



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

4 **Neutral Citation Number: [2026] CIGC (Crim) 14**

5 **INDICTMENT NO: 92 of 2025 and 116 of 2025**
6
7

8 **R**

9 **v**

10 **ORVILLE RICHARDSON**
11

12 **Appearances: Mr. Ben Brown, Crown Counsel, Office of the Director of Public Prosecutions**
13 **for the Prosecution**
14

15 **Ms. Amelia Fosuhene, Brady Law for the Defence**
16
17

18 **Before: The Hon. Justice Cheryll Richards KC**
19

20 **Submissions Heard: 8th May 2026**
21

22 **Sentence Judgment: 8th May 2026**
23
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27 ***Criminal Law*** – Sentencing for multiple offences against two female victims, history of previous convictions
28 *in a context of domestic violence, mental health issues raised in mitigation, Application of the Cayman*
29 *Islands Sentencing Guidelines.*
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SENTENCE JUDGMENT

1. The defendant is before the Court for sentencing following guilty pleas to five offences on Indictment 92 of 2025 and six offences on Indictment 116 of 2025. The offences charged on Indictment 116 of 2025 are first in time, March 2025 and relate to a single victim, DK. The offences charged on Indictment 92 of 25 relate to victim JMS in May 2025.
2. The defendant first appeared before the Grand Court on the 31st October 2025. He was not then represented and upon the Court's inquiry insisted that he wished to proceed without an attorney. He was arraigned and entered guilty pleas to all Counts on the two Indictments. Pre-sentencing reports were ordered, and sentencing was set for the 23rd January 2026. The reports were only received on the morning of that day causing the sentencing to be adjourned to the 6th February 2026.
3. On the 6th February 2026, the Court noted that the Social Inquiry Report ("SIR") provided by the Department of Community Rehabilitation, ("DCR") recorded that the defendant denied some of the facts which underpinned his pleas. The defendant was asked and indicated that he then wished to have legal representation. Time was allowed for defence Counsel to be instructed and to be provided with the papers.
4. On the 22nd April 2026, defence Counsel confirmed that the pleas were to be maintained and that there had been agreement with the prosecution that the defendant does not fall to be sentenced in respect of Counts 3 and 4 of Indictment 92 of 2025, offences which are alternative Counts to others on the said Indictment.

THE FACTS - INDICTMENT 92/25

5. The offences charged on Indictment 92 of 2025 relate to victim JMS. The prosecution has provided a summary of facts which is not disputed. It is set out below.

1 6. The defendant and the victim were in a relationship which began in 2018. On the 22nd May
2 2025, the victim provided an Achieving Best Evidence interview to the Police. In it she
3 recounted that throughout the relationship the defendant had been violently abusive towards
4 her resulting in her receiving a number of injuries.
5

6 ***Count 1 – Assault Occasioning Actual Bodily Harm***

7 7. On the 10th May 2025 the defendant struck the victim repeatedly to the head and threw the
8 contents of an ashtray over the victim. The injuries sustained are two haematomas to the back
9 of the head.
10

11 ***Count 2 – Attempting to Cause Grievous Bodily Harm***

12 8. On Sunday the 18th May 2025, the defendant repeatedly struck the victim with a piece of wire
13 which he had fashioned into a makeshift weapon. This caused severe bruising to her leg.
14 Throughout the attack the victim was told by the defendant that she was not allowed to leave
15 her apartment.
16

17 ***Counts 5 and 7 – Assault Occasioning Actual Bodily Harm and Making Threats to Kill***

18 9. On Wednesday the 21st May 2025, the victim was at home with the defendant. At around 4am
19 they were in bed when the defendant demanded sexual intercourse. The victim refused. The
20 defendant immediately became very angry and began to choke the victim until the pressure
21 caused her eyeball to bleed. Throughout the attack the defendant also threatened to kill the
22 victim.
23

24 10. Ms. JMS was examined at the Hospital on the 21st May 2025. There is a statement from a
25 medical doctor which indicates that she was suffering from a haematoma and bruising to the
26 left eye.
27

28 11. Photographs of the injuries to the victim have been produced in evidence for the purpose of
29 these proceedings.
30
31
32





Count 6 - Wrongful Confinement

12. The victim reported to the Police that throughout the relationship the defendant would regularly keep her confined in her apartment and would either assault her or smash her property, most significantly her laptop, if she tried to leave.

