



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

4 **INDICTMENT NO: 40 of 2024**
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8 **R**

9
10 **V.**
11

12 **PATRICK ANTONIO CAMPBELL**
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16 **Appearances: Mr. Neil Kumar, Crown Counsel for the Prosecution**
17

18 **Mr. Crister Brady for the Defence**
19
20

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

23 **Submissions Heard: 23rd August 2024**
24

25 **Sentence Judgment: 3rd September 2024**
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27

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29 ***Criminal Law*** – Sentencing, Unlawful Wounding contrary to s.203 of the Penal Code (2024 Revision).
30 *Application of the Cayman Islands Sentencing Guidelines.*
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SENTENCE JUDGMENT

- 1
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3 1. The defendant is before the Court for sentencing following his guilty plea to the offence of
4 Unlawful Wounding contrary to s. 204 of the *Penal Code* (2024 Revision). The particulars are
5 that he on the 16th day of March 2024 at Market Street, Camana Bay, Grand Cayman, Cayman
6 Islands unlawfully and maliciously wounded A.M.
7
- 8 2. The maximum penalty is 7 years imprisonment.
9
- 10 3. The defendant was charged with the offence of Wounding with Intent. He first appeared in the
11 Grand Court on the 26th April 2024. The mention hearing was adjourned on the basis that legal
12 aid had only been granted on the 25th April 2024. On his second appearance before the Court
13 on the 10th May 2024, the defendant offered to plead to the lesser offence of Unlawful
14 Wounding. On the 7th June 2024, the prosecution indicated that the plea was acceptable on the
15 full facts. Reports were ordered and the case was set down for sentencing. It is agreed that the
16 defendant pleaded at the first reasonable opportunity and that he is entitled to full credit.
17

18 **THE FACTS**

- 19
20 4. The prosecution has provided a summary of the facts which is not disputed by the defence. It
21 is set out below.
22
- 23 5. The defendant and the victim are brothers who share a biological mother. The victim is twenty-
24 three years old and the defendant is almost nineteen years old. Prior to the incident there was
25 conflict between them. The defendant had sent threatening messages and voice notes to the
26 victim before the incident happened.
27
- 28 6. On Saturday the 16th of March 2024, at about 7:00 pm, the victim was sitting outside of a store
29 in Camana Bay, on the chairs which are made available for customers. The defendant
30 approached him. The defendant had a machete in his pants and pulled it out, went closer to the
31 victim, and ‘chopped’ him to the head.

- 1 7. The victim tried to get away from him. The defendant then ‘chopped’ the victim again to the
2 other side of his head with the machete. The victim was bleeding profusely and running for
3 help. He managed to hit the machete out of the defendant’s hand. He then picked up the machete
4 and started to run away. He stopped near some large rocks that line the intersecting road leading
5 out of Camana Bay.
6
- 7 8. Security officers went to help the victim. The police arrived shortly thereafter at 7:37pm and
8 the victim was then transported to the George Town Hospital. There he was assessed and
9 treated by Dr. Peter Soltau. The following injuries were observed: -
10 i. 6cm laceration to the right occipital scalp.
11 ii. 5cm laceration to the left parietal scalp.
12 iii. Mildly displaced fractures of the left and right parietal bone.
13
- 14 9. The victim’s wounds were cleaned and sutured, and he was released on the same day with
15 scheduled follow-up for dressing and removal of the sutures.
16
- 17 10. Dr. Soltau concluded that the injuries were not serious, were consistent with infliction by
18 trauma and are not likely to be permanent.
19
- 20 11. On Tuesday the 19th of March 2024, police received Closed Circuitry Television (“CCTV”)
21 footage from Camana Bay, but the incident was not captured thereon.
22
- 23 12. On Thursday the 11th of April 2024, at 7:25 pm, the defendant voluntarily surrendered to the
24 police in the presence of his attorney, Mr. Crister Brady. The defendant was arrested on
25 suspicion of inflicting or causing grievous bodily harm and interviewed shortly thereafter on
26 that same day.
27
- 28 13. The defendant told the police the following: -
29 • that he had armed himself with a small machete and went to Camana Bay;
30 • he had the machete for protection;
31 • when he got to Camana Bay, he saw his brother, in the vicinity of Star Bucks Café;
32 • he attacked his brother with the machete;





