

IN THE CAYMAN ISLANDS COURT OF APPEAL

Libby
CACR009/2015
IND 64/14
#03057/2014

BETWEEN:

Kenroy Rowe

APPELLANT

and

HER MAJESTY THE QUEEN

Before:

**The Rt Hon Sir Bernard Rix, JA
The Hon Sir Richard Field, JA
The Rt Hon Sir Alan Moses, JA**

Appearances:

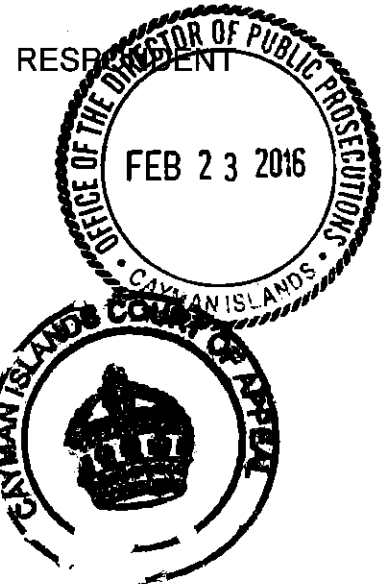
Appellant in person
Toyin Salako for the Director of Public Prosecutions

Hearing and Judgment delivered: November 17, 2015
Transcript of oral ruling released: February 11, 2016

Field JA

This is the appeal of Kenroy Leonard Rowe who appeals against the sentence of six years' imprisonment imposed by Justice Quin following a trial by jury on a single count of wounding with intent.

The relevant facts are these: A Mr. Sanchez and his friend arrived at a nightclub, the Energy Bar Lounge nightclub, where Mr. Rowe worked as a security guard. The practice was that all patrons were searched by a security guard before they were allowed to go into the club. Mr. Sanchez's friend was searched and went in. When Mr. Sanchez was searched by Mr. Rowe, Mr. Sanchez objected to being searched around the groin area. He was told by Mr. Rowe that in those circumstances he could not enter the club. Mr. Sanchez's friend came out looking for him. Mr. Sanchez and his friend had been drinking heavily before they had arrived at the club. Mr. Sanchez's friend got into a fierce argument with Mr. Rowe. There was some pushing and shoving that resulted in Mr. Sanchez being pushed up and into Mr. Rowe with Mr. Sanchez throwing a punch and connecting with Mr. Rowe's jaw. Mr. Sanchez then fell to the ground and Mr. Rowe charged at him with a flick knife in his hand. These events were all recorded on the club's CCTV. The flick knife had earlier been confiscated by Mr. Rowe from a patron who was searched before going into the club. Whilst Mr. Sanchez was on the ground, Mr. Rowe stabbed him with the flick knife just below the heart. The police were called



and they took commendably prompt action calling for the emergency services. An ambulance arrived and Mr. Sanchez was taken to hospital. He was bleeding very heavily. The doctors discovered that he was bleeding into his chest cavity and a tube had to be inserted to evacuate the blood.

As we have noted, Mr. Rowe pleaded not guilty and faced trial by jury. When sentencing Mr. Rowe, the learned trial judge referred to the UK Sentencing Guidelines for the offence of causing grievous bodily harm with intent, the index offence. The judge, as he was well entitled to, concluded that the circumstances of this offence fell within category 2 of those Guidelines for which the recommended starting point is six years for an offender with no previous convictions and after a plea of not guilty. Mr. Rowe had no previous convictions. The learned judge felt it appropriate to apply the recommended guideline and sentenced Mr. Rowe to six years.

Mr. Rowe has expressed from the dock this morning his deep remorse for this offence. He has told us, in moving language, that he has learned his lesson and he is finding a sentence of six years very hard. This sentence is making life very difficult and will continue to do so after his release. However, it is our task to consider whether this sentence was manifestly excessive or wrong in principle. In our judgment, there is no reasonable argument that the sentence was excessive or wrong in principle. This was a very serious offence. Mr. Rowe was lucky not to be facing a charge of murder or attempted murder. The injuries suffered by Mr. Sanchez were very serious and have had a deep impact on his life.

In these circumstances, the sentence of six years was, in our judgment, an entirely appropriate sentence and, accordingly, we dismiss this appeal for the reasons that we have given.

Rix JA

Field JA

Moses JA

