

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

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4 **Neutral Citation Number: [2025] CIGC (Crim) 73**
5 **IND. No: 55 of 2024**
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8 **REX**

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12 **Jeremy Darl Manderson**
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15 **Appearances:** **Mr. Scott Wainwright for the Crown**
16 **Ms. Amelia Fosuhene for the Defendant**
17

18 **Before:** **Justice Dale Palmer (Actg.)**

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20 **Sentence Hearing:** **10th October 2025**

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22 **Sentence Judgment:** **31st October 2025**
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25 **HEADNOTE**

26 *Criminal Law – Sentence Indication – Causing Grievous Bodily Harm with*
27 *intent*
28

29 **SENTENCE JUDGMENT**



INTRODUCTION

1. The Defendant, Jeremy Darl Manderson, was arraigned on an indictment originally charging him with attempted murder, contrary to section 194 of the *Penal Code* (2024 Revision) in the Grand Court on June 7, 2024, when he entered a plea of not guilty. Trial was initially fixed for November 25, 2024, and then for February 3, 2025 when the matter could not be reached due to other business. On February 4, 2025, a jury was empanelled and the following day, the defendant made an application for a “Goodyear” sentence indication for plea to the lesser offence of Causing Grievous Bodily Harm With Intent, contrary to section 203 of the *Penal Code* (2024 Revision).
2. The Crown opened to the facts of the case, the CCTV footage of the incident was shown, and the Court made an indication of a maximum sentence of 11 years imprisonment. He having entered a guilty plea the defendant now falls to be sentenced on the lesser count of causing grievous bodily harm with intent.

SUMMARY OF FACTS

3. Shortly before midnight on Monday, May 20, 2024, officers from the Royal Cayman Islands Police Service (RCIPS) were on mobile patrol in the vicinity of the Jungle Bar; located in the Trafalgar Place Plaza, at the Northern end of the West Bay Road, close to the public beach. Upon entering the parking lot of the bar, officers observed a male lying on his back in the parking lot. His face and head area were covered in blood, and there was a pool of blood close to his head on the ground. The man was seriously injured, with the left side of his face swollen and bruised, his left eye swollen shut and the top of his head bore visible open wounds. The man was found to be unresponsive. He was later identified as the victim, Ernie Ebanks.
4. Officers administered emergency medical treatment to Mr. Ebanks and paramedics were called to the scene. He was thereafter transported to the George Town Hospital and later examined and treated by a Consultant Neurosurgeon. CT scans revealed multiple fractures to his skull and facial bones. He was admitted to the critical care unit where he was placed on a ventilator, which was discontinued on May 26, 2024 and he was discharged from the hospital on the June 4, 2024. He travelled to Miami, Florida to continue his treatment and care.



- 1 5. Mr. Ebanks awoke unable to recall anything from the incident, but part of the
2 incident was captured on CCTV footage retrieved from the parking lot outside the
3 bar. It showed Mr. Ebanks, being knocked to the ground by what appears to be a
4 punch from a male wearing $\frac{3}{4}$ length pants and a dark coloured short sleeved top.
5 This other man, identified as the defendant, was seen to repeatedly stamp on Mr.
6 Ebanks's head and face during an assault that lasted for approximately 2 $\frac{1}{2}$ minutes.
7
- 8 6. The CCTV footage then captured the defendant leaving in a silver-coloured Honda
9 Fit vehicle. Approximately 45mins later, a silver Honda Fit was stopped in the
10 parking lot of the Strand plaza off the West Bay Road, a relatively short distance
11 from the scene of the incident. The defendant, Mr. Manderson, was the driver of the
12 vehicle and a male, Jordan Manderson, was in the passenger seat of the vehicle. Both
13 males appeared to be intoxicated and were resistant and belligerent towards the
14 police. The defendant was observed wearing $\frac{3}{4}$ length pants and a dark coloured
15 short sleeved top, and had what appeared to be a fresh injury to the knuckles of his
16 right hand. The defendant was arrested and taken into police custody. His clothing
17 was also seized.
18
- 19 7. DNA profiles were taken from the defendant and the victim, extracted from their
20 mouth swabs. A number of blood stains were identified on the defendant's clothing
21 he was wearing when arrested and upon analysis, DNA profiles were extracted from
22 the bloodstaining that matched that of Mr Ebanks. Slippers and socks being worn by
23 the defendant at the time of arrest also bore Mr. Ebank's DNA profile. A white T-
24 shirt was recovered from the scene that bore several bloodstains that bore DNA
25 profiles linked the defendant and the victim. DNA profiles linked to the victim were
26 also linked to blood stains found on the pedals of the vehicle driven by the defendant,
27 as well as on the passenger side footwell of the said vehicle.
28
- 29 8. In his letter to the Court, Mr Manderson said that the complainant made an advance
30 to him and assaulted him resulting in him losing control. The suggestion is that in
31 view of a sexual assault the defendant alleged that he suffered as a child, the alleged
32 sexual assault at the bar triggered a reaction. He states that he "blacked out" and lost
33 control and did not intend to cause the grievous injuries he did. He indicated further
34 in his letter to the court that he has engaged in counselling while on remand, is
35 remorseful about what occurred, and was seeking a non-custodial sentence or one
36 that placed emphasis on his rehabilitation.