- 1 • it was a dull machete which he used;
2 • he hit his brother on the head twice; and
3 • he lost the machete and ran from the area.
4

5 14. Photographs of the victim’s injuries, the medical report and photographs of the machete were
6 received in evidence as Exhibits for the purpose of this sentence hearing.
7

8 15. Counsel also produced an extract from the victim’s Achieving Best Evidence interview with
9 the police during which the victim played voice notes received from the defendant¹. In the notes
10 the defendant can be heard making threats.
11

12 **VICTIM IMPACT STATEMENT**

13

14 16. The victim has provided a Victim Impact Statement dated 31st July 2024. In the statement he
15 states that since being chopped in the head, he feels as if he has lost his memory. It seems to
16 him that his headaches are worse than before. He continues to feel pain in his head for which
17 he takes pain medication. The defendant has been threatening him and his family which has
18 affected him emotionally and caused him anxiety. The incident with the defendant has caused
19 him to lose trust in people.
20

21 **ANTECEDENT HISTORY**

22

23 17. The defendant has no previous convictions recorded against him.
24

25 **SOCIAL INQUIRY REPORT**

26

27 18. The Department of Community Rehabilitation (“DCR”) has provided a Social Inquiry Report
28 (“SIR”) dated 18th July 2024. The Court has read the SIR in its entirety and takes into account
29 everything said therein in favour of the defendant.
30

¹ Pages 33 and 34

1 19. The defendant reported a childhood during which he was loved and cared for by both parents
2 notwithstanding the separation of his parents during his later years. Over time the defendant
3 rebelled against a strict moral upbringing and engaged in the use of ganja and other defiant
4 behaviour. He received assistance by way of a youth residential programme which changed
5 him for the better. He was able to complete his academic education while at this facility. He
6 got along well with staff and his peers and successfully completed supervision. He was engaged
7 in internship work programmes and was learning a trade. He left the trade due to a vigorous
8 drug testing policy.

9
10 20. Under Attitude towards the Offence, the Probation Officer records that the defendant stated that
11 the conflict began over an underage girl and escalated after the victim and friends made threats
12 to him and made threats and derogatory remarks about their mother and his younger siblings.
13 The Officer then states:

14
15 “ Mr. Campbell divulged that on the day of the incident, he went to Camana Bay to hang
16 out with friends. He reported that he smoked ganja in the nearby bush before taking a walk
17 around the compound. He mentioned that on his walk he spotted the victim in a nearby
18 café. He admitted that he approached the victim and commented, “what you saying now”.
19 He shared that he did not wait for a response before he pulled out a small machete and
20 slapped the victim with it. Mr. Campbell explained that the victim had run off; however,
21 he proceeded to chase after him. When questioned on why he felt the need to chase the
22 victim, Mr. Campbell commented that he felt the victim, “did not learn his lesson”. Mr.
23 Campbell mentioned that the victim eventually fell over a stone; and he approached the
24 victim and proceeded to hit the victim in his head repeatedly before losing grip on the
25 machete. Mr. Campbell reported that he then ran away and hid from the police.”

26
27 21. The Probation Officer notes that the defendant apologises to the Court for his actions but
28 showed no empathy for the victim or remorse for his actions.



1 22. The defendant was assessed as being at high risk of re-offending with five of the eight
2 criminogenic factors in the Very High and High categories.

3

4 **THE SUBMISSIONS**

5

6 23. Counsel for the prosecution refers the Court to the *Cayman Islands Sentencing Guidelines* for
7 the offence of Wounding. Counsel submits that the offending falls into the category of lesser
8 harm, as the injury is not serious in the context of the offence. The culpability is said to be high
9 due to the use of a weapon.

