profile of the defendant Sibron.



1 27. The defendant Davis was interviewed under caution in the presence of duty Counsel on  
2 the 9<sup>th</sup> February 2024. He produced a prepared statement in which he said that he was  
3 not shown any evidence linking the money found on him to the robbery and that he did  
4 not accept that the money found on him was so linked.

5  
6 28. The defendant's Davis cell phone when examined showed that on the 28<sup>th</sup> January 2024  
7 he had made arrangements to rent the car and had been in contact with Sibron for his  
8 driver's license to supply to the car rental business. The two men communicated about  
9 the arrangements for the rental. Davis then advised the business on the 31<sup>st</sup> January 2024  
10 that the car would in fact be rented by Sibron who he said was his cousin.

11  
12 29. Davis's phone also contained other messages between himself and Sibron. One was a  
13 voice note in which Sibron asked Davis for \$25.00 to buy food. There was a video of  
14 Davis holding what appeared to be a firearm which is of similar appearance to the one  
15 used in the robberies. On the 23<sup>rd</sup> January 2024 there was a WhatsApp conversation  
16 between Davis and an unknown person in which Davis asked for ammunition to be  
17 sourced for him.

18  
19 30. From the CCTV recording in the Store, the robberies lasted about one minute and a half.  
20 The firearm has not been recovered to date.



21  
22 **VICTIM IMPACT REPORTS**

23  
24 31. In October 2024, the Department of Community Rehabilitation ("DCR") contacted the  
25 manager of JN Money Transfer, Mr. Glenroy Henry for the purpose of preparing a Victim  
26 Impact Report ("VIR"). Mr. Henry initially indicated his willingness to participate in the  
27 process but thereafter efforts to re-contact him were not been successful. The position is  
28 similar for the victim Glenroy Boddin. There are thus no VIRs in respect of the two  
29 victims.  
30



1    **ANTECEDENT HISTORY- RANDON ODELL DAVIS**

2  
3       32. The defendant Davis has one previous criminal conviction for wounding. He was  
4       sentenced on the 1<sup>st</sup> June 2018 by the Grand Court to 9 months imprisonment suspended  
5       for one year.

6  
7    **SOCIAL INQUIRY REPORT - RANDON ODELL DAVIS**

8  
9       33. The DCR has provided a Social Inquiry Report (“SIR”) in respect of the defendant Davis  
10      dated 7<sup>th</sup> November 2024. The Court has read this SIR in its entirety and takes into  
11      account everything said therein in favour of the defendant.

12  
13      34. The defendant is 26 years old. He is a Jamaican National who grew up in Jamaica and  
14      migrated to the Cayman Islands in 2013 to live with his father who is resident and  
15      working here. The defendant has one child who is aged 5 years old.

16  
17      35. The defendant reported a positive upbringing with his mother as his main caregiver in an  
18      extended maternal family environment. His father did not reside with them but provided  
19      financial support. However, community contacts describe the defendant as troubled by  
20      the fact that his father was not more present in his life and as being resentful because of  
21      these circumstances.

22  
23      36. The defendant attended school until the age of seventeen years but did not sit  
24      examinations due to financial difficulties. He was not employed until he was in the  
25      Cayman Islands when he began working for his father on a limited part-time basis.  
26      Thereafter, from 2019 he worked for two years as a lifeguard. Since then, he has been  
27      unemployed. He received some support from his father but has struggled financially.



1 37. The defendant described his motivation for the offence as being under financial pressure  
2 and his desire to provide for his daughter. The defendant has a long history of ganja use  
3 and had been using ganja on the day of the offence.  
4

5 38. The defendant was assessed as being at high risk of re-offending with four of the eight  
6 criminogenic factors in the High and Very High categories. He is said to demonstrate  
7 very little victim empathy and to have failed to recognise the possible impact of his  
8 actions on the victims. Since being on remand, he has undertaken rehabilitative courses.  
9

10 **ANTECEDENT HISTORY- LINCOLN DONOVAN SIBRON JR.**

11  
12 39. The defendant Sibron has no criminal convictions recorded against him  
13

14 **SOCIAL INQUIRY REPORT - LINCOLN DONOVAN SIBRON JR.**

15  
16 40. The DCR has provided a SIR in respect of the defendant Sibron dated 28<sup>th</sup> October 2024.  
17 The Court has read this SIR in its entirety and takes into account everything said therein  
18 in favour of the defendant.  
19

