

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

3
4 **INDICTMENT NO: 73+74/2020**
5

6
7 **THE QUEEN**

8
9 **v.**



10
11 **RUPERT JUNIOR SPENCE**

12
13 **Appearances:**

**Mrs. Candia James-Malcolm, DPP (Actg.), for
the Prosecution**

15 **Mr. Jonathon Hughes of Samson Law for the
16 Defendant**

17 **Before:**

Justice Cheryll Richards Q.C.

18 **Submissions on Sentencing:**

3rd August 2021

19
20 **Sentence Judgment:**

17th August 2021
21
22

23 **HEADNOTE**

24 *Criminal Law – Arson – Section 267 of the Penal Code*
25 *– Offences contrary to s. 89(1) of the Traffic Act, Totality Principle*
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29 **SENTENCE JUDGMENT**
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- 1 1. The Defendant is before the Court for sentencing in respect of a number of offences.
- 2
- 3 2. On the 23rd March 2021 he was convicted of three offences after trial, two of Arson and
- 4 the third for Driving whilst Disqualified.
- 5
- 6 3. He also falls to be sentenced for four offences of Driving whilst Disqualified in respect
- 7 of which he entered pleas of guilty on the 15th March 2021.
- 8
- 9 4. Count 1 of the Indictment charges him with the offence of Arson contrary to s.267 (1)
- 10 of the *Penal Code* (2019 Revision). The particulars are that he, on the 13th day of August
- 11 2020, at Walkers Road, George Town, Grand Cayman without lawful excuse destroyed
- 12 or damaged by fire a Honda Civic motor car belonging to Lamor Chambers intending to
- 13 destroy or damage such property, or being reckless as to whether such property would
- 14 be destroyed or damaged.
- 15
- 16 5. The maximum sentence for this offence where the damage does not exceed \$3,000.00 is
- 17 a fine of five thousand dollars and imprisonment for five years.
- 18
- 19 6. Count 2 of the Indictment charges him with the offence of Arson contrary to s.267 (2)
- 20 of the *Penal Code* (2019 Revision).
- 21
- 22 7. The particulars are that he on the 26th day of October at Windjammer Plaza, Walkers
- 23 Road, George Town, Grand Cayman without lawful excuse, damaged by fire the office
- 24 premises belonging to the Royal Cayman Islands Police Service (RCIPS), intending to
- 25 damage the said property or being reckless as to whether property would be destroyed
- 26 or damaged, and being reckless as to whether the life of another would thereby be
- 27 endangered.
- 28

1 8. The maximum sentence under s.267 (2) of the **Penal Code** is life imprisonment.

2
3 9. Count three charges him with Driving Whilst Disqualified on the 13th day of August
4 2020, the said date and time as the first count.

5
6 10. The other four counts to which he pleaded guilty are for driving whilst disqualified on
7 the 18th August 2020, 20th August 2020, 26th October 2020 and 27th October 2020.

8
9 11. For all the driving offences the particulars state that he had been disqualified from
10 driving until the 9th July 2021. The offences are all contrary to s. 89(1) of the **Traffic Act**
11 (2011 Revision) which provides a maximum sentence of 12 months' imprisonment and
12 a period of disqualification of 24 months or such longer period as the Court may order.

13 That section states:

14 *“A person who drives or attempts to drive or obtains or attempts to obtain a licence*
15 *while under a period of disqualification commits an offence and is liable on*
16 *summary conviction to a fine of two thousand dollars or to imprisonment for a term*
17 *of one year, and —*
18 *a. shall be disqualified from holding or obtaining a driver’s licence for a*
19 *period of twenty-four months or such longer period as the court may order,*
20 *the period to run from the date of conviction or the expiration of any*
21 *sentence of imprisonment, as the court may order; and*
22 *b. the particulars of the offence shall be endorsed on his driving record.”*
23

24
25 12. By s. 161 of the **Criminal Procedure Code**, offences under s.89 of the **Traffic Act** may
26 be added to an indictment in certain circumstances.

