



Neutral Citation Number: [2025] CIGC (Crim) 34

IND. No. 0011/2024

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

THE KING

-v-

COLIN ANTHONY SOLLY

Appearances: Ms Colleen Cummings, Office of the DPP
Ms Lene Doherty of Samson Law for the Defendant

Before: The Honourable Justice Marlene Carter

Heard: 10 April 2025 and 1 August 2025

Date of Sentence: 1 August 2025

Criminal Law – Sentence – Inflicting Grievous Bodily Harm

SENTENCE JUDGMENT

1. The defendant was convicted of one count of inflicting grievous bodily harm contrary to section 204 of the Penal Code (2022 Revision) after a jury trial on the 26 July 2024.



2. The incident which gave rise to the matter before the court took place on 22 November 2022. The defendant had attended a ‘get together’ at which the victim was present. The victim and the defendant were known to each other for a little over a year before the incident. The victim had been drinking that night and as a result he could not recall all the details of the incident. The victim and the defendant got into an argument. The victim suggested to the defendant that they take their disagreement to the streets. The victim’s evidence was that while he was walking out onto the road he thought to himself that the whole situation was ‘foolishness’ and they should go back inside. When he turned to communicate this to the defendant the last thing he recalled was that everything turned black.
3. When the victim came to consciousness he was at home. He realized that he had two black eyes and his head was hurting. He was transported to George Town hospital by ambulance. At the hospital, it was revealed that he had suffered three fractures to his face: his right eardrum was fractured and so was his cheek and occipital sockets. He was admitted to hospital and then transported to Jamaica for treatment.
4. He underwent a number of surgeries. Screws were put into his face at the sight of the fractures. The victim still feels some residual damage – stiffness and numbness in his skin and to the side of his right eye and there was a tightness to the skin in the area where the pins were inserted. The alignment of his teeth had been impacted, and he reported as well that he was unable to work for a period during his recuperation

Culpability and Harm

5. The offence of inflicting grievous bodily harm carries a maximum sentence of seven years imprisonment. The court must determine the offence category with considerations of harm and culpability.
6. Having heard the submissions of counsel, I do not find that the harm that was inflicted was serious in the context of the offence. This is not a category 1 harm case.
7. Referring to the Cayman Islands Sentencing Guidelines for Violent Offences [‘the Guidelines’], the Crown submitted that the court should consider the degree of harm for this offence at either category 2 or even category 3 harm.



8. Regarding culpability, the Crown suggested that there were no specific factors identified that indicate higher culpability. It was further suggested that the facts of the case point to an element of there being a greater degree of provocation than normally expected, referencing the victim's words to 'let's take it to the streets' this even though the jury had clearly rejected the self-defence raised by the defendant at trial.
9. The aggravating factors identified by the Crown included
 - (i) the presence of others at the time of commission of the offence.
 - (ii) the location and timing of the offence. The offence occurred on a public street at night. However, Crown counsel clarified that these were not matters which were specifically relied upon by the prosecution to signify aggravation of the offending conduct of the defendant.
 - (iii) The Crown also clarified that this instance of offending which led to the charge before the court was not in breach of a previous probation order from 2023 to which the defendant has been subject.
10. The aggravating factor which the crown did state as being present was that there was an ongoing effect on the victim with regard to his injuries, however the crown invited the court to be careful not to double count given that this is one of the factors which goes towards the level of harm ultimately determined by the Court.
11. There were other mitigating factors which could reduce the seriousness of the offence or reflect personal mitigation present in the circumstances of this case. These the Crown identified as:
 - (i) the delay in bringing the charges against the defendant. The offence took place on 22 November 2022. Charges were not brought until approximately two years after this date.
 - (ii) the passage of time between the offense and sentence which was through no fault of the defendant.
12. The crown did not dispute what it anticipated would be the defense submissions on the issue of mental illness or disability of the offender in this case.

13. The crown's position was that there was very limited information as to the precise 'out of pocket' or outstanding medical expenses of the victim. The approximate amount submitted to cover miscellaneous expenses was in the region of \$CI 600.00 for which an order for compensation may be made pursuant to section 33 of the Penal Code (2024 Revision).

