



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

3 **Neutral Citation Number: [2026] CIGC (Crim) 3**

4 **INDICTMENT NO: 84 of 2025**

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6
7 **R**

8
9 **V.**

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11 **FRANKLYN RAFAEL ORRETT**

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15 **Appearances: Mr. Scott Wainwright, Deputy Director, and Ms. Emma Rance, Crown**
16 **Counsel, Office of the Director of Public Prosecutions for the Prosecution**

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18 **Ms. Stacy-Ann Kelly for the Defence**

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21 **Before: The Hon. Justice Cheryll Richards KC**

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23 **Submissions Heard: 17th February 2026**

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25 **Sentence Judgment: 17th February 2026**

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30 ***Criminal Law – Sentencing, Robbery contrary to s.242 of the Penal Code (2024 Revision), Possession of***
31 ***an Offensive Weapon contrary to s.80 of the Penal Code (2024 Revision), Application of the Cayman Islands***
32 ***Sentencing Guidelines; Level of harm where small business impacted.***



SENTENCE JUDGMENT

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4 1. The defendant was convicted on the 18th September 2025 after trial of two offences on the
5 Indictment and is before the Court for sentencing.
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- 7 2. Count 1 charges him with the offence of Robbery contrary to section 242 of the *Penal Code*
8 (2024 Revision). The particulars are that he on the 15th day of June 2025 at Captain Frank's
9 Grocery and Diner, Stadium Drive, West Bay, Grand Cayman, stole \$170.00 in cash from
10 Rayan Faye Ebanks and immediately before, or at the time of doing so, and in order to do so,
11 he put or sought to put Rayan Faye Ebanks in fear of being then and there subjected to force.
12
- 13 3. The maximum sentence for this offence is life imprisonment.
14
- 15 4. Count 2 charges him with the offence of Possession of an Offensive Weapon, contrary to section
16 80 of the *Penal Code* (2024 Revision). The particulars are that he on the 15th day of June 2025
17 at Captain Frank's Grocery and Diner, Stadium Drive, West Bay, Grand Cayman, had in his
18 possession an offensive weapon, namely a metal bar.
19
- 20 5. The maximum sentence for this offence is a fine of \$4,000 and a term of imprisonment of 4
21 years.
22
- 23 6. Following his conviction, pre-sentence reports were ordered at the request of Counsel.
24

25 **THE FACTS**

- 26
27 7. On Sunday, 15th June 2025, the victim, Rayan Faye Ebanks, was behind the cash register in her
28 store when the defendant who was masked, entered armed with a metal bar. He used the bar to
29 hit items from the shelves and counter, held it at Ms. Ebanks, and demanded that she give him
30 the cash register. She complied, and he ran from the store with it. It contained cash \$170. Ms.
31 Ebanks and two others chased him as he left the store. He climbed over a fence and dropped
32 the register, having taken some cash from it. One of his sneakers fell from his foot as he

1 climbed. Ms. Ebanks retrieved this and handed it over to the police on the same afternoon. The
2 sneaker had DNA material from which the defendant could not be excluded to a statistical ratio
3 of it being 38 septillion times more likely that it came from the defendant than from another
4 male unrelated to him.



5
6 **VICTIM IMPACT REPORT**

- 7
- 8 8. The Department of Community Rehabilitation (“DCR”) has provided a Victim Impact Report
9 dated 6th November 2025, (“VIR”).
- 10
- 11 9. Ms. Ebanks told the Probation Officer that she was scared to death during the incident. She
12 thought that the defendant was going to strike her to the face or that something worse could
13 happen.
- 14
- 15 10. She said that the incident happened after one month of reopening the business on Sundays and
16 that since this incident she has had to change the closing times for the business. Prior to the
17 incident, she would have closed at 8:00 pm but now she closes at 6:00 pm. She also had to
18 purchase and install a door buzzer to let people in the store in order to feel somewhat safe.
- 19
- 20 11. The Officer said that the greatest impact from the incident on Ms. Ebanks has been emotional,
21 financial, and psychological. Ms. Ebanks said that the business is named after her husband,
22 who is now deceased, that he built it for the people of West Bay and he would not have wanted
23 his business to be tarnished like this because they give back to the community. They value the
24 people of West Bay and treat all of the customers well. They give away food to the vulnerable,
25 and they provide groceries on credit until people can pay because of how difficult life is for
26 them. She said that she does not “make a killing from the business”. It is revolving and she
27 caters to the people and that is why it hurts. She suggests that the defendant could benefit from
28 rehabilitative services.
- 29

30 **ANTECEDENT HISTORY**

- 31
- 32 12. The defendant has twenty-one previous convictions, including for drug offences, assaults, and
33 assault occasioning actual bodily harm in 2014 and 2020. He also has convictions for burglary

1 in 2014 and 2020. Sentences of community service and probation orders were imposed on him,
2 but there was a lack of compliance on his part.