20 41. The defendant Sibron is 22 years old. He has no dependents. He is a Jamaican national  
21 who migrated to the Cayman Islands in 2021 for work opportunities. He was educated to  
22 high school level after which he was employed in the farming industry.  
23

24 42. His brother and cousin were killed in gun violence in his home community. He was close  
25 to both and continues to feel grief at their deaths.  
26

27 43. While in the Cayman Islands he was employed in the janitorial field but struggled  
28 financially with his expenses being more than his earnings.  
29

1 44. The Court was advised upon inquiry during the sentence hearing that one expense of  
2 \$900.00 which was almost one half of his monthly income was that of paying the rent for  
3 his girlfriend.

4  
5 45. The defendant has a long history of ganja use and had been using ganja on the day of the  
6 offence.

7  
8 46. The defendant was assessed as being at high risk of re-offending with three of the eight  
9 criminogenic factors in the High and Very High categories. He is said to demonstrate  
10 very little victim empathy and to have failed to recognise the possible impact of his  
11 actions on the victims. Since being on remand, he has undertaken two rehabilitative  
12 courses.



13  
14 **THE CAYMAN ISLANDS SENTENCING GUIDELINES**

15  
16 47. All Counsel referred the Court to the *Cayman Islands Sentencing Guidelines* 2015 for  
17 the offence of Robbery. The *Guidelines* provide for Culpability and Harm factors as  
18 follows:-

19  
20 “Culpability Particularly demonstrated by one or more of the following:

21 A – High culpability

- 22 • Production and use of a weapon to inflict violence
- 23 • Production of a bladed article or firearm or imitation firearm to threaten violence
- 24 • Use of very significant force in the commission of the offence

25  
26 B – Medium culpability

- 27 • Production and use of a weapon to threaten violence
- 28 • Threat of violence by a bladed article or firearm or imitation firearm (but which  
29 is not produced)



- 1 • Other cases where characteristics for categories A or C are not present

2

3 C – Lesser culpability

- 4 • Played limited role in offence acting under the direction of others

- 5 • Involved through coercion, intimidation or exploitation

- 6 • Threat or use of minimal force

- 7 • Very little or no planning

8

9 Harm

10 The level of harm is determined by weighing up all the factors of the case to  
11 determine the harm that has been caused or was intended to be caused to the victim.

12 The victim relates both to the commercial organisation that has been robbed and  
13 any individual(s) who has suffered the use or threat of force during the commission  
14 of the offence.

15

16 Category 1

- 17 • Serious physical and/or psychological harm caused to the victim

- 18 • Serious detrimental effect on business

- 19 • Very high value goods or sums

20

21 Category 2

- 22 • Some physical and/or psychological harm caused to the victim above the level  
23 of harm inherent in this offence

- 24 • Some detrimental effect on business

- 25 • High or medium value goods or sums

26

27 Category 3

28 Factors in categories 1 and 2 not present”

29

- 1 48. The prosecution submits that Culpability in this case is at the level of Category A on the  
2 basis of the production of a firearm or imitation firearm to threaten violence, although no  
3 violence was actually meted out to both victims.  
4
- 5 49. Counsel submits that while there are no Victim Impact Statements from either victim and  
6 no evidence of psychological harm caused above the level of harm inherent in the  
7 offences, a substantial amount of cash was stolen from JN Money Transfer and overall,  
8 when both robberies are considered as a whole.  
9
- 10 50. The offending is therefore said to fall into Category A 2. Category A 2 offences have a  
11 starting point of 9 years custody with a sentencing range of 7 to 14 years custody.  
12
- 13 51. Both defence Counsel disagree with the prosecution and submit that the culpability is at  
14 the Medium or Lesser level and the harm is at the level of Category 2.  
15
- 16 52. Counsel for the defendant Davis submitted that culpability is a high B Medium  
17 Culpability and that the Harm is Category 2. Counsel said that there would have to be  
18 more harm than that which is inherent in the offence and this cannot be notional or  
19 presumed psychological harm. There is no VIR. Counsel submitted that the value of the  
20 goods taken is of medium value, making this an offence of Culpability B and Category 2  
21 Harm with a starting point of 5 years custody. The range of sentence is 4 to 8 years  
22 custody.  
23
- 24 53. Counsel for the defendant Sibron submitted that his culpability, while significant, falls  
25 within the medium category. It is said that there is group activity but no evidence to  
26 suggest that he played a leading or dominant role. The use of the imitation firearm  
27 instilled fear in the victims but no physical harm or injury was caused.  
28  
29



