

IN THE COURT OF APPEAL OF THE CAYMAN ISLANDS

CRIMINAL APPEAL 014 of 2022

IIND# 0053 of 2021

SC#01391 of 2021

DEANTHONY RUSSELL

Appellant

-and-

HIS MAJESTY THE KING

Respondent

Before: The Rt Hon Sir John Goldring, President
The Rt Hon Sir Alan Moses, Justice of Appeal
The Rt Hon Sir Jack Beatson, Justice of Appeal

Date of Hearing: 11 September 2023

Appearances: Mr DeAnthony Russell, Appellant in Person
Mr Alexander Barbour of the Office of the DPP for the Respondent

JUDGMENT

**Transcript of oral judgment dated 11 September 2023 and Approved for
Release 30 October 2023**

MOSES, JA.

1. This is an application by the Applicant, De-Anthony Russell to renew his application for leave to appeal against a sentence of 3 years' imprisonment, together with a sexual prevention order that was passed, following a trial in which it is to be noted that the Applicant had pleaded not guilty. The sentence was passed on

the 26th of May of 2022.

2. The Applicant initially had written to this court saying that he did not wish to pursue his appeal but today, although unrepresented, seeks permission to continue with his appeal because he says he does want to appeal against the sentence of 3 years' imprisonment.
3. Since this is an application that we need deal only with the matter shortly, the victim of the indecent assault of which this Applicant was convicted earlier, following a trial, was only 8 years-old. The offence took place over a very short space of time in the kitchen of the child and her family. The Applicant approached her from behind, touched her bottom over her clothing with both hands and the victim described how he rubbed her bottom. He then exposed himself and rubbed his own penis.
4. The judge dealt with the Applicant, who had a long history of previous offences mainly to do with the taking of ganja but the striking feature of which was that he had no previous convictions of any sexual nature.
5. There was a report that we have not seen, dealing with his unfortunate mental condition. She took into account that mental disorder as a mitigating factor, the fact that there were no relevant previous convictions and the length of time which the assault took

place - which was almost fleeting - as mitigating features, reducing the -- what was an offence which merited, as she put it, 5 years' imprisonment down to, as we have said, 3 years.

6. Today the Applicant has advanced no good reason as to why we should allow him to renew his application for permission to appeal, well out of time, particularly after he had withdrawn it but so as to reassure him, we ought to say that despite the fact that there are no Grounds of Appeal that are being advanced and no grounds for renewing this application, we have looked again carefully at all the circumstances of this offence and of any possible reason as to why it would be argued -- it could be argued to be manifestly excessive. We have seen none and in those circumstances, we dismiss this application.