

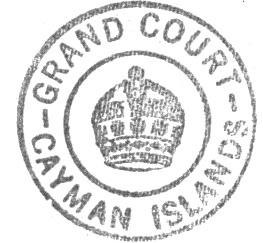
1 IN THE GRAND COURT OF THE CAYMAN ISLANDS
2 CRIMINAL SIDE
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INDICTMENT NO: #0102/2014

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7
8 THE QUEEN

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10 V

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12 TAMARA OLITA BUTLER
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16 **Appearances:**

Mme. Cheryll Richards Q.C., DPP, and Ms.
Candia James for the Crown

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18
19 Mr. Trevor Burke Q.C. and Mr. Laurence
20 Aiolfi of Samson & McGrath for the Defendant

21 **Before:**

Mr. Justice Alastair Malcolm Q.C. (Actg.)

22 **Trial Dates:**

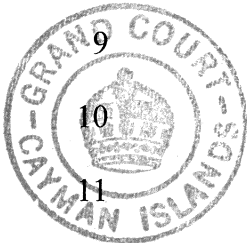
23 8th March to 12th March 2016 (dates inclusive)
and the 14th March 2016
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26 **JUDGMENT**
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- 28 1. At about 4.00 a.m. on the 27th October 2014 two police officers Police Sgt.
29 Scott and PC Kirchman saw a Hyundai SUV parked on the side of the Queens
30 Highway, East End. Just off the road with a foot stuck in a hole in the rock was
31 a figure which turned out to be Tamara Butler, the Defendant in this case.
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1 2. Before he could tell the gender of the figure Sgt. Scott asked the person “are
2 you trying to run away from the police?” and the Defendant said “No”. It was
3 then noticed that she was wearing what looked like a black slip and a bath robe.
4 She had blood on her hand. The officers helped her by moving a sheet which
5 was on the ground closer so she could protect her hands as she freed her leg.

6 3. As she walked on the road, it was clear that she had cuts on her leg. Sgt. Scott
7 said to her that she could have got herself killed on the rocks, to which she said
8 “I know”. She started to walk to car and the Sgt. said “You have to get the cuts
9 looked at in hospital” to which she said “yes I will get them looked at”. She
10 went back to her car. As she got in she was asked her name and she said
11 “Tamara Butler”. She got in and drove off at a normal pace.



12 4. PC Kirkham recognized the Defendant as being a person who had worked
13 previously for the Royal Cayman Islands Police Service (RCIPS) and he knew
14 she was married to a police officer, Sergeant Lenford Butler. Sergeant Scott
15 contacted and spoke to Sgt. Butler. As a result of what was said the officers
16 went in pursuit of the vehicle. Despite doing a circuit of East End there was no
17 sight of the Hyundai.

18 5. Sgt. Butler was on duty that night in George Town police station. When he had
19 left home, for reasons that will become apparent later in this judgment, he had
20 left his daughter, Bethany, who was 6 years old, locked in the master bedroom
21 and he had given her a mobile phone with 911 pre-set to dial.

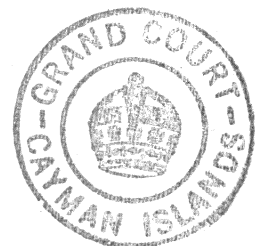
1 Before he was contacted by Sgt. Scott, Sgt. Butler had decided to go home and
2 check on Bethany and his wife. When he got home he discovered that there was
3 no one in the house and the door to the master bedroom had been forced. In the
4 master bedroom there was a pool of blood and he noticed a foot print in the
5 blood. There were no sheets or blankets on the bed.

6 6. Having heard what Sgt. Butler had discovered at his home Sgt. Scott organized
7 a search of all side roads left and right off Queens Highway. The vehicle was
8 discovered parked facing the sea off the main road on a track and where it could
9 not be seen from the main road. It was between $\frac{1}{2}$ - $\frac{3}{4}$ of a mile from where the
10 officers had spoken to Mrs. Butler.

11 7. At 5.30 a.m. when it was still dark, Sgt. Scott approached the vehicle. He could
12 see bed sheets with blood on them in the trunk. He looked into the driver's side
13 and he saw the passenger seat was reclined and there was what looked to him to
14 be a comforter in the passenger seat.

15 8. PC Burke opened the passenger side and discovered the body of Bethany Butler
16 lying on the front passenger seat.

17 9. It was after day break when Tamara Butler was seen by the police standing on
18 the iron shore a short distance away staring out to sea. PS Teekel Cowan
19 approached Mrs. Butler and called her name. Mrs. Butler turned towards the
20 officer.

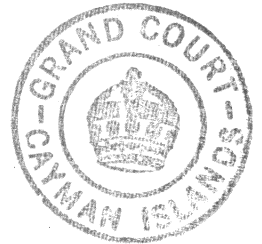


1 10. PS Cowan asked Mrs. Butler to come towards her which Mrs. Butler started to
2 do, but then stopped saying “*I don’t have to come*”. PS Cowan then told her to
3 come and allow the EMS to check her. Mrs. Butler nodded her head and walked
4 towards PS Cowan. Mrs. Butler was asked if she had been in the water to which
5 she said “*yes*”. When asked if she had left anything on the beach she said “*No.*”
6 When asked for her cell phone she said “*I don’t have it*”. To the suggestion that
7 she might have left it in her car she said “*What car?*” When they had got off the
8 iron shore Sgt. Cowan asked her for her shoes and Mrs. Butler responded “*They*
9 *were somewhere*”.

10 11. Mrs. Butler was placed in an ambulance and examined by EMS personnel. En
11 route to hospital she answered the initial questions of Chris Brandson, the
12 paramedic, but remained silent and or ignored others.

13 12. DC Sugden arrested Mrs. Butler in the Trauma Room of George Town hospital.
14 To his questions she remained unresponsive and did not engage in any
15 communication. Twenty-five minutes later whilst he was still in the Trauma
16 room a doctor asked Mrs. Butler to move further along the examination bed and
17 sit up which she did immediately.