13. The defendant was arrested and interviewed. He claimed that the injury to the victim's eye was caused accidentally when he kissed her. He denied choking the victim.

14. In relation to the incident on the 18th May he admitted striking the victim with the piece of wire and admitted having what he described as anger issues.

SUBMISSIONS OF THE PROSECUTION ON INDICTMENT 92 OF 2025

15. Counsel for the prosecution submits that under the *Cayman Islands Sentencing Guidelines*, the two assaults on Ind. 92/2025 are at the level of Category 2 with a starting point of 12 months.

16. The Attempt to Cause Grievous Bodily Harm is said to be at the level of Category 2, higher culpability and lesser harm but it is submitted that the starting point of 6 years should be revised downward given that the full offence was not committed.

17. By reference to the *United Kingdom Sentencing Council Guidelines*, Counsel submits that the offence of Wrongful Confinement is at the level of Category 2 B because the victim was vulnerable and the confinement occurred on a number of occasions. The starting point for a Category 2 B offence is 5 years with a range of sentence of 2 to 7 years.

THE FACTS-INDICTMENT 116 OF 25

18. The offences charged on Indictment 116 of 2025 relate to victim DK. The prosecution has provided a summary of facts which is not disputed. It is set out below.

1 19. The defendant and the victim, DK, were in a relationship for seven years which ended in 2025.
2 On the 28th March 2025 the victim was at Everglo Bar when the defendant attended
3 unannounced. The victim was with her new boyfriend at the time.
4



5 ***Counts 1 and 7 – Intentional Alarm and Distress / Stalking***
6

7 20. The defendant having followed the victim to the Everglo Bar, approached her and became
8 abusive. The defendant demanded the victim's phone, but she refused to provide it. The
9 defendant left.
10

11 21. Upon her return home, the victim discovered numerous missed calls from the defendant to her
12 mobile phone.
13

14 ***Counts 2 and 3 – Threats to Kill***
15

16 22. When the defendant called again, the victim answered. The defendant became abusive and
17 threatened to kill the victim. He called again and made a further threat to kill the victim.
18

19 ***Counts 5 and 6 Insulting the Modesty of a Woman and Misuse of an ICT Network***
20

21 23. The defendant then sent two images of the victim in a naked state to the victim's phone with
22 abusive comments. He also uploaded to the internet, images of the victim in a naked state and
23 of when she was asleep.
24

25 24. The defendant was arrested and interviewed. He answered no comment in interview.
26

27 **SUBMISSIONS OF THE PROSECUTION ON INDICTMENT 116 OF 2025**
28

29 25. Counsel for the prosecution submits that the offending in relation to the second victim, DK,
30 clearly crosses the custody threshold.
31

1 26. The submission as to Aggravating Features, is that the defendant has a history of committing
2 domestic abuse offences. Entries 1,2,11,13,14 and 15 on the defendant's record were all
3 committed against ex-partners.
4

5 27. As to totality, Counsel for the prosecution submits that the sentences in relation to Counts 1, 2,
6 5 and 6 on Indictment 92 of 2025 should run consecutively. Count 7 (Threats to Kill) forms
7 part of the facts of Counts 1,2,5, and 6 and the sentence for that Count could be made to run
8 concurrently.
9

10 28. In relation to Indictment 116 of 25, Counsel submits that given that the offences pleaded in this
11 Indictment were committed in close proximity, sentences on those Counts could all be made to
12 run concurrently. The further submission is that the sentences on each Indictment should run
13 consecutively.
14

15 **VICTIM IMPACT REPORTS**

16
17 29. There are no completed victim impact reports.
18

19 **ANTECEDENT HISTORY**

20
21 30. The defendant has an antecedent history of nine previous convictions dating back to 2005. In
22 2016 he was sentenced to an 18 month Probation Order for the offence of Assault Causing
23 Actual Bodily Harm. In 2017 he was sentenced to suspended sentences of 2 months
24 imprisonment for offences of Intentional Harassment, Alarm or Distress, Damage to Property
25 and Common Assault.
26

27 **SOCIAL INQUIRY REPORT**

28
29 31. The DCR has provided a SIR in respect of the defendant which is dated the 22nd January 2026.
30

31 32. The defendant is forty-four years old and the father of two children aged twelve and fifteen
32 years old.





