IN THE GRAND COURT OF THE CAYMAN ISLANDS
CRIMINAL SIDE

INDICTMENT NO: 0085/2014

THE QUEEN

v.

GEORGE WASHINGTON VAUGHAN

Appearances:	**Ms. Nicole Petit for the Crown**
	Mr. Dennis Brady of BRADY for the Defendant
Before:	**Dame Linda Dobbs**
Sentence Hearing:	**10th November 2016**
Further submissions from the Crown:	**28th November 2016**
Further submissions from the Defence:	**2nd December 2016**
Delivery of Decision:	**15th December 2016**

HEADNOTE

Criminal Law – Attempted Murder – Sentence *– Sustained attack, in the presence of others – Life-threatening injuries – Aggravating and Mitigating Factors – Cases cited of attempted murder in the context of deteriorating marital relationships can be distinguished as each case depends on its own particular set of facts and are not guideline cases.*

SENTENCE JUDGMENT

INTRODUCTION

1. On the 28th August 2015, the defendant, George Vaughan, pleaded guilty to the single count on this Indictment – one count of attempted murder of his wife Lois Hall-Vaughan on 12th August 2014, contrary to s.194 of the Penal Code (2013 Revision). It has taken some time for the case to be listed for sentencing due to the need for expert reports.

FACTS

2. The defendant George Vaughan, and his wife Lois Hall-Vaughan, had been married for eight (8) years at the time of the incident. There are no children from their marriage, but they both have children from previous relationships.

3. It appears that from 2012 to 2014 the marriage deteriorated, culminating in the defendant being charged with assault and damage to property in December 2013. Mrs. Hall-Vaughan then moved out of the matrimonial home, living at an address which was not made known to George Vaughan.

4. Sometime in April 2014, Mrs Vaughan-Hall wrote a letter to the Caymanian Status & Permanent Residency Board in response to a status application made by her husband, the defendant George Vaughan. She refused to sign the application document on the basis that she had not lived with him since December 2013.

5. A couple of months later, on 11th July 2014 Mrs. Hall-Vaughan made a complaint of harassment to the police as a result of the defendant, George Vaughan, attending her place of work demanding that she sign the status application form, which she continued to refuse to sign. George Vaughan was seen by the police on that day. He demanded that the police assist him in making his wife sign the status form. He was informed that this was not possible. Unhappy with the response, George Vaughan told the police in effect that he would take matters into his own hands. The officer involved was concerned by the defendant's words. He told the defendant that he was going to make a note of the words spoken as he considered them to be an implicit threat. The defendant left, telling the officer that he could do what he liked. The conversation is denied by the defendant, but the court has seen the diary entry showing that the note was made on the same day.

6. On the 9th August 2014, George Vaughan sent a number of messages to his wife. Starting from 15:30, he started badgering her to return to him. Receiving no positive response, on the following day he sent a couple texts with a photograph of her car outside her new residence. He made it clear that he knew where she was. He received no response. On the 11th August the defendant left a number of messages for his wife. He received no response. He then left a message saying that he wanted to give the dogs away and after repeating the message he received a response from his wife asking him not to. He then went on to tell her that he wanted to meet her face to face.

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7. There then followed a series of messages in which the defendant was badgering Mrs. Hall-Vaughan to come home "and start again". He received no positive response and, as the evening wore on, he became more annoyed – saying that his wife was not woman enough to talk to him face to face or answer his calls. (18:59). Three hours later, receiving no response from his wife, he left a message asking her to feed the dogs as he was going to be out all day till late and might not make it home. He repeated the message and asked her to acknowledge, which she did. He later left a message saying that if she didn't come to feed the dogs she could give the keys to somebody else.