18 13. When certified fit to be interviewed Mrs. Butler declined to answer the
19 questions.



1 14. The post mortem examination of Bethany Butler was conducted by Dr.
2 Steckbauer. It revealed that Bethany Butler had been shaved of all her hair and
3 had suffered burns post mortem. There were multiple incised and stab wounds
4 as well as abrasions. There are 10 wounds and 5 abrasions to the head and neck,
5 11 wounds and 2 abrasions to the back, and 14 wounds and 4 abrasions to the
6 chest. As far as the abdomen is concerned Dr. Steckbauer states that there were
7 an extensive number of superficial incised wounds, abrasions, and stab wounds
8 throughout the abdomen extending around to the right and left flanks. The stab
9 wounds had damaged three arteries and numerous internal organs and the
10 Doctor's opinion was death was due to multiple sharp force injuries.

11 15. On the 14th November 2014 Mrs. Butler was charged with Murder contrary to
12 s.181 of The Penal code (2013 Revision).

13 16. On the 31st July 2015 Mrs. Butler pleaded not guilty to murder and this has
14 been a judge alone trial.

15 17. In this case there is no dispute that Tamara Butler killed her daughter and the
16 sole issue in the trial is whether she is guilty of murder or, by reason of the
17 provisions of s.185 of the Penal Code (2013 revision), guilty of manslaughter. I
18 have had the standard directions that would be given to a jury well in mind
19 throughout the trial and do not set them out in full in this judgment. There are
20 however some that I should deal with in detail.

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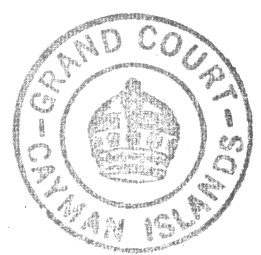


1 18. I try this case on the admissible evidence that has been put before me during the
2 trial. The circumstances of the death of Bethany Butler are such that it is very
3 important to bear in mind throughout, as I have, that anger, bias, sympathy,
4 horror or any other emotion must be put aside. In judging the evidence and
5 reaching my verdict I have put all emotion aside and sought to embrace a fair,
6 careful and reasoned approach.

7 19. I must only try the case on the evidence that has been put before me, so I must
8 not speculate what witnesses who have not been called might have said or why
9 they have not been called. In this case three psychiatrists have been called to
10 give evidence: Dr. Marc Lockhart and Dr. Frank Knight by the defence and Dr.
11 Wade Myers by the Crown. All three, in reaching their opinions, have set out
12 what they have been told by others, in particular, the defendant, her mother and
13 her husband. I remind myself that doctors are allowed to base their opinions on
14 what the defendant or others have reported without those matters being proved
15 by admissible evidence. However, what the doctors are told – particularly about
16 past symptoms – cannot be evidence of the existence of those symptoms, but
17 can only be used to explain the grounds for their diagnosis.

18 20. On her arrest and before interview the Defendant was cautioned and told as part
19 of that caution that if she failed to mention when questioned something which
20 she later relied on in Court it might harm her defence. When questioned she
21 declined to answer any question.

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1 21. There therefore was no reference to the commanding voices which is a central
2 part of her defence. Also the Defendant did not give evidence before me and I
3 made the usual enquiry of Mr. Burke Q.C. as to whether the Defendant had
4 been advised that I could draw inferences from her failure to give evidence. As
5 I indicated to Counsel before their final addresses, although there is no
6 automatic rule in cases of diminished responsibility, I would not, in this case,
7 be drawing any inferences from her silence when interviewed by the police or
8 in this court. However the fact that she has not given evidence means there is
9 no evidence from her either to support the assertions she made to the
10 Psychiatrists or to contradict or explain any other evidence in the case.

11 22. There is no dispute that the elements required to be proved by the Crown for an
12 offence of Murder under s.181 and s.184 of the Penal Code (2013 Revision) are
13 made out. I am sure on all the evidence that the defendant, of malice
14 aforethought, caused the death of Bethany Butler by an unlawful act.

15 23. The sole issue is whether the defendant was suffering from such abnormality of
16 mind as substantially impaired her mental responsibility for her acts in doing
17 the killing. That abnormality of mind must arise from a condition of arrested or
18 retarded development of mind or any inherent cause or induced by disease or
19 injury. If her responsibility were diminished then the verdict should be one of
20 guilty of manslaughter rather than murder.

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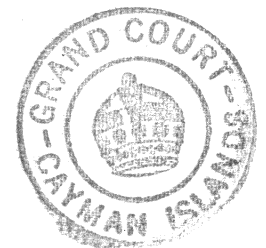


1 24. Abnormality of mind is not a medical term, it is a legal term and means a state
2 of mind which is so different from that of ordinary people that one would
3 recognize it as abnormal. The term abnormality of mind covers all its working,
4 such as the ability to form appropriately, and to exercise, perception,
5 understanding, judgment and will.

6 25. The defence case is that that abnormality of mind was caused by disease
7 namely she was suffering from Schizoaffective Disorder and or a Psychotic
8 Disorder with Affective features – both of which come under the description of
9 disease in s.185 of the Penal Code (2013 revision).

10 26. The defendant's responsibility was only diminished if I conclude it is more
11 likely than not as a result of Mrs. Butler's disease, that her mental responsibility
12 was substantially impaired. Substantially is an ordinary English word to which I
13 bring my own experience. It means less than total and more than trivial. Where
14 the line is drawn is for my judgment.

15 27. It is for the Defendant to prove that her responsibility was substantially
16 impaired on the balance of probabilities.



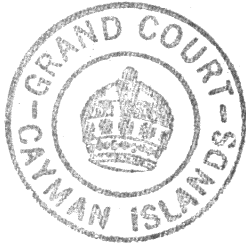
EXPERTS

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28. In this case the three psychiatrists who have been called to give evidence are expert witnesses. I remind myself that I need to evaluate expert evidence for its strength and weaknesses just as I would do with any other witness. I remember that while they deal with a particular and albeit central issue in this case I have to look at all the admissible evidence and make my decision on the basis of all that evidence. Expert witnesses are not here to argue the case for one side or the other but are here to assist me to understand how they have reached their opinions. Evaluating their evidence requires a consideration of their expertise, their findings and the quality of the analysis which supports their opinions. The weight I attach to any of their conclusions; that I accept, is for me to determine.

