



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

4 **INDICTMENT NO: 3 OF 2023**  
5  
6

7  
8 **R**  
9

10 **V.**  
11

12 **JOSE CARTER-RAMIREZ**  
13  
14

15 **Appearances:** **Mr. Alexander Barbour, Crown Counsel, Office of the Director of**  
16 **Public Prosecutions for the Prosecution**

17 **Mrs. Prathna Boddan of Samson Law for the Defendant**  
18

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

20 **Submissions Heard:** **28<sup>th</sup> July 2023**  
21

22 **Sentence Judgment:** **11<sup>th</sup> August 2023**  
23  
24

25 **HEADNOTE**  
26

27 *Criminal Law—Unlawful Wounding contrary to s.204 of the Penal Code 2022 Revision)—*  
28 *Principles on Sentencing, Cayman Islands Sentencing Guidelines-Whether injury serious in the*  
29 *context of the offence.*  
30  
31  
32  
33





1 He responded to say, “what’s going on”. He turned around and saw the defendant with a knife in  
2 his hand.

3  
4 8. The defendant used the knife to stab him in the chest. The victim said that it happened quickly,  
5 and he was frightened. He saw that the defendant was going to stab him again and so he ran off  
6 in the direction of the road. The defendant chased him.

7  
8 9. The victim does not recall what happened after that. A passerby, a man called Derrick Bush found  
9 the victim on the opposite side of Lawrence Boulevard. The victim was bleeding profusely from  
10 his chest. Mr. Bush drove the victim to the George Town Hospital. Although he was initially  
11 conscious, the victim lost consciousness on the way to the Hospital. He was treated there and  
12 subsequently transported via ambulance on the same day to the Health City Hospital due to the  
13 severity of his injury.

14  
15 10. The medical report from the George Town Hospital indicates that the victim suffered a right side  
16 hemothorax, laceration to the right middle lobe, and a tiny right apical pneumothorax,  
17 accompanied by bleeding in the chest wall. Emergency surgery was necessary to treat the injury.  
18 The doctor at George Town Hospital gives his view that the injuries were neither serious nor  
19 permanent.

20  
21 11. There are records from the Health City Hospital where he was transferred. These indicate that  
22 while he remained stable some hours after blood was evacuated from his lungs, he started to  
23 become unstable and underwent an emergency right thoracotomy which included repair of the  
24 injured middle lobe and control of bleeding from the chest wall.

25  
26 12. The notes state: -  
27

28 *“Mr. Allan on arrival was admitted in the ICU, evaluated, a right sided intercostal drain*  
29 *inserted under mild sedation and local anesthesia, immediately around 2 litres of dark*  
30 *blood was drained. After the procedure he remained haemodynamically stable for a few*  
31 *hours, but later in the ICU he again had a significant amount of drain haemodynamic*  
32 *instability, so [the] consent obtained from the father and taken for emergency surgery. He*  
33 *underwent Emergency right thoracotomy – Evacuation of haematoma, repair of injured*  
34 *middle lobe and control of bleeding from the chest wall. He tolerated the procedure well,*



1                    *in the postoperative period he had low blood counts and acute kidney injury. He received*  
2                    *multiple blood and products during his stay in the hospital. The kidney is recovering and*  
3                    *the urea and creatinine is normalising. He recovered well during his post-op stay and was*  
4                    *discharged on 21<sup>st</sup> December 2022 in a haemodynamically stable condition.*

5  
6            13.        The defendant heard that the police were looking for him and handed himself in to the West Bay  
7            Police Station on the 4<sup>th</sup> January 2023. He was interviewed under caution the same day.

8  
9            14.        During the interview he confirmed that he was present at the Bar that night and that the victim  
10           was also present. He stated that he was drunk at the time and that he would have taken a different  
11           approach had he been sober.

12  
13           15.        He identified himself and the victim from still Closed Circuit Television (“CCTV”) images.  
14           When asked whether he had stabbed the victim he stated that he had nothing to say. The CCTV  
15           footage was played to him and when asked specific questions about the incident he again told  
16           police that he had nothing to say.

17  
18           16.        The CCTV footage obtained from outside the Power Supply Bar records the incident. The  
19           relevant portion was tendered, exhibited and played at this sentence hearing. Six photographs of  
20           the victim, which show his injury, were also produced together with the hospital notes.

