



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

3 **IND. NO: 106 of 2019**

4
5
6 **THE KING**

7
8 **V.**

9
10 **SEAN MICHAEL MCDONALD**
11

12
13
14 **Appearances:** **Mr. Richard Matthews KC and Mr. Greg Walcolm for the**
15 **Prosecution**

16 **Mr. Benjamin Tonner KC and Mr. Oliver Grimwood for the**
17 **Defence**

18 **Before:** **The Hon. Justice Cheryll Richards KC**

19 **Sentencing Submissions:** **13th January 2023**

20 **Sentencing Judgment:** **18th January 2023**
21

22
23 **HEADNOTE**

24 ***Criminal Law - Section 180 of the Penal Code (2019 Revision), Manslaughter, Section 210 of the Penal***
25 ***Code, (2019 Revision), Endangering Human Life or Safety, Cayman Islands Sentencing Guidelines.***
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SENTENCE JUDGMENT

1. The defendant Sean Michael McDonald is before the Court for sentencing in respect of three offences following his convictions after a Judge alone trial. Counts One and Two of the Amended Indictment charge him with two offences of Manslaughter contrary to s.180 of the *Penal Code* (2019 Revision).
2. The particulars of Count One are that he on the 11th day of August 2019 in Grand Cayman, Cayman Islands, caused the death of another person, namely John Turner, by culpable negligence in the discharge of the duty to pilot the marine vessel Pepper Jelly with reasonable care to avoid endangering the life of other persons, in particular by navigating Pepper Jelly at dangerous and excessive speed when approaching the shore and the entrance to a channel during the hours after sunset.
3. The particulars of Count Two are that he on the said date and place, caused the death of another person, namely Emmanuel Brown, by culpable negligence in the discharge of the duty to pilot the marine vessel Pepper Jelly with reasonable care to avoid endangering the life of other persons, in particular by navigating Pepper Jelly at dangerous and excessive speed when approaching the shore and the entrance to a channel during the hours after sunset.
4. Count Three charges him with the offence of Endangering Human Life or Safety through Reckless and Negligent Acts contrary to s.210 of the *Penal Code* (2019 Revision). The particulars are that he on the 11th day of August 2019 in Grand Cayman, Cayman Islands, navigated the marine vessel Pepper Jelly in a manner so rash or negligent as to endanger human life, including that of Shamilia Wright, in particular by navigating Pepper Jelly at dangerous and excessive speed when approaching the shore and the entrance to a channel during the hours after sunset.

THE FACTS

5. The facts are set out in detail in the verdict judgment. In summary, in the night of Sunday, 11th August 2019, the defendant was the captain of the boat, Pepper Jelly. Two passengers were on board. The boat was returning home from a day at Rum Point. On the last leg of its journey, it



1 was travelling from the dock at Camana Bay across the North Sound to Harbour House Marina.
2 Emmanuel Brown was the captain of a Godfrey Hurricane boat. Two passengers were on board,
3 John Turner and Shamilia Wright. This boat was travelling from Star Fish Point across the
4 North Sound. Both boats collided.

5
6 6. The expert evidence at trial established that shortly before the collision, the Pepper Jelly did
7 not maintain its speed. It accelerated from 35 miles per hour to 42 miles per hour. As it neared
8 the point of the collision about 8/10^{ths} of a mile the speed was between 46 and 52 miles per
9 hour. It travelled at 73 feet in a second. The collision occurred one minute later. The impact
10 was such that the Pepper Jelly passed over the hull of the Godfrey Hurricane, contacting with
11 and causing the deaths of Emmanuel Brown and John Turner and serious injuries to Shamilia
12 Wright.

13
14 7. In his interview with the Police, the defendant said that he was travelling at planing speed and
15 that it is scary to go faster than 42 miles per hour.

16
17 8. The Court concluded that the defendant navigated the Pepper Jelly at a dangerous and excessive
18 speed when approaching the shore at the particular time in all the circumstances that existed at
19 that time and that he failed to keep a proper look out.

20
21 9. The maximum penalty for Manslaughter is life imprisonment. The maximum penalty for the
22 offence of Endangering Human Life or Safety through Reckless and Negligent Acts is 4 years
23 imprisonment¹.

