



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

4 **INDICTMENT NO: 15 OF 2023**
5
6
7

8
9 **THE KING**

10
11 **V.**
12

13 **COURTNEY ALPHONSO LEVY**
14
15

16 **Appearances:** **Mr. Scott Wainwright for the Prosecution**

17 **Mr. Keith Myers for the Defendant**
18

19 **Before:** **The Hon. Justice Roger Chapple (Actg.)**

20 **Submissions Heard:** **4th December 2023**

21
22 **Sentence Judgment:** **18th December 2023**
23
24
25
26

27 **HEADNOTE**
28
29

30 *Criminal Law - Doing an act to obstruct, prevent, pervert or defeat justice – s.107(d) of the Penal*
31 *Code - Breach of trust by a public officer – s.118 of the Penal Code – Sentence of police officer*
32 *following trial by judge alone.*
33
34
35
36
37
38
39



SENTENCE JUDGMENT

Introduction:

1
2
3
4
5 1. In July 2023, following a trial by judge alone, the defendant was convicted of two offences
6 as follows:

7
8 (i) Doing an act to obstruct, prevent, pervert or defeat justice, contrary to s107(d) of the
9 Penal Code (2019 Revision).

10
11 (ii) Breach of trust by a public officer, contrary to s1 18 of the Penal Code (2019 Revision).

12
13 2. The trial commenced on 8th June 2023 and lasted several days. On 19th July, having delivered
14 my detailed verdict judgment, I adjourned sentencing in order for a Social Inquiry Report and
15 written sentencing submissions to be prepared. I now have the advantage of a detailed Social
16 Inquiry Report prepared by Ms Kafizas, a Probation Officer, and written sentencing
17 submissions from both Mr Wainwright, for the prosecution and Mr Myers, for the defence. I
18 heard oral submissions from both Mr Wainwright and Mr Myers on 4th December and have
19 taken time to reflect upon those submissions (both written and oral) and everything placed
20 before me, in order to arrive at what I consider to be the appropriate sentence in this troubling
21 and highly unusual case.

The facts:

22
23
24
25 3. I dealt at length in the course of my verdict judgement with the evidence and circumstances
26 of this case when explaining my findings and conclusions. I respectfully refer those who may
27 later consider this sentence judgement to my earlier verdict judgement. A short summary of
28 the facts, as I found them, will suffice for present purposes.

29
30 4. The defendant served as an auxiliary constable with the Royal Cayman Islands, Police
31 Service for 13 years, from 2009 until his dismissal in 2022, as a result of his arrest in
32 connection with these offences. In the course of his police career, he served in various
33 locations and capacities. In 2019, he was based at the Fairbanks Police Detention Centre. On
34 13th November 2019, Roger Deward Bush was booked into the detention centre, having been
35 arrested on suspicion of murder. On 16th November, Mr Bush's long-term partner, Ms
36 Nikkieta Ebanks was arrested on suspicion of having been concerned in that murder and she

1 too was brought to the detention centre where she remained until the next day. The defendant
2 was on duty at the detention centre on both 16th and 17th November; his duties included
3 looking after detainees and escorting them from their cells for “smoke/stress breaks.” Prior
4 to being interviewed by the police on 17th November, Ms Ebanks was taken by the defendant
5 and another officer for one such break. As the defendant was placing her back in her cell and
6 in the absence of his fellow officer, he said to her words to the effect: “the boss man (by
7 which the defendant meant, and Ms Ebanks understood him to mean Roger Bush) says to
8 hold it down”, explaining and emphasising Mr Bush’s instruction that Ms Ebanks was not to
9 talk to the police, that she was to say “no comment” to everything in the forthcoming
10 interview. In doing so, the defendant was acting as Roger Bush’s messenger.

11
12 5. At her subsequent interview Ms Ebanks did indeed make no comment to all questions asked
13 of her. She was released from the detention centre later the same day. She maintained her
14 silence for a period of about nine months, until August 2020, when she contacted a police
15 officer, indicating that she was prepared to make a statement and to assist in the prosecution,
16 for murder, of Roger Bush, provided all measures were taken for her safety. She became and
17 remains a protected witness.

18
19 6. I am satisfied that there was further contact between the defendant and Ms Ebanks in
20 December 2019 (the liquor store incident) and in November 2020 (the Facebook friend
21 requests) but these incidents have not, by themselves, affected the sentence I will in due
22 course be imposing. Nevertheless, they do, it seems to me, demonstrate (as does particularly
23 the telephone evidence), that the defendant was Roger Bush’s willing messenger, lieutenant
24 and police connection.

25
26 **Sentencing guidelines:**

27
28 7. There are no Cayman Islands sentencing guidelines for either of the offences, for which I
29 must sentence the defendant. I was not directed to any previous Cayman sentencing decision
30 for such offences, neither am I aware of any local authority. I do have the advantage of the
31 recent England and Wales Sentencing Council Guidelines for offences of perverting the
32 course of justice. These came into force, in England and Wales, in October 2023. I have found
33 these guidelines to be of considerable assistance in this difficult case, although I of course
34 recognise that they are persuasive value only. As with all sentencing exercises, I am required
35 to assess both culpability and harm. I bear in mind that the maximum sentence for perverting



1 the course of justice in this jurisdiction is seven years imprisonment, whereas in England and
2 Wales, it being a common law offence, the maximum sentence is life imprisonment.