21  
22        **VICTIM IMPACT REPORT**

23  
24           17.        The Department of Community Rehabilitation (“DCR”) has provided a Victim Impact Report  
25           (“VIR”) dated 27<sup>th</sup> June 2023.

26  
27           18.        The defendant and the victim are known to each other. They were some two years apart at high  
28           school and would greet each other on sight. The victim is twenty-three years old. He described  
29           to the Probation Officer how he ran from the defendant after he had been stabbed. The defendant  
30           chased him. The victim passed out on the side of the road and was taken to hospital. While on  
31           route he was in and out of consciousness. He had to undergo an operation where blood was  
32           drained from his lungs. He was admitted to the Health City Hospital where he spent five days.



1 After being discharged he has had to have follow up visits including to remove the stitches. He  
2 has scars from the injuries and from the surgical insertions.

3  
4 19. He could not move his right hand and his right side was stiff. He could not walk. He could not  
5 breathe properly and was weak because of blood loss. He continues to have breathing difficulties  
6 and is on medication and uses a pump to assist his breathing.

7  
8 20. He used to be an avid fisherman and diver but since the incident he is afraid to dive in case he  
9 has breathing difficulties while under water. He has suffered hearing loss in his left ear after the  
10 incident.

11  
12 21. As to the economic impact upon him, he was off from work for three weeks. After he was released  
13 from hospital, he had to resort to his savings in order to purchase medication and supplies.

14  
15 **SOCIAL INQUIRY REPORT**

16  
17 22. The DCR has provided a Social Inquiry Report ("SIR") dated 20<sup>th</sup> June 2023. The Court has read  
18 this Report in its entirety and takes into account everything stated therein in favor of the  
19 defendant.

20  
21 23. The defendant is twenty-five years old. He has three young children aged three years, five years  
22 and eleven months. His partner was financially dependent on him for support for herself and the  
23 children. He has been employed at various jobs from age sixteen years through to November  
24 2022 when he was charged with this offence.

25  
26 24. In November 2017 he was sentenced to a 12-month Probation Order for possession and  
27 consumption of ganja. He received a written warning in the course of it for failing to comply with  
28 directions but thereafter was compliant and successfully completed the term of his probation.

29  
30 25. His adoptive mother speaks highly of him and describes him as a kind, caring and hardworking  
31 individual. His biological mother has been very ill for a number of years, and he has been caring  
32 for her, provided financial support and takes her to medical appointments. His family has relied  
33 on him for this support.



1 26. He was assessed as being at medium risk of re-offending.

2  
3 27. While on remand in Prison he has been gainfully employed as a yard cleaner and has undertaken  
4 Mathematics and English classes. He has already completed two rehabilitative programmes. He  
5 has had two adjudications while there and at the time of the report there was one pending for  
6 offending against good order and discipline.

7  
8 28. He told the Probation Officer that he was heavily intoxicated at the time of the offending. He said  
9 that he had consumed only four alcoholic beverages and that he believes that he was drugged by  
10 someone. He said that the actions were out of character for him. He expressed remorse and  
11 describes himself as feeling terrible about his actions.

### 12 13 **ANTECEDENT HISTORY**

14  
15 29. The defendant has four previous convictions which are all for marine offences.

### 16 17 **THE SUBMISSIONS**

18  
19 30. Both Counsel referred the Court to the *Cayman Islands Sentencing Guidelines*. Counsel for the  
20 prosecution submitted that the Harm in this case while serious in the context of the offence is  
21 unlikely to be capable of being said to be significantly above the norm for a wounding given the  
22 nature of the offence. It is therefore said that the level of Harm falls somewhere between Greater  
23 and Lesser Harm.

24  
25 31. As to Culpability it is submitted that this is a case of Higher Culpability due to the use of a  
26 weapon, the knife. There was some planning involved because the defendant returned to the Bar  
27 after leaving it and was armed with a knife. It has elements of being a revenge attack.

