



1 **IN THE GRAND COURT OF THE CAYMAN ISLANDS**  
2 **CRIMINAL DIVISION**  
3

4 **INDICTMENT NO: 4 of 2023**  
5  
6  
7

8 **R**  
9

10 **V.**  
11

12 **TRAVIS ARLINGTON EBANKS**  
13  
14

15 **Appearances:** **Mr. Scott Wainwright, Assistant Director of Public Prosecution,**  
16 **Office of the Director of Public Prosecutions for the Prosecution**  
17

18 **Mrs. Prathna Boddan of Samson Law for the Defence**  
19

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

22 **Submissions Heard:** **4<sup>th</sup> April 2024**  
23

24 **Sentence Judgment:** **11<sup>th</sup> April 2024**  
25  
26  
27

28 ***Criminal Law - Rape, Sentencing, Application of the Cayman Islands Sentencing Guidelines***  
29  
30  
31  
32



1 (5) *If any matter is published or broadcast in contravention of*  
2 *subsection (1), the following persons —*  
3 (a) *in the case of a publication in a newspaper or*  
4 *periodical, the proprietor, editor and publisher of*  
5 *the newspaper or periodical;*  
6 (b) *in the case of any other publication, the person who*  
7 *publishes it;*  
8 (c) *in the case of a broadcast, any person having*  
9 *functions, in relation to the programme in which it*  
10 *is made, corresponding to those of an editor of a*  
11 *newspaper,*  
12 *commit an offence and are each liable on summary*  
13 *conviction to a fine of one thousand dollars.”*  
14

15 3. For the avoidance of doubt: It is the Court’s view that the charges against this defendant,  
16 based on the particulars of the offence, fall within this section of the law and therefore it  
17 is ordered that there be no identification of the victim in this case.  
18

19 4. In pursuance of the sections of the *Acts*, this judgment has been anonymised to protect  
20 the identity of the victim.

21 **INTRODUCTION**

22 5. The defendant is before the Court for sentencing following his convictions after trial for  
23 two offences of Rape contrary to s.127 (1) of the *Penal Code* (2022 Revision). The  
24 maximum sentence for this offence is life imprisonment.



1 6. The particulars of Count 1 are that he on a date unknown in October 2022 in the vicinity  
2 of Bay Town Plaza, George Town, Grand Cayman, Cayman Islands had carnal  
3 knowledge of [X], without her consent.  
4

5 7. The particulars of Count 2 are that he on or about the 8<sup>th</sup> November 2022 in the vicinity  
6 of Margaritaville Hotel, West Bay Road, George Town, Grand Cayman, Cayman Islands  
7 had carnal knowledge of [X], without her consent.  
8

9 8. The facts in summary are these. At the material times the complainant was 11 or 12 years  
10 of age. She met the defendant on social media about two years before the incidents. Over  
11 the two-year period, at times she blocked him from her social media accounts. He created  
12 new accounts each time she blocked him and would re-engage with her using a different  
13 media account name. Her evidence was that she knew that it was the same person. He  
14 told her that he was 14 years of age. He asked her to meet him and told her that he would  
15 tell her family and friends bad things about her if she did not. One evening in October  
16 2022, he picked her up from her home in a motor vehicle. He drove her to a parking lot  
17 adjacent to a business premises on the waterfront in George Town and there had vaginal  
18 intercourse with her in the back of the vehicle. Her evidence was that she was crying and  
19 telling him to stop. He did not.  
20

21 9. On a second evening the night before her 12<sup>th</sup> birthday in November 2022, he again  
22 picked her up in a vehicle and took her to a second location off West Bay Road where he  
23 had vaginal sexual intercourse with her in the back of the vehicle.  
24





1 VICTIM IMPACT STATEMENT

2  
3 10. The victim has provided a Victim Impact Statement dated 20<sup>th</sup> September 2023. In this  
4 Statement she states: -

5 *“Since what happened to me, I have found it really hard to deal with.*

6  
7 *It’s been hard to focus, at school in particular, as most of the time when I have been*  
8 *in class I wouldn’t be paying attention as I would be zoned out thinking about*  
9 *everything and what was going to happen. This made me feel stressed and anxious.*

10  
11 *I feel relieved that Travis will go to prison for what he did as it means that he can’t*  
12 *do it to anyone else.*

13  
14 *At first I thought I was in the wrong and that I did something wrong and I would be*  
15 *in trouble for it, but I realise now that it was not my fault, it was his fault.*

