



1 **IN THE GRAND COURT OF THE CAYMAN ISLANDS**
2 **CRIMINAL DIVISION**
3

4 **NEUTRAL CITATION NUMBER [2025] CIGC (CRIM) 21**
5 **INDICTMENT NO: 53 of 2024**
6

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8 **R**
9

10 **V.**
11

12 **JUSTIN KYLE JACKSON-LINWOOD**
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16 **Appearances:** **Mrs. Alliyah McCarthy, Crown Counsel, Office of the Director of Public**
17 **Prosecutions for the Prosecution**
18

19 **Ms. Amelia Fosuhene of Brady Law for the Defence**
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21

22
23 **Before:** **The Hon. Justice Cheryll Richards K.C.**
24

25 **Submissions Heard:** **30th May 2025**
26

27 **Sentence Judgment:** **6th June 2025**
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32 ***Criminal Law – Sentencing - Arson – Section 267 of the Penal Code (2022 Revision) Principles on***
33 ***Sentencing, Offence Committed While a Serving Prisoner, Consecutive/Concurrent Sentences.***
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SENTENCE JUDGMENT

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3 1. The defendant was re-arraigned and pleaded guilty to Count 2 of the Indictment on the 21st
4 February 2025. This charges him with Arson, contrary to s. 267 (1) of the *Penal Code* (2022
5 Revision). The particulars are that he on the 21st day of November 2023 at HMP Northward,
6 Northward Road, Bodden Town within the Cayman Islands without lawful excuse, destroyed or
7 damaged by fire, a mattress belonging to the Cayman Islands Government intending to destroy
8 or damage such property, or being reckless as to whether such property would be destroyed or
9 damaged.
- 10
11 2. The maximum penalty is life imprisonment because it is a case of Arson pursuant to s.267 (3) of
12 the *Act*.
- 13
14 3. The plea to Count 2 is acceptable to the prosecution. The prosecution has indicated that they will
15 not proceed on Count 1. A formal verdict of not guilty is entered on that Count and the defendant
16 is discharged thereon.
- 17
18 4. The defendant first appeared in the Grand Court on the 7th June 2024. After two mention dates,
19 he entered pleas of not guilty on the 6th September 2024 to both counts on the Indictment and the
20 case was set for trial on the 24th February 2025. On the 13th February 2025 at a case management
21 hearing, defence Counsel advised that a guilty plea would be forthcoming. The defendant was re-
22 arraigned on the date stated above.

23 24 **THE FACTS**

- 25
26 5. The prosecution has provided an oral summary of the facts which is not disputed. At the time of
27 the offending the defendant was a serving prisoner at His Majesty's Prison Northward. On the
28 day in question, he had been allowed time outside for exercise. He was being escorted back to
29 his unit when he tried to recover contraband from another unit. A prison officer intervened and
30 the defendant was prevented from doing this. There was an altercation with the officers, and the
31 defendant was taken back to his cell. The defendant asked to see the nurse and was not granted
32 permission. He became upset and demanded to be taken to the hospital. He asked for a razor. This

1 was not given to him. Thereafter he appeared to be bleeding from self-inflicted wounds. He said
2 that he would do something worse. Half an hour later, he used a lighter and set fire to the mattress
3 in his cell. Prisoners had to be evacuated to other parts of the prison so that the fire could be put
4 out.

- 5
- 6 6. After the incident the defendant wrote a letter of apology for his actions and said that he took
7 things too far, that he could have killed himself or others.



8

9 **VICTIM IMPACT REPORTS**

- 10
- 11 7. The Department of Community Rehabilitation (“DCR”) has provided three Victim Impact
12 Reports (“VIRs”) from three prison officers who were on duty at the prison at the material time.

- 13
- 14 8. The VIR in relation to Mr. Dennis Oli is dated 15th April 2025. He states in his victim impact
15 statement which is attached to the VIR that there was a massive fire and black smoke in the entire
16 unit. He says that he used the fire extinguisher to extinguish the fire and after he did so there was
17 zero visibility and massive chemical and black smoke along the long spur area. When he
18 managed to leave the area, he was checked by the Nurse and taken to hospital where he was
19 transferred to the Critical Care Unit for further medical treatment and observation due to severe
20 smoke inhalation. He describes his symptoms as difficulty breathing, spitting blood, chest pain,
21 eye and throat irritation and high blood pressure. He continues to have, although in decreasing
22 levels, symptoms from post-traumatic stress disorder. He continues to experience stress, anxiety
23 and sleep disturbance, decreased concentration and memory, tiredness, anger and other
24 symptoms.