VIR

9. Mr. Ebanks, by order of this court, was interviewed for preparation of a victim impact report. He recounted that his last memory before the incident was that he was headed to the Jungle Bar on the night in question. He recalls waking up in the George Town Hospital and subsequently learnt that he was initially unconscious when he was admitted and for the first three days after his admission. As reported by Mr. Ebanks, he spent a total of nine days in the George Town Hospital before he was transferred to the Baptist Hospital in Miami, Florida, for further medical treatment. Mr. Ebanks underwent a 5-hour surgery on his left jaw, which was broken from the incident. He awoke from the surgery with stitches around his eye and was told that titanium screws were inserted into his jaw from the inside of his eye. He said that his teeth were wired for about six weeks.

10. Mr. Ebanks disclosed that although he spent two months in Miami, he was admitted in the hospital for about one week. Afterwards he stayed at a private residence from where he travelled back and forth for his follow up doctors' appointments. Mr. Ebanks also reported that after the initial two months, he returned to the Cayman Islands; however, he went back to Miami shortly afterwards to have the wire removed from his teeth.

11. In relation to the financial impact, Mr. Ebanks said that his insurance covered the cost of surgeries and a few of the doctors' visits, but after the wire was removed from his mouth, he had to pay out-of-pocket. Mr. Ebanks also shared that he engaged in counselling sessions with a psychologist and saw a psychiatrist. He reported that he paid for these services out-of-pocket, for a total of approximately \$18,000.00 CI.

12. Mr. Ebanks stated that he was off from work for a total of four months, which though a substantial period of time, was shorter than his doctor had recommended as he was eager to return to a routine and did not want to remain home alone. He expressed that the attack has made a drastic change to his life, to include psychological trauma as he is now less sociable, suffers anxiety and has problems sleeping.

13. Physically, he continues to suffer numbness of the upper and lower teeth and must eat soft foods. Psychologically, he endures anxiety, sleep disturbance, and reduced sociability. He stated, "I am not the same person ... I used to be." He remains hyper-vigilant about his safety and wary of going out socially.



- 1 14. Mr. Ebanks shared that his immediate family members were also impacted. He
2 informed that his wife took time off from work to accompany him overseas and to
3 help take care of him. He disclosed that she was off work for a total of three months,
4 during which time she did not receive a salary. He divulged that his daughter shared
5 with him her fear that he would not remember her when he came out of the coma.
6

7 **SOCIAL INQUIRY REPORT (SIR)**

- 8 15. The SIR, provides important context regarding the defendant's background, personal
9 history, and rehabilitative prospects. The defendant, Jeremy Darl Manderson Jr., is
10 a young Caymanian in his early twenties who experienced significant instability
11 during childhood. He disclosed that he was sexually assaulted by a relative at a
12 young age and never received formal psychological support or counselling related
13 to that event. The report describes the long-term impact of this trauma, noting
14 symptoms consistent with post-traumatic stress disorder and heightened sensitivity
15 to perceived sexual provocation.
16