16  
17 *What happened changed my perspective over a lot of things, mainly about trusting*  
18 *people; I don’t really like to trust people anymore. I trusted Travis at the time*  
19 *because he made me feel that I could trust him, but he broke my trust by doing what*  
20 *he did and now I don’t want to trust anyone in case they break that too.*

21  
22 *I have felt stressed and worried about court and what that would be like and I was*  
23 *really anxious as the court date got close.*

24  
25 *I am also anxious now about what things will be like moving forward now that the*  
26 *court case is over. I feel that what happened has changed my relationship with my*  
27 *mom and dad, I am not allowed out to see friends like I was before as they are*  
28 *worried about me, and I feel that this has changed my relationships with my friends*  
29 *too as I don’t see them as much as I did before. I am worried that this is what my*  
30 *life will continue to be like now.*



1 *I just want things to return to normal.”*

2

3 **ANTECEDENT HISTORY**

4

5 11. The defendant is now 34 years old. He has an antecedent history of sixteen previous  
6 convictions. The most recent was in October 2021 when he was sentenced to thirteen  
7 weeks imprisonment suspended for two years for offences of dishonesty. There are no  
8 convictions for offences of a similar nature to the instant offences.

9

10 **SOCIAL INQUIRY REPORT**

11

12 12. The defence did not seek to have a Social Inquiry Report. Defence Counsel indicated on  
13 the defendant’s behalf that she would provide details as to his background and history.

14

15 **THE SUBMISSIONS**

16

17 13. The prosecution has referred the Court to the leading case of *Dilbert v R; Samuels v R*.<sup>1</sup>  
18 In that case the Cayman Islands Court of Appeal stated that while the appropriate starting  
19 point when sentencing for an offence of rape with no aggravating or mitigating factors  
20 would be between 10 to 12 years, rape of a child or vulnerable victim could warrant an  
21 uplift of the starting point to 15 years or more.

22

23 14. Both Counsel referred the Court to the *Cayman Islands Sentencing Guidelines* for the  
24 offence of Rape. These reflect the guidance from the Court of Appeal in the cited case.  
25 There is disagreement as to the appropriate categorisation for this offending.

26

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<sup>1</sup> [2010] 1 CILR 10

1 15. The prosecution submits that the Harm is at level 2 because each offence lasted for about  
2 twenty minutes and thus can properly be described as sustained. Reliance is placed on  
3 the case of *R v Mamaliga*<sup>2</sup>. However, the prosecution accepts that this case involved  
4 particular circumstances which are quite different from the instant offending. In the cited  
5 case there were two offenders, and the victim was restrained with ties and subjected to  
6 prolonged violence. The Appellate Court noted that it fell into Category 2 by reason of a  
7 number of factors including the extreme nature of one or more factors. There was  
8 violence or threats of violence which went beyond that which was inherent in the offence.  
9

10 16. As to culpability, the prosecution submits that the offending in the instant case is at the  
11 level of Category A because it involved a significant degree of planning. Counsel notes  
12 that the defendant first contacted the victim in 2020, two years before the incidents and  
13 that his behaviour included creating new social media accounts when blocked by her and  
14 making threats to her. Counsel's submission is that although this behaviour might more  
15 readily be described as grooming or manipulation, it nonetheless constitutes a  
16 "significant degree of planning". Counsel for the prosecution also submits that the  
17 defendant arranged to borrow the vehicles of his employer in order to pick up the victim  
18 at the agreed locations.  
19

20 17. Counsel relies on the case of *R v. Teklu*<sup>3</sup> for the submission that the planning need not be  
21 sophisticated in order to be deemed significant. There is also reference to the case of *R*  
22 *v. Dogra*<sup>4</sup> for the submission that what amounts to a significant degree of planning has  
23 to be a matter of judgement based upon all the facts of the case. In that case the Appellate  
24 Court considered an appeal against sentence where the factual circumstances were that  
25 the appellant had been sitting on a wall when the victim was walking past. The trial Judge  
26 had concluded for the purpose of sentence that the appellant was there in waiting to speak

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<sup>2</sup> [2018] EWCA Crim 515  
<sup>3</sup> [2017] EWCA Crim 1477  
<sup>4</sup> [2019] EWCA Crim 145



1 to women on their way home. The learned Judge found that there was a significant degree  
2 of planning.



