

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

3
4 **Neutral Citation Number: [2025] CIGC (Crim) 75**
5 **IND. No: 108/2024**
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8 **REX**

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12 **ORLANDO ROY SIMPSON**
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15 **Appearances:**

Mr. Orrett Brown for the Crown

16
17 **Ms. Crister Brady for the Defendant**
18

19 **Before:**

Justice Dale Palmer (Actg.)

20 **Submissions heard:**

4th July 2025

21
22 **Sentence Judgment:**

1st August 2025
23
24

25 **HEADNOTE**

26 *Criminal Law – Rape - Assault – Threats to Kill – Application of the Cayman*
27 *Islands Sentencing Guidelines*

28
29 **SENTENCE JUDGMENT**
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33



COMPLAINANT'S ANONYMITY

1. By virtue of section 31 of the **Criminal Procedure Code** (2021 Revision) ('CPC') the publishing or broadcasting of the matter in a way to cause the public to identify the complainant is restricted as follows:

"Anonymity of complainants in rape etc. cases:

31. (1) After a person is accused of a rape [etc.] offence, no matter likely to lead members of the public to identify a woman as the woman against whom the offence is alleged to have been committed shall be published in a written publication available to the public or be broadcast, except as authorised by a direction of the court.

(2) ...

(3) ...

(4) ...

(5) If any matter is published or broadcast in contravention of subsection (1), the following persons

(a) in the case of a publication in a newspaper or periodical, the proprietor, editor and publisher of the newspaper or periodical;

(b) in the case of any other publication, the person who publishes it;

(c) in the case of a broadcast, any person having functions, in relation to the programme in which it is made, corresponding to those of an editor of a newspaper,

commit an offence and are each liable on summary conviction to a fine of one thousand dollars. "

2. As indicated at the time of delivery of the verdict judgment that I took the view that the charges against the Defendant fall within this section and therefore my prior order that there should be no publication in whatever form of the identity of the victim in this case. Accordingly, the identity of the victim has been anonymised.

BACKGROUND

3. The Defendant was convicted on 28 March 2025, after a trial by Judge Alone was held in January 2025 in relation to Indictment 108 of 2024 which contained three counts as follows:

- **Count 1 – Assault Causing Actual Bodily Harm:** Contrary to section 216 of the **Penal Code** (2024 Revision).



- **Count 2 – Rape:** Contrary to section 127 of the *Penal Code* (2024 Revision).
- **Count 3 – Threats to Kill or Cause Serious Harm:** Contrary to section 88C of the *Penal Code* (2024 Revision).

4. The facts relating to Count 1 emanate from an altercation between the parties in July 2024 during which the Defendant assaulted the victim resulting in injuries to her face and pain to her breast. The Defendant accused her of infidelity, a vein that repeatedly runs throughout this case, and spat on her during the incident. When the Defendant left the home to proceed abroad, the victim left the Defendant's home and relocated to other premises, the location of which she did not share with the Defendant. This assault was the subject of Count 1.

5. Count 2 and Count 3 relate to events that occurred on the evening of 30 August 2024. After the July incident the victim continued to speak to with the Defendant via the telephone and had been promising to return. It was evident from her testimony that she had conflicting emotions regarding the Defendant but was fearful about resuming the relationship. He was still very integrated into her life – with a close relationship with her boss, her father and brother and he was the reason she had come to the Cayman Islands to begin with. She continued to promise that she would return and gave the impression that she had been living with her boss, both of which he discovered were untrue.

6. When he discovered that she had deceived him as to where she was living, the Defendant invited assistance from a friend to determine where the victim was living. He hid in the car of his friend as they patrolled the vicinity of the victim's route home. When she was seen, she was trailed home and he did further investigation and discovered that the property was owned by an individual about whom the two had had arguments previously.