3
4 8. Mr Wainwright submits – and Mr Myers sensibly, concedes – that this is a case of high
5 culpability, within the meaning of the guidelines. It plainly falls within that most serious
6 category, because firstly, “underlying offence very serious” – it could hardly have been more
7 serious. Roger Bush was eventually charged and convicted of shooting dead his son.
8 Secondly this was a gross “breach of trust” and “abuse of position or office.” This was an
9 egregious abuse of the position in which the defendant had been placed and a grave breach
10 or the trust placed in him. The public has the right to expect the highest standards of honesty
11 and integrity from Royal Cayman Islands Police Officers. It bears repeating that this
12 defendant was the willing messenger for a well-known and accomplished criminal (“the god
13 of West Bay”).

14
15 9. Mr Wainwright further submits that this is a case of category 1 harm, again within the
16 meaning of the guidelines, since the defendant’s actions caused substantial delay in bringing
17 Roger Bush to justice. The intention, shared between Roger Bush and the defendant was, to
18 use a hackneyed but entirely apt expression, that Mr Bush should get away with murder. Mr
19 Myers submits that this case falls more appropriately within category two, in that, albeit there
20 was some delay and/or impact upon the course of justice, it cannot properly or reasonably be
21 described as substantial. Ms Ebanks did contact the police, made a statement and gave
22 evidence for the prosecution. Justice was in the end done. Roger Bush was convicted of
23 murder in June 2022. The delay was only 8 months, which, sadly, is a relatively brief period
24 when viewed against the substantial delays inherent in the criminal justice system.

25
26 10. I am satisfied that this is a category 1 case, for the reasons urged by Mr Wainwright, although
27 one can readily imagine cases of more serious delay, or cases where the object of the exercise
28 – the miscarriage of justice – is achieved. I then place this case at the lower end of category
29 1. But for the reasons I have already mentioned this is a case of very high culpability. This
30 is then a category 1A offence within the meaning of the guidelines. The sentencing range for
31 that category is 2 – 7 years’ imprisonment, with a suggested starting point of 4 years’
32 imprisonment.

33
34 11. I have considered the matters set out under the heading “factors increasing seriousness.” Mr
35 Myers submitted none of those factors were present in this case. I disagree since Ms Ebanks
36 was plainly a vulnerable victim. She had been arrested on suspicion of involvement in



1 murder, spent the night at the detention centre and was soon to be interviewed when the
2 defendant acted as he did. The defendant, rather than serving the interests of justice was, with
3 Roger Bush, applying pressure to her to persuade her not to assist in a murder investigation.
4

- 5 12. I should note here that Mr Myers has provided two England and Wales Court of Appeal cases
6 (R -v- Shahbib Asan [2019] EWCA Crim 896 and R -v- Jones [2008] EWCA Crim 348). Mr
7 Myers confirmed that he placed no reliance on either case; he had provided them simply as
8 “background.” I have read both cases. Neither is of any real assistance save for the
9 observations made in Asan (a very much more serious case than the instant case) that
10 deterrence is often an important element in sentencing such cases and the importance of
11 offering “so far as the court can, a measure of support to witnesses who, despite many fears,
12 are prepared to step forward and assist with the administration of justice.”
13

14 **Ms Ebanks’ victim impact statement:**

- 15
16 13. I note all that Ms Ebanks says in her undated but I assume recent witness statement. Mr Myers
17 properly urges me not to lay all the blame for the position in which she finds herself at the
18 defendant’s door. Whilst I do not doubt the depth of Ms Ebanks feelings, I must do the best
19 I can to apportion responsibility between Roger Bush and this defendant for her plight,
20 although I readily concede this is an invidious task. The giving of evidence against her violent
21 and criminally well-connected long-term partner for the cold-blooded shooting of his son is
22 likely to have had a far greater impact upon Ms Ebanks than the contribution to her present
23 unenviable position made by the defendant’s actions. That said, I can readily understand and
24 appreciate that this defendant’s actions have “eroded all my trust in authority figures,
25 especially the police. I do not know who in authority to trust....”
26

27 **Mitigation:**

- 28
29 14. I take account of the defendant’s hitherto good character – not only in the sense of his absence
30 of convictions, but I also bear in mind what those who know him well have said about him.
31 I have considered the three character references annexed to the social inquiry report, and what
32 the defendant’s wife and pastor Thompson said about the defendant to the author of the report.
33 The consequences of these convictions for the defendant, and for his family are, I fully
34 recognise, little short of catastrophic. He has lost his good name, his employment and his
35 income. An immediate custodial sentence will have considerable repercussions for his
36 family. Save for those matters, there is little I can find by way of mitigation in this case.

1 **Conclusions:**
2

3 15. I have considered carefully all that is said in the social inquiry report, but I cannot follow its
4 recommendation that I should suspend the inevitable sentence of imprisonment that it is my
5 duty to impose. As in any case, there are several aims and objects of sentencing. In a case
6 such as this, involving as it does an attempt to turn justice from its proper course, one of those
7 aims (and I think the paramount aim) is to send a firm deterrent message to all that the
8 consequences of so doing are severe, particularly so when it is a serving police officer using
9 his position to assist someone suspected of serious crime from being brought to justice.
10

11 16. Despite the consequences for this defendant I am in no doubt that my duty requires me to
12 impose a substantial sentence of imprisonment in order properly to mark the gravity of these
13 offences. The sentence upon count 1 is one of 4 years' imprisonment.
14

15 17. As I indicated in the verdict judgment and again in the course of the recent hearing, the fact
16 that the defendant was a public officer and acted in breach of trust is an aggravating feature
17 that I have taken into account when arriving at the sentence on count 1. Accordingly, a
18 concurrent sentence upon count 2 is appropriate. The sentence on count 2 in one of two years'
19 imprisonment, to run concurrently with the sentence imposed upon count 1.
20

21 **Dated this the 18th day of December 2023**



22
23 **The Hon. Justice Roger Chapple**
24 **Acting Judge of the Grand Court**