29. Apart from the conclusions of the psychiatrists, the evidence in the case is not really challenged. In my review of it in this judgment I will set out those parts which relate to issues of Mrs. Butler's mental state. The only witnesses who provided any admissible evidence as to her condition before the killing are her husband, PS Lenford Butler, and Mr. Bentley Vaughan.

30. At the beginning of his cross-examination by Mr. Burke Q.C., Mr. Butler agreed that the information he had given to the police and the psychiatrists was true from his recollection and was accurate.



1 31. He and his wife met in the Turks and Caicos Islands in July 1998 and they got
2 married on the 9th December 2000 in St Vincent. In Turks and Caicos Mrs.
3 Butler worked at Barclays bank as a supervisor dealing with overseas accounts.

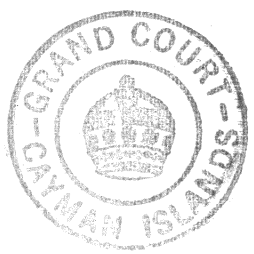
4 32. In 2003 Mr. Butler applied for and obtained employment with the RCIPS,
5 starting on the 1st July that year. Mrs. Butler joined her husband in the Cayman
6 Islands six months later. She obtained a civilian job with the RCIPS after she
7 arrived in 2003. At that time Mr. Butler describes their relationship as being
8 very good with no problems.

9 33. Mr. Butler had been a member of the Seventh Day Adventist Church for many
10 years and Mrs. Butler was baptized into it while they were in Turks and Caicos.
11 In Cayman they both attended the Bodden Town Seventh Day Adventist
12 Church. Mrs. Butler initially was a Youth Leader and then from 2006 to 2010
13 she was the Personal Ministry Secretary.

14 34. Bethany was born on the 12th January 2008 and was their only child. Mr. Butler
15 had two older children, the younger of which was a son who lived with them
16 from 2011 to 2014.

17 35. In 2011 Mrs. Butler's contract with the RCIPS was not renewed. The first Mr.
18 Butler knew about this was when an Inspector asked him if his wife had got
19 new employment. When he raised it with Mrs. Butler, she said that she had
20 known for three months.

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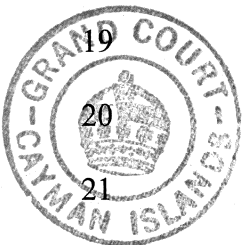


1 36. Mr. Butler described in evidence the way things changed after the job came to
2 an end and she had to hand in her uniform. He described how she became
3 isolated and started living a life of denial and pretence – responding with
4 “*Everything is OK*” to any concern expressed by Mr. Butler. He said she would
5 just smile and in his words “*you could see it was not okay by her body language*
6 *and the way she addressed and did things*”. He said he believed at that time she
7 needed psychiatric help.

8 37. In the past she had taken pride in the way she handled herself but that was not
9 the way she became. She would continue to go to Church but would not speak
10 to anyone and when it came to the point in a service when the congregation
11 greeted each other she would tell people not to touch her. If anyone did she
12 would use indecent language.

13 38. Prior to her contract coming to an end there had been a problem with her
14 supervisor who made it difficult for her to attend Law School and although the
15 problem was overcome Mr. Butler thought his wife blamed him for not doing
16 enough to save her job.

17 39. At that time Mr. Butler said to her that he thought she needed help but her
18 response was that she did not. They spoke to a marriage counsellor and they
19 were both supposed to go but Mrs. Butler said she wanted to go by herself. She
20 went twice and told Mr. Butler that he should go which he did, once on his
21 own. Mr. Butler said there was no real change in the relationship and, if
22 anything, it got worse.



1 40. Mrs. Butler then left and moved with Bethany to a condominium at Lantern
2 Point. During the time she was there Mr. Butler saw her three times when she
3 came to meet him because Bethany had asked to see him.

4 41. At this time Mrs. Butler began to accuse her husband of having relationships –
5 saying there had been three incidents of unfaithfulness in the marriage. Mr.
6 Butler told her he did not know what she was talking about. Mrs. Butler went
7 further and, in Church, went to the pulpit, took the microphone and told the
8 congregation that he had committed infidelity. Bethany was in the Church at the
9 time and heard the accusations.

10 42. This was followed by her making the same accusations in emails, on Facebook
11 and in letters. Mr. Butler says there is no truth whatsoever in the accusations.
12 That assertion was not challenged by Mr. Burke QC and I am satisfied that the
13 accusations are false.

14 43. As a result of the accusations Mr. Butler spoke to his mother-in-law who came
15 and took her daughter and Bethany back to Turks and Caicos. Mrs. Butler
16 remained there for 14 months. During that time they spoke by phone
17 concerning Bethany. Mrs. Butler would use abusive language towards her
18 husband whilst Bethany was with her on occasions and Mr. Butler would put
19 the phone down to stop her.

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1 44. After a while things calmed down and they started to communicate properly.
2 She told Mr. Butler that she had got a job. She said Bethany was constantly
3 asking to come home. He said that he had no problem with that providing she
4 goes to relationship and marriage counselling. She agreed and said she had no
5 problem with that.

6 45. Mrs. Butler and Bethany came back to live with Mr. Butler in the Cayman
7 Islands.

8 46. However, in Mr. Butler's words, she was not OK. He recounted an incident
9 where Bethany had hit him on his backside and he did the same to his wife. Her
10 reaction was to call the police alleging he had sexually assaulted her. She told
11 the police that she did not want Mr. Butler and that she wanted to be in the
12 Turks and Caicos.