24 25 **VICTIM IMPACT REPORTS**

26
27 10. The Department of Community Rehabilitation (“DCR”) has provided victim impact reports
28 (VIRs) in respect of two of the victims. The report from the family of John Turner is dated 28th
29 October 2022. The victim John Turner was seventy years old. He was retired and resided in
30 the Cayman Islands for a part of each year. His daughter Sonia Ferrari and her family were
31 visiting with him at the time of the incident. The visit was in part to celebrate the birthday of
32 his grandson. Ms. Ferrari describes the evening of the incident when they returned home to
33 find that her father was missing and unaccounted for. She describes the import of the news that

¹ S.38 of the Penal Code (2019 Revision)



1 he was one of the victims of the boat collision and what she says was the nightmare of disbelief
2 and grief which followed. In the aftermath, her son, the grandson of Mr. Turner who was very
3 close to him, began having difficulties in school and had to work with a mentor. In summary,
4 the family, extended family and friends have all been devastated by the loss of Mr. Turner.
5 This continues to be felt to this day.

6
7 11. A report from one side of the family of the victim Emmanuel Brown is dated 28th October 2022.
8 Mr. Brown was forty-nine years old with two younger children. Out of concern for the children,
9 their mother has requested that this report not be referenced in open Court. Counsel and the
10 defendant have had sight of this report and the Court has also read this report in its entirety.

11
12 12. Shamilia Wright has provided a witness statement dated the 22nd August 2022. Ms. Wright was
13 the partner of Mr. Brown. Mr. Brown is described as a hardworking, sociable and energetic
14 person who had a constant smile. They had been together for some four years and had planned
15 to get married in the future. Ms. Wright remembers waking up from a coma after the incident
16 and the grief she felt upon hearing the news of the deaths. She describes being in physical pain
17 from the injuries which she suffered to her neck, back and head. This went on for months as
18 she underwent rehabilitation and physiotherapy in order to learn how to walk, talk and do basic
19 things for herself again. She continues to suffer emotional pain at the loss and physical pain
20 daily. She gets tired easily and is required by her doctor to avoid stress. Mr. Brown's death has
21 also impacted her young son who was close to him.

22
23 13. There is a VIR dated 10th November 2022 from Emmanuel Ricoh Brown, the twenty-nine-year-
24 old son of Mr. Brown. The Probation Officer states that it is evident that the impact upon this
25 victim has been far reaching and enduring and involves permanent and severe psychological
26 scars and ongoing suffering. Mr. Ricoh Brown has provided his own statement which records
27 an aftermath filled with anger, despair and continuing indescribable pain at the loss of his father
28 who was his best friend.

29
30 14. Dorothy Jackson is the mother of Mr. Brown. A VIR dated 4th November 2022 indicates that
31 she too has suffered severe psychological harm at the loss of her son and has lost her primary
32 financial support and caregiver in her older years.



1 **SOCIAL INQUIRY REPORTS**
2

- 3 15. The DCR has provided a Social Inquiry Report (“SIR”) dated 10th November 2022 in respect
4 of the defendant. This provides detailed information as to his personal circumstances and
5 background. The Court has read this report in its entirety and takes into account everything said
6 therein in favour of the defendant.
7
- 8 16. In summary, he is thirty-nine years old and is married. He is a boat captain of some experience.
9 He reports having a generally happy childhood and that he was educated to university level
10 overseas. Following university, he worked there for about six years before returning home to
11 the Cayman Islands. On his return he was employed as a boat captain for a tour company
12 before starting his own marine tour business. He ceased this operation as a result of this case
13 and has lost income because of his unemployment in the aftermath of the incident.
14
- 15 17. The defendant outlined the impact which the incident has had on his life. While his mother has
16 continued to support him, his relationships with his only sibling and his wife have deteriorated.
17 Many of his friends have deserted him. He says that since the incident he has developed anxiety
18 and depression and has been self-medicating with alcohol as well as receiving counselling.
19 There has been a diagnosis of post-traumatic stress disorder.
20
- 21 18. His antecedent history was reviewed by the Probation Officer. He has traffic convictions in
22 2018 for failing to provide a specimen of breath for which he was disqualified from driving
23 and fined. In 2020 he was sentenced to further disqualification from driving and a community
24 service order for additional driving offences.
25
- 26 19. Under community functioning, the Officer reports that one person in the community describes
27 him as a friendly and practical individual. Another person who has known him for thirty years
28 describes him as ambitious and talented.
29
- 30 20. Under the heading Attitude Towards the Offence, the Officer concludes that while the
31 defendant has expressed remorse about what occurred and is deeply distressed at being
32 involved in such a tragic incident, much of his anguish appears to be due to the impact on his
33 own life.
34



1 21. The defendant was assessed using the Level of Service/Case Management Inventory
2 Instrument (LS/CMI). His overall risk of re-offending was assessed as medium. Of the eight
3 criminogenic factors, he had none in the very high category. He had one factor in the High
4 Category, leisure/recreation due to his present unemployed status. Under pro-criminal
5 attitude/orientation, he is in the medium category. The Officer references *inter alia* his
6 convictions for traffic offences, his disregard for navigational rules and his tendency to present
7 himself as the victim. He has three factors in the low and very low categories.

