

1982

IN THE COURT OF APPEAL FOR THE CAYMAN ISLANDS

CRIMINAL APPEAL NO. 12 of 1982

BEFORE: THE HON. MR. JUSTICE ZACCA - PRESIDENT  
THE HON. MR. JUSTICE CAREY, J.A.  
THE HON. MR. JUSTICE ROSS, J.A.

PAUL DARWIN EBANKS v REGINA

MR. NEVILLE LEVY - COUNSEL FOR THE APPELLANT  
MR. JOHN MARTIN - COUNSEL FOR THE CROWN

November 29, 1982

THE HON. PRESIDENT:

The court has listened to the submissions of Mr. Levy on behalf of the appellant. This was a case in which the appellant was charged with unlawful wounding and after the trial and summing-up by the learned Chief Justice, the jury considered the evidence and came to the verdict of guilty.

Various grounds have been advanced on behalf of the appellant. We have given them due consideration. The view this court holds in respect of this appeal is that we see no merit in the appeal. We do not see any misdirection on the part of the trial judge, who gave an accurate and capable summing-up on the law as it related to the facts, and we are not of the view that there was any misdirection in the summing-up or any omission which would lead the court to come to the conclusion that there was any reason for interfering with the verdict of the jury. In the circumstances, the appeal is dismissed. Conviction and sentence affirmed.

In the Grand Court of the Cayman Islands  
Held at George Town on 16 February 1982

Before the Hon. Mr. Wilton Hercules Acting Chief Justice

Appeal No. 5/82

EZZARD MILLER V REGINA

Mr. Levy for appellant  
Mr. Furniss for for Crown

JUDGMENT

The summons against the defendant was that he drove at a speed greater than 50 m.p.h., viz. 77 m.p.h. along Frank Sound Road at 4.30 p.m. on the 6 December 1981.

He pleaded guilty. He gave an explanation both to the Police and the Court that his wife who was in advanced state of pregnancy, (8 months) was ill and that he was proceeding to get medication for her. He had been a driver for 12 years, without accident and he admitted having one previous conviction for speeding.

It has been argued that the appellant is a man of unblemished character, and that a period of disqualification for 2 months could cause grave hardship both in his business and domestic life. By this time the appellant's wife ought to have been delivered of her child. According to Mr. Levy for the appellant, they live in a very remote area of this Island and there are no houses within a mile or so from them. His wife is in no condition at present to help out with the driving. The defendant, apart from being a Pharmacist, also runs the local cinema and has to travel home late at nights. He appears to be a very responsible member of this community.

I concede that in all the circumstances of this particular appeal, these special reasons should be taken into account. It should not be felt however that this court does not abhor driving at excessive

speeds on the roads of this country, but in the light of the special reasons advanced and the exceptional circumstances of this case I feel that the period of suspension should be reduced from 2 months to 30 days.

The sentence is therefore interfered with to the extent that the period of disqualification should end on the 19th February 1982. The fine remains the same.

*W. Hercules*

W. HERCULES

19th February 1982.