13 47. After that they had separate bedrooms. As a result of her complaint Mr. Butler
14 spoke to Sgt. Miller of the FSU who also spoke to Mrs. Butler. Although Sgt.
15 Miller suggested counselling, neither of them went. This all happened in
16 January 2014 about a month after her return to Cayman.

17 48. In evidence Mr. Butler said that a couple of months after the incident in January
18 his wife came back into the master bedroom and that lasted until the night of
19 Bethany's death. He said all three of them would sleep in the master bedroom.
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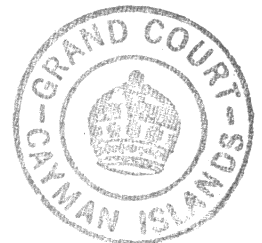
1 49. Mr. Butler said the relationship between Bethany and her mother was very good
2 and they would do everything together. Although she did not have a job Mrs.
3 Butler started Law School again.

4 50. Turning to October 2014 Mr. Butler said everything was OK. He said both he
5 and his wife attended church and she was attending Law School. She had asked
6 him to take the 23rd October off work as she had to be in Law School all day.
7 However she did not go to school and when asked why, she said that the
8 teacher had broken her leg and had got time off. He described her as normal on
9 her computer and with her law books.

10 51. On the 24th October Mr. Butler and Bethany had their home worship. Bethany
11 called her mother to join in which she did. On the Saturday the 25th October Mr.
12 Butler and Bethany went to church. Mrs. Butler did not, as a month before she
13 said she was not going to that church anymore.

14 52. On the Sunday between 7pm and 8pm Mr. Butler was watching television with
15 Bethany when Mrs. Butler came in and just looked at him. When he asked what
16 had happened she just smiled. After that Mrs. Butler was in and out of the
17 house carrying boxes and items in garbage bags which she threw into the
18 garbage bin. She then went into the master bedroom and started to pack up all
19 her clothes, books and everything that belonged to her and Bethany. She then
20 took them out to the front porch.

21



1 53. Mr. Butler asked her what was going on, and whether she was moving out. He
2 asked where she was going because she could not disrupt Bethany's education.
3 She said someone was coming to pick up her things in the morning and not to
4 worry about it.

5 54. Mrs. Butler went into the bathroom and her husband could hear her nail
6 clippers. Later Bethany came and said "Do you know mummy has cut all her
7 hair off". Mrs. Butler came out of the bathroom with a sheet round her head.
8 Bethany had a plastic bag in her hand which she said was her mother's hair. Mr.
9 Butler went into the bedroom that his wife was in and saw her shaved head. She
10 was sitting staring into the closet mirror. When he asked why she had cut her
11 hair as she had and not got someone to do it properly she responded "What
12 about it". There was, he said, no expression on her face.

13 55. At about 11p.m. Mr. Butler was in the bathroom when he heard Bethany
14 scream "No". Before that he had heard his wife call Bethany. When he came
15 into the master bedroom Bethany was upset and she said her mother has cut her
16 own hair off and she now wanted to cut hers off. Bethany said she did not want
17 that to happen. Mr. Butler told his wife not to cut Bethany's hair. It was
18 enough, he told her, that she had cut hers but Bethany has to go to school and
19 face her friends. He said he pleaded with his wife not to do it. Mrs. Butler's
20 response was "*Do not worry about it.*"

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1 56. Mr. Butler told his wife that Bethany did not want to sleep with her that night
2 and that she would stay in the master bedroom by herself. He told Bethany that
3 he had told her mother not to cut her hair off. However Bethany pleaded with
4 him not to go to work or for him to take her with him. He said he could not but
5 he gave her a phone and put 911 on speed dial. Bethany asked to be locked in
6 the bedroom which he did. Mrs. Butler was still staring into the mirror when he
7 left.

8 57. He said that apart from one occasion years ago, Mrs. Butler had not been
9 violent towards him. He said she was very proud of her hair and would go
10 regularly to have her nails done. She looked after Bethany's hair and he agreed
11 that there was no question that she was utterly devoted to her daughter. He said
12 he would never have left Bethany alone if there was a risk of Bethany coming
13 to harm.

14 58. Mr. Butler identified items in the car which included a knife and machete along
15 with bed clothes from various rooms in the house. He also identified a broken
16 part of the master bedroom door that was on the counter in the kitchen, a further
17 knife which had been found on the dryer, and the mobile phone which he had
18 left with Bethany and which was found on a high display cabinet out of
19 Bethany's reach.

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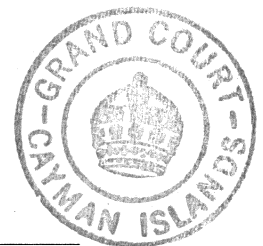


1 59. The statement of Bentley Vaughan was read. He is an ordained elder of the
2 Seventh Day Adventist Church and has served as Family Life Coordinator.
3 Prior to going to the Turks and Caicos Mrs. Butler arranged to come and see
4 him. She talked about matters involved with the marriage. During the
5 conversation she did not complain of domestic violence or abuse and she made
6 a point of informing him that Mr. Butler was a very good father to Bethany. Mr.
7 Butler met him separately and had said that he thought the stress of the job loss
8 may be affecting her.

9 60. DI Burton gave evidence of a number of emails that were sent by Mrs. Butler
10 concerning Assistant Commissioner of Police, Mr. Andrew Ennis in December
11 2012 and January 2013 ending with one that asserted that she and he were
12 married.

13 61. The Doctors have seen, as have I, the notes of Dr. James, a counsellor, who had
14 three sessions with Mr. and Mrs. Butler in July and early August 2014. The
15 note she has for the 6th August contains this entry "*She feels put down when he*
16 *mentions his job, feels low because she is not contributing financially, looked at*
17 *her value for her other contributions such as cooking, cleaning and raising*
18 *their daughter*".

19 62. During one of the sessions Mrs. Butler filled in a Behaviour and Symptom
20 Identification Survey in which, amongst many other similar answers, she put
21 '0' that is to say no difficulty with hearing voices.



