

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

4 **INDICTMENT NO: 10 of 2024**



5  
6  
7  
8 **R**

9  
10 **V.**

11  
12 **SIDNEY HENRY**  
13  
14

15 **Appearances:** **Mrs. Sophie Quinton-Carter, Crown Counsel, Office of the**  
16 **Director of Public Prosecutions for the Prosecution**

17  
18 **Mr. Crister Brady, Brady Law for the Defence**  
19

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

21  
22 **Submissions Heard:** **31<sup>st</sup> May 2024**  
23

24 **Sentence Judgment:** **4<sup>th</sup> June 2024**  
25  
26  
27  
28

29 ***Criminal Law – Wounding contrary to s.204 of the Penal Code (2022 Revision) –Principles on***  
30 ***Sentencing, Cayman Islands Sentencing Guidelines- Categorisation of Offence.***  
31



## SENTENCE JUDGMENT

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2  
3 1. The defendant is before the Court for sentencing following his guilty plea to Count 2 of  
4 the Indictment. This charges him with the offence of Wounding contrary to s.204 of the  
5 **Penal Code** (2022 Revision). The particulars are that he on the 13<sup>th</sup> day of October 2023  
6 on Josephs Drive, West Bay, Grand Cayman unlawfully and maliciously wounded Isaiah  
7 Navzie Bush.

8  
9 2. The maximum penalty is 7 years imprisonment.

10  
11 3. The plea to Count 2 is acceptable to the prosecution. Count 1 of the Indictment which  
12 charged him with Wounding with Intent is not to be proceeded with. A formal verdict of  
13 not guilty is entered on that Count and the defendant is discharged thereon.

14  
15 4. The defendant first appeared in the Grand Court on the 16<sup>th</sup> February 2024. The case was  
16 adjourned for defence Counsel to be provided with the case papers. On the second  
17 appearance on the 21<sup>st</sup> February 2024 the plea was offered. The prosecution was given  
18 time to consider this. On 1<sup>st</sup> March 2024 the defendant was arraigned and entered the  
19 plea as aforesaid. It is agreed by both Counsel that this plea was entered at the first  
20 reasonable opportunity and that the defendant is entitled to the full discount of one third.

### 21 22 **THE FACTS**

23  
24 5. The plea is on the full facts. The prosecution has provided a summary of the facts which  
25 is set out below.

26  
27 6. The victim Isaiah Bush and the defendant are known to each other, having attended the  
28 same high school. About three months before the incident in August of 2023 the  
29 defendant began making threats on Instagram to kill the victim. The threats followed an



1 intimate video of the victim, Mr. Bush that was circulated on social media without his  
2 consent. The defendant disapproved of the lifestyle choices made by Mr. Bush. Mr. Bush  
3 deleted his Instagram account following continued receipt of the threats.  
4

5 7. On Friday 13<sup>th</sup> October 2023, at around 6:00pm, Mr. Bush was playing video games at  
6 his friend's house on Finch Drive, West Bay. They were playing within a one room board  
7 house at the back of the property. This had an electrical cord running from inside the  
8 house to the outside garden. While they were playing, the electricity went out. Upon  
9 checking, they discovered that the power line had been unplugged. They plugged it back  
10 in and resumed their game. They heard rustling in the bushes and the electricity went out  
11 again. They took flashlights, went outside, and again discovered that the power line was  
12 unplugged. They plugged it back in and rushed inside.  
13

14 8. The electricity went out for a third time. This time when they went outside, Mr. Bush  
15 shone his flashlight into the bushes and saw someone run onto a nearby property. He  
16 recognised this man as 'Keneil' who he had attended High School with. Mr. Bush saw  
17 Keneil run in the direction of the intersection of Joseph's Drive and so decided to turn  
18 around and go back to his friend's house. As he turned around, the defendant appeared  
19 and punched him in the face with the hand that Mr. Bush knew him to wear a ring on.  
20 Mr. Bush noticed that the defendant was carrying a rusty machete. The defendant then  
21 grabbed the hair of Mr. Bush and pulled him. Mr. Bush had his hair in a dreadlocks hair  
22 style.  
23

24 9. In an effort to stop the attack, Mr. Bush told the defendant that he had a hundred dollars.  
25 The defendant asked, "*Where?*" and Mr. Bush replied that it was at home. The defendant  
26 continued to punch Mr. Bush in the head and dragged him towards the bushes. Mr. Bush  
27 had a small kitchen knife in his waist which fell to the ground and the defendant picked  
28 it up. The defendant then asked Keneil to "record this for me", but as Keneil said his

1 phone was not working, the defendant took out his phone and began recording on  
2 Snapchat.

