



**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
CRIMINAL SIDE**

**IND. NO: 83 of 2021**

**R**

**V.**

**STEPHANIE BECKFORD**

**Appearances:** Mr. Neil Kumar, Crown Counsel for the Prosecution  
Mr. Oliver Grimwood of Samson Law for the Defence

**Before:** The Hon. Justice Cheryl Richards KC

**Sentence Hearing:** 21<sup>st</sup> April 2023

**Sentence Judgment:** 21<sup>st</sup> April 2023

**HEADNOTE**

*Criminal Law – Sentencing, Section 225 of the Penal Code (2019 Revision), Child Cruelty, United Kingdom Sentencing Guidelines*

## JUDGMENT



1. Section 12 of the *Youth Justice Act* (2021 Revision) states:

- “12. (1) *In relation to any proceedings in any court, such court may direct [and this court so directs] that-*
- (a) *no published report of or comment on the proceedings shall reveal the name, address or school, or include any particulars calculated to lead to the identification, of any young person concerned in the proceedings, either as being the person by, against or in respect of whom the proceedings are taken, or as being a witness in the proceedings; and*
  - (b) *no picture shall be published as being or including a picture of any young person so concerned in the proceedings.*
- (2) *Whoever publishes any matter in contravention of subsection (1) is guilty of an offence and liable on summary conviction, in respect of each such offence, to a fine of five thousand dollars or to imprisonment for six months.*

For the avoidance of doubt: An Order pursuant to s.12(1)(a) and (b) above is herein made – with the consequences set out in s.12(2) to follow should there be a breach of this Order.

2. The defendant is before the Court for sentencing following her guilty plea to a single offence of Child Cruelty contrary to s.225 of the *Penal Code* (2019 Revision). The particulars are that the defendant on a date unknown between the 1<sup>st</sup> day of March 2021 and the 27<sup>th</sup> day of April 2021 in George Town, Grand Cayman, Cayman Islands, having responsibility of a child under the age of 16 years, namely (‘X’) aged 13 years wilfully assaulted her.
3. The maximum penalty is five years imprisonment.
4. The elements of the offence are that:-
  1. The victim was under 16 years of age at the material time.
  2. The defendant had responsibility for the victim.
  3. The defendant assaulted the victim.



4. The defendant in assaulting the victim did so ‘wilfully’ meaning deliberately.
5. The case was first mentioned in the Grand Court on the 26<sup>th</sup> November 2021. On that date the defendant was arraigned and entered a plea of not guilty. The trial began on the 20<sup>th</sup> April 2022. The case was opened to the jury and the evidence of the victim began with the playing of her Achieving Best Evidence (“ABE”) interview.
6. Shortly after this, the Prosecution advised the Court that some new information had come to light and an adjournment was required to obtain statements. The Court was advised that the defendant had made direct contact with the victim the day before and was endeavouring to coerce her not to give evidence. Statements were obtained and provided to both the Court and Counsel for the defendant. A brief adjournment was granted to defence Counsel to take instructions. Court resumed at 2:30 p.m. that day and Counsel indicated that his client wished to change her plea. The defendant was re-arraigned and entered a plea of guilty.
7. The basis of plea which is accepted by the prosecution is as follows:-

*“I, Miss Stephanie Beckford, plead guilty to Cruelty to a child (‘X’) on the following basis:*

*-*

*Weapons used:-*

- 1. A belt was used to beat the child (‘X’).*
- 2. The belt was folded into two and was held at the ends of the belt.*
- 3. (‘X’) was not struck with the metal end of the belt.*

*Duration:-*

- 4. The incident took place over approximately 1 hour.*
- 5. The incident involved shouting and scolding as well as the striking with a belt.*
- 6. (‘X’). was struck with the belt over a 20-minute period.*

*Injuries:-*

- 7. At the time of the offence the defendant only saw wheals from where the belt had struck (‘X’).*
- 8. It is not challenged that (‘X’) was caused injuries that bled.*
- 9. (‘X’) was struck on her arms, legs, and lower back.*



*Restraint:-*

10. *The defendant did not tie ('X') with any electrical cord or any other item, nor did the defendant restrain ('X') before or during the incident."*

8. There are two areas of factual disagreement. These are as to whether the metal end of the belt struck the child, and as to whether the child was tied up. Whilst the Defence do not accept that the child was tied, the duration that the child was kept in the same room is accepted.
9. Following review of the *United Kingdom Sentencing Guidelines* for the offence of Child Cruelty it is agreed by both Counsel that a Newton Hearing is not required.

#### **SUMMARY OF FACTS**

10. The prosecution has provided a summary of facts which is set out below.
11. The defendant is the mother of the victim. At the time of the offence, the victim who was then 13 years old, resided with her parents and her siblings.
12. On 26<sup>th</sup> March 2021, the victim was reprimanded by her teacher at school for being disruptive in class. A report was made to the defendant. That afternoon after the victim came home from school and whilst in her bedroom she was confronted by the defendant. The defendant used a black leather belt and beat the victim repeatedly on her arms, legs, across her back and in her head. As she beat the victim she yelled: "*you need to f... behave and can't be doing all of this ... I doing this for you(r) f... good*".
13. The incident took place over approximately an hour. The victim screamed and cried out in pain as she was beaten and scolded by the defendant. The victim was struck with the belt for over 20 minutes. She suffered bruises and cuts on her arms, legs and across her back which bled. She tended to her cuts at home on her own and was not taken to seek medical attention.
14. The following week, the victim spoke to her schoolmate and friend. The friend observed bruises on the victim's arm.