8
9 22. Under sentencing options, the SIR states that the defendant has mental health concerns and that
10 there is a realistic prospect that a period of incarceration would lead to further deterioration in
11 his health and would likely negatively impact his relationship with both his wife and his mother.
12 If he is incarcerated, he will need to be assessed in relation to use of alcohol and to identify any
13 counselling needs.

15 **CHARACTER REFERENCES**

16
17 23. The Court is in receipt of ten reference letters in respect of the defendant. All of these have
18 been read and are taken into account. These are brief summaries of them. A former co-worker
19 Ricardo Ebanks² who has known the defendant for ten years describes the defendant as a hard
20 worker who carries himself in a respectable manner. Suzette Watler-Galeano³ has known the
21 defendant since primary school. She describes him as always willing to lend a helping hand to
22 others in need, and as a honest and well-grounded individual. Dr. John Addleson⁴ has known
23 the defendant since he was ten years old. The defendant is described by him as very respectful
24 and conscientious. This incident is said to be out of character for him. Dr. Addleson says that
25 he can attest to the defendant's compassion and empathy for those affected by the incident.

26
27 24. Dwene Ebanks⁵ has known the defendant for over twenty years. He describes the defendant as
28 being from a good family background, a faithful and caring friend, strong with an overall
29 positive outlook and a law abiding and non-violent person. Mr. Ebanks says that the defendant
30 is thoughtful, perceptive, and sincere in his advice and personal convictions. He is also
31 described as caring in nature and a man of integrity who shares a vision of charity and social

² Dated 23rd September 2022

³ Dated 23rd September 2022

⁴ Dated 25th October 2022

⁵ Dated 9th November 2022



1 consciousness. Mr. Ebanks has observed the defendant’s remorse and repentance for what
2 happened. Mr. Ebanks asks for mercy for the defendant and says that the defendant presents
3 the opportunity for a holistic, rehabilitative approach.

4
5 25. James O’Donnell⁶ has known the defendant since 2017. He has been out on the water with the
6 defendant on various tours. He says that the one thing that stood out to him was the defendant’s
7 awareness of the water and of his surroundings. He recounts an event as illustrative of the
8 defendant putting his personal feelings aside to ensure that others had a good day on the water.
9 He says that he is proud to call the defendant a friend and knows that he is a good man.

10
11 26. Chris Shaw⁷ first met the defendant in about 2014. They first met as they were frequent visitors
12 to a local bar. Mr. Shaw stopped visiting the bar and did not see the defendant for some time
13 until 2021 when he noticed a change in the defendant’s personal affect. They have since
14 become closer friends. Mr. Shaw speaks of the consistent remorse of the defendant. Jessica
15 Butt⁸ has known the defendant because of the close relationship between their mothers. She
16 cares for him as if they were cousins. She describes him as a kind, generous, warm, thoughtful,
17 and committed friend. She states:-

18
19 *“He sticks up for what he feels is right and for the people he cares about and puts himself*
20 *on the line to protect others.”*

21
22 27. Mark Hollowell⁹ is a close friend of the defendant having met him when they were in high
23 school some twenty-three years ago. He describes the defendant as a natural leader who always
24 strives to overcome any challenges and improve himself. The defendant is said to have
25 compassion for others and the determination to achieve personally and in business. Keddy
26 Chandran¹⁰ has also known the defendant from a young age. He asks that the Court consider
27 the defendant from another perspective, that is, his potential for leadership, entrepreneurship,
28 and service to the Islands. He speaks of the defendant’s selfless leadership of a team of players
29 despite a personal injury and the defendant’s role in supporting the Cayman community in the
30 aftermath of Hurricane Ivan.