28  
29 32. Counsel for the defence did not disagree with the submissions as to the level of categorisation of  
30 Harm and Culpability. Counsel submitted in mitigation that the defendant handed himself in to  
31 the police and made full and frank admissions. This evidences his genuine remorse. This  
32 offending is out of character for him. Counsel accepts that the custody threshold has been passed  
33 but asks for consideration to be given to the defendant's personal circumstances. He has been



1 impacted as well and his young family are without his support. Counsel said that the defendant  
2 would like to assure the Court that he is not going to be back before the Court.

3  
4 **THE SENTENCE**

5  
6 33. The offending in this case is serious. Following an allegation of interference with his girlfriend  
7 the defendant deliberately returned to the location, armed with a knife. Rather than making an  
8 inquiry, he stabbed the victim to the lungs. From the CCTV footage played in Court the stabbing  
9 was deliberate and purposeful. When the victim ran, he chased him. The resulting injury was not  
10 a flesh wound. It entailed loss of consciousness and required immediate and further surgical  
11 intervention. The recovery is still not complete and from the VIR it has had life altering  
12 implications for the victim. The custody threshold is firmly passed.

13  
14 34. Both Counsel are agreed that the Harm falls between the levels for Category 1 and 2. The Court  
15 will adopt a starting point of 4 years custody or 48 months.

16  
17 35. The aggravating factors submitted by the prosecution are also accepted by the defence. They are  
18 the location and timing of the offence, this being at night at liquor license premises and in the  
19 presence of other persons as shown on the CCTV footage. These were bystanders who would  
20 likely be affected by sight of this stabbing. These factors serve to increase the sentence by 4  
21 months to 52 months.

22  
23 36. In mitigation the Court takes into account everything said in favour of the defendant in the reports  
24 and by Counsel on his behalf. These include that the defendant has no previous convictions of a  
25 similar nature. This offending is entirely out of character for him. He is twenty-five years old,  
26 still relatively young and has the financial care for his young children and partner. He also has  
27 the care of his ill mother. He has thus far led a productive life. He is genuinely remorseful. He  
28 gave himself in to the police and made full and frank admissions from an early stage. This was a  
29 single blow and an isolated incident. He is at medium risk of re-offending.

30  
31 37. All the facts taken together serve to reduce his sentence by 17 months to 35 months  
32 imprisonment.



1 38. It is accepted that after an initial equivocal plea to the more serious offence, he pleaded guilty to  
2 this offence at the earliest opportunity. He is therefore entitled to the full discount of one third  
3 for a sentence of 23 months.

4  
5 39. The Court has given consideration to whether an immediate custodial sentence is unavoidable  
6 and to whether any portion of the sentence may be suspended.

7  
8 40. The Court considers that his personal circumstances are such that a portion of this sentence can  
9 be suspended. He has expressed a willingness to make amends and has already completed some  
10 rehabilitative programmes. This is his first offence of this kind. His risk of re-offending is not at  
11 the highest level.

12  
13 41. The defendant is to serve fifteen months of this sentence by way of immediate custody. The other  
14 eight months will be suspended for two years.

15  
16 42. For the suspended portion of the sentence, a supervision order is imposed with the conditions as  
17 recommended by the Probation Officer. He is to:-

18  
19 (i) Attend and complete the Anger Management Programme at the Department  
20 of Community Rehabilitation as directed by his Probation Officer.

21  
22 (ii) Attend the Department of Counselling Services for individual counselling  
23 and follow through with any treatment intervention recommended by that  
24 Department and provide proof of participation to his Probation Officer.

25 (iii) Submit to random drug testing.

26  
27 (iv) Abstain from the purchase or consumption of drugs, except in accordance  
28 with a prescription from an authorised medical professional.

29  
30 (v) Participate in any other psycho-educational programmes deemed suitable  
31 by his assigned Probation Officer.

32

1 (vi) Not to have any direct or indirect contact with the victim of the offence or  
2 any of the victim's family members.

3  
4 43. The defendant is warned that should he re-offend within the two years of the suspended portion  
5 of the sentence, he will be brought back to Court and may be required to serve the additional  
6 period of his sentence.

7  
8 44. Any time served is to be taken into account.

9  
10 **Dated this the 11<sup>th</sup> day of August 2023**

A handwritten signature in blue ink, appearing to be 'Cheryll Richards', written over a faint horizontal line.

11  
12 **The Hon. Justice Cheryll Richards KC**  
13 **Judge of the Grand Court**