15. On 26<sup>th</sup> April 2021, the victim was late for class. She was advised by her teacher that her tardiness would be reported to her mother. This frightened the victim who feared another beating from the defendant. She became emotional and her friend encouraged her to report the previous beating to the School Counsellor.
16. Both of them went to see the Counsellor. He described the victim as being “visibly upset” and “genuinely horrified at the prospect of returning home”. He made an emergency referral to the Multi Agency Safeguarding Hub. As a result of this the victim was ABE interviewed and on 30<sup>th</sup> April 2021 the defendant was interviewed under caution. During the interview the defendant exercised her legal rights and gave “no comment” responses to questions posed regarding the incident.
17. On 3<sup>rd</sup> March 2022, the defendant was arrested, booked into custody, and interviewed under caution in the presence of Counsel.

#### **VICTIM IMPACT REPORT**

18. The Department of Community Rehabilitation (“DCR”) has provided a Victim Impact Report (“VIR”) dated the 28<sup>th</sup> June 2022. The victim is now fourteen years old. At the time of the VIR, she did not have contact with her mother.
19. The victim was not communicative with the Probation Officer and did not want to talk about the incident. She did say after some probing that she has changed since the incident. She is more introverted and does not like being around people. She reported that her anxiety has increased, and that she has trouble relating to people.
20. Other family members provided information that because of the defendant’s serious illnesses, the victim and her siblings are cared for by other family members. They report issues with the behaviour of the victim. The Probation Officer’s assessment is that the victim needs guidance but that parents need to consider new methods of discipline other than the traditional method of corporal punishment.



## ANTECEDENT HISTORY

21. The defendant has no previous convictions recorded against her.

## SOCIAL INQUIRY REPORT

22. The DCR has provided a Social Inquiry Report (“SIR”) dated 27<sup>th</sup> October 2022. The Court has read this report in its entirety and takes into account everything said therein in favour of the defendant. The defendant is 32 years old. She is married and is the mother of six children, the youngest child is three years old.
23. The defendant grew up in a stable home environment where she was cared for by her grandparents. She was educated to high school level. She has a serious health challenge as recorded on page 5 of the SIR. In recent years she has had to have multiple surgeries and frequent hospitalisations. This led to delays in the completion of the SIR. In addition to the health challenges, the defendant has a physical disability with respect to her right hand. This has affected her ability to work and to do certain tasks.
24. The defendant is assessed by the Probation Officer as justifying her offending by referring to the need for the traditional disciplinary methods used in the Caribbean. She blames the legal system and is displeased that it is punishing her for what was done. She does not accept that the corporal punishment was excessive and inappropriate. The Officer describes her level of motivation to change as low and says that the defendant is unwilling to engage in rehabilitation services such as parenting classes. This means says the Officer that she is at risk of re-offending.
25. There is estrangement between herself and the victim and both need to be provided with an opportunity to restore their relationship.
26. The defendant’s risk of re-offending was assessed as Medium with one criminogenic factor in the High category. This is pro criminal attitude and orientation. The Officer states with respect to this:-



*“Mrs. Beckford has not taken responsibility for causing her daughter harm despite admitting to spanking her daughter. The client denied being cruel to her daughter and argued that based on her physical challenges she would have been unable to tie up her daughter. She blamed the victim for posing behavioural problems that needed to be addressed by corporal punishment whilst chastising the government for passing laws to protect the rights of children while empowering unruly children to take their parents before the Court. She has been passive resistant in adhering to the Court’s request for a report and had aired her grievances about being victimised by the system. She has outrightly expressed her displeasure and actions to be taken if she was placed on a supervision based sentence as her expectation is to be “set free”. With such resistance and lack of motivation to change based on her entrenched belief system, it is anticipated that she will not adhere to the Court’s instruction if a supervision based sentence is imposed by the Court. In order to successfully engage in interventions services, the client will need to first accept the need to change her parenting style and then engage as a willing participant to effect this transformation.”*

27. Under sentencing options, the Officer states:-

*“Mrs. Beckford was assessed as at a Medium risk of re-offending. Hence, she could reduce her risk of reoffending by engaging in rehabilitative programmes such as becoming engaged in the Parenting Programme at the Family Resource Centre. Notwithstanding, she is very averse to participate in rehabilitative services and this is deeply seated in her entrenched beliefs about parenting and being right in disciplining her child. She does not appear to understand the gravity of the offence and appears naïve as to the possible outcome.*

*A serious crime was committed against the victim and the pervasiveness of corporal punishment and legislative efforts to eradicate this social ill should be considered at the time of offending. The client has not expressed remorse and/or any indication of a need to change her parenting style. If the court is not minded to impose a period of imprisonment, then a Suspended Sentence is being strongly recommended.”*