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63. After her arrest she was admitted to hospital. On admission she was seen by Dr. McGill who recorded that Mrs. Butler was stuporous and mute with posturing. Dr. Lockhart said this indicated a break with reality and a limited ability to react with others. Mrs. Butler was in the hospital for 18 days under observation by the staff and a discrete CCTV camera of which Dr. Lockhart says Mrs. Butler was not aware. The CCTV recording has since been recorded over so the other doctors, particularly Dr. Myers, have had to rely on the notes of those that watched the footage.



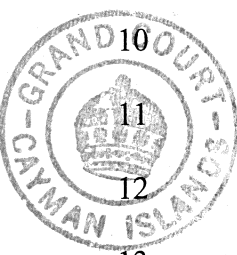
DR. MARC LOCKHART

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64. The first Doctor the defence called was Dr. Marc Lockhart. He is an experienced consultant psychiatrist who has been in the Cayman Islands for 15 years and is Chairman of the Mental Health Authority. Amongst other responsibilities, he is responsible for all prison inmates. He first had contact with Mrs. Butler the day after her arrest. He was in overall care of her during the days she was in the unit.

65. Dr. Lockhart says in his report that during her stay she was mute and unable to respond to his inquiries. He said that at the time of his initial contact with Mrs. Butler the clinical presentation was significant for features of catatonia, a disconnect with reality with internal preoccupation. On the 29th of October he completed a Clinician-Rated Dimensions of Psychosis Symptom Severity Scale which highlighted abnormal psychomotor behaviour, negative symptoms of restricted emotional expression and impaired cognition.

66. He says that she was initially treated with a low dose of an antipsychotic medication, Haloperidol. As a result of that medication, along with the nursing care and contact with her mother and sister, by the 6th November Mrs. Butler was able to give an open and formal interview with Dr. Lockhart. At that interview he describes her as adequately groomed and that she was aware of the nature of the interview. Her posture, appearance and gait were within normal limits. Her expression was neutral with brief smiles and her eye contact was appropriate. She was able to follow commands and requests.



1 67. Dr. Lockhart says she was cooperative and open but avoided details of the
2 events of the 26th October. She told Dr. Lockhart she was coping. When asked
3 why she was in the unit she said that she did not think she was crazy and that
4 mental health has “negative connotations”. When asked about the incident all
5 she said was “*I was in East End on the beach and saw the police. They placed*
6 *me in an ambulance*” and “*I was found with the body of my daughter. They*
7 *assume I did it. That’s not the case. It wasn’t me.*”

8 68. As to the days before she said they were normal days. She said she had always
9 taken care of Bethany and that she was the primary parent. She said Mr.
10 Butler’s role was “miniscule” and he was just the breadwinner.

11 69. She told Dr. Lockhart that her husband had been unfaithful and that had
12 resulted in the separation and her and Bethany going to Turks and Caicos
13 Islands. She said she decided to come back because “*I wanted to get back on*
14 *my feet. I don’t love him but it’s my house still and I wanted to get back on my*
15 *feet and leave him.*” Mrs. Butler also said “*He shaved my head and my*
16 *daughter’s head as well. He told me to cut extensions. He used a shaver, and*
17 *that was Sunday night*”. She then stated, “*He went to work late after 11pm*”. On
18 the face of it she was therefore referring to Mr. Butler.



1 70. She told Dr. Lockhart that she had seen a psychiatrist in Turks and Caicos and
2 the doctor had diagnosed an Adjustment Disorder and she was prescribed St.
3 John's Wort. She said that she had stopped taking St John's Wort. The
4 diagnosis and treatment is confirmed by a letter from the medical authorities in
5 Turks and Caicos.

6 71. She said she was no longer an Adventist and had not been since leaving for
7 Turks and Caicos and that she felt uncomfortable at her husband's church
8 because of double standards.

9 72. She was seen again on the 12th November and Dr. Lockhart noted "Her thought
10 process was linear logical and no noted bizarre or unusual thought." Her
11 condition was such that Dr. Lockhart said that she was fit to be interviewed by
12 the police.

13 73. Having been transferred to HMP Fairbanks there was an occasion in December
14 2014 when she was seen to be withdrawn, distant and with Catatonic features.
15 She received an injection of anti-psychotic medication and her symptoms
16 improved.

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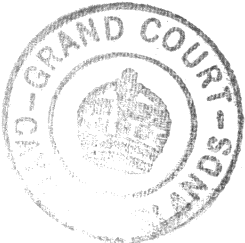
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1 74. Dr. Lockhart last saw Mrs. Butler before making his first report on 19th
2 February 2015 in Fairbanks prison. He reported that her thought process was
3 goal directed and logical. There was no blocking or halting. Her reaction time
4 was within normal limits. Her thought content was without any suicidal or
5 homicidal ideations and she denied any untoward perceptions. There were no
6 auditory or visual hallucinations, no ideas of reference or delusions were
7 appreciated and her insight and judgment were deemed 'fair'. She was, at that
8 time, on no medication at all and, apart from the December incident, has not
9 received any anti-psychotic medication since leaving Dr Lockhart's unit.

10 75. In his first report based on what he had been told by Mrs. Butler, her mother
11 and husband coupled with the medical observation, he said "The sum total of
12 the assessment measures used highlighted a presentation of a severe psychotic
13 initial presentation with gradual improvement after treatment initiation and a
14 relapse of some mild psychotic features towards the end of 2014. His diagnosis
15 was Schizoaffective Disorder (Depressive Type) and Catatonia Associated with
16 Schizoaffective Disorder.



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DR. FRANK KNIGHT

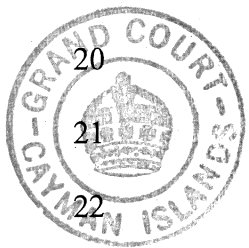
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2 76. Dr. Frank Knight saw Mrs. Butler on the 18th November 2014. Dr. Knight has
3 been a doctor since 1958 and started training in psychiatry in 1963 in
4 Edinburgh. He worked as a Senior Registrar in Psychiatry in Cambridge, before
5 becoming a member of the Royal College of Psychiatrists in 1971. He has been
6 a Senior Lecturer in Psychiatry at the University of the West Indies in Jamaica
7 and senior consultant in Psychiatry at the University hospital. For 14 years he
8 was the consultant psychiatrist at an 800 bed facility in Kingston.