10

11 24. It is submitted that there are two aggravating factors, the timing, being at night and the fact that
12 this occurred in a public place.

13

14 25. The defence do not disagree with the proposed categorisation.



15

16 26. Counsel for the defence referred the Court to four local cases.

17

18 27. In the case of *R v Alexander Brown*², the defendant who was intoxicated inflicted multiple
19 injuries on the complainant and pleaded guilty. The Court of Appeal upheld a sentence of
20 eighteen months imprisonment.

21

22 28. In *Morris Brown v R*³ the defendant was convicted of a single count of Grievous Bodily Harm
23 after trial before a Judge alone. He was sentenced to two years imprisonment. His victim
24 sustained serious injury to his wrists. On appeal, the sentence was reduced to one year.

25

26 29. In the case of *R v Gail Michelle Ross*⁴ the defendant was convicted of Grievous Bodily Harm
27 with intent, after a trial by jury, having inflicted an injury to the complainant's back with a meat
28 cleaver. On appeal, a sentence of four years was reduced to two years imprisonment.

29

² CICA 13 of 2016, Ind. 31 of 2015, Unreported Judgment dated 16th January 2017

³ CICA 25 of 2011, Ind. 1 of 2011, Unreported Judgment dated 25th April 2012

⁴ CICA 24 of 2010, Ind. 7 of 2010, Unreported Judgment dated 13th April 2011



1 30. Counsel submitted that in the case of *R v Sekou Litchmore*⁵, the defendant stabbed the victim
2 in a club with a knife while the defendant was playing music as a disc jockey in what involved
3 a degree of provocation by the victim. The injury was considered serious but not permanent.
4 The defendant was given a suspended sentence with a compensation order.
5

6 **SUBMISSIONS IN MITIGATION** 7

8 31. In mitigation, defence Counsel submitted that while the facts are not in dispute as they relate
9 to the offending, there are some differences as to the circumstances leading up to the incident.
10 Counsel said that there has been an ongoing verbal argument between the two men for some
11 time with accusations and cross accusations of harbouring a minor female and of reports being
12 made to the police.
13

14 32. Counsel provided the information that the victim was adopted at an early age and regards
15 another person as his mother. There have been allegations of disrespectful comments by the
16 victim about their biological mother. There have previously been threats of violence made to
17 the defendant by the victim. The defendant is said to be protective of the reputation of his
18 mother, which has triggered the conflict between the two of them.
19

20 33. Counsel submitted that the defendant has expressed his remorse, and this was evident from an
21 early stage when the defendant determined to voluntarily surrender to the police. Counsel said
22 that the defendant was terrified, ashamed and filled with anxiety about being incarcerated. He
23 is ashamed at himself for allowing his anger to get the better of him and for doing acts which
24 could have taken the life of his brother. Counsel said that the defendant now accepts that his
25 actions should not be reflective of his feelings of anger.
26

27 34. Counsel asked the Court to consider the defendant's age and immaturity. Counsel said that the
28 defendant has had some four months in custody to reflect upon his life choices. Counsel asked
29 the Court to consider the impact that those months have had on him at his young age of eighteen
30 years old. Counsel submitted that while the SIR places the defendant's overall risk of

⁵ Grand Court Ind. 23 of 2022, Unreported Judgment dated 17th February 2023

1 reoffending as high, it is clear that he can change. His history of change in the past supports
2 this. The defendant pleads for the chance to make this change.

3
4 35. Counsel said that the experience of being on remand has already taught him an important lesson
5 and a further sentence of imprisonment is unlikely to bring about the change that is needed.
6 The defendant recognises the consequences which could befall him if he does not deal with his
7 anger in a different way and pleads for leniency.

