

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

3 **Neutral Citation Number: [2026] CIGC (Crim) 15**

4 **INDICTMENT NO: 141 of 2024**

7 **R**



9 **V.**

11 **NK**

14 **Appearances:** **Mrs. Nicole Petit, Deputy Director of Public Prosecutions for the Prosecution**

15 **Mr. Dennis Brady of Brady Law the Defence**

18 **Before:** **Acting Justice Benjamin Tonner KC**

20 **Submissions Heard:** **30 January 2026**

22 **Sentence Judgment:** **6 February 2026**

27 ***Criminal Law – Sentencing - Assault by Penetration – Indecent Assault - Cayman Islands Sentencing***
28 ***Guidelines.***



SENTENCE JUDGMENT

PREAMBLE

1. Pursuant to s.12 of the *Youth Justice Act* (2021 Revision) and s.31 of the *Criminal Procedure Code* (2021 Revision), this judgment has been anonymised to protect the identity of the victim. It is ordered that there be no reporting which would lead to the identification of the victim in this case.

INTRODUCTION

2. The defendant is before the Court for sentencing following his conviction after trial in relation to five separate incidents, which are reflected in three guilty verdicts of assault by penetration and four of indecent assault. The offending took place across a period of approximately 2 years in relation to the same victim, the defendant's niece-in-law. She was between the ages of 13 and 15.

COUNTS

3. **Count One** charges the defendant with Indecent Assault contrary to section 132 of the Penal Code (2019 Revision). The particulars are that he on a date unknown between the 16th August 2021 and the 16th August 2022, at an address in George Town, Grand Cayman, indecently assaulted a child under the age of 16, namely 13, by touching her breasts.
4. This was the first incident in time. The victim lived in the same yard as her aunt and the defendant, but under a different roof. She went to her aunt's unit to get some food. The defendant spoke to her suggestively about boyfriends, then began groping her breasts, first over her clothing then under her clothing. The victim said he was squeezing her bare breasts and it hurt. She was 13 years old.
5. **Count two** charges the defendant with Indecent Assault contrary to section 132 of the Penal Code (2019 and 2021 Revisions). The particulars are that he on a date unknown between the 16 August 2021 and the 16 August 2022, at an address in George Town, Grand Cayman, indecently assaulted a child under the age of 16, namely 13, by touching and sucking her breasts.



- 1 6. This was the second incident in time. At the same location, the defendant pulled the victim
2 towards him, pushed aside her shirt and sucked on her naked breast.
3
- 4 7. **Count three** charges the defendant with Assault by Penetration, contrary to section 132A of
5 the Penal Code (2019 Revision). The particulars are that he on a date unknown between the
6 16th day of August 2021 and the 16th August 2022, at an address in George Town, Grand
7 Cayman, for the purpose of obtaining sexual gratification intentionally and without consent
8 penetrated the vagina of his niece, a child under the age of 16, namely 13, with his finger.
9
- 10 8. This was the same incident as count 2. The defendant put his hand in the victim's underwear
11 against her wishes. The victim tried to close her legs, but the defendant kept forcing them
12 apart. The defendant succeeded in putting his finger inside the victim. The victim said it hurt.
13
- 14 9. **Count four** charges him with Indecent Assault contrary to section 132 of the Penal Code
15 (2021 Revision). The particulars are that he on a date unknown between the 1st January 2022
16 and 31st December 2022, at an address in George Town, Grand Cayman, indecently assaulted
17 a child under the age of 16, namely 13 or 14, by touching and sucking her breasts.
18
- 19 10. This was the third incident in time. The victim had been sent by another family member to
20 get juice from her aunt's kitchen. The defendant was there, and he woke up. He assaulted her
21 in the kitchen by sucking on her naked breast.
22
- 23 11. **Count five** charges him with Assault by Penetration, contrary to section 132A of the Penal
24 Code (2021 Revision). The particulars are that he on a date unknown between the 16th day of
25 August 2022 and the 16th August 2023, at an address in George Town, Grand Cayman, for
26 the purpose of obtaining sexual gratification intentionally and without consent penetrated the
27 vagina of a child under the age of 16, namely 14, with his finger.
28
- 29 12. This was the fourth incident in time. Once again at the defendant's/aunt's house, the
30 defendant pushed the victim onto a bed. He locked the door behind them. He maneuvered the
31 victim into a position on the bed where she could not get free. The Defendant sat on one of



her hands and restrained the other with his hand. He put his finger in her vagina while she was crying and begging for him to stop.