8. On 12th August, Mrs. Hall-Vaughan, accompanied by some close friends and three young children, went to the former matrimonial home. The defendant's car was not to be seen, leading Mrs. Hall-Vaughan to believe that the defendant was not at home. She parked in the driveway and all the passengers save one alighted from the car. Mrs. Hall-Vaughan entered the house. She walked to the kitchen and then turned to the bedroom. She saw the defendant coming from the bedroom armed with a machete. She turned and ran screaming back towards the front door

9. The defendant chased his wife and chopped her in the back of the neck. She fell to the floor; he grabbed her by her left leg and chopped her again. Mrs. Hall-Vaughan tried to escape but the defendant said "*You not going no fucking where*". The friends horrified and terrified watched on whilst the defendant chopped his wife repeatedly, telling her "*You love to run but you're not going to run this time*".

10. Once outside, the defendant lunged at the onlookers who scattered for safety, whilst his wife cried out for help. A Mr Ebanks was by the car trying to open it. The defendant swung at him and missed and the machete was embedded in a papaya tree. Mr. Ebanks dislocated his shoulder by colliding with the papaya tree as he avoided the defendant. The defendant later slashed the rear tires of his wife's car and then fled into the bushes still carrying the machete. Soon after he contacted a friend Collin Taylor, admitting what he had done and giving directions to where his car was.

11. Police attended the scene, as did the medic unit. Serious wounds to the victim were noted and she was transported to George Town hospital initially and then later taken overseas by helicopter for extensive trauma treatment.

12. The police conducted a search of the nearby area and found the defendant George Vaughan. He was wearing boxer shorts with a pair of socks lying on the top of a blood stained machete. Beside him was a bottle of green liquid. He was clutching his cell phone. The relevance of the liquid is that whilst Mrs. Hall-Vaughan was being treated at hospital a green liquid was observed oozing from her mouth. It was later identified as a poison, called parquet.

13. The defendant was arrested at the scene and taken to the police station. Following caution he said: "*A me, I give up on life. I did it cause the woman put me through hell. Imagine, I had my daughter here and had to send her back. This hurt me so much, my life is over*".

14. On his arrival at the police station, the defendant, George Vaughan, started to vomit a green liquid. He told the police that he had drank poison, namely parquet. He was immediately taken to hospital.

15. On the 2nd September George Vaughan was released from hospital into police custody. On 3rd September he had a conference with his attorney. He was interviewed on 6th September by officers in the presence of his attorney. He produced a prepared statement which he relied on during his interview.

16. In that statement the defendant set out his background and his life with the victim, whom he married in 2006, including when his wife left the matrimonial home. He told how his wife had told him that she could not sign the status document as she would get into trouble. He begged her continually on the phone to "sign the paper" for the sake of his daughter – who was dependent on him financially.

17. With regards to the incident – he said that he was lying in the room his daughter used to live in and fell asleep. He heard the door open and heard someone running toward the middle door. He didn't see who it was and he went after the person. As he did so he passed the small deep freeze outside his daughter's room which had a machete on it's top. He grabbed the machete and chopped the person going through the door. He then realised it was his wife. The Defendant said he didn't know why he kept on chopping her. It was like something crazy came over him. The next thing he knew he was drinking something. He didn't know what it was until he was in the police car. He couldn't remember if he had the liquid inside or outside the house as he was intending to spray the weeds when he cut his yard. He was blank, like a temporary madness.

18. The defendant was later charged with the offence.

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MEDICAL EXAMINATION

19. Hospital notes and the report of Dr. Sekhar (dated 12th September 2016) disclose that when examined at hospital Mrs. Hall-Vaughan was found to have the following injuries: A 7-8cm long and deep laceration on the left parietal region of the face; lacerations on the right ear and neck; a deep laceration on the back of the right side of the chest in the paravertebral region; amputation of the left index finger; bone-deep lacerations on the 3rd and 4th fingers of the left hand; partial amputation of both legs and additional lacerations to the head and little left finger. She was also suffering from ingestion of poison.

20. Mrs. Hall-Vaughan underwent prolonged emergency surgical procedures before being air-lifted to Florida for treatment of the severe and potentially fatal injuries.