7. On 30 August 2024 he waylaid her near where she would disembark from public transportation after work and she hid inside an establishment - she having caught on to the fact that she was being followed. The Defendant stated at trial that he got frustrated when he saw that she had stayed way too long inside the establishment and drove with his friend to where he had previously discovered the victim was living. He waited in the darkness and approached her from behind armed with a sharp



object that he placed at her neck and threatened to do her serious harm. Mindful of her 'special needs' 14-year-old son, and in fear for her life, she allowed the Defendant into the apartment. On entering the apartment, the Defendant discovered that TM had packed nothing to return to 'home' to him, despite her assurances, which also confirmed his suspicion that she had found someone else.

8. The Defendant demanded sex from the victim, which she said she submitted to because of the earlier threats. From her evidence it was clear that she saw this as an escalation as, despite prior physical altercations, she did not know him to carry or use knives in the past.

9. After he had sexual intercourse with her without her consent, he spent the night at her apartment during which he took charge of her cellular phone which he monitored and inspected to obtain proof of her suspected infidelity. He also called her brother complaining of all that had transpired. She remained with him for the weekend after they went to his home. On the following Monday morning, she went to the police and reported the matter. The Defendant was arrested and later charged.

10. After the charge, the Defendant and different members of his family contacted the complainant by telephone, urging her to bring an end to the proceedings. At that time the complainant was still undergoing counselling for the incidents that are the subject of the charges. She says she capitulated and agreed that she had not told the police that the Defendant had raped her and threatened her with the knife or sharp object. She maintained however at trial, and it was accepted, that she did so to get them to stop harassing her. The Defendant was convicted of all three counts on the indictment.

11. A Social Inquiry Report (SIR) and a Victim Impact Report (VIR) were ordered after the Defendant was convicted, to assist the court in the process of sentencing.

VIR

12. TM indicated that she is traumatised due to the incident and expressed that she feels very afraid of the Defendant. She revealed that she was deeply affected and had lost weight due to the experience. She expressed that she has been left paranoid and experienced anxiety attacks. She said she was constantly looking over her shoulder



1 and living in fear. TM asserted that the ordeal has resulted in a change to her daily
2 life.

3
4 **SIR**

5 13. According to the SIR, the Defendant is a 46-year-old Jamaican national who has
6 resided intermittently in the Cayman Islands since 1999 and most recently returned
7 in 2017 for employment in the construction industry. At the time of his remand, he
8 was gainfully employed under a work permit that expired in June 2025.

9
10 14. The Defendant's early life in Jamaica was marked by significant hardship and abuse,
11 in particular severe physical abuse at the hands of his father. According to the report
12 the Defendant said he would be struck by garage tools and was regularly kept out of
13 school to assist with chores and vehicle repairs. Because of this unstable and
14 traumatic upbringing, he exited formal education at grade eight to enter the world of
15 work at the age of 16. He is only functionally literate but managed to learn carpentry
16 and has maintained steady employment as a mason for close to three decades. He
17 has no known prior convictions, either in this jurisdiction or in Jamaica.

18
19 15. The Defendant has three adult children and maintains what appears to be a close
20 relationship with his family, particularly his sister and mother, both of whom
21 provided supportive character references. Several reference letters described him as
22 kind-hearted, family-oriented, and helpful to others. Prior to his remand into custody
23 upon conviction, he reported having steady earnings and maintained his household
24 expenses with support from his adult son, with whom he co-habited for a period.

25
26 16. The Defendant characterised his relationship with TM as being "on-again/off-again"
27 and spanning approximately twelve years - beginning in Jamaica and continuing in
28 the Cayman Islands. He acknowledged being unfaithful during their relationship –
29 seeing up to four women concurrently with TM. While he initially denied any history
30 of domestic violence, he acknowledged that the RCIPS had been contacted in
31 circumstances where he refused to return TM's cell phone – which is an example of
32 the type of controlling behaviour that appears to have characterised their
33 relationship.



17. In relation to the present offences the Defendant has continued to maintain his innocence and insisted that the sexual interaction with TM was “make-up sex” following a period of estrangement from her. The Defendant reiterated his view that the complainant’s report was motivated by a desire to preserve another relationship and/or to retaliate for his infidelity. He denied threatening the complainant or confining her against her will and maintained a sense of disbelief at the charges. These comments echoed sentiments the accused expressed at trial; especially regarding TM’s motive to lie and his suspicion about her involvement in another relationship.

