

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

3 **INDICTMENT NO: 49/2010**

4  
5 **THE QUEEN**

6  
7 **v.**

8  
9 **O'NEIL ALRICK ROBINSON**

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11  
12 **Appearances:**

**For the Crown:**

13 **Crown Counsel, Ms. Tanya Lobban and Crown**  
14 **Counsel Mr. John Masters**

15  
16 **For the Defendant:**

17 **Ms. Nicola Moore of Priestleys**  
18

19 **Before:**

**The Honourable Mr. Justice Charles Quin**

20 **Heard:**

**17<sup>th</sup> December 2010**

21  
22 **SENTENCE JUDGMENT**  
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- 24
- 25 1. O'Neil Alrick Robinson has pleaded guilty to the charge of wounding with  
26 intent, contrary to s.203 of the Penal Code.  
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  - 28 2. The particulars of the offence are that O'Neil Alrick Robinson, on the 9<sup>th</sup> day of  
29 May 2010, at Kingbird Drive, North Sound Road, George Town, Grand Cayman  
30 Cayman Islands, unlawfully and maliciously wounded Lisania Simone Chambers  
31 with intent to do her grievous bodily harm.  
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1 **Facts**

2 3. The Complainant and the Defendant had met in June 2009 and entered into an  
3 intimate relationship.

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5 4. In November 2009, the parties had a dispute and, although they remained friends,  
6 they separated.

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8 5. On the 8<sup>th</sup> May 2010 the parties had an argument about the Defendant's new  
9 relationship with a female in Jamaica. The Defendant threatened the  
10 Complainant, saying that he would kill her if she mentioned anything about him  
11 to his new lady friend in Jamaica. The Complainant contacted the Defendant's  
12 girlfriend and received a text that the Defendant had threatened to kill the  
13 Complainant and then himself.

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15 6. On the evening of the 9<sup>th</sup> May 2010 the Defendant went to the Complainant's  
16 house and asked to be let in. She refused him entry. The Defendant used a key  
17 that he had originally had and entered the Complainant's apartment. He  
18 immediately grabbed the Complainant by the throat and started to choke her. He  
19 then picked up a metal object and beat her on her head, and at the same time  
20 threatened to kill her. He then proceeded to kick her about the body and the face,  
21 causing her to lose a tooth. The Complainant shouted for help, but the door to the  
22 apartment was locked.

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24 7. The Defendant used a knife and stabbed the Complainant in the back of the neck.  
25 The knife broke. The Defendant did not stop and then obtained scissors and  
26 continued stabbing the Complainant. The tip of the scissors eventually stuck in

1 the Complainant's neck. The Complainant pretended to be dead in order to stop  
2 the Defendant attacking her.

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4 8. The Complainant suffered several defensive injuries to her hands, a punctured  
5 left lung, as well as several stab wounds to the rear of her neck.

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7 9. The tip of the knife broke and was lodged in the Complainant's spinal canal,  
8 which resulted in the Complainant having little or no movement on her left side.

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10 10. The Complainant was treated at George Town Hospital by Dr. McLaughlin, who  
11 noted that she had approximately 10 stab wounds between the scapulae at the  
12 base of the neck. One wound also traversed the spinal canal, and the CAT scan of  
13 the chest (the CT Chest) showed a prominent left-sided pneumothorax.

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15 11. The Complainant was airlifted to the University Hospital in Jamaica where  
16 emergency surgery was performed. The tip of a knife blade was removed from  
17 the spinal canal in her back and her left lower limbs were incapacitated. A tube  
18 was placed in her lung. Spinal decompression and stabilization of the cervical  
19 spine was conducted.

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21 12. The Complainant required a second surgical operation to place a titanium plate in  
22 her neck. The Complainant remained in the University Hospital of the West  
23 Indies for over 5 weeks.

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25 13. Initially, it was thought that the Complainant would be unable to walk, due to the  
26 injuries she sustained. However, with extensive physical therapy, she now has the  
27 capability to walk, albeit with a slight limp.

1 14. The Complainant continues to complain of having sensation problems in the right  
2 side of her body and weakness in the left side of her body.

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#### **Analysis**

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7 15. The Court finds that had it not been for the expert and prompt medical treatment  
8 the Complainant received at George Town Hospital, and at the University  
9 Hospital in Jamaica, she could easily have died from the serious injuries inflicted  
10 by the Defendant.

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13 16. Crown Counsel has highlighted certain aggravating features. There is evidence  
14 that the Defendant went to the victim's residence to cause her harm. In fact, the  
15 evidence is that the victim refused to let the Defendant in, and he gained access  
16 by the use of an old key that he had retained.

