



**Neutral Citation Number: [2025] CICA (Crim) 5**

**IN THE CAYMAN ISLANDS COURT OF APPEAL  
ON APPEAL FROM THE GRAND COURT OF THE CAYMAN ISLANDS  
CRIMINAL DIVISION**

**CICA CRIM APPEAL No. 0008 of 2024  
(formerly Ind. 43, 51, and 52 of 2023)**

**JONATHAN ALEXANDER WOODHOUSE**

**Appellant**

**V**

**R**

**Respondent**

**Before:** The Rt Hon Sir John Goldring, President  
The Hon Sir Michael Birt, Justice of Appeal  
The Hon Clare Montgomery KC, Justice of Appeal

**Appearances:** Mr Philip Rule KC instructed by Mr Hughes of Samson Law for the  
Appellant  
Mr Martin Mulgew of the Office of the Director of Public  
Prosecutions

**Heard:** 11 September 2025

**Draft circulated:** 16 September 2025

**Judgment delivered:** 19 September 2025

**JUDGMENT**

**Sir Michael Birt, JA**

1. The applicant Jonathan Woodhouse, who was aged 28 at the time of his offending, applied for leave to appeal against a sentence of 13 years' imprisonment imposed on 16 April 2024 by

*CICA (Crim) Appeal 0008 of 2024 – Jonathan Alexander Woodhouse v R*

Carter J sitting in the Grand Court for one offence of wounding with intent to cause grievous bodily harm contrary to s.203 of the Penal Code (2022 Revision). On 11 September 2025 we allowed his appeal and substituted for the sentence of 13 years' imprisonment a sentence of 10 years' imprisonment. Although we did not in terms say so, it follows that we gave the Appellant leave to appeal, having granted him a necessary short extension of time in which to file his grounds.

2. The following are the reasons for our decision.
3. The offence arose out of an incident at the Carib Café on the night of 5 May 2023 during the course of which Randy Robinson, a 37 year old man with children and a partner, was killed by a co-accused, Shaun Jackson, and Barshawn Lewis, a married man, was seriously wounded by the applicant. The applicant, together with a further co-accused, was jointly charged with Jackson in relation to Robinson's murder, alternatively manslaughter. In relation to the assault on Lewis, the applicant pleaded guilty to malicious wounding contrary to S.204 of the Penal Code but not guilty to wounding with intent. Following a trial, the jury found Jackson guilty of the murder of Robinson. He had already pleaded guilty to malicious wounding (on the basis of being a secondary party) of Lewis. The applicant was acquitted of the murder or manslaughter of Robinson but convicted of wounding Lewis with intent. The further co-accused was acquitted of all charges.
4. On 13 February 2024, Jackson was sentenced to life imprisonment with a minimum term of 31 years for the murder of Robinson. As already stated, the applicant was sentenced separately on 16 April 2024 in relation to the wounding with intent of Lewis.

### **Factual background**

5. We gratefully draw on the judge's sentencing remarks for a summary of the relevant facts. Lewis and his wife went to the Carib Café, where there was a party, on the night of 5 May 2023. As they walked towards the café after parking their car, Lewis said something about celebrating his birthday and raised his arms, shouting out in a loud voice, "*Boop! Boop! Boop!*"
6. The applicant, together with Jackson and another, were walking in the direction of Lewis and his wife. It appears that the applicant and/or Jackson felt that they had been disrespected by

Lewis. Jackson was already armed with a knife, but the defendant went back to the car in which he and his friends had arrived and armed himself with a large bladed knife.

7. Lewis and his wife continued to the Carib Café. During the time that they remained at the café, Jackson appeared at different points to be watching and following them. Eventually, there came a time when Jackson rushed towards Lewis in the bar area within the café. Lewis ran and attempted to pull a chair between himself and Jackson. Lewis exited the bar into an area on a small stage immediately outside the bar, followed by Jackson. The applicant, still armed with his weapon, moved towards the stage area after them.
8. It was at this point that Lewis was attacked on the stage by the applicant with his knife by what were described as ‘chopping motions’ and injured. Lewis had to be helped by his wife when he fell off the stage after the attack. There was separately an incident between Jackson and Robinson during the course of which Jackson stabbed Robinson with his knife causing Robinson’s death, but the applicant played no part in that.
9. Lewis was taken to hospital where an x-ray examination revealed no fractures or dislocations. He suffered two main injuries as a result of the stabbing by the applicant, namely (i) a 10 cm wound to the right forearm on the outer aspect of the right elbow, exposing the elbow joint and (ii) a 14 cm wound to the left bicep muscle, cutting through the muscle on the left upper arm. He also sustained a superficial laceration to the left knee and superficial scratches to the left side of his back. In his victim impact statement Lewis said that as a result of the attack, he had lifelong scarring to both arms as well as an internal injury to his left bicep which had affected the strength in his left arm. He said he still felt pain when he lifted things with that arm. Both he and his wife described the psychological effect on them, with Lewis saying *“Though I feel strong mentally I find I worry a lot. I don’t like crowds. I don’t socialise as much as I did and if I go out, I don’t stop out late. I worry constantly about my wife Patricia and I am constantly aware of my surroundings.”*
10. The applicant has a number of previous convictions of which the most relevant, as identified by the judge, are a conviction in May 2020 of wounding with intent, for which he was sentenced to 26 months’ imprisonment, and a conviction in February 2021 of two offences of causing fear or provocation of violence, for which he was sentenced to a suspended sentence of 6 months’ imprisonment.