18. The SIR refers to a tendency by the Defendant to minimise the seriousness of the offences, and to shift blame from himself onto TM. The assessing officer noted that the defendant appeared unable to appreciate the trauma experienced by TM. He complained of the stress, anxiety and shock he experienced due to the court proceedings, which he believes have their true genesis in TM’s malicious feelings especially resulting from his repeated indiscretions. The offender was assessed as having a low-risk rating for future sexual and violent offending, but a medium risk for repeating the anti-social pattern.

19. The report points out several aggravating features, including:

- The offender's denial of responsibility despite compelling evidence and a finding of guilt;
- His lack of empathy at the victim’s experience;
- His history of controlling and emotionally abusive conduct within the relationship;
- The calculated nature of the offence, which involved tracking her down, threatening and confining the victim.

20. Mitigating features highlighted in the SIR were as follows:

- He has no previous criminal convictions and was assessed as being at a low risk for future offending;
- He has maintained lawful employment for many years and contributed meaningfully to his household and extended family;
- He suffered significant abuse and deprivation during his formative years, which may have impaired his emotional development and capacity to form healthy intimate relationships;



- His support network, particularly from his immediate family, remains intact, and several references attest to his otherwise non-violent nature in prior relationships.

21. The report recommends that the defendant would benefit from rehabilitative interventions, including the Sex Offender Treatment Programme (SOTP) and the Interpersonal Relationship Enhancement and Awareness Programme (IREAP). It further suggests that a Sexual Harm Prevention Order (SHPO) be considered, and that any sentence should include restrictions prohibiting contact with the victim, whether directly or indirectly, and maintaining a minimum distance of 100 feet from her.

ANTECEDENT HISTORY

22. The defendant is now 46 years old and has no prior offences recorded against him in Jamaica or in the Cayman Islands.

CROWN SUBMISSIONS

23. The Crown submits that the custodial threshold is clearly passed in respect of all three offences for which the defendant was convicted. The serious nature of the offences, in particular, that of rape, it was submitted, warrants an immediate custodial sentence to reflect the gravity of the offences and to take account for the sentencing principles of deterrence, punishment, and prevention.

24. **Rape**, it was submitted falls is under Category 2 Harm and Category A Culpability, based on the *Cayman Islands Sentencing Guidelines: Sexual Offences (April 2020)*. The justification for Category 2 Harm, it was submitted, includes the following:

- Prolonged detention/sustained incident – The complainant was under the defendant’s control from Friday through to Monday morning.
- Forced or uninvited entry into the complainant’s home – The complainant had not disclosed her new location to the defendant, who did not know where she lived until he followed her home.
- Threat of violence - the defendant waylaid the complainant in the dark at her apartment and pounced on her with a bladed item that he placed at her neck.



25. The factors that were relied upon by the Crown to support Category A Culpability are as follows:

- A significant degree of planning, including watching, following, and lying in wait for the complainant.
- Prior violence against the victim from the July incident (for which the defendant has been convicted of assaulting her).

Given this categorisation (2A), the starting point it was submitted, is 20 years' imprisonment, with a sentencing range of from 15 to 24 years.

26. ***Threat to kill or cause serious harm***, it was submitted, falls within Category 2 Harm and Category A Culpability. To support a category 2 Harm, it was submitted that the complainant experienced psychological distress and emotional trauma from the incident (as she referred to in the VIR), and regarding Category A degree of Culpability, it was submitted that the following conduct on the part of the defendant contributed to this higher culpability classification:

- Use of a weapon – TM stated that a knife or bladed weapon was put to her neck.
- A history of violence towards the complainant.

According to the Guidelines, a 2A categorisation for this offence yields a starting point of 3 years and a range of 1 to 4 years' imprisonment.

