



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

3 **Neutral Citation Number: [2025] CIGC (Crim) 53**

4 **INDICTMENT NO: 82 of 2022**

5  
6  
7 **R**

8  
9 **V.**

10  
11 **RICHARD LEE HYDES**  
12  
13  
14

15 **Appearances: Ms. Shauna-Kaye James, Crown Counsel, Office of the Director of Public**  
16 **Prosecutions for the Prosecution**

17  
18 **Mr. Crister Brady of Brady Law for the Defence**  
19

20  
21 **Before: The Hon. Justice Cheryll Richards KC**  
22

23 **Submissions Heard: 16<sup>th</sup> September 2025**  
24

25 **Sentence Judgment: 16<sup>th</sup> September 2025**  
26  
27

28  
29 ***Criminal Law – Sentencing- Doing an Act in Order to Obstruct, Prevent, Pervert or Defeat the Course of***  
30 ***Justice contrary to s.107 of the Penal Code (2022 Revision; Principles on Sentencing where substantial***  
31 ***delay.***  
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## SENTENCE JUDGMENT

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3 1. The defendant was convicted after trial on the 12<sup>th</sup> March 2025 of the single offence of Doing  
4 an Act Intended to Obstruct, Prevent, Pervert or Defeat the Course of Justice contrary to section  
5 107 of the *Penal Code* (2022 Revision).  
6
- 7 2. The particulars are that he between the 28<sup>th</sup> day of March 2022 and the 31<sup>st</sup> day of March 2022  
8 did an act in order to obstruct, prevent, pervert or defeat the course of justice, namely making  
9 a false report to the police that his Volvo S 40 motor vehicle registration number 193 615 had  
10 been stolen.  
11
- 12 3. The maximum sentence is 7 years imprisonment.  
13

### 14 **CHRONOLOGY**

- 15  
16 4. This case has had a lengthy history and has been marked by substantive delays. The defendant  
17 first appeared before the Summary Court on the 28<sup>th</sup> September 2022 having been arrested and  
18 charged the day before. His first appearance before the Grand Court was on the 14<sup>th</sup> October  
19 2022 where he was joined with two co-defendants who were charged with the offence of  
20 Robbery.  
21
- 22 5. He was arraigned and pleaded not guilty to the joint Indictment, and the first trial date was set  
23 for the 7<sup>th</sup> March 2023. This was adjourned. On the 28<sup>th</sup> April 2023, a new Indictment was  
24 preferred. The defendant entered a not guilty plea.  
25
- 26 6. Before the trial commenced on the joint Indictment, the Prosecution sought an adjournment as  
27 the main witness in respect of the defendant, Mr. Juan Mata Pena had a medical emergency and  
28 was overseas.  
29
- 30 7. On the 18<sup>th</sup> September 2023, the joint Indictment was severed. The trial of the co-defendants  
31 proceeded and the defendant's Indictment was placed on the Mention list. On the 19<sup>th</sup> January  
32 2024, the Court was informed that Mr. Mata Pena remained hospitalised overseas. A Case

1 Management Hearing date was set for the 26<sup>th</sup> April 2024 with a trial date of 21<sup>st</sup> May 2024. At  
2 the Case Management Hearing date the Court was advised that the witness was back in the  
3 jurisdiction but the defendant did not appear and a warrant with bail was issued for him.  
4

5 8. On the 17<sup>th</sup> December 2024, the defendant was brought before the Court on an executed warrant  
6 and remanded in custody. He was granted bail on the 15<sup>th</sup> January 2025, and a new trial date  
7 was set.  
8

9 9. Following the conviction on the 12<sup>th</sup> March 2025, a Social Inquiry Report (“SIR”) was ordered  
10 at the request of defence Counsel. Since then, there have been two case status reports which  
11 indicate that the defendant had not engaged in the process for preparation of the SIR. The  
12 defendant failed to appear for sentencing on the 22<sup>nd</sup> August 2025 and a warrant for his arrest  
13 was issued. He appears today from custody having been arrested on that warrant. Defence  
14 Counsel has now indicated that given the defendant’s failure to co-operate for the preparation  
15 of the SIR it is proposed to proceed to sentencing without this Report.  
16

