



CARIBBEAN COURT OF JUSTICE

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REPUBLIC OF TRINIDAD AND TOBAGO

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CCJ ALLOWS APPEAL: CUSTODIAL SENTENCE UNJUSTIFIED

Port of Spain, Trinidad and Tobago. On Tuesday, 28 July 2026, the Caribbean Court of Justice (CCJ) allowed the appeal of Mr Danny Lamar Husbands from a decision of the Court of Appeal of Barbados and set aside his three-month custodial sentence imposed for trafficking in cannabis, holding that the lower courts erred in their decision. The CCJ instead substituted a non-custodial sentence, ordering that Mr Husbands be placed on a bond to be of good behaviour for six months, and in default of compliance, to pay a fine of BBD 675 within 14 days.

The appeal arose from Mr Husbands' guilty plea for trafficking 90 grams of cannabis. The Magistrate imposed a custodial sentence, placing significant emphasis on Mr Husbands' previous convictions and the view that his offending had escalated over time. The Court of Appeal in Barbados subsequently upheld that sentence with the same view that Mr Husbands' criminal history justified the custodial sentence.

The CCJ had to determine whether the Court of Appeal was wrong to uphold the custodial sentence imposed. The CCJ considered whether the custodial sentence was consistent with the requirements of the Penal System Reform Act and, in particular, whether the offence was so serious that only a custodial sentence could be justified.

The CCJ explained that the Act formed part of a broader programme of penal reform intended to expand the use of non-custodial sentencing options and reduce unnecessary reliance on imprisonment. The Court emphasised that there is a high threshold for a custodial sentence to be justified, while also noting that sentencing courts in Barbados had generally favoured non-custodial sentences for cannabis trafficking in comparable quantities. The CCJ stressed that the lower courts failed to assess whether a custodial sentence was absolutely necessary in the circumstances of this case.

The CCJ underscored that the lower courts were wrong to focus on Mr Husbands' previous convictions in deciding whether the custodial sentence was justified. The CCJ explained that the

Act explicitly did not permit an offence to be treated as one justifying a custodial sentence merely because of an offender's previous convictions. The CCJ further found that the Court of Appeal should not have upheld the custodial sentence without first obtaining a pre-sentence report as required by the Act. For these reasons, the CCJ allowed the appeal and substituted a non-custodial sentence in place of the sentence of imprisonment ordered by the Magistrate.

The appeal was heard by the Honourable Justices Rajnauth-Lee, Jamadar, Ononaiwu, Eboe-Osuji, and Bulkan. Mr Andrew O. G. Pilgrim, SC and Mr Martie R. M. Garnes represented the Appellant, while Ms Krystal C. Delaney and Mr Kevin Forde represented the Respondent. Ms Anika Jackson, SC together with Mr Rico Yearwood, appeared as amicus curiae on behalf of the Attorney General.

The full judgment is available on the Court's website at www.ccj.org.

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About the Caribbean Court of Justice

The Caribbean Court of Justice (CCJ) was inaugurated in Port of Spain, Republic of Trinidad and Tobago on 16 April 2005 and presently has a Bench of seven judges presided over by CCJ President, the Honourable Mr Justice Winston Anderson. The CCJ has an Original and an Appellate Jurisdiction and is effectively, therefore, two courts in one. In its Original Jurisdiction, it is an international court with exclusive jurisdiction to interpret and apply the rules set out in the Revised Treaty of Chaguaramas (RTC) and to decide disputes arising under it. The RTC established the Caribbean Community (CARICOM) and the CARICOM Single Market and Economy (CSME). In its Original Jurisdiction, the CCJ is critical to the CSME and all 12 Member States which belong to the CSME (including their citizens, businesses, and governments) can access the Court's Original Jurisdiction to protect their rights under the RTC. In its Appellate Jurisdiction, the CCJ is the final court of appeal for criminal and civil matters for those countries in the Caribbean that alter their national Constitutions to enable the CCJ to perform that role. At present, five states access the Court in its Appellate Jurisdiction, these being Barbados, Belize, Dominica, Guyana, and Saint Lucia. However, by signing and ratifying the Agreement Establishing the Caribbean Court of Justice, Member States of the Community have demonstrated a commitment to making the CCJ their final court of appeal. The Court is the realisation of a vision of our ancestors, an expression of independence and a signal of the region's coming of age.

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