27. ***Assault Occasioning Actual Bodily Harm*** is categorised as lower harm and lower culpability:

- The injuries were relatively minor in the context of the offence.
- The assault did not appear to be premeditated.

The Guidelines prescribe a starting point of a Community Order, with a range from a fine to 12 months' custody.

28. The Crown highlights several aggravating features common to or associated with the offences:

- The domestic context in which the violence occurred;
- The victim had to leave the home after the incident;
- There had been prior instances of abuse, according to the evidence of the complainant.



29. Regarding sentencing structure and totality, the Crown submits that the sentences for Count 2 (rape) and Count 3 (threat to kill) may properly be ordered to run concurrently, as they arose out of the same incident, but that they should run consecutive to Count 1 (assault). It was however acknowledged that given the likely sentence for Count 2, the court would not be faulted in ordering the counts to run concurrently, especially in view of totality principle of sentencing.

30. It was contended that the primary mitigating feature for the defendant is the fact of him having no convictions recorded against him and having proceeded to trial, is not entitled to any discount for a plea of guilty. It was also acknowledged that he is entitled to credit for time spent on remand from 28 March 2025 and time between 25 September 2024 and 28 March 2025, during which he was under curfew and fitted with an electronic monitor.

31. The sentencing authorities relied upon by the Crown were instructive. In *R v Jeffery Alexander Barnes*¹ the defendant was convicted of a violent rape involving choking and the use of a knife to cut off her clothes. The ordeal also had a psychological and emotional impact on the complainant, who was left deeply traumatized. The defendant was sentenced to life imprisonment for rape. The Court applied a Category 1A in the circumstances, which aside from the factors already mentioned, involved significant planning and had a sustained impact on the victim and an offender with prior rape convictions. There are similarities to the instant case, though the degree of force involved and the degree of planning in *Barnes* appear to be greater.

32. In *R v Teklu (Weldegabrial)*², the UK Court of Appeal upheld a sentence of 4 years imprisonment for sexual assault. The appellant had positioned himself late at night in an area frequented by lone women, engaged the complainant in conversation, pursued her for some distance, manoeuvred her towards an alleyway and subjected her to persistent sexual touching. The Court held that, in the context of this type of offending, “significant planning” did not require sophisticated preparation; lying in wait in a location suited to targeting lone young women returning home at night was capable of amounting to a significant degree of planning. The Court further found that the complainant was particularly vulnerable by reason of being a young woman

¹ [Ind. No. 0087/2011-B] (delivered on September 23, 2013)

² [2018] EWCA Crim 1477



1 alone at night, that the attack was sustained and frightening, and that the offender's
2 conduct during trial demonstrated a lack of remorse. The sentence was held not to
3 be manifestly excessive and the appeal was dismissed.

4
5 33. In *R v Kapil Dogra*³, the UK Court of Appeal considered whether an offender who
6 followed an 18-year-old woman from a railway station, selected an isolated location,
7 threatened her with a knife, forced her into woodland and subjected her to oral rape,
8 two assaults by penetration and compelled sexual activity had demonstrated a
9 “significant degree of planning” for the purposes of Category A culpability. The
10 Court held that, although the offender’s conduct involved pursuit, calculation and
11 some planning, it did not reach the elevated threshold of “significant planning”
12 required for Category A, observing that he had not identified the victim in advance,
13 conducted reconnaissance, armed himself beforehand or otherwise engaged in
14 substantial premeditation. The proper categorisation was therefore Category 2B
15 rather than Category 2A. Nevertheless, given the victim’s vulnerability, the
16 sustained and degrading nature of the attack, the threats of violence, the multiple
17 serious sexual offences committed during the incident, and the significant harm
18 caused, the Court upheld the sentence as not manifestly excessive. The offender had
19 been sentenced to an extended sentence of 15 years on the rape count, comprising
20 13 years’ imprisonment and a 2-year extension period, together with concurrent
21 sentences of 8 years’ imprisonment on each assault by penetration count and 4 years’
22 imprisonment for causing the complainant to engage in sexual activity without
23 consent. The Court of Appeal noted that the appellant had shown little remorse or
24 empathy, as reflected in the pre-sentence report and his continued assertion that the
25 sexual activity was consensual. It highlights the lack of remorse and denial as
26 aggravating features, as is the case with Mr. Simpson.