3  
4 18. The Appellate Court said: -

5  
6 *““Significant” is not an absolute concept. In the context of this offence – a sexual*  
7 *assault that can be committed without implements or tools or any sophisticated*  
8 *planning – we consider that lying in wait, in a position that is perfectly designed to*  
9 *prey on lone young women (particularly given the timing) who have had a night out*  
10 *and are on their way home, did involve a significant degree of planning in context.*  
11 *The judge was amply entitled in those circumstances to conclude that this was a*  
12 *category 2A offence.”*

13  
14 19. Under the *Cayman Islands Sentencing Guidelines* Category 2 A offences have a starting  
15 point of 20 years custody with a range of sentence of 15 to 24 years.

16  
17 20. The defence submit that this is a Category 2 B offence. It is accepted that it can properly  
18 be characterised as level 2 Harm because of the victim’s age but defence Counsel submits  
19 that it cannot properly be described as a sustained attack. Counsel disagrees that there  
20 was a significant degree of planning. It is submitted that to the contrary this was no more  
21 than an agreed meeting.

22  
23 21. Category 2 B offences have a starting point of 15 years with a range of sentence of 10 to  
24 19 years.

25  
26 **AGGRAVATING FACTORS**

27  
28 22. The prosecution submits that there are two aggravating factors in this case, namely, the  
29 timing of the offence being at night and the threats made by the defendant to the victim.



1  
2 23. Counsel for the defence submits that the timing ought not to be treated as an aggravating  
3 factor, that it adds nothing to the offence. Secondly, that the threats to the victim are  
4 properly reflected in the categorisation of the offence due to her vulnerability.  
5

6 **SUBMISSIONS IN MITIGATION**  
7

8 24. Counsel for the defence has provided to the Court, an extensive history for the defendant.  
9 He was 33 years old at the material time and has no relevant previous convictions. He  
10 has one child, a daughter who is resident overseas. He has limited phone contact with her  
11 and has not seen her in person since 2015.  
12

13 25. The defendant was born and grew up in the Cayman Islands as part of a large family. His  
14 father did not reside with the family, but the defendant was in regular contact with him.  
15 There were no childhood or drug and alcohol related issues. The defendant completed  
16 high school with a diploma in 2006. He has held regular employment in the maintenance  
17 or mechanical fields throughout his adult life.  
18

19 26. His life circumstances changed for the worse when he had problems with his long-term  
20 girlfriend. He became depressed, demotivated and began to have feelings of  
21 hopelessness. He lost weight and found it difficult to cope emotionally. He was required  
22 to leave the family home and became a loner.  
23

24 27. Since being on remand, he has not wanted his mother to see him in Prison clothes and  
25 his family have abandoned him. He does not have a support network. He feels as if he  
26 has lost everything. These issues have not been and continue to be unaddressed.  
27

1 28. Nevertheless, he has been trying to have some structure in his life by engaging in the  
2 community in sporting activities. Since being on remand, he has made rehabilitation  
3 efforts by attending the Chapel at the Prison regularly and completing several courses  
4 and programmes such as ‘Tools for Success’ ‘Prisoners Journey’ and “Sycamore Tree’.  
5 Counsel said that there is hope for him, he has already been impacted by being on remand  
6 and perhaps when he has had any necessary treatment this will assist him.

7  
8 29. The defendant is said to be remorseful for what has happened to the victim and sorry for  
9 what she has endured.

10  
11 30. A character reference has been provided from Mr. David Wight dated 14<sup>th</sup> March 2024.  
12 It reads as follows: -

13  
14 *“This is to confirm that I have known Travis Ebanks for over 10 years, as our family*  
15 *grew up through the years as close friends with Travis’s family.*

16  
17 *I have always found Travis Ebanks to be a hardworking, and a very pleasant*  
18 *person.*

19  
20 ...”



21  
22 31. The defendant had asked for another adjournment of his sentence hearing to obtain  
23 additional references. Nothing further has been forthcoming. He was granted an  
24 adjournment on three previous occasions. Defence Counsel has opted to proceed with the  
25 hearing.



1 **THE SENTENCE**

2  
3 32. It is accepted as defence Counsel submits that the offending is at the level of Category 2  
4 Harm because the victim is particularly vulnerable due to her age. Because of her age,  
5 she was manipulated and groomed. This was rape of a child under the age of 12 years  
6 and not of an adult.

7  
8 33. As to the level of culpability, the Court's view is that it is at the level of Culpability B. A  
9 significant degree of planning is raised but the prosecution recognises that there is a  
10 difference between grooming and manipulation and planning for the offences in October  
11 2022 and November 2022.