## 17 THE FACTS

18

19 10. The facts may be shortly stated. During the night of the 29<sup>th</sup> March 2022, there was a robbery  
20 at an establishment along Dorcy Drive in George Town. The police gave chase to a vehicle  
21 believed to be the getaway vehicle used by the robbers, a grey 2008 Volvo S 40 motor car. They  
22 subsequently intercepted this vehicle. It belonged to the defendant. On the morning after the  
23 robbery the defendant reported to the police in a phone call that his car had been stolen. He  
24 said that at about 6:45pm the evening before, he had left it with a mechanic, Mr. Mata Pena,  
25 for repairs and when he went to retrieve the car, it was missing. Mr. Mata Pena gave evidence  
26 at trial that the car was never left with him and that instead Mr. Hydes came to his workplace  
27 and asked him to provide a cover story and say that the car had been left at his premises and  
28 had been stolen.  
29





1    **ANTECEDENT HISTORY**  
2

- 3           11.    The defendant has an extensive antecedent history which includes multiple convictions for  
4                   dishonesty. His most recent convictions are in 2022 for Burglary, Attempted Burglary and  
5                   Common Assault for which he received suspended sentences on the 12<sup>th</sup> April 2022. The  
6                   defendant was on bail for these offences at the time of the commission of the instant offence.  
7

8    **SUBMISSIONS**  
9

- 10          12.    Counsel for the prosecution draws the Court’s attention to the sentencing principles which  
11                   predated the Guidelines in the United Kingdom. In particular, that the conduct strikes at the  
12                   heart of the administration of justice and will usually call for a custodial sentence with the  
13                   primary aim being deterrence.  
14

- 15          13.    In the case of *R v Abdulwahab*<sup>1</sup> the English Court of Appeal stated: -  
16

17                   “First, conduct which tends and is intended to pervert the course of justice strikes at the  
18                   heart of the administration of justice and almost invariably calls for a custodial sentence.  
19                   Deterrence is an important aim of sentencing in such cases, although, as was pointed out  
20                   in *Radcliffe*, the necessary deterrence may sometimes be achieved by the imposition of an  
21                   immediate custodial sentence without necessarily requiring a sentence of great length.  
22                   Secondly, the appropriate sentence of course depends on the particular circumstances of  
23                   the specific case. The circumstances vary across a very wide range. Therefore, only limited  
24                   assistance can be derived from considering previous decisions in other cases. Thirdly, in  
25                   assessing the seriousness of a particular offence, relevant factors include the seriousness of  
26                   the underlying offence, the nature of the deceptive conduct, the period of time over which  
27                   it was continued, whether it cast suspicion upon or led to the arrest of an innocent person,  
28                   and the success or otherwise of the attempt to pervert the course of justice. In addition, of  
29                   course, the offender’s previous character and any personal mitigation must be taken into  
30                   account.”

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<sup>1</sup> [2018] 2 Cr. App. R. (S.) 46



1 14. Both Counsel have referred the Court to the United Kingdom *Sentencing Council Guidelines*,  
2 there being no offence specific Guidelines in this jurisdiction.

3  
4 15. These provide for three categories of culpability and harm as follows:

5 **“A – High Culpability**

- 6 Conduct over a sustained period of time  
7 Sophisticated and/or planned nature of conduct  
8 Underlying offence very serious  
9 Breach of trust or abuse of position or office

10  
11 **B – Medium culpability**

12 Other cases that fall between categories A and C because:

- 13 a. Factors are present in A and C which balance each other out **and/or**  
14 b. The offender’s culpability falls between the factors described in A and C

15  
16 **C – Lower culpability**

- 17 Unplanned and/or limited in scope and duration  
18 Unsophisticated nature of conduct  
19 Underlying offence was not serious  
20 Involved through coercion, intimidation or exploitation or as a result of domestic abuse  
21 Offender’s responsibility substantially reduced by mental disorder or learning disability.

22  
23 **Harm**

24  
25 **Category 1**

- 26 Serious consequences for an innocent party as a result of the offence (for example time spent  
27 in custody/arrest)  
28 Serious distress caused to an innocent party (for example loss of reputation)  
29 Serious impact on administration of justice  
30 Substantial delay caused to the course of justice



1                   **Category 2**

2                   Suspicion cast upon an innocent party as a result of the offence

3                   Some distress caused to an innocent party

4                   Some impact on administration of justice

5                   Some delay caused to the course of justice

6  
7                   **Category 3**

8                   Limited distress caused to an innocent party

9                   Limited impact on the administration of justice

10                  Limited delay caused to the course of justice”

11  
12                 16.       The maximum sentence in England and Wales for the offence of perverting the course of justice  
13                   is life imprisonment, with an offence range of Community Order to 7 years custody.