## The judge's decision

11. The judge reminded herself of the Cayman Islands Sentencing Guidelines for Violent Offences dated June 2021 (“the Guidelines”) and, in particular, the need to determine first the offence category for the purposes of the Guidelines in terms of culpability and harm.
12. The Guidelines envisage two categories of harm. The first is “*greater harm*” which is described as “*Injury... which is serious in the context of the offence*” and the second is “*lesser harm*” which is described as “*Injury which is less serious in the context of the offence*”.
13. The expression “*serious in the context of the offence*” is explained at paragraph 4 of the Introduction to the Guidelines as follows:

*“This phrase is used in the guidelines that relate to a number of non-fatal offences. Even within the level of harm necessary for each offence, there will be gradations. When determining whether the harm caused was serious in the context of these offences, the court will assess whether the harm caused was what would be normal for this type of offence or has gone beyond the level that would be regarded as normal. Since the sentence levels will be higher (for some offences, very much higher) as a result, the type of harm or violence that will justify placing an offence in the higher category will be harm that is significantly above the level of harm which is the norm for these offences.” [Emphasis added]*

14. Having been referred to the English cases of *R v Smith* [2016] 1 Cr. App. (S) 8, *R v Thompson* [2016] 1 Cr. App. (S) 264, and *R v Xue* [2020] 2 Cr. App. R. (S) 49 (which we discuss later), the judge rejected the defence submission that the level of harm fell within the lesser harm category and held that it amounted to greater harm. As to culpability, she held that the offence fell within the higher culpability level because of, inter alia, the use of a weapon. Given the combination of greater harm and higher culpability, the offence therefore fell within category 1 of the Guidelines, with a suggested starting point of 12 years custody and a sentencing range of 9–16 years
15. The judge then considered aggravating and mitigating factors. She found that there were four aggravating factors, namely (i) the commission of the offence in a public place crowded with patrons; (ii) the presence of others including Lewis’s wife; (iii) the attempt to dispose of

evidence after the incident as the knife and clothing worn by the applicant and Jackson were not recovered; and (iv) the applicant's previous convictions for violence.

16. As to mitigating factors, the judge found that there were four, namely (i) his plea of guilty to malicious wounding; (ii) his remorse; (iii) the fact that he suffered from anxiety and was prescribed medication; and (iv) the evidence of his character from persons interviewed for the Social Inquiry Report.
17. Taking a starting point of 12 years (having found that this was a category 1 offence) the judge added 18 months for the aggravating factors and allowed six months deduction for the mitigating factors, resulting in a sentence of 13 years.

### **This appeal**

18. On behalf of the applicant, Mr Rule KC makes one key submission. He does not dispute that the judge was entitled to find higher culpability because of the use of a weapon. However, he contends that the judge erred in principle when she found that the harm sustained by Lewis was properly categorised as greater harm. She should have found that it amounted only to lesser harm, with the consequence that the offence would fall within category 2 rather than category 1 because it would involve lesser harm (rather than greater harm) and higher culpability. This would suggest a starting point of 6 years according to the Guidelines. The sentence was therefore manifestly excessive.
19. Mr Rule accepted that any sentencing court is always wary of looking at the facts of other cases and comparing those with the facts of the case before it in order to try and work out what the correct sentence should be by way of comparison. However, he submitted that a review of relevant English and Cayman Island cases showed that the judge's decision that the harm in this case amounted to greater harm was wholly out of line with the consistent findings in other cases and amounted to an error of principle.
20. Until 2021, the English Sentencing Guidelines contained the same expression as the Guidelines when describing what constituted greater harm, namely "*injury... which is serious in the context of the offence*" and accordingly we accept that decisions of the English Court of Appeal may be of assistance. We were referred to the following English cases.