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19 17. What the Court does note is that upon gaining entry, the Defendant immediately  
20 attacked the Complainant. This indicates that the Defendant had formed a plan to  
21 come to the Complainant's house and cause her grievous bodily harm.

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24 18. There is evidence that the Defendant used a metal object and hit her to the head.  
25 He also used a knife, the tip of which had to be removed from the Complainant's  
26 back. Finally, he also used scissors, which became embedded in the victim's  
27 neck.

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30 19. The Defendant's repeated and relentless assault caused what could only be  
31 described as exceptionally serious injuries. The victim is left with permanent  
32 damage. She does not walk freely and suffers from a limp. The evidence is that  
33 she is still in a very vulnerable state, both physically and emotionally, and that  
34 she will suffer from these injuries for many years to come.

- 1 20. It has been accepted by Defence counsel that this is a truly heinous crime.
- 2
- 3 21. Defence counsel, Ms. Moore, quite properly put forward all the mitigating
- 4 submissions on behalf of the Defendant. It is clear to the Court that the
- 5 Defendant is a man of previous good character. The Defendant has no previous
- 6 convictions and, in fact, does not indulge in either drugs or alcohol. He has a very
- 7 strong work record and has been described in the references submitted to the
- 8 Court as a diligent, honest, hardworking man.
- 9
- 10 22. Indeed I note that the victim, herself, describes the Defendant as a man of great
- 11 integrity, who is dedicated to his family and his work.
- 12
- 13 23. I note immediately after the incident he tried to call 911 and, after failing to get
- 14 through, went directly to the police station and gave himself up.
- 15
- 16 24. I have read the Victim Impact Report and the helpful Social Inquiry Report (SIR)
- 17 from Lisa Malice dated the 15<sup>th</sup> December 2010.
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- 19 25. In the SIR the Defendant has sated: "*I should have just walked away and not let*
- 20 *my self control get away from me.*" He also added, "*Words cannot explain how*
- 21 *sorry I am.*" I accept that the Defendant is contrite and deeply remorseful.

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23 **The Law**

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- 25 26. The Defendant has pleaded guilty to wounding with intent to cause grievous
- 26 bodily harm, contrary to s.203 of the Penal Code (2007 Revision).
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- 28 27. Both counsel have referred me to the Case Law in the Cayman Islands and in the
- 29 United Kingdom. Defence counsel has provided the Court with Guidelines

1 published by the Sentencing Guidelines Council of the United Kingdom in  
2 February of 2008, which is chaired by the President of the Supreme Court, Lord  
3 Phillips.

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5 28. At page 13 of the Sentencing Guidelines, the Council provides a helpful range of  
6 penalties.

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8 29. Defence counsel has submitted that this case falls into either (a) the second  
9 bracket of victims suffering life threatening, or particularly grave injuries, where  
10 the offence was not premeditated, or (b) premeditated wounding or GBH  
11 involving the use of a weapon.

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13 30. It is noted that the starting point, which is based on a first-time offender upon  
14 conviction after a trial, is 8 years imprisonment. Furthermore, the sentencing  
15 range is 7 to 10 years in custody.

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17 31. I take into account the Grand Court decision of **R v. Robinson** 2008 CILR Note  
18 17, who pleaded guilty to a similar offence and received a Sentence of 6 years  
19 imprisonment. I further take into account the Court of Appeal decision in **Hyre v.**  
20 **R** 2009 CILR Note 25, who was convicted after a jury trial and received a  
21 sentence of 7 years imprisonment. The Court of Appeal held that the 7-year  
22 sentence was appropriate.

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24 32. In **Robinson** and **Hyre** the Defendants only used one weapon on their victims.  
25 And although their victims both received serious injuries, they both made a full  
26 recovery. In addition, it is my recollection that there was no evidence in either  
27 **Robinson** or **Hyre** that the Defendants had formed any early plan to cause their  
28 victims grievous bodily harm.

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33. I cannot ignore the fact that, the Defendant in this case used three different weapons to cause his victim grievous bodily harm. There is evidence that the Defendant intended to cause the Complainant grievous bodily harm and also, at the time of doing so, threatened to kill the Complainant.

34. The Court must impose a penalty that properly reflects the seriousness of the offence committed and the gravity of the injuries sustained.

35. Accordingly, in light of the sheer brutal and sustained nature of this assault, and the injuries suffered by the victim, I sentence the Defendant to 7 years imprisonment.

**Dated this the 22<sup>nd</sup> day of December 2010**

**Honourable Mr. Justice Quin  
Judge of the Grand Court**