- 1
2 33. The Probation Officer reports that the defendant was previously married and that the marriage
3 was beset with issues of domestic violence as a result of which the defendant was sentenced to
4 a previous Probation Order and Suspended Sentence Order for offences against his wife.
5
- 6 34. By way of employment history, the defendant has worked for the majority of the time in the
7 construction industry. He explains that this work is inconsistent and that he therefore has regular
8 periods of time when he is unemployed. He does various other jobs to supplement his income.
9
- 10 35. The defendant completed an anger management programme in 2012 and his Probation Order
11 was completed with adequate compliance on the 13th of August 2016. He was sentenced to an
12 18 month Probation Order for Assault Occasioning Actual Bodily Harm for an offence of
13 domestic violence. He completed an anger management programme for a second time and
14 successfully completed the Men's Non-Violence Programme having attended thirty out of
15 thirty-four sessions in 2017. The 2 year Suspended Sentence Order for the offences of Common
16 Assault, Damage to Property and Intentional Harassment Alarm or Distress is another domestic
17 violence related offence, the victim being his wife. In 2021 he was convicted for the offence of
18 Disorderly Conduct.
- 19
- 20 36. The Probation Officer states that the offences highlight that the defendant holds an attitude
21 which is supportive of violent and threatening behaviour within the context of an intimate
22 relationship.
23
- 24 37. The defendant is said not to display victim empathy when discussing the incidents and to have
25 implied that the violence was as much instigated by the victim as by himself.
26
- 27 38. The defendant's overall risk of reoffending is assessed as high with five of the eight
28 criminogenic factors in the high category. His specific risk need factors include clear deficits
29 in anger management and with intimidating controlling behaviour. The Officer assesses that
30 the risk posed by him is abusive, threatening and violent behaviour against former, current or
31 future intimate partners.
32

1 39. The Officer says that it is difficult to recommend a community based order in the circumstances
2 and that it is also noted that he was subject to previous periods of supervision by probation. He
3 completed the anger management programme twice and the Men's Non-Violence programme
4 once. Despite seemingly engaging well with these programmes, they appear to have had limited
5 impact in terms of reducing his risk of reoffending. The Probation Officer expresses the view
6 that a period of custody would offer a period of protection to both victims from further
7 victimisation and would also provide the defendant with time to reflect on his actions and to
8 engage with intervention programmes offered at the prison to help him address his offending
9 behavior.



11 CREDIT FOR GUILTY PLEA

13 40. Counsel for the prosecution submits that 25% credit should be afforded for the guilty pleas
14 while Counsel for the defence submits that it should be the full one third.

16 41. Defence Counsel submits that the benefit should be given to an unrepresented defendant with
17 the issues that he has had. The pleas were entered at a time when he did not necessarily
18 appreciate the niceties of entering pleas earlier than he did. Counsel submitted that the
19 defendant entered guilty pleas at an early opportunity and should receive the benefit from this.
20 Additionally, Counsel says that the guilty pleas that were entered by the defendant represented
21 a genuine acceptance of responsibility. They have spared the victims the ordeal of giving
22 evidence at trial.

24 SUBMISSIONS OF THE DEFENCE

26 42. With respect to the sentencing **Guidelines** as they relate to Indictment 92, Counts 1 to 8, defence
27 Counsel submits that the offences are in fact a series of offences and should be considered in
28 the round. It is accepted that the Court may wish to consider the victims separately and may
29 wish to consider whether or not consecutive sentencing may be applicable. Counsel submits
30 however that the total sentence should reflect the severity of the offences while balancing the
31 gravity of the offending with a desperate need for the defendant's rehabilitation.

1 43. With respect to the offences of Assault Occasioning Actual Bodily Harm, Counsel submits that
2 they fall into Category 2 or 3 and that the starting point and range should be adjusted downward
3 to reflect the totality principle and the significant mitigation in this case.

4
5 44. As to Indictment 116, Counsel submits that the most serious offences under this Indictment are
6 the offences of Stalking and Threats to Kill. Counsel submits that the Threat to Kill offences
7 are Category 2 C and the Stalking offence falls into Category 3 C. Counsel invites the Court to
8 treat the offences as a series and apply the totality principle when determining the overall
9 sentence.

10
11 45. In mitigation Counsel submitted that the defendant has obvious undiagnosed and untreated
12 mental health issues either by way of a personality disorder and or anxiety and depression.

13
14 46. Counsel submits that the defendant is now forty five years of age and he is an artist. He is a
15 relatively young man, who strives to achieve through his art and uses his art to express himself.
16 He is also vulnerable due to his obvious untreated and undiagnosed mental health issues. While
17 there is no mental health report, Counsel said that the defendant went to the hospital to see if
18 he could have assistance for his mental health and he tried to get an assessment, but he was
19 unable to get this done because he has no health insurance.