14  
15                 17.       Counsel for the prosecution submits that under those **Guidelines** the level of culpability is at a  
16                   high level because the conduct of the defendant was sustained over a period of time. It was  
17                   sophisticated and or planned and the underlying offence was serious. Counsel submits that this  
18                   was an attempt to lead the police on a false trail concerning any link of his Volvo with any  
19                   pending investigations about the use of it in the Robbery.

20  
21                 18.       Counsel said that on the evidence at trial, the defendant initiated his deceptive conduct hours  
22                   after the police had intercepted his vehicle following the report of the Robbery. The defendant  
23                   first attended Mr. Mata Pena’s home and when Mr. Mata Pena was not located, he attended Mr.  
24                   Mata Pena’s workplace and sought his assistance to lie to the police on the defendant’s behalf  
25                   that the Volvo S40 had been left at Mr. Mata Pena’s home/father’s mechanic shop. The  
26                   defendant continued with the deception when he gave a recorded statement to the police and in  
27                   interview on the 3<sup>rd</sup> May 2022. He maintained then and throughout up to his trial in 2025 that  
28                   his car was stolen.

29  
30                 19.       As to the level of harm, Counsel for the prosecution submits that the harm is at the level of  
31                   Category 3 because it caused limited distress or impact.

1 20. A Category 3A offence has a starting point of 1 year with a range of sentence of 9 months to 2  
2 years custody.

3  
4 21. The defence do not disagree with the submitted categorisation. Counsel for the defence submits  
5 that it would be difficult to argue that the culpability is not high given the underlying offence  
6 and the length of time over which the deception was maintained. As to harm, Counsel submits  
7 that there was minimal impact on the administration of justice. There was no delay caused by  
8 the police being compelled to pursue false lines of inquiry resulting in significant costs and  
9 neither the witness nor any person was subjected to arrest as a result of the false report.

10  
11 **AGGRAVATING FACTORS**

12  
13 22. The prosecution submits that there are a number of aggravating factors in this case. The  
14 defendant has previous convictions for dishonesty. He was on bail for offences of Burglary at  
15 the time of the offending. He involved another person in his conduct.

16  
17 23. The defence do not disagree.

18  
19 **MITIGATING FACTORS**

20  
21 24. The prosecution accepts that the delay in this case may amount to a mitigating factor for the  
22 purpose of sentencing.

23  
24 25. Counsel for the prosecution in written submissions references s.7(1) the Cayman Islands  
25 Constitution, Bill of Rights, which provides that “*Everyone has the right to a fair and public*  
26 *hearing in the determination of his or her legal rights and obligations by an independent and*  
27 *impartial court within a reasonable time*”.

28  
29 26. Both Counsel cite the case of *Rummun v State of Mauritius*<sup>2</sup>, in which the Privy Council held  
30 in relation to delay in a criminal trial that: -

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<sup>2</sup> [2013] 1 WLR 598





1 “Where there has been substantial delay in a criminal trial it is the duty of the court,  
2 whether at sentence or on appeal and whether or not the matter has been raised by the  
3 defence, to examine the possibility of there having been a breach of the Defendant’s right  
4 to a fair hearing within a reasonable time, in order to decide whether any such breach  
5 should have an effect on the disposal of the case. The matters relating to delay which will  
6 fall for consideration, in relation to both whether the delay amounts to a breach of the right  
7 and, where proved, whether it should influence the sentence, are the complexity of the case,  
8 the conduct of the defendant and the manner in which the case has been dealt with by the  
9 administrative and judicial authorities. However, in considering the conduct of the  
10 defendant, the court is to exercise caution in respect of any decision by that person to  
11 contest the case on grounds which proved to be unfeasible, since a defendant to a criminal  
12 charge is entitled to put the prosecuting authorities to proof of his guilt.”  
13