27
28 34. In *R v Travis Arlington Ebanks*⁴ the defendant was convicted of two counts of rape.
29 The judgment explored the psychological manipulation and control exerted by the
30 accused, and the use of threats to force compliance, including threatening to tell
31 family and friends negative things about her if she did not meet with him. The
32 sentence was, after deductions, 13 ½ years on each count of rape. The case is

³ [2019] EWCA Crim 145

⁴ Indictment 4 of 2023 – delivered 11 April 2024



submitted as being useful due to similarities with the instant case in that there was the use of threats, a past history of control and intimidation.

DEFENCE SUBMISSIONS

35. Given the seriousness of the offence of rape, it was acknowledged from the onset by counsel that a custodial sentence is inevitable. However, the Court is urged to exercise its discretion to impose a sentence at or near the lower end of the applicable range, having regard to the absence of significant aggravating features and the defendant's compelling personal circumstances.

36. Counsel submits that the circumstances of these offences do not place this case among the most egregious. Like the crown, it was submitted that this case falls within Category 2 for Harm, in view of the absence of gratuitous violence and the lack of any prolonged detention in the manner contemplated by the guidelines. Although the incident occurred over the course of a weekend, and entry into the complainant's home was uninvited, it was contended that the harm, while serious, does not rise to the highest level of psychological impact, particularly when the Court considers the demeanour of the complainant during testimony and the nature of recorded post-incident phone calls between the parties.

37. As for Culpability, there is divergence from the Crown's position with a contention that Category B is more appropriate. While the defendant did track TM to her new residence and lay in wait, there was no evidence of sophisticated or elaborate planning. The act, it was submitted, was largely opportunistic and spontaneous rather than calculated. Consequently, the appropriate starting point, in counsel's view, should be 15 years' imprisonment, with a range of 10 to 19 years under the relevant Cayman Islands Sentencing Guidelines.

38. Counsel further submitted that a significant mitigating factor is the absence of previous convictions in Jamaica or the Cayman Islands - the defendant now being 47 years old. Reference was made to several letters of reference from family, friends, and his employer which portray a man of integrity, generosity, and strong work ethic. This is reinforced by the SIR, which confirms that the Defendant is well regarded in his community and has consistently demonstrated pro-social behaviour.



1 39. The Defendant has not expressed remorse, and Counsel explains that this stems from
2 his continued belief in his innocence, rooted in the nature of the relationship he
3 shared with the complainant. He maintains that he had reason to believe the sexual
4 encounter was consensual, based on prior interactions and reconciliations between
5 them. His stance, counsel submitted, ought not to be treated as an aggravating factor.

6
7 40. Most striking is the defendant's account of his personal background. Counsel
8 referred to the severe abuse he suffered at the hands of his father, and his deprivation
9 of formal education beyond the eighth grade, often to help his father with vehicle
10 repair. The harsh beatings, it was submitted, left both physical and emotional scars.
11 Despite this traumatic foundation, the defendant was able to migrate to the Cayman
12 Islands where he made a better life, established steady employment, and became a
13 source of financial and emotional support for his family.

14
15 41. The Court is urged to weigh these considerations heavily in its determination.
16 Counsel also invokes the principle of totality, particularly since the offence of
17 Assault Occasioning Actual Bodily Harm occurred on a separate occasion, and the
18 threats to kill were part of the incident involving the rape. While he concedes that
19 distinct sentencing may be required, he urges the Court to ensure that the total
20 sentence is proportionate and reflective of the overall criminality.

21
22 42. Ultimately, a sentence to the lowest end of the range of 10 years' imprisonment, it
23 was submitted, appropriately balances the gravity of the offence with the defendant's
24 personal circumstances, the absence of prior offending, and his demonstrated
25 potential for rehabilitation.

