

**IN THE GRAND COURT OF THE CAYMAN ISLANDS
CRIMINAL DIVISION**



Neutral Citation Number: [2025] CIGC (Crim) 15

IND NO: 127 of 2024

THE KING

V.

ROSE ANNE TACATA

Appearances: Mr. Ben Brown for the Prosecution

Mr. Crister Brady of Brady Attorneys-at-Law for the Defence

Before: The Hon. Justice Emma Peters

Sentence Judgment: 11th April 2025

Criminal Law - Sentence, Bigamy, Section 150 of the Penal Code (2022 Revision); Guilty Plea



SENTENCE JUDGMENT

1. The Defendant has pleaded guilty and now comes to be sentenced for a single charge of Bigamy contrary to section 150 of the Penal Code (2024 Revision). There was another indictment (0126 of 2024) containing a separate charge of making a false statement but the defendant has not been arraigned on that indictment and I have allowed the prosecution application to withdraw it.
2. The charge to which the defendant has pleaded guilty carries a maximum sentence of five years imprisonment. She pleaded guilty shortly after the case was committed to the Grand Court and I agree that she is entitled to full credit for that early Guilty plea.

The Facts

3. An investigation began in April 2024 by Workforce Opportunities and Residency Cayman (“WORC”) into a suspected fraudulent marriage between the defendant and Kevin Anglo. The defendant is a Filipino national who entered the Cayman Islands in May 2016. Since that time, she has resided and worked in this jurisdiction subject to various work permits. Mr. Anglo entered the Cayman Islands in October 2016 and he has also resided and worked in this jurisdiction under various work permits.
4. In January 2011 the defendant married Jerbet Lim in the Philippines. That marriage is said to have been hastily organised by family members concerned that the defendant was pregnant with Mr. Lim’s child and conscious of the religious and societal complexities of a child born out of wedlock in that country. Thereafter, the child was born and the child has lived with Mr. Lim ever since. The defendant and Mr. Lim are on good terms as co-parents but the defendant’s move to the Cayman Islands a few years later means that she has rarely seen her child since.
5. The defendant purported to marry Mr. Anglo in the Cayman Islands on 2 May 2023. That is the act of bigamy for which she faces sentence. It is further noted that during her time in the Cayman Islands, the defendant submitted a number of work permit applications, all of which indicated her marital status as “single”. Those documents and the false statements contained in them were to have been reflected in the now discontinued charge. The prosecution accept that the immigration authorities in

the Cayman Islands have not at any stage acted to their detriment. After further consideration, they now do not suggest that the submission of the work permits in that way amounts to an aggravating feature (of the bigamy count) of any significance. They accept that because of the hasty and relatively casual nature of the 2011 marriage ceremony and the fact that the defendant did not receive any formal paperwork thereafter, that the defendant has acted recklessly. She should have known that the ceremony she underwent in 2011 was such that she may still be married but she turned a blind eye to that risk and went ahead and purported to marry another man without properly checking. That factor is of considerable relevance when determining sentence on the count of Bigamy.

6. The defendant contacted Mr. Lim prior to her purported marriage to Mr. Anglo to check the position with him and he indicated that he was content that she go ahead and marry Mr. Anglo. Thereafter, the defendant entered into a marriage in the Cayman Islands on 2nd May 2023 whilst having a husband by virtue of her marriage in the Philippines on 10 January 2011. There is no Victim Impact Report.

The Social Inquiry Report

7. In a helpful report the DCR set out the simple upbringing the defendant received in the Philippines prior to her going on to complete a BSc in Office Administration. She has always worked hard and, since coming to the Cayman Islands, has been consistently employed in a variety of roles. She was due to go on “roll over” in May 2025 so her employer did not renew her work permit in January of this year. Since that time, she has been awaiting the conclusion of these proceedings and has existed entirely on her savings.
8. She is a woman of previous good character with no issues with either alcohol or drugs. Given her impending departure from these Islands, the Department of Community Rehabilitation do not assess Ms. Tacata as suitable for any alternative sentencing options. They say she is apologetic and remorseful.

The Crown’s Submissions

9. In measured and fair submissions, the Crown suggest that this is in fact a case where both culpability and harm are extremely low. The Crown set out the case law derived from various sentencing



authorities for this offence but when compared factually to this case, Mr. Brown's submission is that this case falls short of crossing the custody threshold.



The Defence Submissions

10. The fact that this was a purported (albeit bigamous) marriage born out of love and with no intent to harm anyone is such that Mr. Brady invites the court to take a merciful course. He submits that when the facts of this case are compared with other cases of bigamy that this case is very much at the less serious end of the spectrum. He and Mr. Brown are agreed that when compared with the case of *R v William Gonzales Bodden*¹ that the harm in this case is lower and the culpability no greater. Mr. Brady therefore invites me to take a compassionate course similar to that taken by the Honourable Justice Carter in that case.