1 54. As to Harm, Counsel submitted that while the victims experienced fear during the  
2 robbery, no physical harm occurred, and the financial loss was not catastrophic. There is  
3 no evidence to suggest that the emotional and financial impact may have been enduring  
4 or significant. The amount stolen falls within the middle range of financial harm under  
5 the *Guidelines*. The Harm is therefore said to be at the level of Category 2.  
6

7 55. Counsel urged that the appropriate starting point should nevertheless be that for an  
8 offence of Medium culpability with Category 3 harm, one of 3 years' custody, with a  
9 range of sentence from 18 months to 5 years.

10  
11 **AGGRAVATING FACTORS**



12  
13 56. The prosecution submits that there are six aggravating features, namely: -  
14

15 i) The robbery involved a significant amount of planning: -

- 16  
17 a) The defendants made prior arrangements to rent the getaway  
18 vehicle.  
19 b) They removed the advertising sticker from the rear of the Honda  
20 Fit car and placed it on the inside panel of the left rear passenger  
21 door in an attempt to hide the ownership of the vehicle.  
22 c) The timing of the robberies. They were timed for just prior to  
23 the arrival of the Brinks armoured truck in order to steal the days  
24 intake from JN Money Transfer before it could be transported.  
25 d) A financial institution was targeted as the defendants were of the  
26 view that any cash stolen would have been insured. (Statement  
27 of Davis in SIR<sup>1</sup>).  
28

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<sup>1</sup> Page 8 of the SIR

- 1           ii)     Attempts were made to disguise/conceal the identities of both defendants -  
2                     the use of face masks, hoodie and balaclava to conceal their identities.  
3  
4           iii)    The firearm or imitation firearm seen in the CCTV footage which was used  
5                     to commit the robberies has never been recovered and neither defendant has  
6                     given any account as to its whereabouts.  
7  
8           iv)    The clothes worn by both defendants were disposed of between the time of  
9                     the robberies and their later capture that night.  
10  
11          v)     Some of the stolen cash was never recovered. The defendant Randon Davis  
12                     in his SIR (pg. 8), simply said that they had discarded some of the cash  
13                     bundles.  
14  
15          vi)    Both defendants played leading roles in what was obviously a joint  
16                     enterprise. Defendant Sibron robbed Glenroy Bodden first with the firearm  
17                     and then corralled him into the area of the JN Money Transfer cubicle where  
18                     he handed the said weapon to his co-accused Davis who used the weapon  
19                     to rob Janicka Ebanks before they both made their escape from the premises.  
20

21       57. Counsel for the defendant Sibron accepts that use of a firearm to instill fear and  
22             commission of the offence as part of a group are aggravating factors.



24   **SUBMISSIONS IN MITIGATION**

25  
26       58. Counsel for the defendant Davis submitted that the defendant has expressed significant  
27             remorse. Counsel said that in his statements to the Probation Officer he tried to mask the  
28             hurt and trauma which attended his childhood. When he came to the Cayman Islands, he  
29             found it very difficult. He is a stepchild and there was an entire family which had grown

1 up without him and with whom he was not close. Having lost his job which he had for  
2 two years, he was no longer able to maintain himself. He tried to paint a façade that he  
3 was able to cope when he was not. He did not seek help from his father or stepmother  
4 and was trying to tell people that everything was under control when it was not. Counsel  
5 said that the defendant needs an intervention to take account of assistance that will be  
6 offered to him but one that does not stop him from seeing light at the end of the tunnel.  
7 He has tried whilst in custody to do certain courses at the Prison but again needs help and  
8 motivation. He intends to do additional courses which will equip him to become a  
9 productive member of society.

10  
11 59. Counsel said that the defendant did not deliberately kick the police officer to the chest. It  
12 was accidental. Counsel said that the defendant is only 26 years old. He accepts that there  
13 will be a custodial sentence. He has a young child. He knows that through his own fault  
14 he will not be there every day for his child as he tried to be. He also knows that he will  
15 have to make amends for that because he is repeating a pattern where his own father was  
16 not present while he was growing up. Counsel said that this is a real wake up call for the  
17 defendant. This is a real reckoning where he understands the gravity of life for the victims  
18 and for the life of his child. Counsel said that the defendant has asked her to apologise  
19 on his behalf to the Court and to the victims. He throws himself on the mercy of the Court  
20 and asks that any sentence be kept as low as is possible.