- 25
- 26 9. The Probation Officer states that Mr. Oli has been impacted most significantly at the physical and
27 psychological levels and notes that he has had to engage in counselling to help to mitigate the
28 psychological impact.

- 29
- 30 10. The VIR in relation to Mr. Kir-Patrick Townsend, is also dated 15th April 2025. He responded to
31 the fire alarm and assisted in getting the prisoners out of their cells to safety. He inhaled a lot of
32 smoke which made him unable to breathe properly and caused shortness of breath. He was treated

1 with oxygen at the hospital and placed on sick leave. He continues to experience shortness of
2 breath and is concerned about his future health because this is not a problem that he had before
3 the incident. He has been provided with counselling because of the incident.

4
5 11. The Probation Officer states that he has been impacted most significantly at the physical level.

6
7 12. The VIR in relation to Mr. Leroy Evans is dated 16th April 2025. In a victim impact statement
8 which is attached, he describes a professional and respectful relationship with the defendant. This
9 continues to this day.

10
11 13. Mr. Evans states that after the incident he was transported to the hospital by ambulance where he
12 received treatment for smoke inhalation and elevated hypertension. He was placed on sick leave
13 for four days. He continues to experience occasional shortness of breath, and heightened anxiety
14 particularly in areas with smoke or similar triggers. This continues to have an impact on his
15 wellbeing. He states:

16
17 “Upon witnessing the thick, dark smoke emanating from the long spur area, I immediately
18 heard prisoners shouting and screaming, which heightened my concern for the health and
19 safety of both the prisoners and my colleagues, as well as myself. In response, I made
20 every effort to assist in extracting prisoners from their cells, working alongside the officers
21 to transfer them to a safer environment.

22
23 Once the prisoners were secured and the immediate danger was addressed, I began to
24 reflect on the severity of the situation and how catastrophic the event could have been. This
25 reflection led to emotional distress, as I became increasingly sensitive and anxious. I began
26 experiencing frequent flashbacks of the incident and developed heightened anxiety
27 whenever encountering smoke, particularly around the prison area. The trauma from this
28 event has had a lasting psychological impact on me.”

29
30 14. The Probation Officer states that Mr. Evans has been impacted most significantly at the physical
31 and psychological levels.





1 **SOCIAL INQUIRY REPORT**

- 2
- 3 15. The DCR has provided a Social Inquiry Report in respect of the defendant which is dated 21st
- 4 March 2025, (“SIR”). This is a detailed report which the Court has read in its entirety and takes
- 5 into account in sentencing the defendant. The defendant is 26 years old. He has one child who is
- 6 resident overseas.
- 7
- 8 16. The SIR recounts a troubled childhood where he lived in unstable environments, was exposed to
- 9 abusive behaviours and engaged in substance misuse. He was before the courts from an early age
- 10 for various offences and has a lengthy antecedent history including for offences of violence.
- 11 Psychological assessments indicate issues of self-regulation and control and the need for coping
- 12 skills. There were multiple attempts at rehabilitation in relation to some of which he displayed
- 13 initial compliance before dropping out.
- 14
- 15 17. He is assessed as being at very high risk of re-offending.
- 16

17 **LETTER OF APOLOGY**

- 18
- 19 18. The defendant’s letter of apology is addressed to all staff of the prison and states: -
- 20

21 “I’m writing this letter, wanted to tell the staff that I’m really sorry for my action on

22 November 21st 2023. I took things too far. I could have killed myself and also others so for

23 my actions I’m very sorry. I was really foolish because if I had just handed over the draw

24 of weed none of this would had happened and for that I take full responsibility and whatever

25 consequences come way. I understand the officer at the end of the day have to do their job.

26 The only point I want to make is that it’s a certain way an inmate is supposed to be

27 restrained that’s why you guys go to training. I just want to also say sorry to Mr. Leroy