20
21 47. Counsel says that he has a long standing depression and anxiety disorder and his anxiety
22 appears to manifest itself in an obsessive compulsive way. Counsel also says that he has
23 obvious periods when he is functioning perfectly normally however when he becomes anxious
24 and depressed this can manifest itself in ways that are destructive. Counsel notes that the fact
25 that both victims report long term relationships with the defendant shows that he is able to
26 function positively when his mental health is not compromised.



- 1 48. Counsel submits that his mental health was acutely compromised at the material time. He was
2 experiencing a depressive episode which was not adequately medicated and he was under
3 significant psychological stress. Counsel submits that his mental health difficulties are directly
4 related to the offending behaviour and they therefore constitute weighty mitigation.
5
- 6 49. Counsel referred the Court to the United Kingdom Equal Treatment Bench Book and to a
7 number of cases dealing with mental health issues. *R v PS and Others*¹, *R v MW*² and *R v*
8 *Feld*³ and to the general principles as to offenders with mental health conditions. Counsel
9 reminds the Court that as per the *Sentencing Guidelines* such offenders may warrant a different
10 response to imprisonment than those without these conditions, particularly where a custodial
11 sentence would be likely to exacerbate the condition.
12
- 13 50. Counsel submits that the defendant is likely also suffering from an emotionally unstable
14 personality disorder and that if this is confirmed it is clinically recognised as leading to poor
15 impulse control, emotional regulation and interpersonal functioning. This is amenable to
16 therapeutic intervention and it is submitted that the defendant would benefit significantly from
17 structured psychological treatment. Counsel urges that a custodial sentence would delay or
18 frustrate access to treatment and thereby increase rather than reduce the risk of future offending.
19
- 20 51. Counsel submits that the defendant has expressed genuine and profound remorse as to the harm
21 caused to each of the victims. He has apologised and has expressed a real commitment to
22 addressing the factors underlying the offending. This insight is said to be a further mitigating
23 factor.
24
- 25 52. Counsel asks the Court to consider the approach of determining and fixing a notional sentence
26 for the lead offence and thereafter considering whether other sentences would run
27 consecutively or concurrently while ensuring that the overall sentence remains just and
28 proportionate. Counsel invites the Court to consider whether a sentence of immediate custody
29 is necessary. It is submitted that there are factors which strongly favour suspension of any
30 sentence namely :-

¹ [2020] 4 WLR 13

² [2023] EWCA Crim 150

³ [2024] EWCA Crim 59





- i. A realistic prospect of rehabilitation.
- ii. Strong personal mitigation.
- iii. Harm caused by a custodial sentence.
- iv. A community service order would require the defendant to engage with services which are clearly available.

53. Counsel submits that there is a clear treatment pathway available in the community and that there is strong personal mitigation from the obvious mental health issues, early guilty plea and genuine remorse. The defendant is willing to engage in service in the community. Counsel submits also that an immediate custodial sentence of imprisonment is likely to exacerbate both depression and anxiety and his clear personality disorder.

THE SENTENCE

54. This Court accepts that where a defendant has mental health conditions or disorders that these should be taken into account as a significant mitigating factor in terms of sentence. (*Cayman Islands Sentencing Guidelines* 2015).

55. The Court also accepts the submissions of defence Counsel that this defendant may suffer from mental health issues and gives him the benefit of the doubt.

56. However, the Court notes that this is a prolonged and persistent series of domestic violence incidents against two women. This is so serious, the cumulative effect of this offending that it clearly passes the custody threshold. The defendant is at high risk of re-offending. He has anger issues and most importantly previous attempts to rehabilitate him within the community have failed. It is not accepted that there is a clear treatment pathway available to him in the community given this history.

57. The defendant has a history of domestic abuse prior to this offending, and this offending is a continuation of his past behaviour. The Court cannot overlook this. While he is in need of rehabilitative treatment and assistance, there is also a need for deterrence and punishment. There is a clear need to protect women from this defendant. It is not unreasonable to say that

given his history and what has occurred that the defendant presents a danger to women and that this danger will continue until he is effectively treated.