21  
22 60. Counsel for the defendant Sibron submitted in mitigation that the defendant pleaded  
23 guilty within four months of being charged. This saved Court resources and spared the  
24 victim's further distress. This said Counsel demonstrates his accountability and remorse.  
25 Counsel submits that Mr. Sibron's background and expressed remorse indicate that he  
26 has the potential to reform with the appropriate rehabilitative support.



1 61. Counsel submitted that the defendant had a challenging upbringing in Jamaica which  
2 provides the context for his decision-making at the time of the offence. Counsel said that  
3 his participation in the offence was motivated by acute financial hardship and desperation  
4 rather than deliberate malice or greed, a mitigating factor which is recognised under the  
5 guidelines. Counsel said that the SIR shows the level of his expenses and records that his  
6 sister would send funds from Jamaica to help him. He has faced trauma at the death of  
7 his brother. Counsel urged the Court to temper justice with mercy and to consider a  
8 sentence towards the lower end of the scale in the region of 40 months imprisonment.

9  
10 62. Counsel submitted that the following are mitigating factors: -

- 11 • Early guilty plea, although not at the first opportunity.
- 12 • Motivated by financial desperation rather than greed.
- 13 • No actual harm was caused to victims.
- 14 • Remorse and readiness to reform.
- 15 • Challenging upbringing and socio-economic hardships.



16  
17 **THE SENTENCE**

18  
19 63. Although charged separately, the sentence for the two robberies will be considered  
20 together. They were part and parcel of a single enterprise.

21  
22 64. This enterprise was a pre-planned robbery of the Store which was effected at gun point.  
23 The nature of the offending is of the most serious kind such that the custody threshold is  
24 firmly passed.

25  
26 65. The Court has considered the submissions of all Counsel as to the offence category. In  
27 the Court's view this is plainly an offence of High Culpability A because an imitation  
28 firearm was produced to threaten violence. The firearm was pointed at each victim and  
29 in the case of Mr. Bodden, he was taken at gunpoint from one section of the store to the  
30 next, where the firearm was then transferred from one defendant to the other and pointed

1 at the second victim. This was a threat of violence, namely the violence of being shot by  
2 a weapon which appeared to be a firearm if the victims did not do as they were told.

3  
4 66. The Court accepts the submissions of all Counsel that the Harm is at the level of Category  
5 2 because of the high or medium value of goods stolen. This was evidently a small  
6 commercial enterprise and not on the same level as a bank or larger business.

7  
8 67. The starting point is thus 9 years custody.

9  
10 68. The Court considers that there are four significant aggravating factors in this case. There  
11 was a high degree of planning<sup>2</sup>. The rental car was sourced from some days before the  
12 robberies. The rental car sticker was removed from outside and placed on the inside of  
13 the vehicle. The robberies were timed to occur precisely in the matter of minutes between  
14 the closure of the JN Money Transfer business and the arrival of the armoured vehicle.  
15 This must have taken prior observation and much planning.

16  
17 69. While the submissions of the defence have focused on the inability to determine which  
18 defendant played a leading role, what is plain is that this was group activity which itself  
19 may constitute an aggravating factor<sup>3</sup>.

20  
21 70. In committing the offences, the defendants concealed their identities by wearing face  
22 masks, balaclavas and hoodies<sup>4</sup>.

23  
24 71. In the aftermath of the incident, both men discarded the clothing worn at the time of the  
25 robbery. The firearm was either concealed or disposed of such that it has never been  
26 recovered.



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<sup>2</sup> Cayman Islands Sentencing Guidelines - Potential Aggravating Factors paragraph 8

<sup>3</sup> Cayman Islands Sentencing Guidelines - Potential Aggravating Factors paragraph 8

<sup>4</sup> Cayman Islands Sentencing Guidelines for Robbery

1 72. The first and fourth aggravating factors serve to increase the sentence by 6 months in  
2 each case and the second and third by 4 months in each case.

3  
4 73. The sentence is thus increased from 9 years custody to 10 years and 8 months or 128  
5 months.

6  
7 74. The defendant Davis has a previous conviction for wounding for which he was sentenced  
8 in 2018. It is not an offence of similarity, and the circumstances of this offending are not  
9 known. Although it may be classified as a crime of violence this is not treated as an  
10 aggravating factor in his case.