9 77. In addition to interviewing Mrs. Butler he spoke to her husband later the same
10 day. In the course of his interview with Mrs. Butler she gave an account of the
11 marriage consistent with that already set out but did disclose matters that she
12 had not told anyone before.

13 78. They were firstly that at a time when Bethany was 8 months old when she was
14 on a boat excursion she had an urge to throw Bethany overboard. She did not
15 give into this urge; it was momentary and did not recur.

16
17 79. Secondly there was an incident shortly after she had lost her job when she was
18 going to New York for a family wedding. When she travelled she did so with
19 two empty suitcases because a voice had told her to take the suitcases with her
20 and her mother would provide funds to go shopping. Mr. Butler confirmed to
21 Dr. Knight that his wife had travelled to the wedding with two empty suitcases
22 but not the reason why.



1 80. Thirdly she disclosed that she began to hear voices whilst in the Turks and
2 Caicos Islands. She said the most prominent voice was that of God. If nobody
3 was about she would communicate with the voice by means of audible speech.

4 81. Mrs. Butler then gave an account again for the first time of what had happened
5 in October. She said for about a week before she killed Bethany God had been
6 talking to her about "*bequeathment; that is to say being taken up to heaven*".
7 She said that she wanted Bethany to go with her and she was scared in case
8 Bethany went before her. She said that God told her to pack up the belongings
9 and shave her head. She told Dr. Knight that as Bethany was to be
10 "*bequeathed*" as well she should do the same to her. After her husband left for
11 work she broke into the bedroom and shaved Bethany's head. To Dr. Knight
12 she said that before she shaved Bethany's head God told her to kill Bethany as
13 she was a demon.

14 82. She detailed using two knives and a machete to kill her daughter. She said she
15 also tried to burn and smother her. Dr. Knight has this quote "*At one time I felt*
16 *bad, because I was her mother, but it was the voice of God*".

17 83. Mrs. Butler went onto say that the fact that Bethany took long to die convinced
18 her that Bethany was abnormal. She said it was God who told her to drive
19 Bethany's body to the East End. She then said she was asking what she should
20 do and the voice was silent. She contemplated suicide and put her head under
21 the water a number of times but did not succeed. She then says she noticed
22 cloud formations and the voice of God said "see my penis there."

1 84. She claimed that she continued to hear voices whilst in hospital and prison and
2 had even heard a voice during the interview she was having with Dr. Knight.

3 85. On examination Dr. Knight could not see any sign of acute psychiatric disorder.
4 Despite the report of a hallucinatory voice during the interview, there were no
5 florid features of psychosis such as blunted affect or disruption of thought
6 processes. However Dr. Knight noted that she appeared unable to analyse her
7 recent behaviour using the degree of objectivity that would be expected of a
8 person with full awareness of the reality of their surroundings and
9 circumstances.

10 86. Dr. Knight's medical opinion was that in late 2012 Mrs. Butler began to suffer
11 from acute psychiatric disorder with features of depression hypomania
12 (abnormally elated mood) and psychosis, which became more intense over the
13 months. Events culminated in a frank, acute psychotic episode when Mrs.
14 Butler attacked and killed her daughter. His clinical diagnosis was Psychotic
15 Disorder with Affective features.

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DR. WADE MYERS

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87. Dr. Wade Myers, the psychiatrist called by the Crown, was the next Doctor to see Mrs. Butler on the 2nd and 3rd November 2015 for a total period of 7 hours. Dr. Myers qualified as a Doctor in 1983 and started his training in psychiatry in 1984. He obtained the American Board of Psychiatry certificate in 1991 and the American Board of Forensic Psychiatry certificate in 1994. He has held academic positions in various universities and has been since 2010 the professor of the Department of Psychiatry and Human Behaviour at the Alpert Medical School of Brown University. Since 2009 he has been the Director of Forensic Psychiatry at Rhode Island Hospital.

88. Dr. Myers asked her about her routine in the period before the killing of Bethany. She said she had been attending Law School 4 days per week. She said she would go to sleep the same time as Bethany and then get up in the early hours to study and that was her usual routine as she was “a disciplined individual.”

89. She reported to Dr. Myers that a week or so before the killing she had seen her husband and Bethany raising their eyebrows together. She had seen Bethany raising her eyebrows on four occasions over the months before and her husband once in the mirror shortly before the killing. It frightened her and she could not explain why.



1 90. She gave a more graphic account of the killing than she had to Dr. Knight –
2 detailing the prolonged attack with three different weapons. She asserted that
3 God commanded that she stab Bethany in the vagina which she said she did
4 even though the pathologist found no such injury.

5 91. Mrs. Butler told Dr. Myers that the voices started in Turks and Caicos and had
6 ended in about January or February 2015.

7 92. Dr. Myers’s Diagnostic Assessment under DSM-5 was a Paranoid Personality
8 Disorder (PPD) which requires a number of symptoms including mistrust of
9 others; feelings others are deceitful; persistent doubts about the loyalty and
10 trustworthiness of others; reluctance to confide in others due to fear the
11 information may be used maliciously; betrayal concerns; holding grudges;
12 quick to react angrily or retaliate in response to a perceived attack on one’s
13 character; and recurrent suspicions without justification regarding the fidelity of
14 one’s spouse. In his report Dr. Myers said there were traits of Narcissistic
15 Personality Disorder but not as strong as PPD. In evidence he counted up the
16 symptoms which were sufficient to make this diagnosis, although he preferred
17 that of PPD.