3
4 **SOCIAL INQUIRY REPORT**

5
6 13. The DCR has provided a Social Inquiry Report dated the 17th of November 2025 (“SIR”) in
7 respect of the defendant. The Court has read the report in its entirety and takes into account
8 everything said therein in favour of the defendant.

9
10 14. The defendant is twenty-nine years old. He has one child who is six years old. The defendant
11 reported growing up in an initially happy household until the alcohol and drug addiction of one
12 parent led to conflicts, arguments, and the separation of his parents.

13
14 15. In his youth, the defendant associated with negative peers and began an anti-social behaviour
15 pattern which led to the intervention of the State and incarceration for burglary and drug
16 offences. The defendant reports losing several friends to gun violence and traffic accidents. He
17 lost his brother in September of 2025, which continues to affect him emotionally. The
18 defendants’ school years were fraught with behaviour and disciplinary problems and numerous
19 suspensions.

20
21 16. Since leaving high school, the defendant has been mostly unemployed. He resides with his
22 mother, who supports him financially. He reports also having the support of both of his parents,
23 siblings, and grandmothers. He is said to have health issues, including asthma, anxiety, panic
24 attacks, and depression, from which he has suffered over a number of years. He reports early
25 ganja use and an addiction to cocaine and opioids, which began in his teen years. He attributes
26 his past offending to his drug addiction. He also has alcohol misuse issues, and according to
27 the Probation Officer, past reports indicate that this has played a role in acts of violence and
28 anti-social behaviour. Since being on remand, he has been receiving counseling from the prison
29 psychologist and the prison counselors.

30
31 17. Under the heading, Community/Institutional Functioning, the defendant is described as a good,
32 kind, and respectful person but one who is easily led by his friends.

- 1 18. Under the heading, Attitude Towards Offences, the defendant is reported to have said that he
2 knew that he was guilty of the offences of which he is charged on this Indictment and that,
3 upon reflection, he feels remorse for the crimes which he committed and for his actions towards
4 the victim. He has offered to repay the victim three times the amount and says that his family
5 will help him to do this.
- 6
7 19. The Probation Officer says that he demonstrates very high pro-criminal attitudes, which are
8 primarily evident through rationalisation, minimisation, and substance-driven decision making.
9 The Officer suggests that targeted intervention, such as cognitive behavioural therapy,
10 substance abuse counseling, and relapse prevention and mental health treatment, could have a
11 positive outcome on the defendant.
- 12
13 20. The defendant was assessed as being at very high risk of reoffending with all eight criminogenic
14 factors in the very high and high categories.
- 15
16 21. The Probation Officer states that his history presents a very high risk for future criminal
17 behaviour. It is said that his consistent pattern of reoffending, disregard for legal mandates, and
18 apparent difficulties with past rehabilitation efforts are strong indicators of this. He needs
19 interventions that will challenge this attitude and enable him to develop pro-social thinking.
20 The defendants' negative peer influences contribute significantly to his risk of reoffending.
- 21
22 22. The Officer says that he needs to understand the consequences of his actions and take the
23 necessary steps to reduce reoffending, and that he demonstrated a pro-criminal attitude through
24 several indicators, such as externalising blame and non-compliance with past sanctions.
- 25
26 23. As to sentencing options, the Officer says that the defendant would benefit from an inpatient
27 forensic facility offering appropriate treatment for both his mental instability and drug
28 addiction. This would provide the best chance of preventing reoffending and protecting the
29 public. The Officer notes that no such facility is available in the Cayman Islands. The defendant
30 is said to be unsuitable for community-based treatment, and the Officer recommends that if the
31 defendant is imprisoned that the DCR has input as part of his case plan and that the defendant
32 be encouraged to: -
- 33





1 “Participate in any suitable prison programmes within the limitations of his mental stability
2 such as those focusing on consequential thinking.