31

⁶ Dated 15th November 2022

⁷ Dated 10th November 2022

⁸ Dated 14th November 2022

⁹ Dated 17th November 2022

¹⁰ Dated 24th November 2022



1 28. Joseph L. Watler Jr.¹¹ has been a best friend of the defendant for over 25 years. They have
2 been handling boats and conducting water sports activities together. Mr. Watler says that there
3 was never any problems or issues in terms of safety or responsibility, “in the defendant’s work
4 ethic or attention to detail”. The defendant was usually the go to person for problems as he was
5 responsible, dependable and with an “honest sober state of mind”. The defendant is said to have
6 led a modest and responsible life. He was excited to start his own business and operated
7 professionally with all required licenses, insurance and permits and safety equipment for
8 guests. He is said to be intelligent, ambitious and talented.
9

10 **THE CAYMAN ISLANDS SENTENCING GUIDELINES**

11
12 29. The *Cayman Islands Sentencing Guidelines* for Violent Offences¹² in respect of the offence
13 of Manslaughter by gross negligence provides in step one that the level of Harm is always a
14 high one because of the causation of death.
15

16 30. There are four levels of culpability, very high, high, medium and lower. The issue raised in this
17 case is whether the culpability for Counts One and Two is at the high or medium level.
18

19 31. Under the *Guidelines*, high culpability may be indicated by any one or more of the following
20 factors: -

- 21 • The offender continued or repeated the negligent conduct in the face of the
22 obvious suffering caused to the deceased by that conduct.
- 23 • The negligent conduct was in the context of other serious criminality.
- 24 • The offence was particularly serious because the offender showed a blatant
25 disregard for a very high risk of death resulting from the negligent conduct.
- 26 • The negligent conduct was motivated by financial gain (or avoidance of cost).
- 27 • The offender was in a leading role if acting with others in the offending.
- 28 • Concealment, destruction, defilement, or dismemberment of the body,
29 (where not separately charged).
- 30
- 31

¹¹ Undated

¹² June 2021



1 32. The starting point for high culpability is 8 years custody with a range of sentence of 6 to 12
2 years.

3
4 33. Medium culpability is indicated where there are cases falling between high and lower because:-
5

6 *“Factors in both high and lower are present but balance themselves out and/or the*
7 *offender’s culpability falls between the high and lower levels.”*

8
9 34. One of the factors which indicates lower culpability is where the negligent conduct was a lapse
10 in the offenders’ otherwise satisfactory standard of care.

11
12 35. The starting point for an offence of medium culpability is 4 years custody with a range of
13 sentence of 3 to 7 years.

14
15 36. The prosecution points to the possible presence of the first and third factors under high
16 culpability and submits that these are category 2 offences because of those factors. It is
17 submitted that none of the lower culpability factors are present in this case. As to the first factor
18 under high culpability, the prosecution submits that while the *Guidelines* refer to negligent
19 conduct in the face of the obvious suffering caused to the deceased, these offences refer to a
20 duty of care to a class of persons, namely boat users in the North Sound. The victims were
21 members of this class.

22
23 37. The defence submits that Counts One and Two are offences of medium culpability because
24 none of the high and low culpability factors are present and the offending therefore falls
25 between the two levels.

26
27 38. In response to the submissions of the prosecution it is agreed by the defence that none of the
28 lower culpability factors are present. The defence submission as to the categorisation is that the
29 first factor of repeated negligent conduct in the face of obvious suffering of the deceased is not
30 applicable in the present case. The applicability of such a factor would arise in, for example,
31 the care of a child such as in the case of *Regina v. Elaine Clarke*¹³.

32
33 39. The defence submissions on this aspect are accepted. The context in which the words are used
34 in the *Guidelines*, appears to go beyond where there is presence of obvious risk to where there

¹³ [2022] EWCA Crim 1109



1 is visible impact on a victim by way of obvious suffering due to repeated negligent conduct.
2 The conclusion is that the first factor in the *Guidelines* under the high category does not apply
3 to the instant case.

4
5 40. As to the third factor, the prosecution submits that the offender showed a blatant disregard for
6 a very high risk of death resulting from his negligent conduct. In support of this submission,
7 the prosecution refers to the statements made by the defendant about the manner in which he
8 drove in the North Sound on the night. Reference is also made to his statements that driving at
9 speed in the North Sound was normal behaviour and was something which he had done on
10 occasions in the past.

11
12 41. The defence in response submit that while there may have been a “substantial risk” of death,
13 the conduct of the defendant did not give rise to a very high risk of death.