21. The notes of her admission to hospital in Palm Beach list a catalogue of problems which faced Mrs. Hall-Vaughan, including multiple trauma with near amputation of the bilateral lower extremities; anoxic brain injury secondary to severe blood loss; critical illness polyneuropathy as well as other problems including with gait and balance and depression. She was discharged from hospital on the 19th November 2014 to spent time in a skilled nursing facility for sub-acute therapies.

22. On her return to the Grand Cayman Mrs. Hall-Vaughan had to undergo further surgical procedures on her legs and suffered in April 2016 a traumatic aneurism of the artery of the right leg. The prognosis is that she is likely to need further surgical procedures on her legs. She was unable to drive for a long time but is now capable of doing so. Her hands now have reduced range of movements. Physiotherapy and rehabilitation will be on-going for the foreseeable future.

23. The physiotherapist's report, dated 18th August 2016, also testifies to a number of operations and intensive physiotherapy over a prolonged period of time and on-going regular physiotherapy with an extensive home exercise programme to help stabilise and strengthen the body.

REPORTS AND OTHER DOCUMENTS

24. I have read a number of other documents including the Victim Impact Report (VIR), a further document written by the victim herself dated 12th September 2016, the psychotherapy notes from HCR Manor Care, the Social Inquiry Report (SIR), the testimonial in support of the defendant, two letters from his daughters and the letters from the defendant himself.

25. The SIR tells of an unhappy childhood in which the defendant lived with his stepfather, where he was treated differently from the stepfather's own children – being beaten regularly for failing to carry out tasks. He is illiterate, having left school at age 10. He has had various employments.

26. He reported being under much stress at the time of the offence. When under stress he would often drink alone.

27. His explanation for the offence was that he didn't know who the person was until after he had chopped then he realised it was his wife. He didn't know why he then carried on chopping her. He thinks about his wife daily and wanted to take care of her if he could.

28. Thus far, during his detention on remand, the defendant has presented no problems, is working well and is getting on with inmates and officers.

29. The testimonial from a lady who has known the defendant for 8 years, and who helped with counselling of both the defendant and his wife, describes him as an honest and hardworking man, friendly but respectful. She is confident that the defendant, when he re-enters society, will be a better person. A letter from the 11-year-old daughter says how much she misses her father. The letter from the 18-year-old daughter also sets out how she missed her father to whom she is close and dependent on him to guide and encourage her to keep focussed and develop her confidence during tough times.

MITIGATION

30. In his lengthy plea in mitigation Mr Brady representing the defendant relied on a number of factors. They can be distilled to the following:

i. The plea of guilty and remorse shown by the defendant's immediate admissions;

ii. His good character;

iii. His difficult background lacking love and proper parental guidance, leaving him emotionally vulnerable;

iv. His inability to deal with the rejection by his mother and subsequently other women culminating with his wife;

v. The offence being totally out of character;

vi. The defendant still loves his wife and thus his remorse and suffering is even greater.

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31. Reliance was placed on the psychiatric reports of Dr. Ajaz who indicated that although he found no evidence to suggest that the defendant was suffering from a mental disorder, he thought it very likely that the defendant was experiencing considerable levels of stress leading up to the attack on his wife. This revolved around his on-going separation from his wife, the loss of his daughter who had returned to Jamaica a couple of months earlier and the continued uncertainty of his immigration status in light of the possibility of him having to return to Jamaica himself. These stressors could have triggered the impulsive and out of character act. The doctor was of the view that the consumption of weed killer was a spontaneous act in response to the emotional stress the defendant was experiencing.

32. The defence also pray in aid that this was a spontaneous attack, as evidenced by the defendant being in his boxer shorts and barefooted, with no plan to escape. The defence therefore submits that the only inference to be drawn is that there was no pre-meditation.

33. The court was asked to temper the aims of punishment and deterrence with mercy.

34. Reliance was also placed on a number of sentencing cases and letters about the defendant including from his two daughters.