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1 **THE FACTS**

2
3 13. The brief facts in respect of the first offence are that sometime before the date in
4 question, the Complainant Lamor Chambers parked his Honda Civic motor vehicle in
5 an open lot of land across from the *Rubis* gas station on Walkers Road. He had bought
6 the car which was in a derelict condition for \$100.00 intending to scrap it for parts.

7
8 14. CCTV footage showed that on the night in question the Defendant was a customer at the
9 said gas station. He drove from that gas station in a motor vehicle and across to the open
10 lot. The vehicle stopped. The area in the open lot was not as well lit as the gas station
11 compound. A figure appeared to exit the vehicle and to go across to where the
12 Complainant’s vehicle was parked. The figure returned from where it had come and
13 within moments thereafter the Complainant’s vehicle was engulfed in flames.

14
15 15. After the fire services responded to the scene and extinguished the blaze, the fire was
16 determined by a fire service inspector to be an incendiary fire, being one that was
17 deliberately ignited. However the nature of the material used to start the fire could not
18 be identified.

19
20 16. The second incident relates to fire being set to the offices of the Police on the 2nd floor
21 of the Windjammer Plaza on the said road. Those offices housed the Professional
22 Standards Unit, the Criminal Records Office and the Firearms Licensing Unit. The
23 Police would frequently have Officers working after hours and the Plaza itself is in close
24 proximity to residential homes and other buildings.



1 17. The evidence was circumstantial as to opportunity and conduct. The Plaza is in walking
2 distance of the Defendant's home. He was seen shortly after the fire began, to be on foot
3 and in a state of undress and sweating. Thereafter he was seen on CCTV footage to drive
4 to the said *Rubis* gas station, from which location he made gestures which were
5 suggestive of triumph as a fire service unit drove to and from the scene of the fire. A fire
6 inspector gave evidence that the fire was an arson and had been deliberately set using an
7 accelerant. The accelerant had been tossed over several areas and furniture in the
8 premises and a gas container had been discarded inside.

9
10 18. The handle of the gas container when swabbed and examined, had a multiple source
11 DNA profile of an inseparable mixture of at least two contributors. It was estimated to
12 be 120 trillion times more likely to observe this DNA profile if the Defendant and Sarah
13 Hough are the contributors. Sarah Hough is the Scenes of Crime Officer who collected
14 the container from the scene of the fire.

15
16 19. The agreed value of the damage caused to the Police offices is \$158,389.00.



20
21

ANTECEDENT HISTORY

22 20. The Defendant has an antecedent history of 65 previous conviction dating back to 2002¹.
23 Fifty of these are spent. There are multiple convictions for offences of Assault Causing
24 Actual Bodily Harm and Assault, Possession of an Offensive Weapon and a Firearm.
25 More recently he has a conviction for Making Threat to Kill for which he was sentenced
to a term of 12 months' imprisonment on the 10th July 2019. He was also sentenced on

¹ CRO No. 7560

1 that day for offences of Criminal Trespass and multiple offences of Causing Fear and
2 Causing Harassment. For one of the offences of Harassment he was sentenced to a
3 consecutive term of 3 months' imprisonment. For the offence of Damage to Property,
4 no separate penalty was imposed.

5
6 21. The Prosecution has indicated that the evidence with respect to the offence of Making
7 Threat to Kill² includes the following in the witness statement of the female
8 Complainant. She stated that the Defendant said to her:

9
10 a. *"I will fucking shoot you."*

11
12 b. *"I will kill you and go back to jail for something this time."*

13
14 c. *"I (sic) you can't sleep in your house tonight because I going burn your house
15 down."*

16
17 d. *"I going throw some gas on you and gas you."*

18
19
20 **TRAFFIC CONVICTIONS**



21
22 22. The Defendant has an antecedent history of 20 previous traffic convictions. These
23 include three convictions for Driving Without being Qualified. On the 7th October 2019,
24 there was a conviction for driving without being licensed and others for driving without
25 insurance, dangerous driving and expired vehicle licenses. On that date, he was
26 disqualified from driving for three years, one year for driving without insurance and two
27 years' consecutive for dangerous driving.