11  
12 75. In mitigation the Court takes into account in respect of both defendants everything said  
13 and written in their favour. While noting that there are points of dissimilarity between  
14 them, ultimately the balance of factors in each case leads to the following conclusions.

15  
16 76. In respect of the defendant Davis, account is taken of his remorse, the apology extended  
17 through his Counsel, the trauma of his childhood and all his personal circumstances.  
18 These include his difficult financial circumstances, the fact that he is the father of a young  
19 child who will be without his presence and support if he is incarcerated. He has  
20 undertaken rehabilitative courses while at the Prison and intends to undertake additional  
21 courses. All the mitigating factors serve to reduce the proposed sentence by 12 months  
22 to one of 116 months.

23  
24 77. In respect of the defendant Sibron, account is taken of the fact that he has no previous  
25 convictions and is a person of good character. He is relatively young. He is remorseful.  
26 His personal circumstances include a challenging upbringing, trauma at the death of his  
27 brother, financial hardship and desperation. He has undertaken rehabilitative courses  
28 while at the Prison. All the mitigating factors serve to reduce the proposed sentence by  
29 12 months to one of 116 months.





1 **CREDIT FOR GUILTY PLEAS**  
2

3 78. The next issue is the level of credit which is to be afforded for their guilty pleas. The  
4 **Guidelines** provide that “the reduction principle is employed because a guilty plea avoids  
5 the need for a trial, saves considerable costs and resources, and in the case of an early  
6 plea, saves victims and witnesses from the ordeal of giving evidence. It also acts as an  
7 encouragement to others to plead guilty where appropriate.” The recommended highest  
8 level of reduction of one third is where a guilty plea was entered at the first reasonable  
9 opportunity.

10  
11 79. The prosecution submits that the pleas in this case were not entered at the first reasonable  
12 opportunity. Counsel says that the pleas were entered after full disclosure had been made  
13 by the prosecution and after a trial date had been set. Counsel asked the Court to consider  
14 no more than a 25% reduction.

15  
16 80. Counsel for the defendant Davis said that initially the defendant denied the offence, then  
17 legal aid was transferred to her. She said that it took a while to obtain the proper papers  
18 and then to meet with the defendant. Having spoken to him, he accepted his part in the  
19 offending. Counsel asks the Court to note that even though there was an initial denial,  
20 as soon as she had the papers the defendant made his plea. Counsel said that except for  
21 disclosure, she cannot say the reason that a certain stance was taken by previous Counsel.

22  
23 81. Counsel on behalf of the defendant Sibron urged the Court to apply the standard reduction  
24 for an early guilty plea. Counsel said that there was some delay as it related to disclosure,  
25 and the defendant Davis wanted to change Counsel. Because both defendants were jointly  
26 charged, it was important that they tendered pleas together. Once legal aid and everything  
27 was in place they went to meet with the defendants. The defendants were forthright and  
28 accepted responsibility. Counsel said that she had to consult with Co-Counsel who was  
29 coming on board.



82. The factual circumstances relative to the pleas in this case are set out in the tables below:-

**R v LINCOLN DONOVAN SIBRON - INDICTMENT 14/2024**

	Date	Defence Counsel	Court	
1	12 <sup>th</sup> February 2024	S. A. Kelly	Summary Court	Case Transmitted to the Grand Court
2	16 <sup>th</sup> February 2024	S.A. Kelly	Grand Court	Arraignment adjourned, no Indictment
3	21 <sup>st</sup> February 2024	S.A. Kelly	Grand Court	Defence say legal aid not yet in place.
4	1 <sup>st</sup> March 2024	S.A. Kelly	Grand Court	Arraignment adjourned to join with other defendant.
5	6 <sup>th</sup> March 2024	S.A. Kelly	Grand Court	Arraignment adjourned awaiting co-defendant Davis. Tentative trial date of 2 <sup>nd</sup> July 2024 is identified.
6	26 <sup>th</sup> March 2024	S.A. Kelly	Grand Court	Bail Application is made and is refused.
7	12 <sup>th</sup> April 2024	S.A. Kelly	Grand Court	Defence ask for time to review further disclosure.
8	10 <sup>th</sup> May 2024	S.A. Kelly	Grand Court	Defence ask for time.
9	24 <sup>th</sup> May 2024	S.A. Kelly	Grand Court	Defence Counsel says still not ready for arraignment. Trial date identified of 23 <sup>rd</sup> September 2024 for 3 weeks and case management hearing date set of 27 <sup>th</sup> June 2024
10	27 <sup>th</sup> June 2024	S.A. Kelly	Grand Court	Defence indicate guilty plea likely and ask for mention date.
11	28 <sup>th</sup> June 2024	S.A. Kelly	Grand Court	Guilty pleas entered.