21. In *R v Smith*, the appellant broke into the house of his estranged wife's new partner in the early hours of the morning armed with a baseball bat. He struck the partner, who raised his arm to protect himself and the blow inflicted upon him with the baseball bat caused him to sustain two fractures to his left arm and lacerations to his forehead, which required nine stitches. There was then a tussle following which the partner lay down on the bed as he was feeling woozy, at which point the appellant swung the baseball bat and struck the victim on the rear of his head with such force that the bat broke into two pieces. This blow caused the victim to sustain a laceration behind his left ear, which subsequently required three stitches.
22. Instead of the incident being indicted as a single s. 18 offence (wounding with intent to cause grievous bodily harm), the appellant was charged with various counts including one count of wounding with intent which related to the final blow. He was convicted of this offence and also pleaded guilty to burglary. The judge held that the offence was a category 1 offence because it involved greater harm and higher culpability. In support of his finding that there was greater harm, the judge said that the injury to the victim caused hospital treatment, stitching and had a considerable lasting effect on the victim. He imposed a sentence of 12 years' imprisonment.
23. On appeal, the appellant accepted that the case was one of higher culpability, but argued that the offending fell within category 2 because the judge was wrong to categorise the harm as amounting to greater harm. In that context, Green J, speaking for the Court of Appeal, said as follows at [14]:

*“First, with regard to the injury, the question is whether the injury was serious “in the context of the offence”. It is axiomatic that all violence within the context of a s.18 offence is serious, but some violence is more serious than others. The purpose behind the words “which is serious in the context of the offence” in the guidelines is to distinguish between that level of violence which is inherent or par in a standard s.18 offence and that which will, by definition, go beyond what may be viewed as par for the course. In our view, given that there is such a marked disparity in the starting point between Categories 1 and 2, the sorts of harm and violence which will justify placing a case within Category 1 must be significantly above the serious level of harm which is normal for the purpose of s.18.” [Emphasis added]*

24. The Court of Appeal held that, taken alone, the one blow which amounted to the s.18 offence, inflicted when the victim was on the bed, prone and defenceless, did not amount to a category 1 offence. Even taking into account all the blows, whilst the violence was more serious and involved materially more harm which took it much closer to category 1, it was nevertheless not a clear category 1 case; it was either at the top of category 2 or on the borderline between category 1 and 2. Given that the only point in issue was the level of harm, the Court of Appeal was clearly saying that the harm was either at the top of lesser harm or on the borderline between lesser harm and greater harm. The Court held therefore that the starting point should be somewhere between 6 years (for category 2) and 12 years (for category 1). The court considered that a starting point of 9 years was appropriate and having considered the aggravating and mitigating factors, reduced the judge's sentence to one of 9 years.
25. In *R v Thompson*, the defendant who was attending a fundraising at a local rugby club, without any provocation knocked the victim to the ground and then bit a portion of flesh from his eyebrow. As the Court of Appeal said at [8], his teeth must have come within millimetres of causing damage to the orbit of the eye. The victim required plastic surgery and was left with permanent scarring and an impairment of his peripheral vision, together with a loss of sensation in the injured area. Additionally, he suffered severe psychological consequences including by reason of an anxious wait of some eight weeks before receiving a favourable result of tests carried out for HIV infection.
26. The judge held that this was a case of greater harm but lower culpability and imposed a sentence for the s.18 offence of wounding with intent of 7 years imprisonment. At [21] the Court of Appeal had regard both to the physical injury and the persisting psychological consequences but nevertheless held that the injury fell somewhat short of being injury "*which is serious in the context of the offence*" and was not therefore a case of greater harm. As it happened, the sentence was nevertheless upheld because the Court of Appeal concluded that in terms of culpability, the judge should have categorised the offence as one of higher culpability rather than lower culpability.
27. In *R v Xue*, the appellant was convicted of wounding with intent. The offence involved the appellant forcing his way into the home of the victim and then slashing the victim's face and side with a knife or razor or similar weapon. The victim suffered two lacerations to his face and several lacerations to his hip, all of which required stitching. The scarring on his face remained visible at the time of the trial and was described by the judge as "disfiguring". The

judge held that this was a case of greater harm and higher culpability and imposed a sentence of 12 years' imprisonment.