² Charge 1800 of 2018



1 **PSYCHOLOGICAL REPORT**

2
3 23. Dr. Clement von Kirchenheim is a clinical Psychologist at the Health Services Authority
4 (HSA). He has provided a Psychological Report dated 20th May 2021. He states that he
5 has been assessing the Defendant since 2001. The testing results on this occasion show
6 that the Defendant has mixed verbal and visual impairments. Verbal skills such as
7 vocabulary are in the below average range. Some of his scores were lower than when
8 previously tested but the doctor expresses caution as to drawing any conclusions from
9 this as on this occasion he appeared to be more distracted during the administration of
10 these tests. Overall the results - both as to scores and interpretative text - are said to be
11 questionable due to the possibility of the Defendant having responded randomly. The
12 Doctor states:

13
14 *“This patient's response style may indicate a tendency to magnify illness, an*
15 *inclination to complain, or feelings of extreme vulnerability associated with a*
16 *current episode of acute turmoil. The patient's scale scores may be somewhat*
17 *exaggerated, and the interpretations should be read with this in mind.”*
18

19 24. In terms of diagnosis, the Doctor’s view is that he appears to have a number of
20 personality disorders to include, Narcissistic Personality Disorder, Antisocial
21 Personality Disorder, and Borderline Personality Disorder, with Paranoid Personality
22 Style.

23
24 25. The Defendant is described as an irritable and conflicted man who is able to function
25 adequately within the normal range of daily living functions but is likely to have “periods
26 of marked emotional, cognitive or behavioral dysfunction”. He may have suicidal
27 thoughts and feelings of hopelessness. His profile suggests an inflated sense of self-

1 worth, a defensive disposition and he may exhibit a readiness to attack those he distrusts.

2 The doctor also states that:

3 *“Actions that raise questions of his personal integrity, such as cleverly*
4 *circumventing social conventions, may be present and indicate a rather pervasively-*
5 *deficient social conscience.*

6 *Fearing dependency, this man resists external influence and carefully protects his*
7 *right to self-determination and autonomy. Failures and social irresponsibility may*
8 *often be justified with expansive fantasies and prevarications.”*

9
10 26. He appeared to the doctor to be experiencing a persistent depressive disorder as well as
11 a severe delusional disorder characterized by such symptoms as transient ideas of
12 reference, irrational jealousy, and feelings of grandiosity.

13
14 27. The doctor also states that:

15 *“Given his dispositional background, he may exhibit periods of aggressive behavior*
16 *and uncontrollable rages. Even when these are moderated successfully by*
17 *medication, an undertone of surliness and bitterness is likely to remain, which*
18 *inclines him to be easily inflamed and unpredictable in response to what he*
19 *perceives as the provocations of others.”*

20
21
22 28. The conclusion is that his higher learning executive functions and processing speeds are
23 all impaired, particularly with respect to verbal and numerical tasks which is suggestive
24 of general mild cognitive impairment.

25
26 **PSYCHIATRY REPORTS**



27
28 29. Dr. Arline McGill of the HSA has provided two reports on the Defendant. In the first
29 dated 23rd July 2018, she notes that the Defendant has a background of childhood trauma.
30 He was abused by his mother in his early years. Due to his behavior at school he was

1 referred to the psychiatric services. Following aggression towards authority figures, he
2 was referred for assessment by the psychologist and placed in a therapeutic facility.
3 There he was diagnosed with major depression attention deficit hyperactivity disorder
4 and intermittent explosive disorder. He has a history of suicide attempts and self-
5 medicates with alcohol and substances. On mental status examination, he was alert and
6 fully oriented in time, place and person. He had mild deficits in attention and mental
7 processes. He was found fit to plead with careful explanation of his options.

8
9 30. An updated report dated 6th July 2021 was also provided. His childhood diagnoses were
10 listed as major depression and oppositional defiant disorder with intermittent explosive
11 disorder in childhood, conduct disorder, impulse control disorder and anxiety disorder.
12 His intellectual functioning was diagnosed as borderline and emerging antisocial traits
13 were detected.