13. **Count six** charges the defendant with Indecent Assault contrary to section 132 of the Penal Code (2021 Revision). The particulars are that he on a date unknown between the 1st August 2023 and 16 August 2023, at an address in Bodden Town, Grand Cayman, indecently assaulted a child under the age of 16, namely 14, by touching and sucking her breasts.

14. This is the fifth incident in time. Once again, the defendant squeezed and sucked the victim's breasts.

15. **Count seven** charges him with Assault by Penetration, contrary to section 132A of the Penal Code (2021 Revision). The particulars are that he on a date unknown between the 1st day of August 2023 and the 16th August 2023, at an address in Bodden Town, Grand Cayman, for the purpose of obtaining sexual gratification intentionally and without consent penetrated the vagina of his niece, a child under the age of 16, namely 14, with his finger.

ADDITIONAL FACTS

16. During the same incident as count 6, the defendant put his hand in the victim's underwear and put his finger inside the victim.

17. The victim's evidence at trial was that when she was 13 her uncle-in-law started touching her inappropriately.

18. The incidents all took place at the house occupied by the defendant (the victim's uncle in law), the victim's aunt and their young children.

19. During at least one of the incidents, the defendant stated that he wanted to put his penis inside the victim.

20. The victim reported that after the incidents, she felt nasty. She felt the need to take repeated showers, and she cried.



- 1 21. Matters came to light when school staff noticed that the victim’s behaviour had changed, and
2 that the victim was self-harming.
3

4 **VICTIM IMPACT REPORT**

- 5 22. The Department of Community Rehabilitation (“DCR”) has provided a Victim Impact Report
6 dated 27th October 2025 (“VIR”).
7

- 8 23. The victim has experienced significant consequences, including:

- 9 i. Displacement from her home with her grandmother
10 ii. Loss of familial relationships
11 iii. Ongoing emotional distress
12 iv. Adverse impact on her ability to form relationships with men
13

- 14 24. The victim mentioned that a young man has expressed romantic interest in her, and on one
15 occasion he hugged her, which triggered a panic attack. She fears this will impact her ability to
16 form healthy connections with the opposite sex.
17

- 18 25. Following the defendant's arrest, the victim was displaced from her grandmother's home and is
19 now residing with her father, where she sleeps on a sofa in the living room with no personal
20 space or privacy.
21

- 22 26. The victim’s family has distanced themselves from her; some family members have ostracized
23 her and called her a liar, siding with the defendant and supporting his denial of the allegations.
24

- 25 27. The victim reported feeling forced to alter her daily routine. She noted that the defendant and
26 his family reside on the same road as her. She feels she has to go out of her way to avoid
27 encountering them.
28
29
30



1 28. The victim's mental health has been significantly impacted. It was her self-harming that led to
2 the discovery of the offending. She attempted suicide on two occasions and was admitted to
3 the mental health ward in December 2024.

4
5 29. The author of the VIR comments that the ongoing nature of the abuse, the breach of trust by a
6 family member in a position of authority, and the lack of family support have compounded the
7 trauma experienced by the victim.

8 **ASSESSMENT**

9
10 30. The social worker comments that the defendant's actions have negatively impacted the victim
11 on every level—emotionally, psychologically, in her family relationships, her living situation,
12 her mental health, and her ability to form healthy relationships.

13
14 31. As a minor at the time of the offences, the victim was particularly vulnerable. The defendant
15 was her uncle-in-law and lived in close proximity to her, placing him in a position of familial
16 authority and trust.

17
18 **COMPLAINANT'S DESIRE REGARDING SENTENCING**

19
20 32. When asked about sentencing, the victim expressed uncertainty and worry about the impact of
21 the defendant's incarceration on his children (as he is the father of two young boys that live in
22 the Cayman Islands, and two older boys that live in Jamaica).

