

1 IN THE GRAND COURT OF THE CAYMAN ISLANDS  
2 CRIMINAL SIDE  
3

4 INDICTMENT NO: 72/19  
5

6  
7 THE QUEEN  
8

9 v.

10 LELIETH MONIQUE WELCOME-CAMPBELL  
11  
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13  
14 **Appearances:** Mrs. Nicole Petit, Snr. Crown Counsel, Office of  
15 Director of Public Prosecutions for the Crown  
16

17 Mr. Crister Brady of Brady Attorneys for the  
18 Defendant

19 **Before:** Justice Marlene I. Carter (Actg.)

20 **Sentence Hearing:** 27<sup>th</sup> September 2019  
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26 **HEADNOTE**

27 *Criminal Law – Sentencing – Unlawful Wounding –*  
28 *Aggravating Factors - Previous convictions – Mitigating factors.*  
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34 **SENTENCE JUDGMENT**  
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1 1. The defendant was before the Court on an Indictment containing one Count of Wounding  
2 with Intent contrary to s.203 of the Penal Code. The Defendant pleaded guilty to the lesser  
3 offence of Unlawful Wounding which plea was accepted by the Crown.

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5 2. The offence was committed on the 13<sup>th</sup> of July 2019. The complainant had gone to a bar  
6 called G5 in George Town; the bar is operated by the Defendant and her husband. The  
7 complainant was in the company of a co-worker and a gentleman whom her co-worker had  
8 been speaking to earlier in the evening. While at the bar, the gentleman began to make  
9 advances to the complainant. As the complainant sought to move away from him, the  
10 defendant approached and spoke to the gentleman. The complainant later learnt that this was  
11 the Defendant's husband. The complainant then walked outside to wait for her co-worker.  
12 While she was there the Defendant came outside of the bar, arguing with the defendant's  
13 co-worker. It was at this point that the Defendant walked over to the complainant and  
14 chopped the complainant in her face and hit the back of her head with a metal spatula. The  
15 Defendant ran away.

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17 3. As a result of the attack, the complainant was taken to the George Town Hospital. The  
18 complainant suffered an 8cm wound to the forehead. Where the skull was said to be  
19 visualized, there was an irregular 2 x 3cm head abrasion, a 1.5cm incision to the left side  
20 of the upper lip. There was also a 12cm linear abrasion to the left shoulder. The attending  
21 doctor noted the complainant's condition to be serious, but not likely to be permanent.  
22 The injuries were said to be consistent with infliction by a sharp object. She was admitted  
23 to the Surgical Department where she received seven (7) stitches for the wound to her  
24 head.



1 CAYMAN ISLANDS SENTENCING GUIDELINES

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3 4. The *Cayman Islands Sentencing Guidelines* do not as yet provide guidelines for  
4 Offences against the person such as Unlawful Wounding. However, they are instructive  
5 to the extent that they provide guidance on the approach to sentencing – guidance which  
6 is similar in its approach to that of the *Sentencing Council for England and Wales* (UK  
7 Sentencing Guidelines).

8  
9 5. Taking the UK Sentencing guidelines into account, the offending behavior is considered  
10 in terms of which category it falls. These categories are:

- 11 • Category 1: Greater harm (serious injury must normally be present) and  
12 higher culpability;
- 13 • Category 2: Greater harm (serious injury must normally be present) and  
14 lower culpability; or lesser harm and higher culpability;
- 15 • Category 3: Lesser harm and lower culpability

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18 6. The Crown has suggested that the correct categorization is a **Category 2 offence**,  
19 comprising lesser harm within the context of the offence and higher culpability in  
20 circumstances where this was an unprovoked attack.

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22 7. Defence counsel does not take issue with this categorization. The injuries that resulted  
23 from the attack were not, in the doctor’s view, very serious. The complainant was  
24 released from the hospital within twenty four hours.

25  
26 8. In all the circumstances, I find that this is a Category 2 offence – one of lesser harm and  
27 higher culpability.

1 9. Applying the categorisation as above, the starting point is 1 year and 6 months' custody,  
2 with a sentencing range or 1-3 years' custody

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4 **FACTORS AFFECTING THE STARTING POINT**

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6 10. Aggravating factors: There are a number of aggravating factors present in this case:

- 7 i. The offence was committed during the currency of suspended sentence.  
8 On the 23<sup>rd</sup> of August 2017 the defendant was sentenced to a term of  
9 three months' imprisonment on Summary Court Case #10460/2010,  
10 which sentence was suspended for two years. The instant offence was  
11 committed on the 13<sup>th</sup> of July 2019, some 5 weeks before the expiration  
12 of that suspended sentence;
- 13 ii. Relevant previous convictions. The defendant has a relatively long  
14 antecedent history with 29 convictions, 5 of which were for Assaults  
15 causing actual bodily harm;
- 16 iii. Commission of the offence whilst under the influence of alcohol: the  
17 defendant accepted that she had been drinking alcohol for an extended  
18 period of time immediately before the incident;
- 19 iv. Use of a weapon. The complainant was struck with a metal spatula

