

6.9.84

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN ON 6 SEPTEMBER 1984
BEFORE THE HON. SIR JOHN SUMMERFIELD CBE QC JP
CHIEF JUSTICE

CASE NOS. 494 and 526 of 1984
INDICTMENT No. 8 of 1984

REGINA VS. HUBERT VARION EBANKS
CAUSING DEATH BY DANGEROUS DRIVING

Mr. Chin See (with him Mr. Levy) for defendant
Mr. Ground for Crown

SENTENCE

Although there are two counts, each relating to a separate tragic death, both deaths arose out of the same incident and sentencing must be approached with that fact in mind.

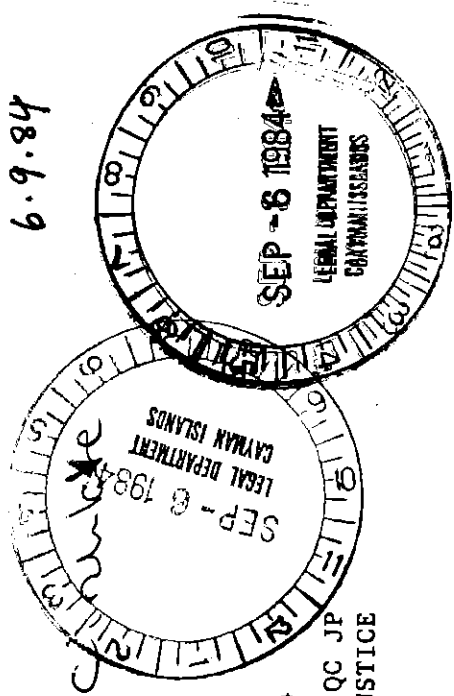
It is painful to have to send a man so highly regarded in the community to prison. It is clear from his character witnesses of high standing that the accused is ordinarily an upright, honest, capable and hardworking person, devoted to his children, with a strong social conscience which has been recognised in his help towards many who have been in difficulty.

I place little weight on his previous convictions for traffic offences as the last relevant one was over six years ago.

Weighing heavily in his favour also is his frank admission of guilt, his contrition and remorse. His full co-operation with the Police throughout must also be weighed in his favour.

All I can say is that had it not been for these mitigating factors so forcefully presented by his able counsel the sentence I propose would have been very much heavier.

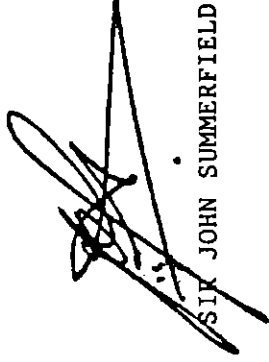
AG	
TA	
SG	
CC1	Rosie
CC2	Smeller
CC3	RJP
CC4	
CC5	
CC6	
FORG 0	
TO	
MFA	
Put Away	✓



As it is I am faced with the fact that two lives have been lost as a consequence of dangerous driving which was drink related - conduct which is becoming distressingly too prevalent in this country. One cannot escape the conviction that had there not been an excess of alcohol the tragedy would not have occurred. I recognise that the deceased stepped into the road. One can understand how they might have misjudged the accused's excessive speed in the circumstances. It remained the accused's drink related driving which gave rise to the dangerous situation resulting in death. And quite plainly this was not a case of a momentary lapse.

Painful as it is, taking all the mitigating circumstances into account, I cannot justify a sentence of less than 2 years imprisonment on each count. It is so ordered. The sentences will run concurrently and due account is to be taken of any time spent in prison on remand for these offences.

In addition all driving licences are cancelled and the accused is disqualified for obtaining any driving licence for a period of 7 years from the date of his release from prison.



SIR JOHN SUMMERFIELD

6th September 1984