



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

4 **Neutral Citation Number: [2025] CIGC (Crim) 27**
5 **INDICTMENT NO: 84 of 2024**
6

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8
9 **R**

10
11 **V.**
12

13 **TYLER FOSTER SCOTT**
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17 **Appearances: Mr. Nimesh Jani and Mr. Gabriel Milton-Job for the Prosecution**
18

19 **Mr. James Stenning for the Defence**
20

21
22 **Before: The Hon. Justice Cheryll Richards KC**
23

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

26 **Sentence Judgment: 2nd June 2025**
27
28
29

30 ***Criminal Law – Sentencing, Uttering a Forged Note contrary to s.295 (2) of the Penal Code (2022***
31 ***Revision). Application of the Cayman Islands Sentencing Guidelines, Whether significant additional harm***
32 ***such as to elevate offence to higher category.***
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SENTENCE JUDGMENT

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3 1. The defendant pleaded guilty to Count One of the Indictment, Uttering a Forged Note
4 contrary to s.295 (2) of the *Penal Code* (2022 Revision). The particulars are that he on
5 the 21st day of September 2022 in the vicinity of Blackbeard's Liquor Store in Cayman
6 Brac knowingly or fraudulently uttered a forged currency note namely a KYD 100 note.
7
- 8 2. The maximum sentence for the offence is 10 years imprisonment.
9
- 10 3. The plea to Count One is acceptable to the prosecution. They have indicated that they
11 will not proceed on Count Two of the Indictment. A formal verdict of not guilty is
12 entered in respect of Count Two of the Indictment and the Defendant is discharged on
13 this Count.
14

15 **THE FACTS**

- 16
17 4. The prosecutions' summary of facts is not disputed. At 9:05 am, on the 21st September
18 2022, the defendant tried to tender a \$100 note at a local supermarket in Cayman Brac.
19 The cashier declined to accept the note, having observed that it appeared to be
20 inconsistent with other notes handled in the past. The note was returned to the
21 defendant. The defendant left the supermarket and went to Blackbeard's Liquor Store
22 at 10:01am where he handed over the note to purchase a pack of cigarettes and two
23 bottles of rum. He was given change of \$78.03. He left the Store with the items and
24 the change. After he left, the cashier examined the note and upon finding it to be
25 inconsistent with others reported the matter to the police. It has been confirmed by the
26 Cayman Islands Monetary Authority to be a counterfeit note.
27
- 28 5. The defendant was arrested later that day and denied knowing about any forged note.
29 He was interviewed under caution on the 10th November 2022. He accepted that a note



1 had been refused by the supermarket but said that he must have had a different one
2 when he went to the Liquor Store. He said that he must have had two counterfeit notes
3 but had not been aware of it.
4

- 5 6. The defendant first appeared before the Grand Court on the 15th September 2023. He
6 was arraigned on the 13th October 2023 and pleaded not guilty. A trial was set for the
7 4th March 2024. The trial date was vacated as the defendant was unfit to attend trial due
8 to voluntary intoxication. A second trial date of the 10th June 2024 was set. Prior to
9 this, the defendant entered a plea of guilty as aforesaid.
10

11 **ANTECEDENT HISTORY**

12

- 13 7. The defendant has an antecedent history of nine previous convictions. These are mainly
14 for drug possession and consumption. The two most recent convictions are for Taking
15 a Conveyance Without Authority and Handling Stolen Goods for which the defendant
16 was sentenced on the 7th June 2024 to one month imprisonment suspended for two
17 years and three months imprisonment suspended for two years. These offences
18 occurred after the instant offending. There are also a number of convictions overseas.
19 The Court has been advised that these are mainly for offences of violence.
20

21 **PSYCHIATRY REPORT**

22

- 23 8. Dr. Arline McGill has provided a psychiatry report dated 21st May 2025. The report
24 notes that the defendant has a long history of illicit drug use with previous admissions
25 for rehabilitation overseas but has repeatedly relapsed. There is also a history of
26 altercations and motor vehicle accidents in which the defendant was intoxicated either
27 by alcohol or drugs. The conclusion on examination is that he may be suffering from a
28 mixed group of disorders and would benefit from a comprehensive psychological
29 evaluation.