20  
21 11. Mitigating factors:

- 22 i. Lack of pre-meditation;
- 23 ii. Genuine Remorse: the Defendant displayed an early expression of  
24 remorse during interview and it was noted in the Social Inquiry Report  
25 (SIR) that: "*She went on to state that if she saw the victim, she would*  
26 *apologize. "I am sorry I cannot change the past, I am very sorry and hope*



1 *she can find it in her heart to forgive me. When I saw a picture of her head,*  
2 *I felt so guilty and thought I would get ten years but it happen and I cannot*  
3 *do anything about it, just have to accept the consequences. This is a learning*  
4 *tool for me to do better, not going to feel bad for myself."*

5 **THE SIR**

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7 12. Apart from the aggravating and mitigating factors, the court is within its discretion to  
8 consider the defendant's personal circumstances and determine whether and how these may  
9 affect the ultimate sentence of the Court.

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11 13. The very detailed and insightful SIR records that the defendant had a very strict  
12 childhood. The defendant recounted to the social worker that her mother and other  
13 family members would use excessive discipline and recalled a traumatic experience of  
14 being in a bathtub and her mother standing on her neck in anger. She shared that at  
15 various times she had been beaten with a mop, broom, barbwire, telephone cord, and  
16 frying pan.

17  
18 14. It appears that the defendant began displaying uncontrollable behaviour at an early age  
19 by playing truant from home and school. She was placed in alternative education at the  
20 Cayman Islands Marine Institute (CIMI) from which she later absconded. The defendant  
21 related that she recognises that this abuse has impacted how she deals with difficult  
22 situations as she had in the past found that she also uses aggression to deal with her  
23 problems.

24  
25 15. The defendant has had a diverse work history. She worked at the Chamber of Commerce  
26 while attending CIMI; as a hostess at Hard Rock Café and at Big Daddy's; as a sales  
27 person/cashier at Champion Clothing; as a part-time Teacher's Aide with Rehoboth After-

1 School Enrichment Center; and as a Constituency Worker with the United Democratic Party  
2 – which was her most longstanding employment. Eventually, the defendant and her husband  
3 opened a restaurant/bar where the incident that has led to the defendant being before the court took  
4 place.

5  
6 16. The defendant and her husband have been married for approximately fifteen (15) years and  
7 seven (7) children were produced from their union. Over the years there have been several  
8 instances of violence and domestic disputes, some of which have resulted in police  
9 intervention. She disclosed that as a result of the violence and constant arguments her  
10 children were placed in foster care.

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12 17. The SIR notes that the defendant was assessed by Dr. Clement von Kirchenheim in 2016. The  
13 Doctor noted then that:

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15 *"She appears to fit Unspecified Personality Disorder (Turbulent) Disorder,*  
16 *with Schizoid Personality type, Narcissistic Personality Type, and Paranoid*  
17 *Personality Style. Most notable is her forceful and driven energy level.*  
18 *Emotionally excitable and intensely zealous; she is to evince hot-headiness.*  
19 *Unrestrained and rash, she is often restless and indefatigable. Her*  
20 *tirelessness does not necessarily result in effected achievements, however,*  
21 *and may turn to turbulence; she may become socially obdurate,*  
22 *inappropriate, and potentially caustic and assaultive."*

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24 18. The Doctor elaborated further:

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26 *"A pronounced distrust typifies her behaviours and relationships,*  
27 *creating cognitive-affective immobilization and a distorted sense that*  
28 *others and their circumstances are, for the most part, malevolent in*



1                    *nature... Although she is typically able to function adequately, periods*  
2                    *of marked emotional, cognitive, or behavioural dysfunction are likely.*  
3                    *This woman's MCMI-IV profile suggests a disturbance of personality*  
4                    *that is likely to manifest itself in highly-problematic interpersonal*  
5                    *exchanges that are masked by unrealistic or ill-placed exuberance and*  
6                    *optimism."*

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8                    19.        With reference to the Defendant's antecedent history the SIR records the defendant's  
9                    seeming inability to comply with community based orders.

