

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

3 **Neutral Citation Number: [2025] CIGC (Crim) 6**
4 **INDICTMENT NO: 48 of 2024**



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8 **R**

9
10 **V.**

11
12 **DWAYNE MIGUEL EVANS**

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16 **Appearances: Mr. Ben Brown, Crown Counsel, Office of the Director of Public Prosecutions**
17 **for the Prosecution**

18
19 **Mrs. Prathna Boddan of Samson Law for the Defence**

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

24
25 **Submissions Heard: 17th January 2025**

26
27 **Sentence Judgment: 21st January 2025**
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32 *Criminal Law - Sentencing- Inflicting Grievous Bodily Harm contrary to section 204 of the Penal*
33 *Code (2024 Revision). Application of the Cayman Islands Sentencing Guidelines*



SENTENCE JUDGMENT

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4 1. On the 27th September 2024, the defendant pleaded guilty to Count 2 of the Indictment.
5 This charges him with Inflicting Grievous Bodily Harm contrary to s.204 of the *Penal*
6 *Code* (2024 Revision). The particulars are that he on the 21st day of May 2024 at 252
7 Mangrove Avenue, George Town , Grand Cayman, unlawfully and maliciously inflicted
8 grievous bodily harm to Althea Ann Marie Vassell Evans.
9
- 10 2. The maximum penalty is 7 years imprisonment.
11
- 12 3. The plea offered is acceptable to the prosecution. No evidence is offered on Count 1
13 Causing Grievous Bodily Harm with Intent. A formal verdict of not guilty is entered and
14 the defendant is discharged on this count.
15

BASIS OF PLEA

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18 4. The plea to Count 2 is entered on the following basis which was signed on the 29th
19 November 2024: -
20
21 1. “On 21st May 2024 my wife and I had a disagreement.
22 2. I spilt rubbing alcohol on her, not intending to cause her harm or injury. I use
23 rubbing alcohol for my injuries (from an unrelated issue) and therefore had it. I
24 did not mean to spill it on my wife.
25 3. I accept by then lighting the alcohol, albeit whilst joking, I was reckless and
26 aware that some injury was likely. I accept that I should not have used the
27 lighter when there was alcohol on her.
28 4. I am very sorry about causing these injuries.”
29

- 1 5. The prosecution says that the guilty plea is accepted on the basis that whilst the defendant
2 may not have intended to do his wife really serious harm, what he did was utterly
3 reckless.

4
5 **CHRONOLOGY**



- 6
7 6. The following is a brief chronology: -

- 8
9 i. On the 7th June 2024, the case was first mentioned in the Grand Court.
10 Defence Counsel said that the defendant had no intent to commit an offence
11 and requested time to take instructions.
12
13 ii. On the 21st June 2024, the prosecution requested time to make inquiries in
14 relation to whether there was a retraction statement from the complainant.
15
16 iii. On the 12th July 2024, the defence requested further time prior to
17 arraignment.
18
19 iv. On the 26th July 2024 the defendant was arraigned. He pleaded not guilty to
20 both counts and a trial date of the 14th October 2024 was set.
21
22 v. On the 30th August 2024 the case management hearing was adjourned while
23 the prosecution awaited receipt of a retraction statement.
24
25 vi. On the 5th September 2024, the prosecution advised that a retraction
26 statement had been received from the complainant who was a reluctant
27 witness and requested time to consider the same.
28

1 vii. On the 27th September 2024, the defendant was re-arraigned on the
2 Indictment and entered the guilty plea as aforesaid.



3
4 **THE FACTS**

- 5
6 7. The prosecution has provided a summary of facts which is not disputed.
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8 8. The victim is the defendant's wife. They met in October 2019. They were married in
9 February 2021 and lived together at an address in George Town, Grand Cayman.
10
11 9. On the 21st May 2024 they were at home, and while there, the defendant asked her to
12 engage in sexual intercourse with him. She refused, stating that she had a lot on her mind.
13 This upset the defendant, and he began accusing her of infidelity.
14
15 10. He took up a bottle of rubbing alcohol which he used for breathing issues, and in his
16 words in the Social Inquiry Report ("SIR") "began being an idiot with it". Some of it
17 splashed on to her legs. Again, in the defendant's own words as set out in the SIR, he
18 then began "playing stupid" with his lighter and began jokingly flicking the lighter near
19 to her. Notwithstanding the high risk of harm being caused, the defendant continued
20 flicking a cigarette lighter in close proximity to the flammable liquid upon his wife's legs.
21
22 11. The rubbing alcohol was set alight, and caused significant burns to the victim's stomach,
23 her thighs, and her right wrist. Due to the type of material from which her dress was
24 made, the fire spread quickly. The dress began to burn and stuck to her thigh.
25
26 12. The defendant made some initial effort to extinguish the fire by throwing a blanket over
27 his wife and patting her. However, shortly thereafter he fled the address when a neighbour
28 attended in response to his wife's screams of pain. That neighbour stated, "*I heard*
29 *Dwayne say to Ms. Althea that she must not press any charges on him*".
30