## THE SENTENCE

28. Both Counsel referred the Court to the *United Kingdom Sentencing Guidelines* for the offence of Child Cruelty.
29. The maximum penalty in the United Kingdom is ten years custody. It is twice that in the Cayman Islands.
30. Both Counsel are agreed and this Court accepts that under those *Guidelines* the culpability for the offence is at a High level (Level A) because of the use of a weapon, namely the belt.
31. Both Counsel are also agreed and this Court accepts that the Harm is at level 2. The level 2 factors are cases falling between categories 1 and 3 and or where there is a high likelihood of category 1 Harm being caused.
32. In this case the VIR indicates some psychological harm to the victim.
33. The starting point for a category 2A offence is three years custody with a sentence range of two to six years custody.
34. Allowing for the difference in the maximum sentence levels, a starting point of eighteen months is adopted in this case.
35. The prosecution initially submitted in writing that there are five aggravating factors in respect of this offence but did not pursue these in the course of this hearing: -
  - i) Failure to seek medical help –

The defendant admits seeing wheals on the victim’s skin and does not challenge the fact that they bled, however, she did not render aid to the child, nor did she take her to seek medical help.
  - ii) Threats to prevent reporting of offence –

It was reported that the father of the victim visited her at school. He called the defendant on his mobile and she told the victim to tell the authorities that the report was a lie.



iii) Failure to comply with current court orders –

The defendant was bailed with conditions not to contact the victim directly or indirectly. Despite this, she attended the victim's grandmother's house the day before the trial and coerced the victim not to give evidence.

iv) Abuse of Trust –

The defendant is the mother of the victim. Abuse of trust is implicit in the offence.

v) Restraint/Detention –

The victim was restrained for a considerable period.

36. A sixth was submitted orally, the presence of other children. It is said that there is evidence that during the incident another child opened the room door in which the victim was and then closed it quickly thereafter.

37. The defence submits that there are no aggravating factors in this case and that if there are, these are not significant and are not at the top end of the scale.

38. The Court accepts that there is one aggravating factor in this case - failure to seek medical help. The allegations as to attempts to coerce the child are not the subject of a finding and are not admitted by the defendant. Abuse of trust is inherent in the offence and care must be taken to avoid double counting.

39. The sentence of eighteen months is increased by three months to twenty-one months because of the aggravating factor.

40. In mitigation, the Court takes into account everything which has been written by the DCR or said in favour of the defendant by her Counsel. These include the following:-

(i) Her previous good character.

(ii) While not the sole carer of her children who all reside with their grandmother, she does care for her youngest child during the day.

(iii) Her serious illness.

(iv) Her physical disability.



- (v) Her personal circumstances including that surrounding the birth of her first child and the cultural norms as to physical chastisement in which she was brought up.
- (vi) The difficulties attendant upon the victim's behaviour.

41. All the mitigating factors serve to reduce the sentence by six months from twenty-one months to fifteen months imprisonment.

#### **CREDIT FOR GUILTY PLEA**

42. Under the *Cayman Islands Sentencing Guidelines* the plea was entered at a very late stage. The victim had attended Court and her evidence in chief had begun. She was, however, spared cross-examination. The recommended discount in these circumstances is ten percent. This is a deduction of one and a half months for a total sentence of thirteen and a half months.

43. This offending is serious. The beating was extensive, lasting as it did over a significant period of time. This is clearly more than reasonable chastisement. The custody threshold is firmly passed.

44. The defendant is plainly unremorseful and very likely was only motivated to enter a plea at the past eleventh hour by the newly emerging issue as to her alleged coercive conduct.

45. It is no excuse to say that the victim's behaviour justified the beatings, neither is it an excuse in 2023 to say that physical assaults upon children was the norm some thirty years ago.

46. It is said that the risk of re-offending will continue if there is no engagement in counselling services. The defendant is unwilling to engage in such counselling services and believes that it is the law which is wrong. She refuses to consider alternative methods of disciplining children. There will likely be no benefit to her from a probation or supervision order and it is unlikely that she will attend counselling services if ordered by the Probation Officer.

47. Is a sentence of immediate custody avoidable? She has no previous convictions. Her personal circumstances include a serious health issue. The child is no longer in her care. Concerns for the safety of the victim are alleviated by the fact that other relatives and the Authorities have the primary care of her.

48. Against the background of the defendant's personal circumstances and the fact that there will be limited opportunity for a re-occurrence, the Court's view is that the sentence can be suspended. The aim of such a sentence will be to deter the defendant from repeating the offending and punishment for what has been done.
49. The sentence of thirteen and a half months is suspended for two years.
50. With respect to the aim of rehabilitation, an Order is made pursuant to s.225 (3) of the ***Penal Code*** that the defendant is to attend counselling as part of the Parenting Programme at the Family Resource Centre. The Probation Officer is to supervise her attendance. The defendant is advised that if she does not attend a warrant may be issued for her arrest.

**Dated this the 21<sup>st</sup> April 2023**

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

**The Honourable Justice Cheryll Richards KC  
Judge of the Grand Court**