28. For our purposes, the relevant point on appeal was whether the judge had been correct to categorise the injuries as amounting to greater harm. The Court of Appeal referred to its earlier decision in *R v Duff* [2016] EWCA Crim 1404 where the victim had lost half his ear, which resulted in a "permanent, visible, significant cosmetic disability". Nevertheless, the Court of Appeal in that case had overturned the judge's decision that this amounted to greater harm.
29. Having quoted the extract at [14] in *Smith* (which we have also quoted above), the Court of Appeal in *Xue* went on to say at [30]:

*"We agree. In this case, the injuries suffered by Mr Gao are, of course, very serious on the scale of assaults generally. But they are considerably less grave than the injuries suffered by victims in many cases involving s.18 offences that come before the Crown Court and before this court; and thus they are not injuries that are "significantly above the serious level of harm which is normal for the purpose of section 18". We add that for these purposes it makes no difference whether the charge is one of wounding with intent to cause GBH... or of causing GBH with intent...."*

Having concluded that this was therefore a case of lesser harm but higher culpability, the Court of Appeal reduced the sentence to one of 8 years' imprisonment.

30. Mr Rule also referred to a number of decisions of the Grand Court, which were not placed before the judge and where the Grand Court has had to consider whether injuries amount to greater harm for the purposes of the Guidelines. All of the decisions are of Richards J. They can be summarised briefly as follows.
31. In *R v Howard Lee Ebanks*, 12 December 2023, the defendant pleaded guilty to inflicting grievous bodily harm contrary to s.204 of the Penal Code on indictment 17 of 2022 and to wounding on indictment 24 of 2022. In relation to indictment 24, the defendant assaulted the victim by punching him in the face several times, kicking him in the head and chest when he was prone on the ground and also hitting him on the head with a metal stool while he was still

lying on the ground. The victim sustained multiple abrasions and contusions as well as a punctured eardrum which caused him debilitating pain such that he was not able to work for over a year after the incident. In indictment 17, the defendant assaulted a different victim by repeatedly chopping his head with a machete causing an arterial bleed in the scalp and six wounds in total. The judge found that in neither case did the injuries amount to greater harm.

32. In *R v Jose Carter-Ramirez*, 11 August 2023, the defendant used a knife to stab the victim in the chest causing damage to his lungs. The victim lost consciousness and was taken to hospital. His injuries required an operation. At the time of sentencing he had scarring from the injuries and from the surgical insertions. He continued to have breathing difficulties and used a pump to assist his breathing. He also suffered from hearing loss in his left ear. The judge concluded that, based on the victim impact report, the attack had had life altering implications for the victim. The judge accepted the common position of the prosecution and the defence that the level of harm fell somewhere between greater and lesser harm.
33. In *R v Eladio Chesley Brown*, 11 August 2023, the defendant was convicted of wounding with intent. He swung a machete at the victim causing a deep laceration to the victim's shoulder; then used the machete to strike the victim to his head causing another deep laceration to his forehead. The victim fell to the floor and the defendant then struck him with the machete two more times. One of these blows caused a laceration to the right side of the victim's jaw, running from his ear to his chin. The offence impacted the victim emotionally and physically on a significant level. He was hospitalised and in severe pain. He required surgery to his jaw and had substantial and permanent scarring on several areas of his face, shoulder and chest. The judge, rejecting the submission of the prosecution, held that this was a case of lesser harm.
34. In *R v Fabian George Wallace*, 3 April 2023, the defendant pleaded guilty to malicious wounding. He swung a machete at the victim who fell to the ground. He then stood over the victim and chopped him to the right side of his face, from his ear down to his cheek, close to his mouth. The victim was taken to hospital for treatment. He sustained a wound 5 inches in length from his left ear to the left corner of his mouth which was repaired by a number of sutures, but the medical evidence was that there was likely to be permanent scarring. The psychological impact to the victim was described as significant. The judge nevertheless agreed with the submission of both counsel that this was a case of lesser harm.