1 **SOCIAL INQUIRY REPORT**

- 2
- 3 9. The Department of Community Rehabilitation has provided a Social Inquiry Report
- 4 dated 2nd October 2024, (“SIR”). It is detailed and comprehensive and the Court has
- 5 taken it into account in considering the sentencing of this defendant. He is thirty-three
- 6 years old with one child born May 2024 who is resident overseas. The defendant
- 7 became addicted to marijuana and other drugs from an early age. This led to effects on
- 8 his schoolwork and attendance at school and to periods of incarceration. After the
- 9 divorce of his parents, he remained with his mother until the age of twenty-three in
- 10 2014. Unfortunately, after being continuously employed for some years to a company
- 11 in which his father worked, in 2022 he developed an addiction to a hard drug. Problems
- 12 surfaced thereafter with his attendance and work ethic. There were also problems with
- 13 some equipment that he required for his work. All of this has caused him to be out of
- 14 work for some time.
- 15
- 16 10. The Probation Officer reports that the defendant’s response to supervision has been
- 17 mixed. There is poor attendance to his statutory supervision. He did attend Caribbean
- 18 Haven Rehabilitation Centre but withdrew from this in June 2024.
- 19
- 20 11. The report from the Centre is that he engaged with therapy and tried his best. He tried
- 21 to engage in activities to the best of his ability and also maintained positive relations
- 22 with supervisory staff. Their conclusion is that he needs a psychological assessment to
- 23 assist with identifying the issues and treatment needs.
- 24
- 25 12. The defendant was assessed as at very high risk of re-offending with all eight of the
- 26 criminogenic factors in the very high or high categories.
- 27
- 28 13. Under the heading Assessment/Evaluation, the Officer notes that there are concerns
- 29 about his motivation to remain substance free and with respect to a return to
- 30 problematic use of alcohol and illicit substances.



1 14. Under the heading Sentencing Options, the Probation Officer states: -

2
3 "There are concerns regarding Mr. Scott's childhood experiences, possibility of
4 abuse (witnessing substance abuse...violence as a child) resulting in cognitive
5 deficits, coupled with a recent medication review, in which he was prescribed
6 medication used to treat ... yet remains without diagnosis."

7
8 15. The Probation Officer recommends by way of sentencing, a two-year probation order
9 with certain specific conditions.

10
11 **THE SUBMISSIONS**

12
13 16. The prosecution and defence agree that under the relevant *Cayman Islands Sentencing*
14 *Guidelines* this is an offence of Lesser Culpability as it involved little or no planning.
15 There is disagreement as to the level of harm. The Prosecution submits that it is
16 Category 2 Harm because although of low value of \$100, it is said that there is
17 significant additional harm for the following reasons: -

- 18
19 i. Fear/loss of confidence caused by the crime including loss of confidence in
20 the Cayman Islands as a financial center;
21 ii. High level of inconvenience caused to the victim or others;
22 iii. Consequential financial harm to victim or others; and
23 iv. Impact on a business (for example loss of future business, impact on
24 reputation) - may be actual or intended or risked.

25
26 17. The prosecution submits that the circulation of forged currency within the Cayman
27 Islands, a jurisdiction which maintains its reputation as a secure and reputable financial
28 center, poses an inherent risk to public trust in its currency and that the concern is
29 especially acute in small communities such as Cayman Brac.



- 1
- 2 18. With respect to inconvenience, the prosecution's submission is that the staff were
- 3 required to consult management, retain and compare suspicious notes and eventually
- 4 report the matter to the police. Closed Circuit Television footage also had to be obtained
- 5 and retained for continuity purposes. The prosecution submits that this was unnecessary
- 6 inconvenience and diverted managerial and operational resources from their ordinary
- 7 business functions.
- 8
- 9 19. With respect to consequential financial harm the submission is that the conduct resulted
- 10 in direct financial loss to the Store of \$100, and that there is a residual risk that if the
- 11 forged note had not been detected it may have continued in circulation potentially
- 12 compounding financial harm to subsequent parties.
- 13
- 14 20. The submission of the prosecution taking into account all these factors is that although
- 15 of low value, there was significant additional harm and that this is a Category 2 C
- 16 offence. A Category 2 C offence has a starting point of 2 years custody with a range of
- 17 sentence of 1 to 4 years custody.
- 18
- 19 21. Defence Counsel submits that the harm is at the level of Category 3. Counsel says that
- 20 there is nothing extraordinary about this offending and that this is required before the
- 21 offending can be elevated from Category 3 to Category 2. Counsel submits that if the
- 22 position of the prosecution is accepted just about all cases would be elevated to the next
- 23 level which cannot be the intention of the *Guidelines*. Counsel submits that this is no
- 24 more than Category 3 harm with a starting point of a community based sentence and a
- 25 range of a fine to 1 year custody.
- 26
- 27 22. In mitigation Counsel submits that the defendant has agreed to be assessed over the
- 28 next two weeks by a psychologist and is keen to address his problems and rehabilitative