14
15 31. On mental status examination, the doctor said that he was alert and oriented with good
16 short-term memory and good attention and concentration. She gives her opinion that he
17 has attention deficit hyperactivity disorder along with generalized anxiety disorder. He
18 also has a bipolar type presentation which may be due to a brain injury.

19
20
21 **SOCIAL INQUIRY REPORT**



22
23 32. The Department of Community Rehabilitation (DCR) has provided a Social Inquiry
24 Report (SIR) on the Defendant which is dated the 14th May 2021. The Defendant is 35
25 years old. The Report notes that his criminal history began at the age of ten years and
26 continued into adulthood. He was sent to a juvenile facility abroad and has had various
27 probation orders and terms of imprisonment imposed.

1 33. In relation to antisocial patterns, it is stated that he had severe problems adjusting in his
2 childhood and, in addition to demonstrating a pattern of generalized trouble, was
3 diagnosed with severe mental illness. He is noncompliant with medication which has
4 negatively impacted his thinking.

5
6 34. The SIR also states that historically, he has had a poor response to supervision and
7 rehabilitation but following his release from custody in May 2020 he has subjected
8 himself to voluntary supervision. He was assessed as at very high risk of re-offending
9 with seven of the eight assessment factors in the very high or high category. He is said
10 to take minimum responsibility for committing traffic-related charges and that his pro-
11 criminal thinking would have to be addressed in order to reduce his risk of re-offending.

12
13 35. He is said to be frequently unemployed and has not been part of any organised activities
14 before or during his incarceration. A number of specific risk /need factors are identified.

15
16 **SENTENCING GUIDELINES**

17
18 36. The *Cayman Islands Sentencing Guidelines* provides general guidance as to the aims
19 of sentencing, assessing the seriousness of an offence, the custody threshold and the
20 principle of proportionality. The Court reminds itself of this guidance, including that in
21 sentencing an offender, the Court has to balance a number of competing interests and
22 objectives and to tailor the punishment to the individual circumstances of the offender,
23 while ensuring that it is in line with the seriousness of the offence.



1 37. The Court should consider which of the aims which govern the sentencing process will
2 be best served by the sentence to be passed. The aims which are set out in the *Alternative*
3 *Sentencing Act 2008* include deterrence, punishment, rehabilitation and restitution. The
4 Guidelines also provide that a custodial sentence should not be passed unless the offence
5 is so serious that no other sentence can be justified for the offence. Custody should be
6 reserved for the most serious offences. Even where the custody threshold is passed,
7 custody can still be avoided in light of personal mitigation or if there is suitable
8 community intervention which would meet the aims of punishment and rehabilitation.

9
10 38. In the absence of offence-specific guidelines for the Cayman Islands with respect to the
11 offence of Arson and the driving offences, reference is made to the *United Kingdom*
12 *Sentencing Council Definitive Guidelines*.

13
14 39. With respect to the offence of Arson (criminal damage by fire) those Guidelines provide
15 for the category of the offence to be determined by assessing the levels of Culpability
16 and Harm.

17
18 40. In category C – lesser Culpability – the following four factors are listed:

- 19 i. Little or no planning; offence committed on impulse;
20 ii. Recklessness as to whether some damage to property was caused;
21 iii. Offender’s responsibility substantially reduced by mental disorder or learning
22 disability;
23 iv. Involved through coercion, intimidation or exploitation.



1 41. Category 3 Harm lists two factors - no or minimal physical and/or psychological harm
2 caused, and low value of damage caused.

3
4 42. With respect to Count 1, the Prosecution submits that this offence is one of lesser
5 Culpability and category 3 Harm. This is in light of the fact that from the CCTV footage
6 the offence appears to have been committed on impulse with little or no planning.
7 Additionally there was no physical or psychological harm caused to any person and the
8 value of the damage was low.

9
10 43. The Defence do not take issue with this categorization. The Court accepts that this is
11 appropriate to the circumstances of this case.