35. It was submitted that the various reports on the complainant's mental state showed that she has no psychological issues now.

36. It was submitted that the offence fell within the Level 3 category one, namely a spontaneous attempt to kill with serious and long-term physical harm – with a starting point of 15 years imprisonment.

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THE LAW

37. The maximum sentence for this offence is one of Life Imprisonment.

38. My attention has been drawn to the Chief Justice's Sentencing Guidelines[1], the UK Sentencing Guidelines on Attempted Murder and also to a number of cases, namely, ***R. v Drinkald***[2]; ***R. v Johnson***[3]; ***R. v Hardy***[4]; ***R. v Hutton***[5]; ***R. v Yavuz***[6]; ***R. Casseeram***[7]; ***R. Davis***[8]; ***R. v Clark***[9]; ***R. v Bernard***[10]; ***R. v Mayhew***[11]; ***R. v Rahman***[12]; ***R. v Gouldthorpe***[13].

39. I have read them all. They are all cases of attempted murder in the context of deteriorating marital relationships. It is trite to observe that each case depends on its own particular set of facts and accordingly, the cases referred to can all be distinguished. In any event, they do not purport to be guideline cases.

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[1] ***Statement on Tariffs and Guidelines for Sentencing for Certain Offences 2002.***
[2] 1988 10 CAR (S) 380
[3] 1993 14 CAR (S) 661
[4] [2012] EWCA Crim 2671
[5] [2004] EWCA Crim 11
[6] [2005] EWCA Crim 2870
[7] 1992 13 CAR (S) 384
[8] 2001 CAR (S) 53
[9] [2007] EWCA Crim 2195
[10] 2002 CILR 446
[11] [2009] 2 CAR (S)6
[12] 1998 1 CAR (S) 391
[13] [2004] 1 CAR (S) 38

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CONSIDERATIONS RELATING TO SENTENCE

40. This was an horrific and brutal attack on a defenceless woman with no warning at all. The injuries were life-threatening. Mrs. Hall-Vaughan is lucky to be alive. She will be physically and mentally scarred for life. Remarkably, she has been in court during the hearings.

41. With regard to the Guidelines on Attempted Murder, the Crown submitted that this is a case which falls into Level Two Category 1. I agree. That is because I find that the offence was pre-meditated and the injuries were life-threatening and will be long-lasting and visible. Mrs. Hall-Vaughan is going to suffer as a result of them for the rest of her life; the visibility of the injuries will remind her every day of the terrible incident. From the evidence, the defendant clearly intended to inflict serious injury both externally and internally. One need only read Mrs. Hall-Vaughan's statement of 16th September to appreciate the pain she still suffers both physically and mentally despite her strong faith and determination to overcome the physical and mental challenges which beset her. Dr. Sekhar in his conclusion sums it up – noting that Mrs. Hall-Vaughan sustained multiple life and limb-threatening injuries as a result of a vicious and violent attack as well as the attempt to poison her. Further surgery will be needed.

42. I have no doubt that this was a pre-meditated attack.

43. There is no sensible explanation given for the texts and insistence that she responded to the texts. Looking at the build-up of the texts, it is abundantly clear that the defendant wanted the complainant to meet him face to face. When simply requesting a meeting failed, he turned to using the dogs as an excuse. His car was not parked in his driveway but elsewhere out of sight, giving the impression that he was not at home.

44. Added to that, having the machete and a bottle of weed killer handily available in order to attack and poison the victim, is no coincidence.

45. The events leading up to the attack which related to Mrs. Hall-Vaughan's refusal to sign the status document and Mr Vaughan's comments to the police about taking matters into his own hands, also are indicative of motive and a degree of planning.

46. During mitigation Mr Brady was asked a number of questions:

i. Why the car was parked elsewhere,

ii. Where the machete and poison were,

iii. Why the defendant was at home having said he would be out all day; and

iv. What he meant during the conversation with the police officer when the alleged threat was made.