**R v RANDON ODELL DAVIS - INDICTMENT 13/2024**

	Date	Defence Counsel	Court	
1	12 <sup>th</sup> February 2024	J. Hughes	Summary Court	Case Transmitted to the Grand Court
2	16 <sup>th</sup> February 2024	J. Hughes	Grand Court	Arraignment adjourned, no Indictment
3	21 <sup>st</sup> February 2024	J. Hughes	Grand Court	Bail Application is made and is refused.
4	6 <sup>th</sup> March 2024	J. Hughes	Grand Court	Arraignment adjourned at defence request to await receipt of three pieces of evidence. Court advised not guilty

				plea is likely, tentative trial date of 2 <sup>nd</sup> July 2024 for two weeks is identified.
5	12 <sup>th</sup> April 2024	J. Hughes	Grand Court	Defence Counsel given leave to come off record. Defendant seeking to be represented by Ms. Fosuhene.
6	10 <sup>th</sup> May 2024	A Fosuhene	Grand Court	Defence ask for time.
7	24 <sup>th</sup> May 2024	A Fosuhene	Grand Court	Defence Counsel says not ready for arraignment. Tentative trial date identified of 23 <sup>rd</sup> September 2024 for 3 weeks and case management hearing date set of 27 <sup>th</sup> June 2024.
8	27 <sup>th</sup> June 2024	A Fosuhene	Grand Court	Defence indicate guilty plea likely and ask for mention date.
9	28 <sup>th</sup> June 2024	A Fosuhene	Grand Court	Guilty pleas entered.

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83. There is guidance on determining what is the first reasonable opportunity. This will vary from case to case but where the Court is satisfied that the defendant and any legal advisor would have had sufficient information about the allegations, it would usually be the first time that the defendant appears before the Court and has the opportunity to plead guilty. The **Guidelines** state: -

*“10.6 Determining the ‘First Reasonable Opportunity’*

*The critical time for determining the reduction for a guilty plea is the first reasonable opportunity for the defendant to have indicated a willingness to plead guilty. This opportunity will vary with a wide range of factors and the Court will need to make a judgment on the particular facts of the case before it.*

*The key principle is that the purpose of giving a reduction is to recognise the benefits that come from a guilty plea not only for those directly involved in the case in question but also in enabling Courts more quickly to deal with other outstanding cases.*



1           *The Court should adopt a consistent approach where a determination has to be*  
2           *made as to the ‘first reasonable opportunity’ to plead guilty. Guidance may be*  
3           *derived from the following:*

4  
5           *(a) the first reasonable opportunity may be the first time that a defendant appears*  
6           *before the court and has the opportunity to plead guilty;*

7           *(b) but the court may consider that it would be reasonable to have expected an*  
8           *indication of willingness even earlier, perhaps whilst under interview;*

9           *Note: For a) and b) to apply, the Court will need to be satisfied that the defendant*  
10          *(and any legal adviser) would have had sufficient information about the allegations*  
11          *(c) where an offence is triable only on indictment, it may well be that the first*  
12          *reasonable opportunity would have been during the police station stage; where that*  
13          *is not the case, the first reasonable opportunity is likely to be at the first hearing in*  
14          *the Grand Court;*

15          ...”

16  
17          84. In this case, there was no indication of willingness to plea to the police at interview stage.  
18               The defendant Davis was interviewed. Mr. Sibron refused to be interviewed by the Police  
19               because his choice of duty Counsel was not available.

20  
21          85. There was no early acceptance of responsibility before any Court. Months passed  
22               following the first appearance in the Grand Court. There were bail applications where the  
23               prosecution evidence was detailed. Defence Counsel were each given multiple  
24               adjournments.



1 86. In the Courts view, the defendants and Counsel had sufficient information about the  
2 allegations from an early stage. By no means can it be said that their pleas came at the  
3 first reasonable opportunity.



4  
5 87. The reduction which is applied in each case is 25%.