3  
4 10. The defendant said, “*You thought I wasn’t going to catch you,*” before handing his own  
5 phone to Keneil. He proceeded to strike Mr. Bush across the back and head with the  
6 machete. He grabbed Mr. Bush by his hair again when Mr. Bush managed to escape and  
7 began cutting his locks with the knife that had fallen earlier from him. Mr. Bush was left  
8 with only two locks of hair remaining on his head. Photographs were later taken by the  
9 police of Mr. Bush’s hair on the ground. The defendant also hit Mr. Bush on the head  
10 with a Play Station Controller that Mr. Bush had.

11  
12 11. An individual who was passing by intervened and the defendant at one stage held Mr.  
13 Bush by his shirt, and he was able to slip himself out of it and to get away from the  
14 defendant.

15  
16 12. Whilst he was at home awaiting on an ambulance to arrive, Mr. Bush temporarily lost  
17 consciousness. The injuries sustained are described as: -

- 18  
19 (i) A superficial laceration to his left arm;  
20 (ii) A 3cm laceration to his scalp;  
21 (iii) Abrasion to his left hand;  
22 (iv) Laceration on the right forearm;  
23 (v) Abrasion to the right elbow; and  
24 (vi) Abrasion to the right hip.



25  
26 13. The defendant was arrested on the 31<sup>st</sup> January 2024 and interviewed. During his  
27 interview, he said that Mr. Bush and his friend had come for the defendant armed with a  
28 machete and so he had armed himself with a stick and struck Mr. Bush in self-defence.

1 He denied sending Mr. Bush threatening messages and upon the messages being shown  
2 to him, he denied that the social media account was his.

- 3  
4 14. A bundle of photographs was tendered as Exhibit 1 for the purpose of this sentence  
5 hearing. There are ten photographs of the injuries to the victim, five showing the victim's  
6 hair on the ground and two photographs of the defendant's Instagram account, one of  
7 which shows a threat made to the victim.



8  
9 **VICTIM IMPACT REPORT**

- 10  
11 15. The Department of Community Rehabilitation ("DCR") has provided a Victim Impact  
12 Report ("VIR") dated 11<sup>th</sup> April 2024.

- 13  
14 16. The victim reported that he and the defendant attended the same church growing up and  
15 were friends. He said that when the defendant started making threats after an incident  
16 occurred which the defendant did not like, he, the victim did not take the threats seriously,  
17 so he did not report it to the police.

- 18  
19 17. He said that as a result of the injuries he received, he spent one night in hospital and  
20 received stitches to the back of his head and both arms. He estimates that he lost \$500.00  
21 in earnings over the two-week period that he was off on sick leave after being released  
22 from hospital. He did not have medical insurance and there is an outstanding hospital bill  
23 of \$2,964.44.

- 24  
25 18. The victim speaks of the pain which he experienced in the immediate aftermath of the  
26 incident. It was painful to open his mouth because he had been repeatedly punched in his  
27 jaw and face. He had difficulty eating and experienced headaches and pain over his entire  
28 body. For two and half months prior to the arrest of the defendant, he was afraid to leave  
29 his home because of fear of the defendant. He would have dreams of the defendant

1 coming to harm him. He fears that once the defendant returns to the community that he  
2 will be attacked again.

- 3  
4 19. The Probation Officer concludes that the victim has been significantly impacted at all  
5 levels and that the incident was traumatic for him.



6  
7 **ANTECEDENT HISTORY**

- 8  
9 20. The defendant has one conviction for Damage to Property. On the 17<sup>th</sup> January 2024, he  
10 was sentenced to a Probation Order for 18 months. The conditions include participation  
11 in the men's non-violence and anger management programmes as well as access to  
12 counselling services. That offence arose out of an incident in a domestic violence context.  
13 It occurred in January 2023, prior to the commission of the instant offence in October  
14 2023.

15  
16 **SOCIAL INQUIRY REPORT**

- 17  
18 21. The DCR has provided a Social Inquiry Report dated 25<sup>th</sup> May 2024 in respect of the  
19 defendant.  
20  
21 22. The Court has read this report in its entirety and takes into account everything said therein  
22 in favour of the defendant. The defendant is 21 years old. He is anticipating the birth of  
23 his first child in the near future. He reports a childhood of neglect and physical abuse by  
24 one of his parents. He attempted self-harm on multiple occasions due to the ill treatment  
25 which he received. He was a stepchild in the home and felt himself not to be a child of  
26 equal priority as his siblings. He completed secondary school but had several suspensions  
27 due to poor behaviour. He was employed at various air conditioning jobs from age  
28 fourteen years. He was laid off from his last job in air conditioning and reports that he  
29 has no savings or debts. He supplemented his income by fishing.