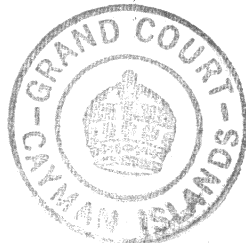
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1 93. Dr. Myers said that in the early days in hospital Mrs. Butler may have had
2 psychotic symptoms that cleared up quickly and were consistent with a DSM
3 Brief Psychotic Disorder with Marked Stressors. This is a psychotic condition
4 that lasts more than a day and less than a month. Dr. Myers says that the
5 symptoms of the psychosis apparent in hospital are consistent with
6 psychological decompensation and regression as a mechanism to cope with the
7 enormity of having killed her child. The drugs used for a psychosis would help
8 someone who was suffering in that way to recover.

9 94. In his report Dr. Myers casts doubt on whether Mrs. Butler did hear voices to
10 the extent that she says, or, at all. She had never reported voices to anybody
11 before the killing and, indeed, did not do so until the 18th November. Further
12 the commanding voices she reported were of short duration and it is difficult to
13 imagine a psychiatric disorder that would legitimately explain the short lived
14 extreme psychiatric symptoms that she said occurred on the night of the killing.
15 In evidence he said that Mrs. Butler reported a number of commands from God
16 which by far exceeded the norm.

17 95. Finally he said that conditions like SAD have an on set in late teens, are
18 chronic and difficult to treat.



DR. LOCKHART

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96. The final report produced was by Dr. Lockhart who interviewed Mrs. Butler again on the 7th January 2016 in the light of what she had said to the other two doctors.

97. Dr. Lockhart recorded his interview with Mrs. Butler and included parts of the transcript in his report. Dr. Lockhart confirmed his diagnosis of SAD and stated that Mrs. Butler's history of severe depressive symptoms paranoia and unusual behaviour pre-dated the events of 27th October and were increasing in severity in the days prior to the incident. He said there is no rational motive for her to have taken the life of her child and even if enraged with her husband, the nature of the act and her preceding behaviour highlight the severity of her mental illness.



DOCTORS' EXPERIENCE

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98. In the course of their evidence and in final addresses the question of the three doctors' experience was raised. This is the first case of a parent killing a child (filicide) that Dr. Lockhart had seen, Dr. Knight had been involved in one and Dr. Myers had been involved in over a dozen. Dr. Lockhart sees a very large number of patients each year whilst it was said that Dr. Myers, because of his academic status, has less contact with patients. It was said also that Dr. Lockhart and Dr. Knight have greater experience in treating patients in the Caribbean than Dr. Myers. The significance of this criticism is that in the Caribbean culture and in small communities such as the Cayman Islands there is a greater stigma attached to mental illness. Dr. Myers's response was that there is a stigma the world over and it results in patients under-reporting their symptoms.

In reaching my decision I have taken account of the experience of the doctors and the stigma attached to mental illness in the Cayman Islands.



1 *ANALYSIS*

2 99. Both Dr. Lockhart and Dr. Knight are of the opinion that Mrs. Butler suffered
3 from a severe psychotic illness. Dr. Knight preferred not to put a label on it but
4 Dr. Lockhart diagnosed SAD with Catatonia.

5 100. If that diagnosis is correct then it cannot be, and indeed, is not, argued that Mrs.
6 Butler's responsibility for the killing of her daughter would be substantially
7 diminished.

8 101. The diagnosis is dependent on the accuracy of Mrs. Butler's report that she had
9 been hearing voices since 2013 and had heard command voices from God prior
10 to the shaving of her head and the killing of Bethany. Dr. Myers and the Crown
11 assert that there is no evidence that she was hearing voices.

12 102. Prior to the killing, Mrs. Butler never told anybody that she was hearing voices.
13 In the final interview with Dr. Lockhart she initially said that they had started,
14 she thought, in December 2012 but then, in *her* words, to be consistent with
15 what she had said to others, she said July 2013. It is clear from the letter from
16 the Turks and Caicos she had at least one session with the psychiatrist there
17 after the onset of the claimed voices.



1 103. Over the period Mrs. Butler was seen by the GP and counsellors, at no stage did
2 she report or did they detect the fact that she was hearing voices. As I have
3 already noted she filled out a form stating that she was not experiencing voices.

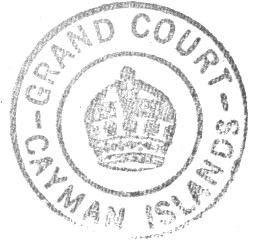
4 104. After the killing Mrs. Butler did not report voices. During her observation in
5 hospital there is no record that she was or appeared to be hearing voices. In the
6 first interview by Dr. Lockhart she failed to mention the voices.

7
8 105. I have regard to the stigma of being thought of as, in Mrs. Butler's words, "a
9 crazy woman" but, as I indicated in my question to Dr. Lockhart, at the stage
10 that he was interviewing her, I struggle to see why the stigma of being thought
11 mentally ill is greater than the stigma of having killed your daughter in the way
12 she had while being of sound mind.

13 106. Dr. Myers also said in evidence that if Mrs. Butler were hearing the demand
14 voices of God and acting on them, and her psychosis was severe, she would
15 consider what was happening was reality and would not want to suppress them
16 especially if she thought she was going to be bequeathed.

17 107. The second main criticism levelled by Dr. Myers at the diagnosis is that SAD is
18 a severe mental illness and does not disappear. He said the onset is usually in
19 late teens or early 20's and it cannot be cured. Medication and other
20 interventions can alleviate symptoms but the underlying illness remains.

21



1 108. In this case Mrs. Butler received no treatment for the illness prior to the killing.
2 In hospital for 18 days she received a low dosage of an antipsychotic drug.
3 Apart from one injection in December she has received no medication and there
4 has been no recurrence of any symptom. Dr. Myers asserts that whilst this type
5 of illness can wax and wane, it would not disappear in the way it has in this
6 case.

7 109. Coupled with this criticism is the fact that Mrs. Butler reported a large number
8 of commands, namely, 9, and 14 communications in all from God in the day
9 leading up to her being found by the police. This was well above the norm.
10 Either the psychosis was particularly severe or Mrs. Butler was misreporting –
11 to put it neutrally.