6  
7 88. The proposed sentence on Counts One and Two is therefore 87 months imprisonment.  
8

### 9 **POSSESSION OF AN IMITATION FIREARM**

10  
11 89. For Count Three, Possession of Imitation Firearm, the Court is mindful of the case of **R**  
12 **v. Avis**<sup>5</sup>. The English Court of Appeal stated therein that the appropriate level of sentence  
13 for a firearm offence will depend on all the facts and circumstances relevant to the offence  
14 and the offender. It will usually be appropriate for the sentencing court to ask itself a  
15 series of questions:-

16  
17 i. What sort of weapon is involved?

18 "Genuine firearms are more dangerous than imitation firearms. Loaded  
19 firearms are more dangerous than unloaded firearms. Unloaded firearms  
20 for which ammunition is available are more dangerous than firearms for  
21 which no ammunition is available. Possession of a firearm which has no  
22 lawful use such as a sawn off shot gun will be viewed even more seriously  
23 than possession of a firearm which is capable of lawful use."

24 ii. What if any use has been made of the firearm?

25 iii. With what intention, if any, did the defendant possess or use the firearm?

26 iv. What is the defendant's record?

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<sup>5</sup> 1998 1 Cr. App. R. 420

1                   The seriousness of any firearms offence is inevitably increased if the  
2                   offender has an established record of committing firearm offences or crimes  
3                   of violence.  
4

5           90. In this case this was an imitation firearm which was used to effect robberies. The  
6           defendants possessed the firearm with the intention to use it to threaten the victims in the  
7           course of robberies.  
8

9           91. In each case considering that the possession is treated as an aggravating factor in the  
10          robberies which increased the level of culpability and is not a standalone offence, a  
11          sentence of 30 months imprisonment is imposed on each but is to run concurrently to the  
12          sentences for the offences of Robbery.  
13

14          92. The sentence of 30 months is arrived at in the following way. From a starting point of 48  
15          months, reduced by 8 months by reason of mitigating factors to 40 months and thereafter  
16          a 25% reduction for guilty plea.  
17

18          93. All the offences arise out of a related incident or facts and are a series of offences  
19          committed against the same victims. As recommended by the *Cayman Islands*  
20          *Sentencing Guidelines*, it is appropriate that the sentences run concurrently.  
21

22          94. The proposed sentences have been reviewed and are considered proportionate to the  
23          offending. The personal circumstances of the defendants have been considered but  
24          balanced against the serious nature of the offending are not such as to justify sentences  
25          in the community.  
26



1 95. The sentence in each case is therefore one of immediate custody with time served to be  
2 taken into account: -

- 3  
4 Count One - 87 months imprisonment  
5 Count Two - 87 months imprisonment  
6 Count Three - 30 months imprisonment  
7

8 96. All sentences are to run concurrently with time served to be taken into account.  
9

10 **ANCILLARY ORDERS**

11  
12 97. There is no challenge to the request of the prosecution that the monies seized from the  
13 defendant Davis be forfeited and returned to JN Money Transfer and Glenroy Bodden.  
14

15 98. The Court therefore makes a compensation order pursuant to s. 33 of the *Penal Code* that  
16 the funds presently held by the Police CI\$14,871.00 and US\$1,159.00 be paid over to JN  
17 Money Transfer.  
18

19 99. There is no evidence that the defendants have the means to make any further  
20 compensation payments. The prosecution has advised that a financial inquiry has  
21 revealed that they have no savings. They have no means to pay. Consequently, no further  
22 compensation order is made.  
23

24 **NOTE**

25  
26 100. The Court closes by noting the very quick and timely response of the police to the reports  
27 of the robbery. In tandem with this is what can only be described as the sterling assistance  
28 provided by several citizens of the district of West Bay. These citizens courageously  
29 provided information to the Police on the suspicious movements of the vehicle and of the



1 two men seen running in, around or through their properties. They did so in a timely  
2 manner.

3  
4 This is what undoubtedly led to the recovery of the getaway vehicle and the arrest of the  
5 defendants within hours of the robbery. The Court commends the police responders  
6 involved and all these citizens who played an important part in the aftermath of this  
7 serious crime.

8  
9 **Dated this the 10<sup>th</sup> January 2025**

A handwritten signature in blue ink, appearing to be 'Cheryll Richards', written in a cursive style.

10  
11 **The Hon. Justice Cheryll Richards KC**  
12 **Judge of the Grand Court**