1 23. The defendant said that he drinks alcohol regularly and initially said that he does not  
2 believe that he has a drinking problem but later admitted that he does. He believes that  
3 he can stop drinking when he has had too much to drink.  
4

5 24. A community contact who has known him for six years describes him as hard working,  
6 humble and not quick to respond when provoked. Another spoke of his good personality  
7 and says that he relates well with others.  
8

9 25. Under the heading Attitude Towards the Offending, the Probation Officer records that the  
10 defendant expressed sorrow that he hurt the victim given that they were once friends.  
11

12 26. The defendant reported being intoxicated during the incident and said that because of this  
13 he could not control himself. He said that he had been laid off from his job for about a  
14 month prior to the day of the offending and had been consuming alcohol daily during that  
15 time. He said that he had about six to ten drinks of rum and magnum on that day but  
16 cannot remember how many beers he had. He expressed his willingness to comply with  
17 any conditions imposed and said that he would like to be there for his child and for the  
18 mother of his child.  
19

20 27. The defendant's overall risk of re-offending was assessed as High with three of the eight  
21 criminogenic factors in the High category. The Officer's view is that he may need  
22 counselling intervention in relation to the use of Ganja, childhood trauma and anger  
23 management.  
24

25 28. The Officer records that he sought to minimise and justify his actions by saying that he  
26 had not travelled with a weapon.  
27  
28  
29





1  
2 **THE SUBMISSIONS**  
3

4 29. Both Counsel referred the Court to the *Cayman Islands Sentencing Guidelines* for the  
5 offence of Wounding. The prosecution submits that under those *Guidelines* the offending  
6 is one of Lesser Harm and Higher Culpability.  
7

8 30. Lesser Harm because of the nature of the injuries sustained and Higher Culpability  
9 because of the presence of three factors namely: -

- 10  
11 i. Use of a weapon, in this case the machete and knife used to inflict injury on the  
12 victim.  
13 ii. Prolonged or repeated assault.  
14 iii. Hostility to the victim based on race, religion, sexual orientation, gender  
15 identity or disability.  
16

17 31. The prosecution submits that there is a clear element of targeting and premeditation in  
18 this case. Counsel notes that the VIR reports that the defendant did not like Mr. Bush's  
19 lifestyle choices and that it is clear that threats were made following a video of Mr. Bush  
20 which was circulated on social media without his consent.  
21

22 32. Defence Counsel does not disagree with this categorisation. This Court accepts that the  
23 categorisation is appropriate.  
24

25 33. The starting point under the *Guidelines* for an offence of Lesser Harm and Higher  
26 Culpability is 3 years custody with a range of sentence of 2 to 4 years custody.  
27  
28  
29  
30



1 **AGGRAVATING FACTORS**  
2

3 34. The prosecution submits that there are three aggravating factors: -  
4

5 i) Timing of the offence, the assault took place at nighttime;  
6

7 ii) The use of alcohol. By his own admission, the defendant was intoxicated at  
8 the time of the assault; and  
9

10 iii) Additional degradation of the victim. The defendant streamed the assault to  
11 Snapchat.  
12

13 35. The defence do not disagree, and defence Counsel submits that it would be difficult to  
14 argue otherwise.  
15

16 **SUBMISSIONS IN MITIGATION**  
17

18 36. The defendant through his Counsel provided a handwritten letter of apology and remorse  
19 which was read into the record. In it the defendant offers sincere apologies and describes  
20 his behaviour as unacceptable. He says that there is no justifiable excuse for his behaviour  
21 and that being the older person he should have known better. He recounts the trauma he  
22 suffered as a child and said that being in prison has helped him to realise how important  
23 life and freedom is. He says that he cries every night at the thought that he will not be  
24 there for his son and mother of his child. He says that he wants to be a better person and  
25 is currently engaging in counselling in order to get the help he needs. He has also been  
26 working in prison and attending classes. He asks for the opportunity to show that he can  
27 change.  
28

1 37. Defence Counsel asked the Court to treat this case as not one that was committed whilst  
2 the defendant was on probation. This Court does not do so because of the timeline set out  
3 above. Counsel refers to the defendants' troubled childhood. The violence which he  
4 experienced in the home taught him how to become violent himself and he has difficulties  
5 managing his anger.

6 38. Counsel submits that the defendant has taken to drinking to cope with the pain of  
7 rejection, bad memories, and feelings of not being good enough. He has a tattoo on his  
8 arm which reads "NO LOVE."