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11                    **VICTIM IMPACT REPORT ("VIR")**

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13                    20.        The VIR was also before the Court for its consideration. The complainant related the  
14                    immediate effects of the injury:

15                    *"I had to do a CT Scan and the wound to my face required seven stitches*  
16                    *to close it. There was also a wound to my upper lip which was glued.*  
17                    *There was a scrape to the back of my head. I was treated and released*  
18                    *within 24 hours. I was having headaches, pains and stings to the wound*  
19                    *and I was also experiencing pain to the back of the left side of my head.*  
20                    *I had problems sleeping on the left side of my head. As a result of the*  
21                    *injuries I had to stay home for two weeks. I did not have enough sick*  
22                    *days to cover the period that I was off from work so I had to use some of*  
23                    *my vacation to cover the period so my vacation allotment was cut. I also*  
24                    *had to be back and forth to the hospital for dressing and to take out the*  
25                    *stitches."*  
26

1 21. The complainant also noted ongoing effects of the offence, now three months since the  
2 date of the incident:

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4 *"...there is still tenderness to the area of the scar. Even if I use my hand*  
5 *to touch it, I feel like it was slapped. I also experience a stinging*  
6 *sensation to the area. I have some amount of forgetfulness and some*  
7 *extreme headaches".*

8  
9 22. The complainant further noted:

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11 i. *"...the first thing people ask is how did you get that in your face?*  
12 *People who don't know the true story are judgemental. People will go*  
13 *to my ex and say to him oh she get chop in her face for people's man.*  
14 *This makes him feel uncomfortable. This can ruin my reputation and*  
15 *can affect future relationships. At first I used to feel ashamed about it*  
16 *and hide but then I started telling myself with/without it you are*  
17 *beautiful. Seeing it now, it does not bother me but talking about how*  
18 *I got it makes me emotional. I try not to make it make me feel any less*  
19 *about myself or to overcome me."*

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21 23. Apart from these, there is the financial consequence to the complainant of this offence. She  
22 has used all of her insurance coverage for medical costs and still has her portion of  
23 outstanding medical bills.





1 COURT'S DECISION

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24. In his submission in mitigation Defence Counsel noted: *"It is not very often that a defendant such as Mrs. Welcome-Campbell appears before a court, who 'ticks'; all the wrong boxes. It makes the task of arriving at an appropriate sentence difficult for any sentencer,"*

25. Defence Counsel's remarks are at once remarkably insightful and in this case painfully acute. Counsel has accurately captured the essence of this court's conundrum as it seeks to arrive at an appropriate sentence in this case. Again and again this court is faced with the arduous task of balancing justice with mercy. As recounted by Mr. Brady, *"On the one hand is a clearly unstable mother of 8, who is only 36 years old, married for 15 years to a husband who is demonstrably unfit as a co-parent ... She is a diagnosed complicated individual whose responses to unpleasantness are unpredictable. The fact that she was drinking didn't help. The fact that she is an abuser of ganja doesn't assist."*

26. The component Counsel failed to mention was the victim who has been left permanently scarred, both physically and emotionally. So, this court must also consider the complainant, a young woman of twenty two years, who has been left with lifelong physical and psychological scars. As she stated to the social worker: *"I would like to do cosmetic surgery to remove it because the first thing that people ask is how you got it and it is not a great story to tell."*

27. What the court has before it is an abused child who has grown into a violent offender as an adult. She has been unable, whether because of her psychological problems or not to take advantage of the many opportunities afforded to her to address her underlying issues.

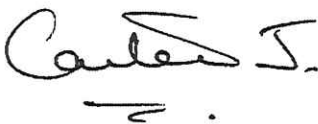
1 28. The custody threshold has been crossed in this case. This court can only encourage the  
2 defendant to take advantage of counselling and anger management sessions that she will have  
3 available to her during the period of her incarceration. In pleading guilty and accepting the  
4 consequences of her actions, and in personally apologizing to the complainant, the defendant  
5 has already taken very important first steps in that direction.

6  
7 29. The maximum sentence within the range for this offence is 3 years' imprisonment. I take as  
8 my starting point a sentence of one and a half years' custody. The aggravating factors in this  
9 case far outweigh the mitigating factors and warrant an uplift in the sentence to 2 ½ years'  
10 custody. The Defendant pleaded guilty at the first opportunity, when she was arraigned in  
11 the Grand Court. I therefore accord her the full discount for her guilty plea of 1/3 of the  
12 sentence. I will further discount this sentence for personal mitigation.

13  
14 30. I consider that the suspended sentence on Summary Court Case #10460/2010 should be  
15 activated in this case. This defendant was five weeks shy of the expiration of the period of  
16 that suspended sentence at the date of this offence. I will discount it by two months and say  
17 that she will serve one month consecutive to the instant sentence of 18 months'  
18 imprisonment.

19  
20 31. The Sentence of the court is therefore 19 months' imprisonment. Any time that the defendant  
21 has spent in custody is to be discounted from this sentence.

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23 **Dated this the 9<sup>th</sup> October 2019**

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25 **Justice Marlene I. Carter**  
26 **Judge of the Grand Court (Actg.)**