12  
13 34. Some guidance is provided by the *Archbold Sentencing Guidelines 2022*, paragraph  
14 1056 as to culpability. This states: -

15  
16 *"In R v Dogra [2019] EWCA Crim 145; [2019] 2 Cr. App. R. (S.) 9 however,*  
17 *the court held that the words "significant planning" did not require further*  
18 *definition. Each case had to be considered against its own facts. However,*  
19 *some assistance might be afforded by looking at the other matters of*  
20 *culpability that placed an offence within Category A. Those matters*  
21 *included: that an offender had acted with others to commit the offence; that*  
22 *there was use of alcohol or drugs on the victim to facilitate the offence; that*  
23 *there had been previous violence against the victim; that the offence was*  
24 *committed in the course of burglary; or that the offence was motivated by*  
25 *or demonstrated hostility for particular reasons. While those were all self-*  
26 *contained issues that raised culpability, they were matters that provided a*  
27 *clear indication of what might amount to raised culpability and might give*  
28 *some indication of the threshold envisaged. In cases of sexual abuse, there*



1                    *might, as a matter of inevitability, be some planning, such as the locking of*  
2                    *a door on a victim, or a short pursuit, but the determination of when a degree*  
3                    *of planning reached that higher level of culpability denoted by a significant*  
4                    *degree of planning had to be a matter of judgement based on all the facts of*  
5                    *the case.”*

6  
7        35.        The conclusion is that the starting point for this offence is 15 years custody.

8  
9        36.        The timing of the offence is considered to be an aggravating factor. The timing meant  
10           that the child was cajoled into leaving the protection and safety of her home at an hour  
11           shortly before midnight. She was on the streets effectively unsupervised by anyone of  
12           good intent.

13  
14       37.        Threats were made to the victim, but they are not treated as a separate aggravating factor  
15           in order to avoid possible double counting. The nature of the threats was particularly  
16           impactful because of the vulnerability of the victim due to her age. Prosecuting Counsel  
17           submitted that if grooming does not amount to significant planning, then it ought to be  
18           treated as an aggravating factor. For the same reason to avoid double counting this  
19           element is not treated in this way.

20  
21       38.        From a starting point of 15 years the sentence is increased by 6 months for the single  
22           aggravating factor of timing.

23  
24       39.        In mitigation the Court takes into account everything said and written in the defendant’s  
25           favour. He has no relevant previous convictions and is remorseful about what the victim  
26           has suffered. There is some emotional trauma throughout his adult life and separation  
27           from his family which has affected him. He has made efforts at rehabilitation and has  
28           undertaken various courses at the Prison which is to his credit. He has been gainfully

1 employed in the course of his adult life and his character reference describes him as a  
2 hardworking individual. The sentence is reduced by reason of the mitigating factors by 2  
3 years imprisonment to one of 13 ½ years' imprisonment on each count.  
4

5 40. Consideration has been given to the proportionality of the proposed sentence to the  
6 offending and to the aims of sentencing in this case. The offending is serious and clearly  
7 passes the custody threshold. There is nothing in his personal circumstances which would  
8 make an immediate custodial sentence avoidable. Not only did he target a child, he  
9 pursued her. Even when she expressed disinterest by disengaging on social media, he  
10 continued his pursuit. He lied to her about his age and manipulated her such that she felt  
11 that she had to make him feel better by submitting to the sexual act and comforting him  
12 because he had a bad day. He threatened to talk about her to her family and friends. His  
13 conduct was in callous disregard for her welfare, he being a person almost three times  
14 her age. The serious impact on the victim is detailed in the Victim Impact Statement. The  
15 Court concludes that the proposed sentence is proportionate to the gravity of the  
16 offending. The aims of sentencing in this case must be punishment, deterrence and  
17 rehabilitation.

18  
19 41. These were a series of offences of the same kind in respect of the same victim. It is  
20 appropriate that the sentences on both counts run concurrently to each other.  
21

22 42. The sentence is therefore 13 and 1/2-years imprisonment on each count to run  
23 concurrently. Any time served is to be taken into account.  
24

25 43. It is recommended that the defendant be assessed, and such treatment as is deemed  
26 necessary by the appropriate professionals be afforded to him.



1 **SEXUAL HARM PREVENTION ORDER**

2

3 44. The Prosecution has applied for a Sexual Harm Prevention Order (“SHPO”) which is not  
4 opposed by the defence. An amended draft has been agreed. The Court is satisfied that  
5 such an order is necessary for the protection of the victim and children.

6

7 45. The Order is made in terms of the agreed draft to take effect for 10 years following the  
8 defendant’s release from Prison.

9

10 **Dated this the 11<sup>th</sup> April 2024**

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

11

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