3 Comply with his mental health treatment and reviews.

4 Participate in medical detox and drug addiction counseling and

5 Participate in ongoing individual counseling sessions with a prison psychologist and or
6 correctional counselor on a weekly basis.”

7
8 **THE SUBMISSIONS**
9

10 24. Both Counsel referred the Court to the *Cayman Islands Sentencing Guidelines* for the offence
11 of Robbery. Counsel for the prosecution submits that the offending falls within medium
12 culpability because a weapon was produced and used to threaten violence.

13
14 25. With respect to the level of harm, Counsel notes that Miss Ebanks suffered emotionally
15 financially and psychologically but that it is not submitted that the psychological harm caused
16 is above the level of harm inherent in this offence. It is however submitted that the offending
17 has caused some detrimental impact on the business in that Ms. Ebanks had to install a door
18 buzzer and has been compelled to change her opening hours. It is therefore submitted to be at
19 the level of Category 2. An offence of medium culpability and Category 2 harm has a starting
20 point of 5 years custody with a range of sentence of 4 to 8 years custody.

21
22 26. Counsel for the prosecution submits that there are two aggravating factors which should
23 increase the seriousness of the offence, namely, established evidence of community wider
24 impact and an attempt to conceal identity.

25
26 27. Counsel for the defence disagrees as to the level of harm and submits that on the evidence
27 presented no physical injury was caused to the victim, no bladed weapon or firearm was used.
28 The weapon used was not one which is inherently lethal in character. The offence was a single
29 incident of short duration involving a modest sum of money and property was recovered shortly
30 thereafter during the pursuit. Counsel says that there was no evidence of prolonged detention
31 or physical violence or escalation beyond what was used to effect the taking. It is also submitted
32 that there is no evidence of serious or lasting financial damage of business closure or harm of



1 the scale which is contemplated by Category 2 of the *Guidelines*. Counsel therefore submits
2 that this is a Category 3 offence where the factors in Categories 1 and 2 are not present.

3
4 28. As to culpability, Counsel accepts that the defendant produced and used a metal bar to threaten
5 violence which feature places the offending above the lowest level of seriousness. Counsel
6 submits that the evidence does not support a finding of high culpability, as the metal bar was
7 not used to inflict violence or physical injury. The submission is that the intimidation went no
8 further than what was necessary to effect the taking and that there is no evidence of
9 sophisticated planning. The concealment of identity was rudimentary, and the short-lived
10 incident was impulsive in nature, committed by a single offender acting alone. The submission
11 is that this is an offence of medium rather than high culpability and that it does not fall at the
12 most serious end of the commercial robbery spectrum. It is therefore submitted that this is a
13 Category 3 harm offence with medium culpability and that it should attract a starting point of
14 3 years custody and a range of sentence of 2 to 5 years.

15
16 29. With respect to the offence of Possession of Offensive Weapon, Counsel for the prosecution
17 submits that the offending falls within Category 1 harm because it caused serious alarm and
18 distress. As to the level of culpability it is submitted that it falls within level A because a weapon
19 was carried other than a highly dangerous weapon with the intention to use to threaten or cause
20 fear.

21
22 30. Counsel submits that the aggravating factors are the attempts to conceal identity and that the
23 victim provided a public service although the very nature of the business determines that the
24 offending falls under commercial robbery.

25
26 31. The submission of Counsel for the defence with respect to Count 2 is that the possession of the
27 metal bar was entirely incidental and is inseparable from the commission of the Robbery, that
28 it has already been taken into account in the assessment of culpability for Count 1, and that a
29 concurrent sentence would be appropriate.

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1 **SUBMISSIONS IN MITIGATION**
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3 32. In submissions in mitigation, Counsel for the defence submits that while the defendant is
4 assessed in the SIR as at very high risk of reoffending, it does not characterise the defendant as
5 an offender motivated by sophisticated planning, substantial financial gain, or organised
6 criminal activity. Instead, it sets out a pattern of offending which is impulsive and substance
7 driven. Counsel submits that the sentencing objective of the Court should be towards
8 rehabilitation.

9
10 33. Counsel also notes that the defendant has expressed remorse for the impact of his actions upon
11 the victim, and that while he maintained his position at trial, he now acknowledges the distress
12 caused by his offending and the consequences of it. It is submitted that his expression of
13 remorse is a relevant consideration and may be taken into account at this stage. Counsel submits
14 that the defendant accepts that a custodial sentence is inevitable, but that given the defendant's
15 personal circumstances, the length and structure of the sentence should properly reflect the
16 **Guideline** category and range, the facts, and the defendant's personal circumstances.