14
15 42. As it was for the verdict judgment, it is the words of the defendant which are of significance as
16 to the risks involved in navigating the vessel at high speeds on a Sunday night in the area which
17 he did. This was not only travelling at speed, at night, about twice what he himself considered
18 to be a safe speed. It was not only travelling at speed when visibility was poor, but it was also
19 accelerating in speed at a time and in an area where it was expected by him, that there would
20 be boats returning with people from Rum Point. Additionally, the Court found that he failed to
21 keep a proper look out. The Courts’ view is that all the circumstances taken together evidence
22 that the defendant showed a blatant disregard for a very high risk of death resulting from his
23 negligent conduct.

24
25 **AGGRAVATING FACTORS**

26
27 43. The prosecution submits that the defendant’s actions immediately after the collision is an
28 aggravating factor in respect of this offence. It is said that the defendant deliberately failed to
29 alert the authorities as to the fact of the collision and that he had the opportunity to do so having
30 spoken to the householder who rendered assistance to his two passengers and himself. This
31 missed opportunity said Counsel likely resulted in the delay of assistance being provided to the
32 three victims.



1 50. It is agreed by both Counsel that as a cross check, regard may be had to the *Cayman Islands*
2 *Sentencing Guidelines* for Causing Death by Dangerous Driving, but the prosecution submits
3 that the primary sentencing guidelines are those in relation to Manslaughter. The Court accepts
4 the submission of the prosecution. The Court notes that the general principles in the *Guidelines*
5 for Causing Death by Dangerous Driving may be helpful but that there are different maximum
6 sentences for these offences.

7

8 **COUNT 3 - ENDANGERING HUMAN LIFE OR SAFETY**

9

10 51. In the absence of local sentencing guidelines, Counsel for the prosecution has referred the Court
11 to the *United Kingdom Sentencing Guidelines* with respect to health and safety offences. The
12 maximum sentence in that jurisdiction is two years and an unlimited fine in contrast to the
13 sentence of four years in this jurisdiction.

14

15 52. The prosecution submits that under those guidelines the level of culpability is high because this
16 defendant had actual foresight of or willful blindness to the risk of offending, but the risk was
17 nevertheless taken. Alternatively, the culpability was very high as the defendant showed a
18 flagrant disregard for the law. The further submission is that as there was a risk of death, the
19 risk of harm is at level A. Allowing for an appropriate uplift for the difference in sentencing
20 the appropriate starting point says the prosecution would be either 24 or 36 months.

21

22 53. The defence position is that the *United Kingdom Sentencing Guidelines* are of limited
23 assistance as they apply to cases of a different nature from the present case and that some
24 assistance can be obtained from the general sentencing *Guidelines* in the Cayman Islands.

25

26 **THE SENTENCE**

27

28 54. The offending in this case is so serious that the custody threshold is firmly passed. The
29 consequences have been tragic for all concerned. This is for those on both sides, prosecution
30 and the defence. In a matter of moments that Sunday night, the course of many lives was
31 altered. Children and grandchildren are without their fathers and grandfathers. There is
32 psychological, emotional and financial impact. One family had to sell their home due to the
33 sudden loss of income. The harm and loss caused is irreparable and the defendant himself



1 recognizes this. He is a man of good character who is before the Court, and he appears to still
2 be visibly and genuinely traumatised by what occurred. His life too has been altered by this
3 incident. This Court has found that he was grossly negligent in his piloting of his boat that
4 Sunday night. He must face up to the reality of his role in what occurred. He was well aware
5 of the risks attendant upon navigating the Pepper Jelly in the manner that he did, at that
6 particular time and in that location. In the face of his knowledge as to the risks, he made a
7 choice to do as he did. He has no one to blame but himself.

8
9 55. The task of this Court on sentencing is set out in the *Alternative Sentencing Act*. It is to impose
10 a sentence which is proportionate to the gravity of the offences and the degree of responsibility
11 of the convicted person.

12
13 56. In sentencing, the *Act* enjoins the Court to take account of a number of principles. These are as
14 set out in s.4 which states:-

15
16 *“A court shall, in imposing a punishment under this Law, take into account the following*
17 *principles — (a) that the fundamental purpose of punishment is to contribute, along with*
18 *crime prevention initiatives, to respect for the law and the maintenance of a just, peaceful*
19 *and safe society by imposing just sanctions that have one or more of the following*
20 *objectives —*

21 (i) *to denounce unlawful conduct;*

22 (ii) *to deter the convicted person and other persons from committing offences;*

23 (iii) *to separate convicted persons from society, where necessary;*

24 (iv) *to assist in rehabilitating convicted persons;*

25 (v) *to provide reparations for harm done to victims or to the community; and*

