

IN THE GRAND COURT OF THE CAYMAN ISLANDS
IND. NO. 38 OF 2011



REGINA

30-4-12

V

PHILLIP TURNER ROSE

IN OPEN COURT
THE 20TH APRIL 2012
BEFORE THE HON. ANTHONY SMELLIE, CHIEF JUSTICE

APPEARANCES: Ms. Tricia Hutchinson for the Crown
 Mr. Ben Tonner of Samson and McGrath for the Defence

CHARGES: 1. Assault Causing Actual Bodily Harm
 2. Rape
 3. Abduction
 4. Use of ICT Network to abuse and harass

SENTENCING


1. You will understand that my task is not to judge you as a person, there is only one judge who can do that.
2. My task is to measure the conduct in the case for which you have been convicted against the standards of decency which society is entitled to expect, according to the law.
3. By those standards, your behaviour towards and treatment of the complainant, especially as a woman who had trusted you enough to let you into her life, could never, in any sense, be tolerated.

4. As you have heard explained in Court today, rape and abuse are no less serious because they are inflicted upon a friend or acquaintance, than upon a total stranger.
5. In important ways – such as in this case because you knew that the complainant would not readily complain for fear of losing her reputation and her job – these offences can be worse than when inflicted upon a total stranger. In a very important way, in this case that was so because had the complainant been a stranger, she would have been free to complain after the first assault upon her person without the risks that she thought she faced. Had she not feared those consequences but insisted on your arrest immediately, the subsequent offences against her would not have taken place.
6. So yours is a case where you not only physically abused the lady, but you also exploited the psychological advantages of your acquaintanceship with her, to be able to harass, torment, assault and rape her repeatedly over the course of more than two years.
7. Your behaviour throughout was clearly motivated by your selfish and possessive need to dominate and exercise power and control over her.
8. This you were able to do on at least three occasions when you physically abused or abducted her, using your superior size and strength as well as the psychological advantages which you were fully aware that you had. On two occasions, you inflicted blows with your fist leaving her with serious injuries.
9. Up until today, you have shown no indication of remorse at any stage, maintaining your innocence throughout and causing the complainant to have to submit to the stressful experience of trial. Far from remorse, it is clear enough that you would go

of an act which can be a fundamental means of expressing love for another; and to which as a society we attach considerable value.”

13. Your abuses inflicted upon the complainant, carried just about all of those implications and consequences. And the fact that on occasions she very reluctantly submitted to you for the sake of her peace of mind or sanity, does not mitigate your offences in the slightest.
14. The appropriate sentence in your case must involve a significant period of incarceration and the consideration that on release you may or may not present a risk of reoffending at large against women who are strangers to you, is not a significant mitigating factor in your favour.
15. Nothing in the psychological or psychiatric reports suggest that you would present such a risk, but neither report would rule out the risk of further offences against women who may find themselves in a similar relationship with you.
16. Nor, as I mentioned at the outset, is the term of imprisonment to be mitigated by any remorse on your part. You contested your guilt and seem to be doing so even today. In such circumstances your references of good character can carry little weight, particularly bearing in mind that it in cases like these, evidence of previous good character can have little value to begin with – (*R v Billiam* above).
17. Having regard to all the learning available from the cases which have gone before and the clear and present need to discourage the increasing frequency of these types of offences, the sentence will be 14 years imprisonment for the offence of rape on each of Counts 3, 5, 7 and 9 of the indictment.
18. The sentence on Count 4 for abduction will also be 14 years.

19. For Assault causing Actual Bodily Harm on Counts 2 and 8, the sentence will be three years imprisonment.
20. For the offence of abuse of the ICT Network on Count 11, for which you pleaded guilty at the outset of the trial, the sentence will be 1 year imprisonment.
21. The sentences will run concurrently as is advisable based on the principle from the G (R) [2008 EWCA].
22. Time in custody spent awaiting trial and sentence, to be taken into account, but only since your return to this jurisdiction.


Hon. Anthony Smellie
Chief Justice

April 20, 2012