17
18 34. Counsel for the defence relies on the case of *R v Dalton Benjamin Robinson Jr.*¹ as persuasive
19 local authority. The defendant Robinson was convicted after trial of a single count of Robbery.
20 A lady's handbag with \$300 was taken by him. This involved an implied threat of violence,
21 although no weapon was produced. The Court (Carter J.) on sentencing noted that a modest
22 sum of money was taken, and that the robbery was of short duration. The offending was
23 categorised as Category 3 harm with medium culpability. A starting point of 2 years custody,
24 with a sentence range of 18 months to 3 years and 6 months custody was applied. An uplift for
25 antecedents resulted in a sentence of 3 years imprisonment. Counsel submits that there are clear
26 similarities with the instant case. There is a single victim, no physical injury, and no firearm or
27 bladed weapon was produced. The incident was brief and not prolonged. Intimidation was
28 implicit rather than escalatory, and it was an opportunistic and unsophisticated offence.

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¹ Grand Court Unreported Judgment Ind. 71 of 2018, dated 26th September 2019



1 **THE SENTENCE**
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3 35. This Court notes that there are clear distinctions with the cited case of *Robinson*. The *Guideline*
4 starting points for street robberies are distinct from those for commercial robberies in respect
5 of each category of harm and culpability. The cited case appears to have applied the *Guidelines*
6 for street robberies. The *Guidelines* for street robberies refer to the harm caused to a person.
7 The *Guideline* for commercial robberies also refers to the effect on the business. This was a
8 robbery of a small shop, which lacked the physical and electronic security seen in large
9 businesses. The impact of the taking of even a modest sum, the need for the business to spend
10 funds to change the door entry system and to reduce opening hours because of the robbery and
11 loss of sales are all matters which would have a greater impact on a small business because of
12 its size. The VIR sets out the context in which the business operates.

13
14 36. The Court’s view is that the offending in this case is serious and firmly passes the custody
15 threshold. A weapon was produced in the course of a commercial robbery of a small shop. The
16 harm caused has led to a change in business operations. The Court accepts the submissions of
17 the prosecution that this is a case of medium culpability and some detrimental effect on the
18 business. The starting point is 5 years custody.

19
20 37. It is an aggravating factor that the defendant attempted to conceal his identity. It is not
21 unreasonable to infer that, but for the loss of his shoe, it would likely have been far more
22 difficult to identify him. This aggravates the offending by 1 month.

23
24 38. A second aggravating factor is the defendant’s antecedent history, involving as it does, previous
25 convictions albeit not for robbery, but convictions for dishonesty and assault causing bodily
26 harm. This factor aggravates the offending by 3 months.

27
28 39. These two factors serve to increase the sentence from 60 months to 64 months imprisonment.

29
30 40. In mitigation, account is taken of everything written and said in the defendant’s favour. He has
31 now expressed some remorse. He has experienced a somewhat traumatic life and recent trauma
32 following the death of his only brother. It is plain that his personal circumstances are such that
33 he requires long-term rehabilitation for his drug and alcohol addiction. The Court also takes

1 into account his mother's plea for mercy made in open Court today, and in particular the related
2 mental health issues which arise because of these addictions.

3
4 41. His sentence is therefore reduced significantly by reason of the mitigating factors by 18 months,
5 which reduces his sentence to one of 46 months imprisonment.

6
7 42. As to the offence of Possession of an Offensive Weapon, the offence caused serious alarm or
8 distress. The culpability is also high because it was carried with the intention to use it to threaten
9 or cause fear. The starting point is 2 years custody. This is aggravated by the attempt to conceal
10 identity and the antecedent history of the defendant for a sentence of 2 years and 4 months or
11 28 months custody. It is reduced by 6 months by reason of the mitigating factors for a final
12 sentence of 22 months.

13
14 43. This is to run concurrently to the sentence on Count 1.

15
16 44. It is accepted that rehabilitation is an important component of this sentence. The defendant
17 must be assisted to ensure that this conduct is not repeated. Consequently, while in prison, the
18 defendant is to receive rehabilitative treatment as is recommended by the Probation Officer,
19 and which is detailed above.

20
21 45. Time served is to be taken into account.
22

23 **Dated this the 17th February 2026**

24 

25 **The Hon. Justice Cheryll Richards KC**
26 **Judge of the Grand Court**