35. Finally, in *R v Nicholas Romano Forbes*, 3 April 2023, the defendant pleaded guilty to two offences of wounding with intent on the same occasion. He stabbed the first victim in the abdomen with a knife. The injury was said to be serious but not likely to be permanent. The second victim was stabbed in the eye. He underwent surgery and spent eight days in hospital. He lost the eye and his injury was described as serious, life-altering and permanent. The judge held that the harm in relation to the first victim was lesser harm but that the injury suffered by the second victim amounted to greater harm.
36. On behalf of the Crown, Mr Mulgrew emphasised that the Guidelines are not tramlines and that the approach taken in other cases is of limited assistance. The judge was best placed to consider the appropriate categorisation of the harm suffered and it was open to her to conclude that the injuries suffered by the victim amounted to harm which was serious in the context of the offence.
37. We entirely accept that, as the English Court of Appeal said in *Xue* at [28], given the fact-specific nature of assessing whether harm in a particular case amounts to harm that is serious in the context of the offence, the determinations made in other cases by reference to different facts are of limited value. However, we accept that the English and Cayman Island cases referred to above show a measure of consistency and give some general assistance as to the level of harm which can properly be regarded as being “*significantly above the level of harm which is the norm for these offences*”.
38. We do not underestimate the seriousness of the injuries inflicted on the victim in this case and the effect which the incident has had on him. Nevertheless, we are of the clear opinion that the injuries, as summarised at paragraph 9 above, cannot properly be categorised as harm which is “*significantly above the level of harm which is the norm for these offences*”. Accordingly, we accept that the judge erred in principle in concluding that they did and that the offending accordingly fell within category 1 of the Guidelines, so as to suggest a starting point of 12 years. The offending properly falls within category 2 of the Guidelines, which has a starting point of 6 years’ imprisonment.
39. The approach to starting points has been considered recently by the Court of Appeal of England and Wales in two cases. In *Attorney General’s Reference (R v BPK)* [2025] EWCA Crim 711; [2025] 2 Cr. App. R. (S) 29, the court at [26] and [33] endorsed its earlier observation in *R v Naqvi* [2024] EWCA Crim 958 at [34], which was as follows:

*“In the circumstance of this case the guideline duty in section 59 of the Sentencing Code included by section 60(4)(a) a duty to decide which of the guideline categories most resemble the applicant’s [case] in order to identify the appropriate starting point. The proper approach is to identify that starting point and thereafter to adjust it upwards or downwards if necessary to reflect particular features of culpability and harm, before considering aggravating and mitigating factors. We reiterate once again that it is therefore unhelpful to use the term ‘starting point’ to refer to anything other than the starting point initially identified. Everything from that point onwards is an adjustment of the starting point.”*

40. Any initial adjustment to the starting point (before consideration of aggravating and mitigating factors) has to be determined having regard to the levels of harm and culpability, and these do not necessarily give rise to a sudden jump from 6 years to 12 years given the many varied gradations and combinations of harm and culpability which can occur. Whilst we have accepted that the harm in this case cannot be categorised as greater harm, it is not at the bottom end of the scale of harm for such offences. Furthermore, the level of culpability, involving as it did the applicant going back to the car to arm himself with a large knife at a point well before any violence broke out and then, during the assault, stabbing with ‘chopping motions’, is considerable. Putting these matters together, we think that an initial upward adjustment from the starting point to a term of 9 years’ imprisonment is appropriate to reflect the harm and culpability.
41. We see no reason to interfere with the judge’s conclusion that consideration of the aggravating and mitigating factors leads to an increase of 1 year from this adjusted figure. Accordingly, we allowed this appeal to the extent of substituting a sentence of 10 years’ imprisonment for the term of 13 years imposed by the judge.
42. By way of postscript, we touch upon a further matter raised by Mr Rule. In 2021, the equivalent English sentencing guidelines for offences of causing grievous bodily harm with intent or wounding with intent were amended. Accordingly, they are no longer in similar terms to the Guidelines. When dealing with the question of harm, the new English guidelines now contain three categories as follows:

*“Category 1*

*Particularly grave or life-threatening injury caused*

*Injury results in physical or psychological harm resulting in lifelong dependency on third party care or medical treatment*

*Offence results in a permanent, irreversible injury or psychological condition which has a substantial and long term effect on the victim's ability to carry out their normal day to day activities or on their ability to work.*

*Category 2*

*Grave injury*

*Offence results in a permanent, irreversible injury or condition not falling within category 1*

*Category 3*

*All other cases of really serious harm*

*All other cases of wounding”*

43. Mr Rule submitted that, as the new English guidelines now refer to objective matters rather than comparative assessment, they might be useful in future in this jurisdiction by way of a helpful check on what may amount to greater harm i.e. harm that is significantly above the level of harm which is the norm for these offences.
44. We do not encourage reference to the new English guidelines when there are in existence Cayman Island Guidelines. The structure of the new English guidelines is different, in that there are now three categories of harm as opposed to two. Furthermore, whilst we can accept that the second and third bullet points listed above in the new category 1 are likely to amount to greater harm for Cayman Island purposes, the difference between the first bullet point of category 1 (“particularly grave injury”) and category 2 (“grave injury”) does not really provide much greater assistance than the Guidelines and leaves the matter very much for assessment by the sentencing court.