58. The proposed sentences are as set out in the tables below:



Indictment 92/25 – Victim JMS

		Date in 2025	Offence in Penal Code	Maximum Sentence	Category	Starting Point - Months	Add for Aggravating factors – history of domestic violence +6	Reduce for Mitigating Factors 8 to 12 months	Less Credit for Guilty Plea of 1/3rd	Final Sentence-months	
	Count 1	10 th May	Assault ABH - 216	5 years	2 (Prolonged assault)	12	18	10	-3	7	
	Count 2	18 th May	Attempting to Cause GBH – 203 and 318	Life Imp.	2 (Use of weapon)	36 *4	42	30	-10	20	CNS
	Count 5	21 st May	Assault ABH - 216	5 years	2 (Prolonged assault)	12	18	10	-3	7	
	Count 6	1 st to 21 st May	Wrongful Confinement- 222	5 years	3 A (protracted detention)	24	30	22	-7	15	
	Count 7	21 st May	Threat to Kill- 88C	10 years	2 A (campaign of violence)	36	42	30	-10	20	
	Scheduled Offence	10 th May	Damage to property - 267	5 years						Left on file	

Indictment 116/25 – Victim DK

		Date in 2025	Offence in Penal Code/ICT Act	Maximum Sentence-months	Category	Starting Point - months	Add for Aggravating factors - history of domestic violence +6	Reduce for Mitigating Factors - 8 to 12 months	Less Credit for Guilty Plea of 1/3d	Final Sentence	
	Count 1	28 th March	Intentional Harassment – 88A	36	2 A (persistent action)	9	15	7	-2	5	
	Count 2	29 th March	Threat to Kill – 88C	120	2 A	36	42	30	-10	20	

⁴ Starting Point reduced in half because this is an attempt

					History of on going violence						
Count 3	29 th March- 2nd	Threat to Kill- 88C	120		2 A History of on going violence	36	42	30	-10	20	CNS
Count 4	Between 1 st January and 29 th March	Stalking- 155	48		2 B (Conduct intended)	6	12	4	-1	3	
Count 5 C offence	Between 1 st January and 29 th March	Insulting Modesty- 133	36							Treated as scheduled offence – no separate penalty	
Count 6	29 th March	Misuse of ICT - S. 90 of ICTA Act	24		2 A	3	9	1	-1 week	3 weeks	

59. The starting points submitted by Counsel are accepted or explained in respect of each offence. The defendant's history of domestic violence is treated in each case as an aggravating factor.

60. In mitigation everything said and written in the defendants' favour is taken into account, to include his remorse, acceptance of responsibility for his conduct, commitment to undertaking rehabilitative programmes, full personal circumstances and in particular what is said to be his mental state.

61. With respect to credit for guilty plea, the Court accepts the submissions of defence Counsel and the defendant is given the full one third discount in respect of each offence.

62. The Court has considered the **Guidelines** with respect to concurrent and consecutive sentences and the principle of totality and has also considered whether the proposed sentence is proportionate to the offending.

63. In the Court's view some aspects of the sentences must run consecutively given the fact that these are two separate victims.



1 64. Consequently, the sentence on Count 2 on Indictment 92 of 2025 – Attempting to Cause
2 Grievous Bodily Harm of 20 months imprisonment is to run consecutively to the sentence on
3 Count 3, Threat to Kill of Indictment 116 of 2025 of 20 months imprisonment for a total
4 sentence of 40 months imprisonment. All other sentences are to run concurrently.

5
6 65. Time served is to be deducted from his sentence. It is recommended that the defendant receives
7 the appropriate and specific mental health and psychological treatment whilst in custody so that
8 he can be assisted with respect to his rehabilitative needs.

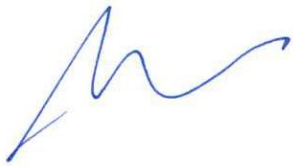
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10 **ANCILLARY ORDERS**
11

12 66. The prosecution has applied for a Protection Order pursuant to s.4 of the *Protection from*
13 *Domestic Violence Act* (2021 Revision) in terms of the draft provided. This draft has been
14 agreed by defence Counsel who also agrees that it is appropriate in these circumstances for the
15 Court to make this Order. The terms are:

- 16 a. The defendant shall not communicate or contact directly, or indirectly, the victims;
17 b. The defendant shall not go within 100 yards of the victims.
18

19 67. The Order is made for the period of three years following the defendant's release from custody.
20

21 **Dated this the 8th day of May 2026**

22 

23 **The Hon. Justice Cheryll Richards KC**
24 **Judge of the Grand Court**