Court's Considerations and Sentence

11. Both the Crown and the Defence agree that there are no specific sentencing guidelines in this jurisdiction for the offence of bigamy, nor are there such guidelines in England and Wales. I have therefore focused on the two central principles of culpability and harm. Of central importance to the assessment of those two factors is that it is agreed that there was no upset or injury caused to any individual and there was no harmful impact on any immigration decision. The Defendant did not set out to deceive for her own financial or other gain. She was open with both her actual husband and her intended husband but turned a blind eye to the reality that she was married already.

12. As Waller L.J. noted in the case of *R v. Crowhurst*²:

"It appears to this court the sentence for bigamy must vary very much with the particular circumstances of the case. In many cases of bigamy, it is possible to deal with the case by some sentence which does not involve deprivation of liberty. In other cases, there may be a clear deception which has resulted in some injury to the woman concerned; in which an immediate custodial sentence must be

¹ [2005] CIGC (Crim) 2

² [1979] Crim LR 399

passed, and the length of that sentence must depend greatly on the seriousness of the injury that has been done.”

13. This Court notes that the maximum sentence for the offence of bigamy in England and Wales is one of seven years imprisonment, a sentence which is two years higher than the maximum in the Cayman Islands.
14. I have considered Cayman Islands caselaw as referred to by the Honourable Justice Carter in the Bodden case including two unreported cases where the sentences passed were immediate imprisonment but where both cases were unarguably more serious than the instant case due to the clear and serious harm caused in both.
15. In *R v. Ballard*³ the English Court of Appeal reduced a sentence of five months' imprisonment to three months. The Court reiterated the principle relevant to this offence, that a custodial sentence may be appropriate where the innocent party has been deceived and suffered some injury. The court found that the defendant had caused distress to the victim, his second wife. However, the offence was not discovered until after the second wife had been separated from the defendant. This separation was considered to have lessened her distress.
16. The facts of the instant case have none of these features of harm of there being any injury caused to victims by the defendant's deception and the deliberate avoidance of immigration controls which would otherwise be serious aggravating factors in the determination and imposition of a custodial sentence.
17. The Court observes that it is well understood that this is a serious offence which is deserving of censure as it is a crime against morality and against society. Thankfully however, whilst some cases of offending of this sort will cause serious harm and demonstrate high culpability and thus deserve the most serious of sentences by way of imprisonment, the facts of this case fall well short of that.

³ [2007] 2 Cr. App R (S)



18. Having accepted the joint submissions of both the Prosecution and the Defence that both culpability and harm in this case are low and taking account of the other mitigation advanced including the defendant's genuine remorse, the credit to which she is entitled and her previous good character, the Court has concluded that this is not a case in which a custodial sentence is justified or merited. Given the defendant's imminent departure from the Cayman Islands and the fact that she is not assessed as suitable for any other disposal, I have concluded that a merciful course can and should be taken.

19. Section 41(1) of the Penal Code (2024 Revision) states as follows:

(1) Where, in a trial, a court thinks that the charge is proved, but is of the opinion that, having regard to the character, antecedents, age, health or mental condition of the accused, or to the trivial nature of the offence or to the extenuating circumstances in which the offence was committed, it is inexpedient to inflict any punishment, the court may, without proceeding to conviction, make an order either — (a) discharging the accused absolutely; or (b) if the court thinks fit, discharge the accused subject to the condition that the accused commits no offence during such period not exceeding three years from the date of the order, as may be specified in the order.

20. Section 75 of the Criminal Procedure Code (2021 Revision) further states:

(1) The court, having heard both the prosecutor and the accused person and their witnesses, shall either (a) convict the accused, if satisfied of the accused's guilt beyond a reasonable doubt and pass sentence upon the accused or make an order against the accused according to law and may, in its discretion, record or not record a conviction; or (b) acquit them.

(2) Notwithstanding subsection (1), the Court may, if it is of the opinion that it is not expedient to inflict any punishment notwithstanding that it finds the charge against the accused is proved, make an order discharging the accused absolutely or conditionally.....

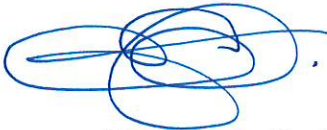
21. It is this Court's decision that the Defendant should be conditionally discharged pursuant to Section 41(1)(b) of the Penal Code (2024 Revision). The condition of this discharge is that the Defendant does not commit any offence for a period of one year from today's date. If the Defendant complies



with this condition, no conviction is to be recorded against her. If she does not comply, the Defendant will be brought back before the Court for sentence.

22. The Defendant has not been able to work to earn any money since the start of this year. These proceedings were already delayed due to reasons that were not her fault. She has in the meantime exhausted her savings and has no means of earning more before she must leave the Cayman Islands. That being so, I make no order for costs.

Dated this the 11th April 2025

A handwritten signature in blue ink, consisting of several overlapping loops and a horizontal line extending to the left.

**The Hon. Justice Emma Peters
Judge of the Grand Court**