26 **CHARACTER REFERENCES**

27
28
29 43. The Court has received a detailed and emotional letter from the Defendant's sister,
30 Mrs. Jodey-Ann Simpson-Holness, who writes both as a family member and as a
31 witness to the impact that this ordeal has had on the Defendant and their entire
32 family. Ms. Simpson-Holness pleads for mercy on her brother's behalf. She
33 describes a man who is deeply devoted to his family and whose absence is
34 profoundly felt, particularly by her young children, who share a strong and
35 affectionate bond with their uncle. He was especially missed at the family's recent
36 Good Friday gathering. She speaks to the defendant's generosity, compassion, and
37 selflessness towards his family, which he continued even after being returned to



1 custody. She spoke of his assistance to her whilst she lived in Jamaica with her
2 college tuition and that he often sent financial support to others in need, even when
3 he had little for himself. She describes her brother's present state of incarceration as
4 deeply troubling, both for him and for the family. He has since taken up smoking, a
5 habit he never previously had, to cope with stress and anxiety, and in her opinion,
6 his mental health has been visibly affected. She acknowledges the weight of the
7 Court's task but implored it to consider the totality of the defendant's life and the
8 man that he is for his family. The letter concludes with a heartfelt appeal for
9 compassion and mercy, asking the Court to consider not only the seriousness of the
10 offence but also the defendant's potential for healing, rehabilitation, and eventual
11 reintegration into society.

12
13 44. A letter expressing similar sentiments was received also from the Defendant's
14 mother.

15
16 45. The Defendant's other sister, Ms. Staceyann Hall, also provided a letter to the Court.
17 She corroborated accounts of his childhood abuse at the hands of his father.
18 Nevertheless, she stated that he chose the honest, though difficult path, working on
19 construction sites from the age of 16 and eventually migrating to the Cayman Islands,
20 where he sought a better life. She asserts that despite his painful past, he remained
21 generous, supportive of family and friends, and free from crime or drug use. With
22 respect to the offence, Ms. Hall expressed confidence that Mr. Simpson did not
23 intend harm, suggesting that what occurred may have stemmed from a tragic
24 misunderstanding between former intimate partners.

25
26 46. Mr. Tyrone Francis, a friend of over twenty-five years, described the defendant as a
27 man of integrity, humility, and resilience, deeply committed to personal growth and
28 to making a positive contribution to society. He highlighted the defendant's work
29 ethic, especially in the field of construction and home renovation, and credits him
30 with meaningful contributions to the development of Grand Cayman, both before
31 and after Hurricane Ivan. He expressed confidence that the defendant, if given the
32 opportunity, will continue to be a positive influence in the Cayman Islands, and he
33 pledged his personal support to him.



1 47. The Court also received a reference from the Defendant's long-standing employer,
2 who employed him with his companies during two periods: from 2005 to 2007 and
3 again from 2018 until the present. He describes Mr. Simpson as amicable, honest,
4 and hardworking, noting that he was well-regarded by supervisors and colleagues
5 alike, and consistently fulfilled his duties. Mr. Langlois expresses his shock and
6 dismay upon learning of the charges, which he states are entirely out of character for
7 the man he and his staff came to know.

8
9 **CONCLUSION**

10
11 48. The Crown advocates for a sentence towards the upper end of the Category 2A range,
12 highlighting aggravating features such as the complainant's psychological harm, use
13 of a weapon, and sustained control over the victim. In contrast, the defence argues
14 for a Category 2B classification, downplaying the planning and impact, and
15 proposing a sentence at the lowest end of the spectrum (10 years). Both sides accept
16 that the custody threshold has been surpassed, and a period of confinement is
17 inevitable. The key divergence lies in how the offence of rape, given the severity of
18 the sentence that it carries, should be categorised under the guidelines and how much
19 weight should be given to the defendant's early personal history, remorsefulness (or
20 the apparent lack of it), and the circumstances of the incident, in determining the
21 final sentence.