23
24 33. Despite her uncertainty, the victim feels the defendant should be sentenced to time in prison so
25 that he can reflect on what he has done.

26
27 **PROTECTION ISSUES**

28
29 34. The victim resides in the same community as the defendant and works at a local establishment.
30 She feels she must deliberately avoid areas where she might encounter the defendant or his
31 family.



1 35. The Victim Services Officer recommends protective conditions including that the defendant
2 abide(s) by the conditions of a Sexual Harm Prevention Order.

3
4 **ANTECEDENT HISTORY**

5
6 36. The defendant is 39 years old. He has no relevant previous convictions recorded against him.

7
8 **SOCIAL INQUIRY REPORT**

9
10 37. The DCR has provided a Social Inquiry Report in respect of the defendant dated 30th October
11 2025, (“SIR”). The Court has read the report in its entirety and takes into account everything
12 said therein in favour of the defendant.

13
14 38. The defendant was born in Clarendon, Jamaica. He migrated to the Cayman Islands for work
15 purposes and has lived in the Cayman Islands ever since. He worked up until the time of his
16 remand in custody on 30 Jan 2026. He owns and operates his own construction
17 company. He has, by all accounts, worked hard in the construction business
18 throughout his adult life.

19
20 39. The defendant has been married to the victim’s aunt for 10 years. He has four children
21 (two in Cayman with his current wife, and two in Jamaica). He reports a loving relationship
22 with his sons.

23
24 40. The Probation Officer states that the defendant expressed no remorse or empathy towards
25 the Victim. He maintains his innocence and that another family member has made the victim
26 “tell these lies”.

27
28 41. The defendant was assessed to be at medium risk of sexual re-offending. His overall risk of re-
29 offending was low.

30 **THE SUBMISSIONS**

31
32 42. The maximum penalty for the offences of Indecent Assault and Assault by Penetration is 10
33 years’ imprisonment.



1 43. Both counsel provided written and oral submissions.

2
3 44. The Prosecution referred the Court to the *Cayman Islands Sentencing Guidelines* for the
4 offences of Assault by Penetration and Indecent Assault.
5

6 **ASSAULT BY PENETRATION**

7 **HARM**

8
9 45. For the offence of Assault by Penetration the *Guidelines* provide for three categories of Harm
10 as follows:

11 a. Category 1 Harm has one factor:

12 i. The extreme nature of one or more category 2 factors, or the extreme impact
13 caused by a combination of category 2 factors may elevate to category 1.

14 b. For Category 2 Harm, the factors include but are not limited to:

15 i. Severe psychological or physical harm

16 ii. Prolonged detention/sustained incident

17 iii. The victim is particularly vulnerable due to age and personal circumstances.
18

19 c. Category 3 Harm is applicable where none of the factors in Categories 1 and 2 are
20 present.
21

22 46. The **prosecution** submits that, in relation to each of the Assault by Penetration counts, the
23 Harm is at the level of Category 2 because of:

24 a. Psychological or physical harm:

25 The victim has experienced emotional distress, displacement from her home, loss
26 of familial relationships, mental health crisis including two suicide attempts and



admission to mental health ward with diagnosis of depression, and ongoing fear that impacts her ability to form intimate relationships.

b. The vulnerability of the victim due to personal circumstances:

The complainant was between 13 and 15 years old at the time of the offences, making her particularly vulnerable due to her age.

c. The Prolonged detention/the fact that the incident was sustained:

The abuse occurred over an extended period of approximately two years (from age 13 to 15).

CULPABILITY

47. Culpability A factors include abuse of trust, and the Prosecution submits that the Culpability is at level A because of the abuse of trust.

48. The starting point for a Category 2 Harm, Culpability A offence is 7 years' custody with a sentencing range of 5 to 8 years.

49. **Defence** Counsel invites the court to select the level of Category 3 Harm and Culpability B.

INDECENT ASSAULT

HARM

50. For the offence of Indecent Assault, the Guidelines provide for three categories of Harm as follows:

a. Category 1 Harm includes:

i. "severe psychological or physical harm"



b. Category 2 Harm includes:

- i. Some psychological or physical harm
- ii. Touching of naked genitalia or naked breast
- iii. Prolonged detention/sustained incident
- iv. The victim is particularly vulnerable due to personal circumstances

c. Category 3 Harm:

- i. The Guidelines state that Category 3 Harm is appropriate where factors in categories 1 and 2 are not present.