1 13. The defendant was arrested and interviewed under caution the following day in the
2 presence of his attorney. He answered “no comment” to all questions asked but submitted
3 a prepared statement in which he stated that the rubbing alcohol spilled, and he was
4 playing around with the lighter as a joke.
5

6 14. The injuries to the victim are summarised as burns to the lower stomach and close to the
7 groin area, superficial and deep partial burns to both upper thighs, and partial thickness
8 burns to the right wrist.
9

10 15. Photographs of the victim’s injuries together with medical evidence were tendered and
11 received as exhibits for the purpose of this sentence hearing.
12



13 **VICTIM IMPACT REPORT**
14

15 16. The Department of Community Rehabilitation (“DCR”) has provided a Victim Impact
16 Report dated 25th November 2024, (“VIR”).
17

18 17. The victim indicated that she received burns to her body, legs and stomach and had to
19 seek immediate medical attention. She was unable to work for fourteen days. She had
20 several follow-up visits to the hospital. The burns have healed but have left her with scars.
21 The scar on one area of her thigh is raised more than the other. She confirms that when
22 she sees the scars, they act as a reminder of the incident. She states that despite her dislike
23 of the idea of having tattoos, she is considering having one, in order to hide this area on
24 her thigh.
25

26 18. She said that when it initially happened she was very upset but that even then she did not
27 think that the defendant intended to harm her. The defendant has apologised to her and is
28 remorseful for what happened. She has forgiven him and wants to work on their marital
29 relationship.
30



1 **ANTECEDENT HISTORY**
2

3 19. The defendant has an antecedent history of some 58 previous convictions dating back to
4 1990. There are a number of convictions for drug offences, theft and burglaries, damage
5 to property, offensive weapons, threatening violence and assaults. His most recent
6 conviction is for drug offences in 2022. On the 30th March 2022 he was sentenced to a
7 Probation Order for two years.
8

9 **SOCIAL INQUIRY REPORT**
10

11 20. The DCR has provided a SIR dated 22nd November 2024. This provides details of the
12 defendant’s personal circumstances. The Court has read the SIR in its entirety and takes
13 into account everything said therein in favour of the defendant.
14

15 21. The defendant is 51 years old. He has three stepchildren, two of whom are under the age
16 of 16 years. The defendant described his actions as stupid and expressed remorse. He
17 maintained that he did not intend to harm his wife.
18

19 22. The defendant was assessed as being at high risk of re-offending. The Probation Officer
20 states that he has a history of 34 years of offending and has also breached community-
21 based orders in the past. However, in January 2019 he was released on a conditional
22 license which he completed successfully in February 2021. He also successfully
23 completed the Probation Order referenced above in March 2024.
24

25 23. The Probation Officer notes that *“Although [the defendant] repeatedly expressed*
26 *remorse for his actions and explained that he did not intend to harm the victim, he*
27 *attempted to minimise his actions by downplaying the extent of the victim’s injuries. [The*
28 *defendant] also seemed more concerned about the police being called to his house than*
29 *getting the victim help.”*
30

1 24. The Probation Officer recommends a suspended sentence supervision order with the
2 condition that the defendant engage in relevant programmes and attend counselling
3 sessions.



4
5 **THE SUBMISSIONS**
6

7 25. Both Counsel referred the Court to the *Cayman Islands Sentencing Guidelines* for the
8 offence of Causing Grievous Bodily Harm. Counsel for the prosecution submitted that
9 whilst the injuries do not require lifelong care or intensive and ongoing medical
10 treatment, they are nonetheless serious in the context of the offence. This is on the basis
11 that the burning has caused permanent scarring. Counsel submitted that the case sits
12 above “lesser harm” but is not at the top end of “greater harm”.

13
14 26. As to culpability it is submitted that the use of a weapon equivalent, this being the rubbing
15 alcohol and use of a lighter, places the matter in the category of higher culpability.
16 Counsel also submits that there is one factor which suggests lower culpability which is
17 lack of premeditation which may mean that the factors are evenly balanced, and the
18 offending may be said to be between the two categories.