22
23 49. The facts established at trial disclose that he located the complainant, his former
24 partner, after she had removed herself from his presence and gone to some lengths
25 to avoid him. He lay in wait for her and, upon confronting her at her residence, he
26 compelled her at knife or blade-point to return with him to her apartment. There, in
27 a state of fear, she submitted to sexual intercourse, which the Court has found was
28 not consensual.

29
30 50. There is no dispute that these offences all exceed the custody threshold. As Count 2
31 that charges the Defendant with rape, which invariably attracts an immediate and
32 lengthier custodial sentence (See *R v Jeffery Alexander Barnes*), I will treat with
33 the appropriate sentence for this count first. Reference is made to the *Cayman*
34 *Islands Sentencing Guidelines – Sexual Offences (April 2020)*. Having considered
35 all the circumstances of the rape offence, the relevant guidelines and authorities, I
36 classify the offence as falling within Category 2B, reasoned as follows:



- **Harm:** Category 2 harm, due to the psychological impact on the complainant, as shown in the VIR. Reference is made to trauma, fear, anxiety, and residual hypervigilance she has been left experiencing. She expressed a need to constantly look over her shoulder, insomnia and anxiety attacks.
- **Culpability:** Category B culpability, due to the absence of advanced planning, there was no prolonged violence, and the degree of force was moderate. The incident fortunately did not involve a group and though their relationship was tumultuous there is no evidence to support a contention of repeated offending. It is important to note, however, that the use of a weapon when the August incident began, together with the controlling conduct, while aggravating, were not sustained at the highest levels of force seen in Category A cases.

AGGRAVATING FACTORS

51. While the classification places the offence in Category 2B, the following aggravating factors were among those considered:

- *Controlling and coercive behaviour:* This was a pattern, not a one-time occurrence. The complainant had previously felt compelled to relocate for her safety. He found her address by covert means and used his presence, physical strength, and prior relationship dynamic to assert dominance.
- *Psychological harm:* The complainant continues to suffer significant trauma, including anxiety, sleep disturbance, and fear for her life.
- *Use of a weapon and threats:* use of a knife to coerce compliance and issuing threats which led the complainant to believe that resistance would result in serious harm.
- *Failure to acknowledge the lack of consent:* His belief in the complainant's consent was, in the Court's view, not only mistaken but wholly unreasonable in the circumstances. The way in which he came to be at her residence, by lying in wait and forcing his way into her residence, renders any such belief devoid of credibility.



1 **MITIGATING FACTORS**

2
3 52. Balanced against those aggravating features the following factors are among the
4 factors considered in his favour:

- 5 • *No prior convictions*: He has no convictions neither in the Cayman Islands
6 nor in Jamaica, where he spent is formative years.
- 7 • *Severely abusive childhood*: He suffered repeated physical abuse by his
8 father from a young age. This trauma seems to have had long-term impacts
9 on his emotional development and ability to build healthy relationships, as
10 confirmed by the SIR and reference letters.
- 11 • *General good character and work ethic*: He maintained lawful employment
12 as a mason for nearly 30 years and have consistently supported his family
13 and others financially and emotionally. Several persons, including his
14 mother and sisters, provided references in relation to the Defendant's
15 otherwise upstanding behaviour.
- 16 • *Strong prospects of rehabilitation*: The Social Inquiry Report (SIR) assessed
17 the Defendant's overall risk of reoffending as medium but noted low to very
18 low risk in key criminogenic areas such as companions, criminal history,
19 and substance abuse. The Defendant is therefore a suitable candidate for
20 targeted rehabilitation programmes.
- 21 • *Degree of force not prolonged or excessive*: Unlike the circumstances in *R*
22 v Barnes, this was not a brutal or repeated attack. There was no gratuitous
23 violence or prolonged physical restraint beyond what was necessary for the
24 Defendant to assert coercive dominance in that moment.