51. The **Prosecution** submits that the Harm is Category 2 because of:

- a. Psychological or physical harm.
- b. Touching of naked genitalia or naked breasts.
- c. Additional degradation/humiliation:
The repeated nature of the abuse and the victim's inability to escape due to living in close proximity added to the degradation.
- d. Prolonged detention/sustained incident.
- e. Victim is particularly vulnerable due to personal circumstances.

CULPABILITY

52. Culpability A factors include Abuse of trust.

53. The Prosecution submits that Culpability is Category A because of the Abuse of trust.

54. The starting point for Category 2 Harm and Culpability A for Indecent Assault, is 6 years' custody, with a sentencing range of 5-9 years' custody.

55. Defence Counsel invites the Court to select the Category 3B.



1 **PREVIOUSLY DECIDED CASES**

2
3 56. Both Counsel submitted that they did not wish to draw any previously decided
4 cases to the Court's attention.

5 **SUBMISSIONS IN MITIGATION**

6 57. Despite the Court's repeated encouragement for him not to do so, Defence counsel
7 focused his submissions on the defendant's continued assertion of his innocence
8 and sought to advance the reasons why the jury's verdict was incorrect.

9
10 58. In addition, Defence counsel prayed in aid the defendant's good character.

11
12 59. Defence counsel also highlighted the defendant's family circumstances (he has a wife
13 and young children) and business circumstances (he operates his own construction
14 business).

15 60. Counsel for the defence further submitted that the defendant has been faithful in
16 attending Court.

17 61. Counsel submits if a custodial sentence is passed, that Court is asked to temper justice
18 with mercy (in terms of its length).

19 **THE SENTENCE**

20 62. This defendant was in a position of trust towards a young victim. He was her uncle-
21 in-law. He carried out multiple sexual assaults on her over 2 years. Rather than protect
22 her, as a member of his family, he preyed on her for his own sexual gratification. The
23 crimes were discovered when teachers noticed that the victim was self-harming, by
24 cutting herself. The victim was driven to attempt suicide.

25 63. The offending is serious and firmly passes the custody threshold. The defendant's
26 medium risk of sexual reoffending and low risk overall is noted as are all his personal
27 circumstances. Everything said and written in his favour is taken into account. In



1 the Court's view there is nothing in those personal circumstances which would
2 make a sentence of immediate custody avoidable.

3
4 **ASSAULT BY PENETRATION**

5 64. The Court has assessed the harm and culpability of each of the three offences of Assault
6 by Penetration individually and in accordance with the Guidelines. The Court finds that
7 the Harm is at the level of Category 2:

8 a. Severe psychological or physical harm.

9 As the Prosecution rightly points out, the victim has experienced emotional distress,
10 displacement from her home, loss of familial relationships, self-harm from the age
11 of 13, two suicide attempts and admission to mental health ward, and ongoing fear
12 that impacts her ability to form intimate relationships.

13 b. Victim is particularly vulnerable due to personal circumstances:

14 The complainant was between 13 and 15 years old at the time of the offences,
15 making her particularly vulnerable due to her age.
16

17 65. The Court does not find that this was a "prolonged detention/sustained incident"
18 notwithstanding that the Prosecution is correct in its observation that the abuse took
19 place over a substantial period of time. The Court will reflect this feature of the
20 offending in its assessment of the aggravating factors (below).
21

22 66. The level of Culpability is at level A since each offence was an abuse of trust.

23 67. The starting point for 2A offences is 7 years (84 months) custody.
24

25 **AGGRAVATING FACTORS**

26 68. The defendant's lack of remorse is not an aggravating factor.



69. The court does not treat the location of the offence (a place where the victim should have been safe from harm) or the timing of the offences (some of the offences were committed at night) as additional aggravating factors. These matters have already been considered when arriving at the Category of 2A.

70. Likewise, the Court will not treat the fact that the victim was ultimately compelled to leave home as an aggravating factor. This is subsumed within the Court's assessment of the level of psychological and physical harm.