28 Evans and Mr. Dennis Oli and any other person that was affected from the fire.”

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1 **THE SUBMISSIONS**

- 2
- 3 19. Both Counsel referred the Court to the United Kingdom Sentencing Council Guidelines in the
4 absence of offence specific guidelines in the Cayman Islands.
- 5
- 6 20. Counsel for the prosecution submitted that the offending is a Category B offence in terms of
7 culpability in that the defendant was reckless as to whether life would be endangered. Harm is
8 said to be between Categories 1 and 2.
- 9
- 10 21. Counsel for the defence submitted that the offending falls within medium culpability and
11 Category 2 harm. There was no planning. There was some harm caused to officers who had to
12 deal with the incident. Counsel submitted that one can see a build up to why the defendant ended
13 up doing what he did. He asked to see the nurse after the altercation with the officers. He was
14 told no. He asked to be taken to the hospital. Officers told him no. He asked to speak to his
15 Counsel and was also told no. He asked for a razor so that he could cut himself. It was in that
16 moment that he set the fire.
- 17
- 18 22. Counsel said that it was her understanding that other than the mattress there was no other damage.
19 However, it is accepted that the smoke caused a lot of distress. Eleven inmates had to be
20 evacuated from their cells but they were able to return to the unit thereafter. Officers had to go to
21 the hospital to be checked.
- 22
- 23 23. The starting point for an offence of medium Culpability B and Category 2 harm is 9 months
24 custody with a sentencing range of 6 months to a year.
- 25
- 26 24. Counsel for the defence submitted that there is no going behind the fact that the defendant was a
27 serving prisoner at the time of the incident and that he was in possession of contraband. The
28 prison officer was trying to take it away from him. He was upset by this. Counsel says that
29 according to the defendant he was held by the throat and lifted off the floor, but he accepts that
30 if he had not placed himself in a certain position then the whole thing would not have happened.
31 When he had time to reflect, he apologised.
- 32

1 25. In mitigation Counsel said that he is a young man who has had quite a troubled upbringing. He
2 has been between two parents, neither of whom have been able to care for him or keep him on a
3 straight path. He got into a lot of trouble and there was no stability. This has meant that he has
4 been in and out of prison and has seen things that no young man should see. He needs as much
5 assistance as can be given to him. Counsel noted the contents of the SIR and said that the
6 defendant knows that he needs help and has started to find that help. Counsel said that he knows
7 that he will fall to be sentenced and that based on the ruling of this Court in the case of *R. v*
8 *Romario Brown*¹ that it will be a consecutive sentence.

9
10 26. Counsel asks that his age, his history, remorse, the fact that he wrote to the Director of Prisons
11 immediately afterwards all be taken into account.

12
13 **THE SENTENCE**



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15 27. In the VIRs the Probation Officer has asked the Court to consider that the defendant started a fire
16 in a communal area. This exposed the other inmates housed on the block and prison officers to a
17 serious safety risk. This Court accepts this assessment in its entirety. It is plain from the three
18 VIRs that some significant harm was caused and the risk to others was substantial. The custody
19 threshold is firmly passed. As this Court said in the cited case of *Romario Brown*: -

20
21 “The frustration of the defendant ... cannot justify the doing of such a seriously dangerous
22 act. The fact that it was done in a prison context where the defendant ought to have been
23 on his best behaviour makes it even more serious.

24
25 The Court considers that there must be a deterrent factor. This defendant must know that
26 he cannot set fire to property within the Prison. Other prisoners must know that they cannot
27 set fire to property within the Prison no matter how frustrated one gets.”

28
29 28. Applying the United Kingdom Sentencing Council Guidelines, the culpability is at the medium
30 level because the defendant was reckless as to whether serious injury or damage would be caused.

¹ Grand Court Ind. 104/24 – Unreported Judgment dated 6th June 2024

1 29. There is in this case evidence of the physical and psychological harm caused to persons unlike in
2 the cited case of **Romario Brown**. Harm in this case is at the level of Category 2 falling between
3 Categories 1 and 3. The starting point is 9 months custody. There are two aggravating factors.
4 These are that this offence was committed whilst the defendant was in custody and that it was set
5 in the close confines of a unit in the prison. These two factors overlap and serve to increase the
6 sentence by 9 months to one of 18 months imprisonment.

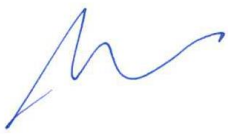
7
8 30. In mitigation, everything said and written in the defendant's favour is taken into account. These
9 include his remorse, troubled childhood and issues and all his personal circumstances. The
10 sentence is reduced by 4 months because of all the mitigating factors to one of 14 months
11 imprisonment.

12
13 31. The defendant did not plead guilty at the first reasonable opportunity. The defendant pleaded not
14 guilty on arraignment and a plea was only entered after a trial date and a case management hearing
15 had been set. The recommended discount under the **Cayman Islands Sentencing Guidelines** is
16 25%. This reduces the sentence to one of 10 and ½ months imprisonment.

17
18 32. This is to be served consecutively to all sentences now being served.

19
20 33. For the avoidance of doubt, time served is not to be taken into account because the time which is
21 being served relates to the other offences for which the defendant is incarcerated and is not in
22 relation to this offence.

23
24 **Dated this the 6th June 2025**

25 

26 **The Hon. Justice Cheryll Richards KC**
27 **Judge of the Grand Court**