- 17 16. The defendant left secondary school early and has since held short-term or casual
18 employment in the hospitality and service sectors. At the time of his arrest, he was
19 unemployed and living with family members. Family relations are described as
20 strained but supportive; his mother expressed concern for his emotional wellbeing
21 and his tendency to withdraw when distressed.
22

- 23 17. The report notes that the defendant occasionally consumes alcohol but does not have
24 a pattern of dependency. On the night of the offence, he had been drinking socially
25 but did not consider himself intoxicated. The probation officer expressed the opinion
26 that his violent reaction was impulsive and likely linked to a trauma reactivation
27 triggered by the victim's alleged sexual advance.
28

- 29 18. The defendant expressed remorse and accepted that his actions were wrong and
30 disproportionate, though the officer observed some tendency to externalize blame by
31 focusing on the victim's conduct. He has since engaged in counselling and anger
32 management programmes while on remand and is regarded as receptive to
33 psychological intervention, with a good prognosis for rehabilitation.
34
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1 19. Risk assessment using the LS/CMI tool placed him in the medium-risk category for
2 reoffending, driven largely by unresolved trauma and emotional regulation
3 difficulties rather than a pro-criminal orientation. The report recommends continued
4 trauma-focused therapy and structured psychological support both during custody
5 and following release. The probation officer concludes that the gravity of the offence
6 and the need for public protection make a community-based or suspended sentence
7 inappropriate in this case.

8 9 SUBMISSIONS

10 Crown

11 20. The Crown reminded the Court that the maximum penalty for an offence of causing
12 grievous bodily harm with intent under section 203 of the **Penal Code** is life
13 imprisonment. Relying on the *Cayman Islands Sentencing Guidelines* on Violent
14 Offences, the prosecution submitted that this case properly falls within Category 1 –
15 involving greater harm and higher culpability. Greater harm because the injuries
16 were serious in the context of the offence, and higher culpability due to the use of a
17 shod foot and the prolonged and repeated nature of the assault.

18
19 21. Category 1 classification of offences, the Crown noted, carry a starting point of 12
20 years' imprisonment with a range of 9 to 16 years. The Crown further identified
21 several aggravating features:

- 22 • the public location of the assault in the car park of licensed premises where
- 23 members of the public were likely to be present;
- 24 • the timing of the attack, occurring shortly before midnight;
- 25 • the defendant's failure to comply with existing probation orders, having been
- 26 placed on a 15-month order only two months prior for drug-related offences; and
- 27 • his relevant antecedents, including a previous conviction for common assault for
- 28 which he was ordered to pay compensation.

29
30 22. As to credit for his plea, the prosecution submitted that the defendant should receive
31 no more than the minimal 10% reduction applicable to a plea entered ostensibly at
32 the door of the court, since he had consistently denied responsibility for the assault
33 until trial, and no earlier indication of an intention to plead guilty to a lesser offence
34 was given.



Defence

23. Counsel for the Defendant submitted that Mr. Manderson was originally charged with attempted murder but entered a guilty plea to the alternative count of causing grievous bodily harm with intent under section 203 of the *Penal Code* (2024 Revision) on February 5, 2025, immediately after the alternative count was added to the indictment. This followed a Goodyear indication that the likely sentence would not exceed eleven years' imprisonment. The defence accepted the general accuracy of the prosecution's summary of facts but highlighted two evidential limitations:

- the CCTV footage was unclear and without audio, leaving uncertainty as to the precise sequence and nature of the exchange; and
- the complainant's loss of memory prevented independent verification of how the altercation began.

24. In mitigation, it was submitted that the defendant has endured a deeply troubled upbringing, marked by instability and the impact of a sexual abuse he suffered as a child. It was contended that the sexual advance allegedly made by the victim on the night in question triggered a traumatic response, causing the defendant to react violently in a moment of panic rather than with intent to cause grievous harm. Counsel submitted that the complainant was intoxicated, and the CCTV footage shows that it was he who approached the defendant, not vice versa.