25
26 **SENTENCING FOR RAPE (COUNT 2)**

27 53. Dealing first with the most severe offence of Rape at Count 2 of the indictment, for
28 a Category 2B rape offence under the Cayman Islands Sentencing Guidelines, the
29 starting point is 15 years, with a range of 10 to 19 years. While I agree that
30 aggravating factors are present, I find that the absence of advanced planning, coupled
31 with his background and positive social functioning, make a sentence within
32 Category 2B proportionate I all the circumstances.



54. Applying the starting point of 15 years, 5 years is added for the aggravating features, for a total of 20 years, and 7 years deducted for those factors that weigh in his favour, the sentence of this court on Count 2 that charges the Defendant with rape is 13 years' imprisonment.

SENTENCE FOR ASSAULT (COUNT 1)

55. Count 1 - Assault Occasioning Actual Bodily Harm (AOBH) - is categorised as lower harm and lower Culpability:

- The injuries were relatively minor in the context of the offence.
- The assault did not appear to be premeditated.

The Guidelines prescribe a starting point of a community order, with a range from a fine to 12 months' custody.

56. The following aggravating features are common to or associated with the offences:

- The domestic context in which the violence occurred;
- The victim had to leave the home after the incident;
- There had been prior instances of abuse, according to the evidence of the complainant.

The sentence imposed for Count 1 that charges assault occasioning actual bodily harm is 9 months' imprisonment.

SENTENCE FOR THREAT TO KILL OR CAUSE SERIOUS HARM

57. Threat to kill or cause serious harm, it was submitted, falls within Category 2 Harm and Category A Culpability. To support a category 2 Harm, it was submitted that the complainant experienced psychological distress and emotional trauma from the incident (as she referred to in the VIR). For category A culpability, it was submitted that the following conduct on the part of the Defendant contributed:

- Use of a weapon – TM stated that a knife or bladed weapon was put to her neck.
- A history of violence towards the complainant, supporting the higher culpability classification.

According to the Guidelines, a 2A categorisation for this offence yields a starting point of 3 years and a range of between 1 and 4 years' imprisonment. For count 3 that charges the Defendant with the offence of Threat to kill or cause serious harm, the sentence is 3 years' imprisonment.



CONSECUTIVE OR CONCURRENT SENTENCE

58. I have considered whether a consecutive sentence is warranted. While I acknowledge that Count 1 occurred at a different time than count 1, when consideration is given to the principle of totality, the maximum of 13 years is considered a suitable period of confinement. All sentences are therefore made to run concurrently.

CREDIT FOR TIME SPENT AND UNDER CURFEW OR ELECTRONIC MONITORING

59. Regarding the time served the Defendant will receive credit for time spent in custody from March 28, 2025 to the date of sentencing. Time during which he was electronically monitored and under curfew, from 25 September 2024 to 28 March 2025 will also be taken into account and credited administratively by the prison authorities.

APPLICATION FOR A SEXUAL HARM PREVENTION ORDER (SHPO)

60. The crown has sought leave to apply for a Sexual Harm Prevention Order, and leave has been granted for them to do so within the next two weeks. If applied for, the recommendations made relating to any post-sentence restrictions can be considered.

ORDERS

61. Based therefore on the foregoing, and for the avoidance of doubt, the following are the orders of this court:

- (i) **Sentence on Count 1:** Assault Occasioning Actual Bodily Harm – 9 months’ imprisonment.
- (ii) **Sentence on Count 2:** Rape – 13 years’ imprisonment.
- (iii) **Sentence on Count 3:** Threat to kill or cause serious harm – 3 years’ imprisonment.
- (iv) Counts 1 – 3 are to run concurrently.
- (v) The Defendant is to receive credit for time:
 - (a) spent in custody from 28 March 2025 to today’s date.
 - (b) under electronic monitoring and curfew from 25 September 2024 and 28 March 2025.

(vi) The Prosecution is granted leave to make an application in relation to a Sexual Harm Prevention Order, within two weeks of the delivery of this decision.

Dated this the 1st August 2025,

A handwritten signature in black ink, appearing to read 'Dale Palmer', written in a cursive style.

**JUSTICE DALE PALMER
ACTING JUDGE OF THE GRANT COURT**