26 (vi) *to promote a sense of responsibility in convicted persons, and*
27 *acknowledgment of the harm done to victims and to the community;”*

28
29 57. Section 4 also provides that: -

30
31 *“(d) a sentence should be similar or proportionate to sentences imposed on similar*
32 *convicted persons for similar offences committed in similar circumstances;*



1

2 (f) *a convicted person should not be deprived of liberty if less restrictive*
3 *sanctions may be appropriate in the circumstances; and*

4 (g) *all available sanctions other than imprisonment that are reasonable in the*
5 *circumstances of each case should be considered for all convicted persons.”*

6
7 58. These principles as set out in the **Act** are borne in mind in considering the appropriate sentences
8 in this case.

9
10 59. With respect to Counts One and Two, there being one factor in the category of high culpability,
11 the starting point is 8 years. From that starting point of 8 years, the sentence is aggravated by
12 the fact that more than one death has occurred and is therefore increased by 12 months to 9
13 years or 108 months.

14
15 60. In mitigation, the Court takes into account everything that has been written and said in favour
16 of the defendant. These include in summary, that he is of good character. He has no relevant
17 previous convictions, there being only a record of minor traffic convictions. This offending is
18 entirely out of character for him. He suffered serious physical injuries as a result of the incident,
19 and it has also taken an emotional toll upon him and caused some psychological harm. It has
20 impacted his family relationships and friendships and has placed his marriage under strain.
21 According to the SIR it may continue to adversely affect his marriage in the future. There has
22 been a severe economic impact upon him. He had to cease operating his business and abandon
23 his dream and ambition to operate a marine tour enterprise. He has good personal qualities as
24 are set out in the SIR and in the many and detailed character references summarised above.
25 This Court accepts that he is deeply and genuinely remorseful. Counsel on his behalf submitted
26 that he wishes that he could take the place of those who died and repair the harm caused. This
27 Court accepts that this is a sincerely held desire on his part. He is at medium risk of re-
28 offending.

29
30 61. All the mitigating factors serve to reduce the sentence by 15 months to 93 months or 7 years
31 and 7 months.

32
33



1 62. In relation to Count Three, accepting the limited nature of the assistance from the *United*
2 *Kingdom Guidelines* referenced by prosecuting Counsel, consideration has also been given to
3 the *Cayman Islands General Guidelines* with respect to culpability and harm. This offending
4 would fall into the second highest category of culpability and the harm would be at the highest
5 level. The Court adopts a starting point of 3 years which is reduced by 6 months by reason of
6 mitigating factors for a total sentence of 2 1/2 years.

7

8 **CONSECUTIVE /CONCURRENT SENTENCES**

9

10 63. Given the fact that these offences arose out of a single act, concurrent sentences would be
11 appropriate in this case.

12

13 64. The Court has considered the principle of totality and whether the proposed sentence will
14 reflect the overall criminality. Particularly so where there has been no uplift in the sentence in
15 respect of Count Three of the Indictment. A further uplift is not proposed for the reason set out
16 below.

17

18 **DELAY**

19

20 65. There is an additional mitigating factor. This offending occurred in August 2019. There has
21 been some delay, none of which is the fault of the defendant. In early 2020 while preparations
22 were in train for a trial, the pandemic began, attempts to have a defence expert travel to the
23 Island to examine the boat had to be suspended as the borders were closed. The Court process
24 which followed the obtaining of all the relevant experts' reports, both prosecution and defence,
25 has also been lengthy. Whatever the reasons for the delay, this has been a difficult time for the
26 defendant, and it is clear from many of the reference letters provided that he has been in
27 emotional distress throughout this period while he has been on bail awaiting the completion of
28 this case. Between the 11th December 2019 and the 14th April 2020, his bail conditions restricted
29 his ability to work, specifically that he could not work as boat captain.

30

31

32

1 66. The sentence is further reduced by reason of the delay which has occurred in this case, in two
2 ways, by the non-application of any additional uplift in respect of Count three (which would
3 have added a further 6 months) and by a further reduction of 6 months for a sentence of 7 years
4 and 1 month.

5
6 67. The defendant, while in custody, is to be monitored for his mental health and he is to be
7 assessed for any counselling needs.

8

9 **Dated this the 18th day of January 2023**

A handwritten signature in blue ink, appearing to be 'Cheryll Richards', written in a cursive style.

10

11 **The Hon. Justice Cheryll Richards KC**
12 **Judge of the Grand Court**

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