25. The defendant's letter to the court was said to demonstrate genuine remorse and insight into the wrongfulness of his actions. He described his difficult background, the violent loss of close family members, and the absence of prior counselling, for his trauma. Counsel noted that Mr. Manderson is a young man in his early twenties, with no prior experience of extended imprisonment, and who has since received counselling and acknowledged that his reaction was wrong. The defence abandoned an earlier intention to obtain a psychiatric report, noting that his issues were psychological rather than psychiatric in nature and that he has already availed himself of prison-based therapy.

26. The court was urged that in tempering punishment with mercy, to take into account the defendant's youth, remorse, guilty plea, and history of trauma, and to give him full credit for entering his plea promptly after the relevant count was added. Counsel emphasised that each case turns on its own facts, and that while the guidelines are



useful, the unique psychological and factual context here warranted a substantial reduction from the indicated sentence of eleven years.

THE LAW

Assault occasioning actual bodily harm

27. Section 203 of the **Penal Code** (2024 Revision) states:

A person who, unlawfully and maliciously, by any means, wounds or causes grievous bodily harm to a person with intent to do grievous bodily harm to any person or with intent to resist or prevent the lawful apprehension or detainer of any person, commits an offence and is liable on conviction to imprisonment for life.

“Goodyear” indication

28. The procedure by which a defendant can obtain such an indication is governed by the decision in *Goodyear* [2005] EWCA Crim. 888; [2005] Cr. App. R. 20. The judge should only consider giving an indication as to the maximum sentence where there is agreement between the crown and the defence about the basis of plea. The agreed basis of the plea was as follows:

1. *The defendant accepts that he was the person who assaulted Ernie Ebanks on Monday, 20th May 2024 outside of Jungle Bar, West Bay Road, Grand Cayman.*
2. *The defendant accepts that his behaviour was wrong and enters a guilty plea on the basis that he used both his hands and feet to assault Mr Ebanks.*
3. *The defendant had been drinking "Wray and Nephews" in the hours and minutes before he was approached by Mr Ebanks.*
4. *Following an exchange between the defendant and Mr Ebanks, the defendant reacted. However, he accepts that his reaction in assaulting Mr Ebanks was not proportionate to what occurred in the exchange between them.*
5. *The defendant agrees he was interviewed by the police on 27th May 2024 in his interview he stated he did not attempt to murder anyone, however, he also said he did not assault anyone. He did indicate that he had been assaulted.*
6. *It is also agreed that the Defendant provided a second statement to the police on 2nd of June 2024, a copy is attached. The truth of the content within that statement is not agreed between the prosecution and the defence. It is attached only for the purpose of this Goodyear application, and it is brought to the attention of the court because it is what provided by the defendant.*

29. Most sentence indications are made prior to trial but this indication was made after a jury had been empanelled. The facts of the case having been opened, and the court having viewed the CCTV footage of the incident in question, an indication of a maximum sentence of eleven years imprisonment was given. A second and alternative count of Causing grievous bodily harm with intent, contrary to section



203 of the *Penal Code* (2024 Revision) was added to the indictment. A guilty plea was then entered to that count. The prosecution indicated that the plea to count two was acceptable in full satisfaction of the indictment. Count one will be disposed of at the point of sentence.

SENTENCING GUIDELINES

30. In determining the category in which this assault falls to arrive at a suitable sentence, is in the Cayman Islands Sentencing Guidelines for Violent Offences, gives direction based on the level of harm and culpability of the defendant. Regarding harm, it seems there is no dispute that the facts of this case fall within greater harm according to the guidelines, as the injury, which is serious in the context of the offence, also includes significant psychological harm to the victim and his family.

31. Where the parties' views diverge is as to whether the facts of this case fall within the category of higher or lower culpability. The factors that point toward higher culpability are that the defendant used a shod foot, wearing rubber slippers later found to be stained with the victim's blood, and that the assault—lasting approximately two and a half minutes—was particularly vicious and prolonged, even in the context of his claim to have lost control following a perceived sexual assault, during which the victim is not seen to offer resistance. Although he asserts that he “blacked out” during the incident, he nevertheless drove away from the scene, leaving the victim severely injured and unconscious, with the victim's blood still on his clothes and slippers. As it relates to lower culpability the main factor that weighs in its favour is the fact that from all indications, the assault lacked pre-meditation and there appears to be an element of provocation according to the defendant's account.

