

1 IN THE GRAND COURT OF THE CAYMAN ISLANDS
2 CRIMINAL SIDE
3
4

5 INDICTMENT NO: 0045/2015
6

7
8 THE QUEEN
9

10 V
11

12 CORY GODFREY BOWEN
13
14
15



16 **Appearances:**

Ms. Tricia Hutchinson for the Crown

17
18 **Ms. Prathna Bodden of Samson & McGrath**
19 **for the Defendant**
20

21 **Before:**

Mr. Justice Alastair Malcolm (Actg.)

22 **Jury Trial:**

14th, 16th, 17th and 21st March 2016

23 **Sentence Submissions heard:**

6th May 2016

24 **Delivery of Judgment:**

6th May 2016
25

26 **HEADNOTE**

27 *Criminal Law – Wounding with Intent – Jury found Intent to Cause Serious Harm –*
28 *Sentence – Knife places the case in Category 2 of the Guidelines – Starting point, 6*
29 *years with a range of 5 to 9 years – No violent history.*
30
31
32
33
34
35
36

SENTENCE RULING

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

1. On 21st March 2016 the jury found you guilty of the offence of wounding with intent, contrary to s203 of the Penal Code. Your victim was Cruz Barnett who suffered 3 stab wounds to the head and neck and a significant wound to the abdomen.

2. At about 5.00 a.m. you were driving your baby mother Sharon Woodward back to her home when, shortly before you reached it, you saw Mr. Barnett in the back of Ms Woodward's car. Mr. Barnett is the father of Ms Woodward's elder daughter. To put it neutrally, there had been a history between the 2 of you over your respective relationships with Ms Woodward and your children. Whatever the truth about the background between the two of you, nothing can possibly justify what you did.

3. You stopped your car but Ms. Woodward told you to carry on to her apartment which you did. However having dropped Ms. Woodward off you saw Mr Barnett. You got out the car and approached Mr Barnett with a knife. He stood his ground and no doubt because of his boxing training knocked you to the ground and got on top of you. Mr Barnett's evidence was:



1 *“As he got closer to me I hit him and that is how it all happened. The knife was in*
2 *his right hand. He was walking briskly towards me. I had not walked towards him.*
3 *I boxed him because I have been injured before and I was not going to get anyone*
4 *close to me like that. After I hit him I got him into a headlock managed to get him*
5 *to the ground and started to box him. That’s when he got his arm round and put*
6 *knife into my neck. I was trying to control him as he had a knife in his hand. He*
7 *was trying to stab me.”*

8 4. Ms. Woodward heard the fight and came from her home. She was shouting telling you
9 *“Stop you are killing him”.*

10 5. A neighbour then arrived and said to Mr Barnett *“you are bleeding a lot try and get off*
11 *him”.*

12 6. The fight then came to an end. You still however continued to threaten Mr. Barnett
13 verbally.

14 7. Mr. Barnett left the scene not realising the extent of his injuries followed by Ms.
15 Woodward who was talking on the phone with the 911 operator. Eventually Mr.
16 Barnett collapsed and he was taken to the hospital. Fortunately apart from the scars he
17 has made a full physical recovery. The scarring he says is a permanent reminder of the
18 attack.

19 8. Knives are lethal weapons and if taken to any confrontation can easily cause fatal
20 consequences. Anybody using a knife in a fight can expect to be dealt with severely by
21 the Courts.



- 1 9. I have been referred to the *Sentencing Council's Definitive Guideline* and various
2 decisions¹ of the Grand Court and the Cayman Islands Court of Appeal.
- 3 10. It is agreed that the use of a knife places this case in category 2 of the Guidelines
4 which has a starting point of 6 years with a range of 5 to 9 years.
- 5 11. In mitigation Mrs. Bodden has relied on the following facts:-
- 6 i. You have no convictions for violence of any kind;
- 7 ii. Your behaviour that night was entirely out of character;
- 8 iii. There was no premeditation for the offence.
- 9 12. I do accept that you are not a violent man. Further I accept that you were in an
10 emotional turmoil because you had just heard that your brother had been shot. You had
11 gone to the hospital and had not been able to find out what the prognosis was. It is
12 clear what happened to your brother affected your thinking that night.
- 13
- 14 13. I also accept that you had no idea that you would find Mr Barnett in Ms. Woodward's
15 car as you drove her home. However I am satisfied that you took the knife from your
16 car as you approached Mr Barnett.
- 17
- 18 14. The jury found that when you attacked Mr. Barnett you intended to cause him serious
19 harm.
- 20



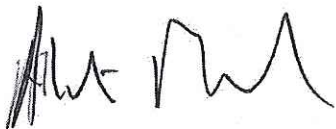
¹ *R v. Nickolar Kerr* CICA 5/2014; *R v. Kenroy Rowe* Ind. 64/2014; *R v. Gail Ross* CICA 24/2010; *R v. Neil Robinson* CICA 37/2010; *R v. Ricardo Hyre* CICA 9/2009

1 15. When you decide to use a knife in a fight it is often pure chance whether the victim is
2 killed, suffers a life changing injury or gets away relatively unscathed. However a
3 sentencing court has to take into account the seriousness of the injury actually caused.

4
5 16. You inflicted four nasty wounds on Mr Barnett. However unlike some of the cases to
6 which I have been referred no internal organ was damaged nor, on the evidence, were
7 the wounds life-threatening. I emphasise that is down to luck rather than good
8 management. However, the extent of the injuries is a matter which can affect where a
9 sentence falls in the range.

10
11 17. There are, in this case, no aggravating features to increase the sentence from the
12 starting point of 6 years. Taking all the other matters I have referred to into account, in
13 my judgment, the appropriate sentence is one of 5 years 3 months' in custody. All time
14 served will count towards the sentence.

15
16
17
18 **Dated this the 6th day of May 2016**

19 



20 **Mr. Justice Alastair Malcolm Q.C.**
21 **Acting Judge of the Grand Court**