12
13 44. The starting point for a category 3 offence is a low level community order with a
14 sentence range from discharge to a high level community order.

15
16 45. The aggravating factors identified by the Prosecution are the Defendant's criminal
17 record and that the offence was committed near a public amenity, in this case, the gas
18 station.

19
20 46. In respect of the offence in Count 2, the *Guidelines* provide that Culpability A is for
21 offences involving intent and Culpability B is for recklessness. The single factor listed
22 under the latter heading is that the Offender was reckless as to whether life was
23 endangered.

24
25 47. Under the levels of Harm, category 1 has the following factors:



- i. Very serious physical and/or psychological harm caused.
- ii. High risk of very serious physical and/or psychological harm caused.
- iii. Serious consequential economic and or social impact of the offence caused.
- iv. Very high value of damage caused.

48. The Prosecution submits that this offence falls into Culpability B, recklessness, and category 1 Harm. The Harm categorization is on the basis that there was a risk that Police Officers would have been in the building and that, given the close proximity of the Plaza to private homes, the *Rubis* gas station, and other businesses such as Home Gas and Burger King, there was a serious risk of injury to life and property. There is also the fact that the agreed value of the damage is very high. As at the date of trial the property was still unoccupied following the fire.

49. The starting point for an offence falling into this category of Harm and Culpability is 6 years' custody with a range of sentencing of 4 years' to 10 years' custody.

50. The Court accepts that the submitted categorisation is appropriate to the circumstances of this case.

51. The Prosecution submits that the aggravating factors are:

- The antecedent history;
- Use of an accelerant;
- Fire set in or near a public amenity;
- Significant impact on emergency services or resources;
- Proximity in time to the earlier arson committed in August indicating an escalation in conduct.



1 52. The Defence submits in response ~~is~~ that the Court should be careful not to double count
2 as the factor of fire set in or near to a public amenity is said to overlap with significant
3 impact on the emergency services or resources – this, because the public amenity is a
4 resource of the emergency services.

5
6 **THE DRIVING OFFENCES**

7
8 53. The offence of driving whilst disqualified in the United Kingdom is only triable
9 summarily and carries a maximum penalty of 6 months imprisonment or an unlimited
10 fine. The sentence of imprisonment is twice as high in the Cayman Islands, being 12
11 months imprisonment.

12
13 54. There is some guidance from the *United Kingdom Sentencing Council Guidelines* in
14 respect of the levels of Culpability and Harm. Among the factors indicating higher
15 culpability are driving shortly after disqualification was imposed and the harm is greater
16 if a significant distance is driven by the offender. The highest periods of disqualification
17 are in respect of Category 1 offences, being offences of higher Culpability and greater
18 Harm.



19
20 **SUBMISSIONS IN MITIGATION**

21
22 55. In mitigation Defence Counsel submitted that the Reports taken all together present a
23 detailed picture of the Defendant as an individual and as someone whose responsibility
24 is substantially reduced by virtue of a number of matters.

25
26 56. It is also submitted that that while the Reports do not speak to the extent to which his
27 psychiatric issues would predispose him to this kind of offending, it is clear that he is

1 dealing with multiple challenging mental issues, all of which may affect his behaviour.
2 It was submitted further that while these psychiatric issues may not be reflected in an
3 assessment as to Culpability in step 1 of the Guidelines, the Court should give detailed
4 consideration to these issues when considering the mitigation of the overall sentences.
5

6 57. In particular, Counsel highlighted various aspects of the Report of Dr. Von Kirchenheim
7 which described the Defendant as a person:

8 *“Whose verbal abstraction, problem-solving, sequencing skills are still significantly*
9 *below average;*

10
11 *Classified as having Narcissistic Personality Disorder, Antisocial Personality*
12 *Disorder, and Borderline Personality Disorder, with Paranoid Personality Style;*

13
14 *Whose profile indicates a lack of internal cohesion wherein basic intentions and*
15 *interaction with others tend toward ill-defined motivation;*