71. The Court does, however, consider it to be a significant aggravating factor that these offences were not isolated but formed a pattern of sexual offending committed over a period of two years. From the starting point of 7 years, the Court adds one year for this factor.

MITIGATION

72. The Court takes into account everything said and written in the defendant's favour, the character references submitted and the defendant's letter to the Court.

73. He has no relevant previous convictions, and the Court will treat him as a man of good character.

74. The Court will deduct 6 months for such matters.

75. The sentence on all three counts of Assault by Penetration are therefore 7 years and 6 months (96 months) each.

INDECENT ASSAULT

76. For the offences of Indecent Assault, the severe psychological or physical harm places these offences in Harm Category 1, and the abuse of trust means they are Culpability A. Category 1A cases have a starting point of 8 years (96 months) custody with a sentencing range of 7 – 10 years.



77. If the Court were to apply the same aggravating and mitigating factors, this would result in a sentence of 8 years and 6 months (108 months). That sentence would be higher than the sentence at which the court has arrived for the Assault by Penetration offences.

78. It is this Court's view that, on the facts of this case, the Assault by Penetration counts are more somewhat more serious than the Indecent Assault counts. Accordingly, and bearing in mind the principle of totality (which the Court will revisit below), the Court has decided that it is appropriate to order "no separate penalty" in relation to the Indecent Assault counts.

CONCURRENT OR CONSECUTIVE

79. Paragraph 6 of the *Cayman Islands Sentencing Guidelines* with respect to concurrent and consecutive sentences provides as follows:

"6.1 Concurrent Sentences

It is wrong in principle to impose sentences to run consecutively where those offences, though distinct in law, arose out of a single act so that the overall criminality for the offender can be represented by concurrent sentences.

Concurrent sentences will ordinarily be appropriate where:

- a) Offences arise out of a related incident or facts.*
- b) There is a series of offences of the same or similar kind especially when committed against the same victim.*

Where concurrent sentences are passed, the sentence should reflect the overall criminality involved. The sentence should be appropriately aggravated by the presence of the associated offences and thus the court may increase sentence for the principal offence to reflect the gravity of conduct:

6.2 Consecutive Sentences

Consecutive sentences will ordinarily be appropriate where:

- a. Offences arise out of unrelated facts or incidents.*
- b. Offences are of the same of similar kind but where the overall*



criminality will not sufficiently be reflected by concurrent sentences for example:

- i. Where offences are committed against different victims.*
- ii. Where sexual offence or domestic violence are committed against the same individual.*
- iii. Where the offender commits the same or similar offence after being arrested for the original offence.”*

80. The Court has already aggravated the Assault by Penetration sentences due to the presence of associated offences against the same victim over a period of time. The Court considers it appropriate that the sentences run concurrently.

TOTALITY

81. The Court has given consideration to the totality principle and to whether the proposed sentence of 7 years and 6 months (96 months) is proportionate to the gravity of the offending. The Court considers that it is. The defendant repeatedly assaulted his young niece-in-law over a period of 2 years. The sentence is entirely justified.

82. Time served is to be taken into account.

SEXUAL HARM PREVENTION ORDER

83. The prosecution applies for a Sexual Harm Prevention Order (“SHPO”) to be activated on today’s date for a period of 20 years. This is not opposed by the defence.

84. This Court is satisfied that a SHPO is necessary for the public’s protection and the protection of the victim.

85. Notwithstanding the reasons put forward by the Crown for (a) the duration of the SHPO and (b) the date of its activation, and notwithstanding the fact that defence counsel does not object to the length of the SHPO proposed by the Crown, this Court considers it more appropriate that the Court makes an order for a period of 10 years following the defendant’s release from prison. Paragraph 10 of the Crown’s draft order is amended

1 accordingly. The Crown's draft is otherwise approved, and an order is made in those terms.

2 86. The defendant has been advised of the nature of the order and the possible
3 consequences of any breach.

4
5 **Dated this, the 6th day of February 2026**
6

7  _____

8 **Justice Benjamin Tonner KC**
9 **Acting Judge of the Grand Court**