12 110. Finally Dr. Myers raises questions as to Mrs. Butler's catatonic state and
13 whether it preceded the killing or was a result of what she had done. He points
14 to the fact that she responded to the police when first seen on the Queens
15 Highway and has said she was trying to run away which indicates that she had a
16 sense of reality. He points also to the evidence that her mutism was selective, in
17 that, she answered some questions and said in interview with Dr. Lockhart that
18 she claimed to have made a conscious decision not to answer questions. He also
19 says that when under observation she would cover herself when she had
20 disrobed read magazines and responded to requests from the nursing staff; all
21 features that are inconsistent with Catatonia.

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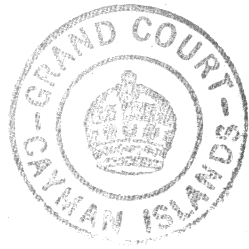
1 111. The defence counter these criticisms by saying it is not surprising that she did
2 not report the voices because of the stigma of mental illness and although she
3 was seen by professionals none of them had sufficient time or opportunity to
4 identify that she was hearing voices. They put the lack of symptoms – despite
5 the lack of any medication – down to the waxing and waning of the severe
6 illness. To that end, they point to the case referred to by Dr. Knight where the
7 patient has been symptom free for very many years without medication.

8 112. As to Dr. Myers’s question as to whether Mrs. Butler had Catatonia, they say
9 that she was seen by an experienced competent psychiatrist, Dr. McGill, who
10 had no doubt that she was in a Catatonic state and they point to the evidence of
11 her staring into the mirror when Mr. Butler left for work.

12 113. Dr. Myers diagnoses PPD and is of the opinion that the killing of Bethany by
13 her mother falls into the category of Spouse Revenge.

14 114. It is not really disputed that sufficient symptoms existed from which a diagnosis
15 of PPD could be made. The defence contention is that her symptoms and illness
16 were more severe – justifying the diagnosis of SAD. Where the defence take
17 issue is the suggestion that this is Spouse Revenge.

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1 115. The defence point to the evidence of Mr. Butler that his wife was utterly
2 devoted to Bethany and that the only purpose for the marriage continuing was
3 to bring up Bethany. They assert that if Mrs. Butler wanted to punish her
4 husband she could take Bethany away again to Turks and Caicos. They
5 question: If it were in fact, revenge, and Mrs. Butler wished to punish her
6 husband, why did she not leave Bethany's body at the house for him to find
7 when he returned from work. They ask why Mrs. Butler shaved her hair. And,
8 if it were revenge, why did she cover her shaved head with a towel when she
9 went into the room where Mr. Butler was. The defence rely on a paper by Dr.
10 Resnick in which, of the cases of filicide he studied, only 4% were categorized
11 as Spouse Revenge and more than half were killings by the father.

12 116. Dr. Myers counters the defence criticisms by saying that some of Mrs. Butler's
13 comments about Bethany in interview disclosed a certain coolness towards her,
14 which might indicate that the devotion was not as great as it appeared to be. He
15 said the shaving of her hair was to punish Mr. Butler because, in interview, she
16 had referred to Mr. Butler seeing her as a "Trophy wife". Dr. Myers opined that
17 the packing of all the property, putting it on the porch and, the cutting of the
18 hair, were cries for attention. When Mr. Butler took no notice and called her "a
19 crazy woman" she became extremely angry. She transferred that anger towards
20 Bethany. Dr. Myers says that the Resnick paper does not assist statistically as
21 the study only included 131 cases.



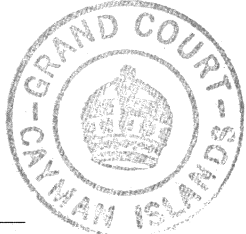
1 117. I have summarised only some of the arguments in this Judgment but I have
2 reviewed all the doctors' evidence and the material contained in the defence and
3 prosecution bundles.

4 118. This has been a difficult case as I see the force of the criticisms made of each
5 diagnosis.

6 119. I go back to the law: My verdict must be one of murder unless on the
7 admissible evidence that has been put before me the defence have satisfied me
8 on the balance of probabilities that the Defendant was suffering from such
9 abnormality of mind that her mental responsibility for her acts in doing the
10 killing was substantially impaired. That abnormality of mind must arise from a
11 condition of arrested or retarded development of mind or any inherent cause, or
12 must be induced by disease or injury.

13
14 120. The defence case is that Mrs. Butler was suffering from Schizoaffective
15 Disorder (Depressive Type) and Catatonia Associated with Schizoaffective
16 Disorder or a similar severe psychotic illness. Fundamental to that diagnosis is
17 the hearing of command voices from God. There is no evidence that she was in
18 fact hearing voices as she has not given evidence. All there is is the fact that she
19 reported hearing and acting on God's demands for the first time to a psychiatrist
20 after having been charged with murder. That was after she had spoken at length
21 to Dr. Lockhart without mentioning it.

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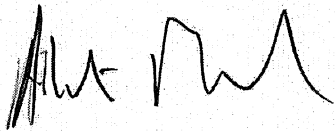
1 121. She is an intelligent woman who has been employed by the police force and
2 was attending Law School. Whatever the stigma of mental illness, it is difficult
3 to understand why she did not tell Dr. Lockhart.

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5 122. I accept that if she had been suffering from this disorder or any other severe
6 psychotic illness, such as would substantially impair her mental responsibility,
7 the symptoms would not have disappeared, in the way they have, without
8 continuing medication.

9
10 123. That being the case I cannot say that the defence have satisfied me to the
11 required standard that Mrs. Butler was suffering from such an abnormality of
12 mind induced by disease as to impair her mental responsibility.

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14 124. It follows that my verdict is guilty of murder.

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20 **Dated this the 22nd day of March 2016**

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22 **Mr. Justice Alastair Malcolm Q.C.**
23 **Acting Judge of the Grand Court**