8
9 36. Counsel urges the Court to consider the recommendation of the Probation Officer for a
10 suspended sentence with conditions geared towards assisting the defendant in disposing of this
11 matter.

12
13 **THE SENTENCE**

14
15 37. It is accepted that under the *Guidelines*, this offending falls into Category 2, it is an offence of
16 Lesser Harm and Higher Culpability for the reasons stated above.

17
18 38. The starting point is 3 years custody with a range of sentence of 2 to 4 years custody.

19
20 39. From the starting point of 3 years or 36 months custody, it is also accepted that there are two
21 aggravating factors. This occurred at night time, about 7pm and in a public place where the
22 altercation would have been visible to members of the public. For these two factors an
23 additional 4 months is added for a total of 40 months.

24
25 40. In mitigation, the Court takes into account everything said and written in favour of the
26 defendant. He is young, only eighteen years old and is said to be of some immaturity. He is
27 remorseful and accepted responsibility from a very early stage. He has no previous convictions
28 and is of good character. His childhood in later years was troubled. All these circumstances
29 serve to reduce the sentence by 16 months to one of 24 months custody.



1 41. The defendant is given full credit for his guilty plea thus reducing his sentence by one third to
2 one of 16 months imprisonment.

3
4 42. Consideration has been given to whether the custody threshold has been passed. This Court
5 considers that the offending is serious. It cannot be overlooked that whatever the dispute may
6 have been between the brothers, it was the defendant who approached the victim. The defendant
7 was armed with a machete. This clearly was not a chance or casual encounter. Everything points
8 to deliberate activity by the defendant. The defendant chopped the head of the victim, not once
9 but twice. He chopped him the first time and while the victim was trying to get away from
10 him, he chopped him a second time to the other side of his head. The victim ran from him and
11 managed to hit the machete out of his hand.



12
13 43. The custody threshold is firmly passed.

14
15 44. The defendant should fully understand that unless he finds a way of dealing with the anger
16 toward his brother, the consequences will impact both of them. The defendant must also
17 understand that he cannot take the law into his own hands. If there are threats or derogatory
18 remarks towards their mother, the proper course is to report these to the police.

19
20 45. Consideration has been given to whether the proposed sentence is proportionate to the
21 offending and whether a sentence of immediate custody is completely avoidable. The defendant
22 is at high risk of re-offending but his personal circumstances are noted. This is his first offence.
23 He is very young and his past history suggests that he can change with the appropriate guidance.
24 The aims of sentencing in this case must not only be punishment and deterrence but
25 rehabilitation as well.

26
27 46. Consequently, the proposed sentence of 16 months is to be served as follows: -

28
29 i) 8 months immediate custody with time served to be deducted.

30
31 ii) The balance of the 16 months, which would be 8 months imprisonment, is to be
32 suspended for two years.

- 1
2 iii) A supervision order is made pursuant to s.21 of the *Alternative Sentencing Act*.
3 This is for the period of the suspended portion of the sentence. During this period,
4 the defendant is to observe the conditions as recommended by the Probation
5 Officer which are: -
6
7 a) To attend individual sessions with his assigned Probation Officer.
8 b) To attend and complete any/all programs referred by the assigned Probation
9 Officer.
10 c) To observe a period of curfew (10pm to 6am) with electronic monitoring for
11 three months following release from Prison.
12 d) To complete maximum hours of Community Service hours as directed by the
13 Probation Officer.
14 e) To submit to random drug testing, if required.
15 f) To attend individual counselling at the Department of Counselling Services and
16 engage in recommended assessment to address his substance misuse and other
17 underlying issues.
18 g) No to have any direct or indirect contact with victim, AM.
19 h) Not to come within 50 yards of the victim or the victim's residence.
20
21 iv) The suspended portion of the sentence is to begin on the release of the defendant
22 from Prison.
23

24 **Dated this the 3rd day of September 2024**

25 

26 **The Hon. Justice Cheryll Richards KC**
27 **Judge of the Grand Court**