1 issues. Counsel submits that given the defendant’s personal circumstances, mental
2 health and other challenges, the Court could consider a probation order of one year.
3

4 **THE SENTENCE**
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6 23. The Court accepts the submission of the defence as to the nature of the harm caused.
7 To elevate the harm from Category 3 for such low value offending there must be
8 additional harm of significance. The inconvenience to victims must be to a high level.
9 The Court does not consider that there is significant additional harm on the facts
10 referenced in this case. It is a Category 3 C offence with a starting point of a
11 community-based sentence. The Court does not treat the two most recent convictions
12 as aggravating factors given that they occurred after the instant offending.
13

14 24. There is significant mitigation to include all his personal circumstances and his: -
15

- 16 • Remorse
- 17 • Traumatic childhood
- 18 • Possible mental health disorders
- 19 • Struggles with addiction
- 20 • Willingness to engage in rehabilitation
- 21 • Status as a young father



22
23 25. The credit given for his guilty plea which came after multiple trial dates had been set
24 is 10%.
25

26 26. The Court considers the offending to be serious. The defendant knew after going to the
27 first Store that the \$100 note was rejected yet he persisted in going to another Store.
28 This conduct was deliberate and cannot be condoned in this small community. The
29 Court cannot accede to the application of the defence that the sentence be limited to a



1 probation order of only one year. It is clear from all the circumstances that the defendant
2 is in grave need of rehabilitation and that he must be consistently monitored by the
3 probation services in order to ensure that this offending does not re-occur and that his
4 issues with alcohol and drug addiction are addressed.

5
6 27. The Court therefore accepts the recommendation of the Probation Officer for a two
7 year probation order with conditions.

8
9 28. The defendant is sentenced on Count One of the Indictment, Uttering a Forged Note
10 contrary to s.295 (2) of the *Penal Code* (2022 Revision) as follows: -

11
12 i. Pursuant to s.35 of the *Alternative Sentencing Act* (2008 Revision), the
13 defendant is placed on a Probation Order for two years.

14
15 ii. The Probation Order commences today but is to run concurrently with any
16 other supervision orders previously imposed.

17
18 iii. During the term of this two year Probation Order, the defendant shall
19 observe the following conditions:

20
21 1. Submit to and undergo within the next two weeks a psychological
22 assessment as recommended by Dr. Arline McGill of the Health
23 Services Authority in her report dated 21st May 2025.

24
25 2. Attend and participate in any program as directed by his assigned
26 Probation Officer.

27
28 3. Submit to urine analysis and produce screens clear from illicit drugs
29 and alcohol.

1
2 4. Attend the Counselling Centre for individual therapy and attendance
3 to any groups as determined by his assigned therapist.
4

5 iv. Pursuant to s.33 of the *Penal Code* (2024 Revision) the defendant is to pay
6 compensation of \$100.00 or one month imprisonment through the Court's
7 Office to Blackbeards' Liquor Store, Cayman Brac. Time to pay is given
8 until the 4th June 2025.
9

10 v. Pursuant to s.42 of the *Penal Code* (2024 Revision) the defendant is to
11 perform 240 hours of community service in one year.
12

13 29. The defendant is warned of the possible consequences of any breach of the Court's
14 orders.
15

16 **Dated this the 2nd day of June 2025**

A handwritten signature in blue ink, appearing to be 'Cheryll Richards', written in a cursive style.

17
18 **The Hon. Justice Cheryll Richards KC**
19 **Judge of the Grand Court**