16
17 *Who exhibits a pattern of dysphoric symptomatology indicative of a major*
18 *depressive disorder;*

19
20 *Who feels trapped and powerless to control his raging inner tensions;*

21
22 *Who appears to be experiencing a severe delusional disorder;*

23
24 And for whom:

25 *“there is clear evidence that higher learning, executive functions and*
26 *processing speeds, are all impaired ...[suggesting]....generalised mild*
27 *cognitive impairment’ and ‘significant personality traits that are unlikely to*
28 *change.””³*



³ Paragraph 4 of Defence submissions

1 58. Counsel also submitted that it is important that the Court considers the antecedent record
2 in the round. Some charges did not result in convictions. Counsel said that the Defendant
3 had remained in custody for some 8 months previously in respect of an unrelated matter
4 and on the morning of his trial no evidence was offered against him. He is
5 understandably frustrated and, in a sense, considers that the system has something
6 against him. He had to endure months in custody for nothing. While there is a criminal
7 record, there is also the other side of the system which has affected him. Counsel noted
8 that the professionals have observed that when he takes his medication he is better able
9 to function.

10
11 59. In respect of the traffic offences, Counsel submitted that these are significantly less
12 serious. They were committed at a similar time. A separate and distinct penalty is not
13 necessary.

14 **SENTENCE**

15
16 60. The Court has first considered whether the Defendant's culpability is reduced because
17 of his mental health issues and asked the relevant questions in accordance with the
18 ***United Kingdom Sentencing Council Guidelines*** for Sentencing Offenders with mental
19 disorders. While ADHD and other personality disorders are listed in Annex A thereto,
20 there is no evidence of a sufficient connection between the disorders and the offending
21 behaviour in this case. There is no evidence that at the time of the offending, the disorder
22 impaired his ability to make rational choices, understand the nature and consequence of
23 his actions or cause him to behave in a disinhibited way. The conclusion is that his
24 culpability is not reduced by reason of these disorders.





1 **COUNT 2**

2
3 61. Taking, count 2, the most serious offence of Arson first. The submissions of the
4 Prosecution, with the concurrence of the Defence, are accepted that this matter properly
5 falls in category 1 B.

6
7 62. From a starting point of 6 years, the Court takes into account firstly three aggravating
8 factors. There is the Defendant's significant antecedent history which, while not
9 including offences of Arson, includes, in particular, offences of threats by fire and
10 damage to property. Secondly an accelerant was used, and thirdly there was significant
11 impact on the emergency services.

12
13 63. Consideration has been given to the submissions of Defence Counsel as to double
14 counting, however, in this case, there is a difference between a fire set in or near public
15 amenities such as a gas station and the emergency services or resources which respond
16 on a mobile basis to a scene. In this case there were multiple fire units called out - more
17 than four according to the evidence. Police teams also responded on an emergency basis
18 all in an effort not only to extinguish the fire but to ensure that it did not spread to
19 surrounding homes and businesses. In the Court's view there is thus a fourth aggravating
20 factor of fire set in or near a public amenity, though of lesser weight than the other three.

21
22 64. When all these factors are taken into account they serve to increase the sentence to one
23 of 8 and ½ years' imprisonment.

1 65. In mitigation, the Court takes into account all that has been said about the Defendant,
2 his difficult childhood, his attempts at gainful employment, the fact that on his last
3 release from Prison he subjected himself to voluntary supervision. In particular the Court
4 takes into account his mental conditions and learning difficulties over the years. All these
5 matters serve to reduce the sentence by a substantial degree to one of 6 ½ years'
6 imprisonment.

7
8 **COUNT 1**

9
10 66. In respect of the lesser offence charged as count 1 of the Indictment, it is considered that
11 a community level order would be inappropriate given his antecedent history and his
12 failure to comply with supervision orders. It is considered that a short sentence to run
13 concurrently with the sentence on count 2 would meet the justice of the case.

14
15 67. From a starting of two months' imprisonment, considering the two aggravating factors
16 identified above the sentence would be increased to three months. Allowing for a
17 reduction in light of all the mitigating factors, the sentence would be one month
18 imprisonment to be served concurrently.