14 27. Defence Counsel submits that there has been delay of almost three years since the date of this  
15 offence and the trial of the defendant, 30<sup>th</sup> March 2022, to 13<sup>th</sup> February 2025. Counsel said  
16 that given the medical challenges of the main prosecution witness Mr. Mata Pena, the defendant  
17 was not tried with his co-defendants, who were acquitted in September 2023. Counsel asked  
18 the Court to note however that the defendant also contributed to the delay of this matter as  
19 when Mr. Mata Pena became available, the defendant absconded from the Court for a period  
20 of almost eight months.  
21

22 28. Counsel said that the defendant has spent two periods of time on remand: -

- 23  
24 i. 27<sup>th</sup> September 2022 – 28<sup>th</sup> October 2022\* - 32 days (incl. end date)  
25 ii. 17<sup>th</sup> December 2024 – 15<sup>th</sup> January 2025\* - 30 days (incl. end date)  
26

27 Total of 62 days in custody.  
28

29 29. Defence Counsel in mitigation submitted that while awaiting trial the defendant was shot and  
30 injured and there is suspicion on his part as to the possibly related origins of this. Counsel said  
31 that there has been significant delay in this matter. More than three years have passed since  
32 these investigations commenced. The matter has been delayed due to no fault of the defendant.

1 Counsel said that the prosecution’s submissions are therefore adopted in this regard and urged  
2 upon the Court. Counsel said there is authority for how the Court should regard matters when  
3 there has been significant delay and that a balance needs to be struck where the fault is not  
4 entirely that of the defendant.  
5

6 30. Counsel asked the Court to note that on one occasion, the defendant was arrested on a warrant  
7 and spent another 32 days including over last Christmas in custody in addition to some 30 days  
8 previously spent in custody before being granted bail. He has also spent significant time on a  
9 monitor.  
10

11 31. Counsel said that the defendant has therefore felt the weight of his actions, even if they were  
12 motivated by factors other than a desire to mislead law enforcement. He is now fully aware of  
13 the consequences of his conduct. Counsel said that the defendant is not a very young man and  
14 that he is now a forty-five year old grandfather of four grandchildren. He now wants to close  
15 this chapter of his life and to end the uncertainty of the outcome of this matter and seeks for it  
16 to be over. Counsel said that the defendant desperately does not want to serve a custodial  
17 sentence. He is pleading with this Court for leniency and invites this Court not to pass any  
18 sentence that will lead to further incarceration. He is prepared to abide by any conditions  
19 deemed appropriate consequent upon any sentence passed.  
20



## 21 THE SENTENCE

22  
23 32. In the Court’s view, the conduct in this case is serious and clearly passes the custody threshold.  
24 It has the potential to interfere with the system and administration of justice.  
25

26 33. Given the categorisation which has been accepted by both Counsel, the starting point of one  
27 year is recommended by the United Kingdom *Guidelines* and is adopted in this case. There are  
28 aggravating factors of previous convictions for dishonesty, the fact that the defendant was on  
29 bail for offences of Burglary at the time of this offending and that he involved another person  
30 in his conduct. These serve to increase the sentence by 6 months to one of 18 months  
31 imprisonment.  
32

1 34. In mitigation, account is taken of the submissions made by defence Counsel with respect to the  
2 defendant's personal circumstances, the fact that he was shot and injured and is a forty-five  
3 year old grandfather of four grandchildren. These mitigating factors serve to reduce the  
4 sentence by 4 months to one of 14 months.  
5

6 35. The factor of delay is treated as a separate and important factor in this case to further reduce  
7 the sentence by 6 months imprisonment to one of 8 months imprisonment.  
8

9 36. The Court has considered whether a sentence of immediate custody should be imposed but  
10 notes the length of time which has passed. This is offending which occurred in 2022, some  
11 three years ago. There was limited harm which was done as no delay was caused to the police  
12 investigations. There is also the additional factor that the defendant has already spent some 62  
13 days or more in custody and has had an extensive period on curfew with electronic monitoring.  
14

15 37. In all of these circumstances in the Court's view, the sentence may properly be suspended. The  
16 important aspect of sentencing in this case is deterrence, this can be achieved by the imposition  
17 of a suspended sentence.  
18

19 38. The defendant is sentenced to 8 months imprisonment which is suspended for 2 years.  
20

21 **Dated this the 16<sup>th</sup> day of September 2025**



22  
23 **The Hon. Justice Cheryll Richards KC**  
24 **Judge of the Grand Court**