47. After taking instructions, Mr Brady told the court in response:

i. The defendant routinely parked his car elsewhere as he did not like to be bothered by people at home and that someone was meant to be doing work on the car;

ii. Both the machete and the poison were with him in the bedroom as he had been intending to do some work in the yard but had fallen asleep. It will be noted that the explanation about the machete conflicts with the defendant's statement to the police in which he said that having been disturbed, he took the machete from the top of the freezer outside the bedroom;

iii. The defendant was at home because the work he was meant to be doing had fallen through. The court asked why he didn't contact his wife to tell her that she needn't feed the dogs because he would be home and his reply was that he didn't think about it, possibly because he had been drinking;

iv. The defendant denied the conversation with the police officer.

48. I find the explanations unconvincing despite the defendant only being dressed in his boxer shorts.

49. The starting point is therefore 20 years imprisonment.

50. I turn to the aggravating factors.

AGGRAVATING FACTORS

51. This was a **sustained** attack. Mr Vaughan said in his statement to the police and to the Probation Officer that he did not know who the person was initially. However, even if this court were to accept this account, which it does not, once he realised it was his wife, he continued with his attack and also tried to poison her. He also made to attack the others who were standing by outside. The comments to his wife, overheard by the bystanders, leave me in no doubt that he knew right from the start whom the object of his attack was and that his intention was to kill her. This was done by the most terrible means – the use of a machete to hack away at his wife, inflicting pain which must have been unimaginable, combined with poison, to ensure the job was done.

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52. The offence was committed whilst the defendant was on **bail** for another offence. This is compounded by the fact that it was an allegation of assault on the same complainant.

53. The offence was committed **in the presence of others** and in particular children. Not only was it committed in the presence of others, but the others were threatened by the defendant. One can only imagine how distressing and frightening the incident must have been for them.

54. The Crown has submitted that there are other aggravating factors, but in my judgment they overlap with these and would lead to double counting. I do not take them into account.

MITIGATING FACTORS

55. By way of mitigation, I accept that the defendant was suffering from some stress due to the loss of job, absence of his daughter by virtue of her return to Jamaica and the loss of relationship. I also note that he is illiterate and that also undermines his self-worth.

56. The report of Dr. Ajaz is not the strongest of reports but I observe that the complainant, who has first-hand knowledge of the defendant, says that George Vaughan is unable to handle stress and she gives an example of when the defendant lost his job on four occasions and would abuse her although it wasn't her fault (I stress that he is not sentenced for that).

57. It is said that the defendant is remorseful. I have a letter dated 27th July in the papers from the defendant to Mrs. Hall-Vaughan asking her forgiveness. Whilst I accept a certain element of remorse, I am not totally convinced.

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The essence of the defendant's responses all along, from the texts to his wife trying to get her to come back to him, to when he was seen by the police, was all about him – "Poor me – look how I have suffered; it is all the fault of others not loving me or educating me or supporting me." You can't punish others for your own inadequacies.

58. The defendant has no previous convictions. Good character in cases like these where the finding is of pre-meditation, carries some, but not significant, weight.

59. Perhaps the strongest point in the defendant's favour – although reflecting more positively on the complainant than on the defendant – is that Mrs. Hall-Vaughan has forgiven him.

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60. The aggravating factors take the starting point up to 23 years' imprisonment.

61. Taking into account the mitigating factors for which I have tried to give the fullest credit, the figure is reduced to 21 years.

62. The Defendant pleaded guilty and made early admissions of being responsible for the incident. Credit of one third for the plea will be given reducing the figure to 14 years.

63. The sentence I pass, therefore, is 14 years' imprisonment. Time spent in custody will count towards the sentence.

64. The Crown has sought compensation for Mrs. Hall-Vaughan's expenses. I understand that the issue of compensation has been agreed between the parties and therefore no order needs to be made.

Dated this the 15th December 2016

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Dame Linda Dobbs
Acting Judge of the Grand Court