19
20 **TRAFFIC OFFENCES**

21
22 68. With respect to the traffic offences, in the United Kingdom the starting point for a
23 category 1 offence is 12 weeks custody. In light of the higher maximum in the Cayman
24 Islands, a starting point of 18 weeks or 4.5 months is adopted.



1 69. For Count 3, from that starting point, there is the aggravating factor of the multiplicity
2 of traffic offences which demonstrate a continuing disregard for the orders of the Court.
3 The sentence is therefore increased to one of 7 months imprisonment. The mitigating
4 factors serve to reduce this sentence to one of 4.5 months imprisonment. As the offence
5 arises out of the same set of circumstances as Count 1 on the Indictment, the sentence is
6 to run concurrently.

7
8 70. In respect of his guilty pleas to four offences, the sentence of 4.5 months or 18 weeks in
9 each case is reduced by 1 /3 which is reflective of his guilty pleas to those offences for
10 a sentence of three months' imprisonment.



11 CONCURRENT/CONSECUTIVE SENTENCES

12
13
14 71. Paragraph 6 of the *Cayman Islands Sentencing Guidelines* with respect to concurrent
15 and consecutive sentences provides as follows:

16 **“6.1 Concurrent Sentences**

- 17 1. *It is wrong in principle to impose sentences to run consecutively*
18 *where those offences, though distinct in law, arose out of a single*
19 *act so that the overall criminality for the offender can be*
20 *represented by concurrent sentences.*
- 21 2. *Concurrent sentences will ordinarily be appropriate where:*
 - 22 a. *Offences arise out of a related incident or facts*
 - 23 b. *There is a series of offences of the same or similar kind*
24 *especially when committed against the same victim*
 - 25 c. *Where concurrent sentence are passed, the sentence should*
26 *reflect the overall criminality involved. The sentence should*
27 *be appropriately aggravated by the presence of the*
28 *associated offences and thus the court may increase*
29 *sentence for the principal offence to reflect the gravity of*
30 *conduct:*

31 **6.2 Consecutive Sentences**

- 32 3. *Consecutive sentences will ordinarily be appropriate where:*
 - 33 a. *Offences arise out of unrelated facts or incidents*
 - 34 b. *Offences are of the same of similar kind but where the*
35 *overall criminality will not sufficiently be reflected by*
36 *concurrent sentences for example:*

1 77. Counts 3 to 7 indicate a repeated and continued disregard for the orders of the Court with
2 respect to the Defendant's driving.

3
4 78. The Defendant is at very high risk of re-offending. Despite his challenges, he clearly has
5 the ability to appreciate the nature and consequences of his actions.

6
7 79. The primary aims of sentencing in this case must be deterrence and punishment. It is
8 hoped that he will also have the opportunity while in custody to receive psychiatric
9 counselling and to participate in rehabilitation programmes. Having considered all the
10 circumstances, the Court considers that the proposed sentence is proportionate to the
11 gravity of the offending and meets the justice of the case.

12
13 80. The sentences are therefore as follows:



- 14 (a) Count 2: 6 ½ years' imprisonment
- 15
- 16
- 17 (b) Count 1: 1 month imprisonment concurrent
- 18
- 19 (c) Count 3: 4.5 months' imprisonment concurrent
- 20
- 21 (d) Count 4: 3 months' imprisonment concurrent
- 22
- 23 (e) Count 5: 3 months' imprisonment concurrent
- 24
- 25 (f) Count 6: 3 months' imprisonment concurrent
- 26
- 27 (g) Count 7: 3 months' imprisonment concurrent

1 81. Time served is to be deducted.

2

3 82. Additionally the Defendant is disqualified from driving for a period of five years
4 following his release from Prison.

5

6 **Dated this 17th August 2021**

A handwritten signature in blue ink, consisting of several fluid, connected strokes that form a stylized, cursive-like shape.

7

8 **Honourable Justice Cheryll Richards Q.C.**
9 **Judge of the Grand Court**

10