19
20 27. Counsel submits that this case falls within Category 2, with a starting point of 3 years
21 custody, and a range of 2-4 years custody.

22
23 28. Defence Counsel does not disagree and accepts that this is a Category 2 case.

24
25 29. Counsel for the prosecution submits that when considering aggravating factors, the
26 defendant’s actions immediately following the incident are relevant. While the defendant
27 did make efforts to extinguish the fire, he did nothing else. He chose not to summon the
28 emergency services for medical assistance, or to convey his wife to the hospital, but
29 instead fled the address.
30



1 30. Counsel also notes that the defendant has a criminal record.

2
3 31. Defence Counsel submitted in mitigation that this is a domestic incident which is unusual
4 for the defendant. He has previous convictions, but any violence was some 23 years ago.
5 He accepts that he was absolutely reckless, but he really did not mean to do it. He has
6 shown very clear and honest remorse. He has written several letters about this. It has
7 broken his heart and he is devastated by his behaviour. While more than one burn was
8 sustained, this is an isolated incident about which the defendant has reflected. Counsel
9 said that the defendant was the victim of a serious motor vehicle accident and is still
10 dealing with the trauma of this. Counsel said that this is an exceptional case because of
11 his basis of plea.

12
13 **CREDIT FOR GUILTY PLEA**

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15 32. Counsel for the prosecution submitted that while the defendant indicated that he had no
16 intent at the hearing on the 7th June 2024, he went on to plead not guilty to both counts
17 and a trial date was set. Counsel said that the guilty plea came at a later stage, and only
18 after a trial date was identified. It is therefore submitted that the defendant is not entitled
19 to the maximum discount available for an early guilty plea but is nonetheless entitled to
20 an appropriate discount for the late plea.

21
22 33. Defence Counsel submitted that they were provided with statements of the victim which
23 were not supportive of a prosecution. The defendant nevertheless accepted what occurred
24 and indicated his plea. He did not say that he never caused these injuries. He has not
25 wasted the Court's time and has saved expense. He has saved the witness having to come
26 to Court to give evidence.



1 **THE SENTENCE**

2
3 34. The defendant has admitted to causing serious injuries to his wife. The context of this
4 offence already means that the injuries must be serious. In the Court's view this is an
5 offence of lesser harm. The culpability is high because of the use of a flammable liquid
6 and lighter.

7
8 35. It is a Category 2 offence with a starting point of 3 years or 36 months custody.

9
10 36. It is aggravated by the fact that the defendant has previous convictions for Assaulting
11 Police and Assault Occasioning Actual Bodily Harm albeit some time ago. The defendant
12 did take steps in the immediate aftermath to persuade the victim not to report the matter
13 to the police. He fled the scene rather than ensure that she received assistance. These
14 factors serve to aggravate the offending by 4 months to a sentence of 40 months custody.

15
16 37. In mitigation the Court takes into account everything said and written in the defendant's
17 favour. This includes the absence of convictions of a similar nature. There is no previous
18 assault on his wife. He is genuinely remorseful. His act was not intentional but reckless.
19 He is still dealing with the trauma of a serious motor vehicle accident. All the mitigating
20 factors serve to reduce his sentence by 12 months to 28 months.

21
22 38. The guilty plea came after a trial date had been set. The recommended discount is 25%.
23 His sentence is therefore reduced to one of 21 months.

24
25 39. The photographs show severe burns to the victim. These have left permanent scars. What
26 the defendant did was exceedingly dangerous. Causing open flames in the presence of
27 flammable liquid is not something that should be done for any reason, and, inconceivably,
28 in jest. The offending is serious and clearly passes the custody threshold.

1 40. The proposed sentence has been considered and the conclusion is that it is proportionate
2 to the offending. However, the defendant has already served an extended period of time
3 in custody. He is at high risk of reoffending, but he has in the past complied with and
4 successfully completed community orders.

5
6 41. It is important in this case that along with the aims of punishment and deterrence that
7 there is provision for his rehabilitation so that the conduct is not repeated.

8
9 42. Consequently, two thirds of the sentence or 14 months is to be served by way of
10 immediate custody with time served to be deducted. The balance of 7 months is
11 suspended for a period of two years. Pursuant to s.21 of the *Alternative Sentencing Act*,
12 a supervision order is made for the two years during which he is to observe and follow
13 the directions of the Probation Officer.

14
15 **Dated this the 21st January 2025**

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

16
17 **The Hon. Justice Cheryll Richards KC**
18 **Judge of the Grand Court**