32. I believe the facts fall within a categorization of category 1; greater harm and higher culpability, with a starting point of 12 years in custody and a range of between 9- and 16-years imprisonment. The guidelines outline several additional mitigating and aggravating factors to consider in determining length of sentence. The following are additional aggravating factors relevant to the facts of this case:

- The location of the offence;
- Timing of the offence;
- Additional mental and physical suffering inflicted on the victim above the necessary for commission of the offence;

- Failure of comply with current court orders including license or post sentence supervision;

The following additional mitigating factors from the guidelines also apply:

- Remorse;
- Isolated incident.



THE SENTENCE

33. The victim suffered catastrophic and potentially life-threatening injuries that required major surgery, prolonged hospitalization, significant time away from work with a lasting physical and psychological impact on him. While the assault was especially violent, there is nothing to indicate that there was premeditation. According to the defendant's account the assault was a spontaneous reaction to a sexual provocation, against the backdrop of his prior history of sexual abuse.

34. The following the aggravating factors relevant to the facts of this case:

- The incident occurred at a publicly accessible area.
- The incident occurred close to midnight.
- The violent nature of the assault resulted in physical and psychological injury above that necessary for the commission of the offence. The severity of the injuries inflicted resulted in major surgery and months of recovery. The victim has lingering psychological trauma from the incident.
- The victim was left severely injured and in a pool of his own blood after the incident for an undetermined period of time and the outcome could well have been worse but for the intervention of the emergency services.
- The defendant was on a probation order at the time of the commission of the offence.
- Accused antecedent history - Though it seems the accused had never been to prison, he was previously convicted for assault.

35. The following mitigating factors are considered:

- The defendant expressed remorse at the degree of injury he inflicted and says that was never his intention.
- The incident was an isolated incident.



- The defendant is young and the incident was a spontaneous reaction;
- The defendant was the victim of a sexual assault that appears to have caused a trauma response in him during the incident.
- He has good family support, which contributes to the good prospects for rehabilitation.

36. All the factors identified above do not take into consideration the significant financial loss suffered to complete his medical treatment. This is further aggravated by the fact that he has a prior conviction for a common assault for which he was fined, and he was on probation and community service for drug possession just two months before this incident. With a starting point of 12 years, the factors referred to above serve to aggravate the offending by 2 years for a total of 14 years imprisonment.

37. The SIR paints the defendant as a young man that has had an unstable upbringing, made the more difficult by the sexual assault he suffered as a child. It shows that he received counselling and anger management and as such his prospects for rehabilitation are high. He has expressed his remorsefulness at what occurred, though the SIR suggests that he seems to place more blame for what occurred on the victim than on his own lack of control. I do take note of his age, that this was an isolated incident involving this complainant and that he has good family support. It was also indicated in the plea in mitigation, the willingness of his brother to help him to embark on a possible business venture so that he is gainfully engaged upon his release from custody. The factors when considered mitigate the sentence by 3 years to 11 years imprisonment.

38. Consideration must be given to the fact that the plea was offered at a very late stage of the proceedings; after the jury had already been empanelled. It is noted by counsel who appears for him that his plea was promptly offered after the indictment was amended to add the second count. The Crown's submission is for a reduction of no more than ten percent (10%), while Defence, while not stating a specific amount, seeks a more significant reduction from the eleven years stated in the *Goodyear* indication.

1 39. The sentence of eleven (11) years is reduced by 9% for a total of 10 years
2 imprisonment at hard labour. He is of course entitled to be credited for time spent in
3 custody, which would be from May 20, 2024 when he was taken into custody. The
4 sentence of this court is 10 years imprisonment at hard labour for count 2 on the
5 indictment, with credit to be given for time spent.

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8 **Dated this the 31st October 2025**
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11 **JUSTICE DALE PALMER**
12 **ACTING JUDGE OF THE GRAND COURT**