Defence submissions

14. Counsel for the defendant submitted that in this case there were no factors going to higher culpability present. There was no evidence of premeditation and the defendant maintained throughout that he was provoked by the victim who challenged him to a fight.
15. Regarding harm, counsel submitted that the circumstances of the offence did not lend themselves to a finding that the harm done was more serious in the context of the offence. The injuries suffered were not likely to be permanent and the physical and/or psychological harm to the victim was not so serious or long term as to justify the finding of greater harm.
16. Counsel noted that the Victim Impact Report (VIR) suggested that there had been a degree of reconciliation between the parties.
17. Bearing these factors in mind, counsel invited the court to determine that this was an offence of lesser harm in the context of the offence and lesser culpability. As a category 3 offence, the starting point is a 12-month custodial sentence with a category range between a community order and a two-year custodial sentence.
18. Counsel submitted that no additional aggravating factors outlined in the Guidelines regarding this offence were present. She pointed to other mitigating factors:
- (i) There was no use of a weapon
 - (ii) The incident was brief, and the assault was not prolonged.
 - (iii) It appeared that the incident was one isolated in nature in that the defendant and the victim were acquaintances and there had never been a conflict between them before this interaction.



19. Counsel for the defendant invited the court to note that there were present other personal circumstances which should also be considered in terms of mitigation. The following matters were raised in this regard:

- (i) The defendant's age. He is a young man who was 24 years of age at the time of the incident
- (ii) The defendant has been of good behaviour since he was admitted to bail in December 2022. He has committed no offence since that time.
- (iii) The **defendant's mental health issues**¹: these it appears had also contributed to his behaviour on the night in question.
- (iv) **Matters raised in the social inquiry reports**. Incidents during the defendant's childhood have impacted the defendant's ability to trust and may have contributed to difficulties in managing his emotions.

20. The defendant is the father of a now 6-year-old child for whom he shares parental responsibilities. A letter from the child's mother outlined the defendant's involvement in their daughter's life.

"...Collin Anthony Solly, the biological father, is very much involved in her life and is very supportive in every way possible."

"Currently our daughter spends most of her time with her father and his mother due to my work schedule and commitments. Colin and I do and have always maintained a very amicable relationship and arrangements as parents of our daughter and I would support a non-separation of him and his daughter who is very attached to him and as he is attached to her."

21. Counsel for the defendant submitted that even in cases where the court might consider that the custody threshold had been passed this does not mean that a custodial sentence was inevitable. The court must consider whether there were other restrictive sanctions that could be imposed that were reasonable in the circumstances of the offence. Counsel submitted that these alternatives were presented for the court's consideration in this case by the Social Inquiry Report and further update from the Department of Community Rehabilitation.



¹ Details of these issues were presented to and considered by the court, but are not detailed in this sentence judgment.



Court's conclusions

22. Having heard submissions from counsel, I find that the offence is one of category 2 harm, lower culpability. The starting point is 3 years custody with a sentence range of 2-4 years custody. From the starting point of 3 years' custody, I deduct 3 months for the 2-year delay in bringing the charges against the defendant. I further discount the sentence of 2 years and 9 months by a further 9 months to reflect the fact that the mitigating factors in this case far outweigh the aggravating factors.
23. Apart from the aggravating and mitigating factors identified, I take account of the personal circumstances of the defendant and discount the sentence by a further 6 months.
24. In determining whether a custodial sentence of 18 months is appropriate in this case I further considered the defendant's willingness to be subject to therapy and counseling. This court determined to allow the defendant time to pursue these. The latest update is a progress report from the Department of Counseling Services dated 17 July 2025 in which the therapist notes that the defendant has and continues to engage with individual therapy within the department having attended all scheduled therapy sessions. It was noted that he appears keen to work towards increasing his independence and joining an employment training scheme. In addition, he has attended up to 15 sessions from January 2025 in the intensive outpatient program for drug detox. and it appears that the defendant is participating fully in the services offered by that department.
25. The Social Inquiry Report (SIR) recommends that the court consider making an order for a suspended sentence supervision order. This is an order which is permitted under the Alternative Sentencing Act. Such an order would allow for continued supervision of the defendant with his behaviours being monitored and evaluated during the time that he remains under the order.
26. I have also considered the victim's indication in the VIR that he and the defendant had spoken and shaken hands as he had put the incident behind him. It appears that victim has moved on. This was also his indication when he gave evidence at trial.
27. The defendant is a very young man. With his documented difficulties, incarceration would substantially aggravate his mental health issues. The defendant has shown willingness to engage to

modify his behaviours. In the particular circumstances of this case a community-based disposition is the more appropriate sentence.

28. The order of the court is that the defendant be the subject of a suspended sentence supervision order as recommended by the SIR. The order will be for a period of 18 months from today's date.
29. During that time the defendant must comply with the directions of the probation officer and participate in any programme deemed appropriate by that officer. He will continue to attend the counselling center and be subject to random urine analysis.
30. It is also ordered that the Defendant complete 100 hours of community service during the period of the Order.



Hon Justice Marlene Carter
Judge of the Grand Court