9  
10 39. Counsel asks the Court to note that the injuries are not serious or permanent and asks that  
11 the Court consider imposing a suspended sentence. The defendant is said to be not beyond  
12 redemption and to have already learnt a lesson while on remand.

13  
14 **THE SENTENCE**



15  
16 40. In the Court's view it is significant that the threats to the victim began some months  
17 before this incident. In Exhibit 1 (SE 8), the message there reads "*Yow bredda we going*  
18 *light u on fire, Torch up*". These words are stamped across a picture of the victim.

19  
20 41. The factual circumstances make clear that the victim was deliberately targeted. The  
21 drinking of alcohol on the day or night in question cannot serve to explain the conduct.  
22 This was a pre-meditated and planned activity. The cutting of the victim's hair was very  
23 likely in keeping with the reason for the assault.

24  
25 42. The victim was subjected to what can only be described as a vicious attack which was  
26 prolonged and persistent. There was the added degradation that it was filmed and live  
27 streamed on social media.

28  
29 43. The Court considers the conduct to be serious and to firmly pass the custody threshold.  
30

- 1 44. From the starting point of 3 years or 36 months imprisonment, the Court accepts that  
2 there are three aggravating factors, the most serious of this is the streaming of the assault.  
3 For this factor alone, an additional sentence of 6 months is imposed.  
4  
5
- 6 45. This offending took place under cover of night which would have struck even greater  
7 fear in the mind of the victim. The offence was committed while the defendant was under  
8 the influence of alcohol. For these additional factors an additional sentence of 4 months  
9 is imposed.  
10
- 11 46. The total sentence taking into account all the aggravating factors is 46 months  
12 imprisonment.  
13
- 14 47. In mitigation the Court takes into account everything said and written in favour of the  
15 defendant. His young age. He is only 21 years old and likely of some immaturity because  
16 of this. He has no previous convictions of a similar nature. There is childhood trauma  
17 which has continued to affect him. He is deeply and genuinely remorseful. He has begun  
18 counselling and rehabilitative programmes since being on remand and he recognises that  
19 he needs help.  
20
- 21 48. All the mitigating factors serve to reduce the sentence by 16 months for a sentence of 30  
22 months imprisonment.  
23
- 24 49. The defendant is given full credit for his guilty plea which serves to reduce his sentence  
25 by one third for a sentence of 20 months imprisonment.  
26
- 27 50. The Court has given consideration to whether the personal circumstances of the  
28 defendant are such that a sentence of immediate custody is avoidable.  
29



1 51. While noting all the factors taken into account in mitigation, the Court also notes that this  
2 is an offence of high culpability, and that the defendant is at high risk of reoffending. This  
3 is offending, which was not on impulse, the defendant plainly had time to reflect on what  
4 he planned to do. The harm which was caused continues to impact the victim.  
5 Considering the seriousness of the offending there is nothing in the defendant's  
6 circumstances which makes a custodial sentence completely avoidable.

7  
8 52. The aims of sentencing in this case must be deterrence, punishment and rehabilitation.  
9 The defendant must understand that a person's lifestyle choice is theirs to make. These  
10 are private decisions. He should not interfere in a person's private decisions and insert  
11 his views much less by the commission of criminal offences.

12  
13 53. Balancing the defendant's personal circumstances against the seriousness of the  
14 offending, the Court proposes that the defendant serve one half of the sentence of 10  
15 months by way of immediate custody. Time served is to be taken into account.

16  
17 54. The other half of 10 months is suspended for a period of two years following his release  
18 from Prison with a Supervision Order with the following conditions as recommended by  
19 the Probation Officer: -

- 20  
21
- To attend the counselling centre for a substance misuse assessment and to participate in any programmes or treatment as directed.
  - To attend counselling to address underlying issues and follow any programmes to which the counsellor refers him.
  - To participate and complete any other programmes deemed appropriate by his assigned Probation Officer.
  - To submit to random drug testing and produce negative drug test results.
  - To be of good behaviour towards the victim.
- 27  
28



- 1                   • Not to contact the victim directly or indirectly through a third party or any social  
2                   media platform.  
3                   • Not to approach within 50 feet of the victim should he encounter him in the  
4                   community.  
5

6       55.     The defendant is warned that any breach may result in him being brought back before the  
7             Court and he may be required to serve the additional 10 months in custody.  
8

9       56.     There is a request for compensation. The information before the Court is that the  
10            defendant has no savings and has no job. In these circumstances no compensation order  
11            is made.  
12

13   **Dated this the 4<sup>th</sup> June 2024**  
14



15  
16   **The Hon. Justice Cheryll Richards KC**  
17   **Judge of the Grand Court**