

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



Neutral Citation Number: [2025] CIGC (Crim) 42

Case Number: IND. 53 of 2025

THE KING

V

PATRICK ELBERT MCFIELD

Appearances: Mr. Orrett Brown, Counsel for the Prosecution

Mr. Jonathon Hughes, Counsel for the Defence

Before: Hon. Justice Emma Peters

Sentence Ruling: 25th September 2025

SENTENCE RULING

Background

1. The defendant has pleaded guilty to the single charge of robbery that he faces relating to an incident in a car park in George Town on the 9th May 2025.



Basis of Plea

2. He put forward a Basis of Plea which the Crown submitted would make no material difference to sentence. There having therefore been no Newton Hearing, I am bound to sentence the defendant in accordance with that basis.

The Basis of Plea is as follows:

- i. I accept that I snatched the chain and pendant from the complainant's neck using force
 - ii. I did not threaten to stab the complainant nor did I verbally threaten him in any way
 - iii. I did not punch the complainant.
3. The Basis of Plea observes that it accords with what is heard on the dashcam audio. The Crown do not dispute that and, having now heard that audio myself, I am perfectly content to sentence the defendant in accordance with the Basis of Plea.

The Facts

4. The facts are that the Defendant and the complainant were strangers to each other and were both at the same Car Show in a Car park in George Town in May of 2025.
5. The complainant arrived there, parked up and walked around with his friend. When he returned to his car, he noticed that the defendant was leaning against it and appeared to be "bumping" on it.
6. The complainant asked him to desist. The defendant backed away in an aggressive manner and spoke aggressively in the exchange that followed. Eventually, after some further interactions, the complainant got into his car. The defendant approached, leant in and grabbed the chain from the complainant's neck using force and then left. The audio supports that this was a very brief interaction (no more than ten seconds) with no violence being heard and certainly nothing beyond that required to yank the chain from the complainant's neck. There were no voices raised although both defendant and complainant spoke.



7. The defendant was identified by fingerprints and by photographs. He was arrested and interviewed and made no comment. Having been charged and his case transmitted to the Grand Court, there was some delay whilst the CCTV evidence could be sorted out. As soon as it was, he pleaded guilty.

Credit for Plea

8. For that plea, given that it was entered as soon as the evidential position had become clear, I give the defendant the maximum one third credit (as the prosecution very fairly invite me to do).

Sentencing Guidelines

9. There is a unanimity of view at the Bar and on the Bench that this is a case of Street robbery which is properly categorized as Category C3 within the Guidelines. It is lesser culpability given the minimal force and lack of planning. It is category 3 harm as there was no harm or force beyond that inherent in the offence.
10. That being the agreed position, the starting point is 1 year custody with a range from Community Order to 2 years imprisonment.

Aggravating Factors

11. The defendant's unattractive criminal record containing 6 convictions for violence and a 2020 conviction for Robbery is obviously an aggravating factor that takes me significantly upwards within that range. Furthermore, it is also suggested that the chain was not only financially valuable but had sentimentality attached to it as it had been owned by the complainant since he was a child.

Mitigating Factors

12. He is a 38 year old man. The defendant had the very good sense to surrender when he discovered that he was wanted by the police in connection with this matter. He has no recollection of this incident due probably to the drugs and alcohol that he was at the time consuming but he accepts that he is nonetheless guilty. He has had a tough life as is outlined in the Social Inquiry Report (SIR) and was arrested for the



first time at the age of 11 and has since then spent 5 years in Reform School in Jamaica. He accepts that alcohol is his demon. He is getting older and has more recently spent a few years without offending and would like support to become a more useful member of society. He has already spent over 130 days in custody on remand and would appreciate the opportunity to prove himself whilst at liberty. He recognises that his poor record on previous Court Orders does not assist him.

Social Inquiry Report

13. The SIR describes his tough upbringing and his early offending. He has worked intermittently in construction but appears to have drifted without any meaningful direction in his life. This has led to his significant consumption of alcohol and ganja. Both of those substances have been at the source of his problems. He is assessed as being at a very risk of reoffending as a result. He needs to change his lifestyle if he is to have any hope of moving forward.

The Court's Decision

14. My duty is to punish the defendant but also to seek to assist in his rehabilitation both for his benefit and for the benefit of society as a whole. Simply sentencing him to a term of immediate imprisonment will not, I assess, address the root problems and will leave him upon release simply to return to his old ways.

15. I conclude that a more positive approach is to give him a Suspended Sentence Supervision Order in accordance with Section 21 of the Alternative Sentencing Act. By that means he can have the assistance and supervision that he needs whilst having the possibility of returning to prison should he breach that sentence hanging over his head. He should be under no illusion that given his previous poor performance on court orders there will be little room for sympathy should he not comply with all the requirements and demands that will be placed upon him by DCR.

16. I therefore sentence him to 15 months imprisonment, as I take as my start point the top of the sentencing range due to his previous convictions but then apply my discount for his guilty plea and also for the other mitigation I have heard. That sentence will be suspended for 2 years. Should he reoffend or fail to comply with all the requirements during that time frame then he may face returning to court and then being returned to custody.

17. I impose the following requirements upon that sentence in addition to any further requirements the DCR sees fit to impose as part of their supervisory powers:

- (i) To submit to drug and alcohol testing as required, and to test negative
- (ii) To attend the Counselling Center and cooperate with such sessions there as required including one to one counselling
- (iii) To attend Alcoholics Anonymous meetings as directed, and to participate fully in those meetings
- (iv) To engage with any Programme required of him by his Supervising Officer
- (v) Not to enter any premises that sell alcohol for consumption off site from those premises (i.e. Any liquor stores)
- (vi) Not to contact directly or indirectly the victim.

18. I have considered whether to impose a curfew requirement, but I am concerned since he intends to live with his partner and further that there have been anger management issues in the past that any such curfew may cause her some risk and therefore, I do not impose that requirement.

19. I am not placing upon the defendant any requirements to complete Community Service as I am conscious that his drink and drugs issues are the priority and I consider that placing any requirement that he attend a workplace may be to cause difficulties at that place. Again, he should be clear that he must remain sober and drug free and should he fail in that regard or to comply with all these requirements then he may simply be returned to prison to serve the whole of his sentence.

Dated the 25th day of September 2025



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