

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

3
4 **INDICTMENT NO: 18/11**

5
6 **THE QUEEN**

7
8 **V**

9
10 **GEORGE DEXTER EVANS**



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12
13 **Appearances:**

**Mr. Trevor Ward, Deputy DPP, for
the Crown**

Mr. John Furniss for the Defendant

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18 **Before:**

The Hon. Mr. Justice Charles Quin

19 **Heard:**

**16th December 2011 and 12th January
2012 (Sentencing submissions heard)**

21
22 **SENTENCE RULING**
23

24 ***Introduction***

- 25 1. On the 12th August 2011 the Defendant was found guilty, after a trial by
26 judge alone, of attempted murder contrary to s.194 of the Penal Code (2010
27 Revision), and of arson, contrary to s.267(2) of the Penal Code.
- 28 2. The Defendant was found guilty of unlawfully attempting to kill his wife,
29 Mrs. Maritza Evans ("Mrs. Evans") at Plantation Village Beach Resorts
30 ("Plantation Village"), West Bay Road, Grand Cayman, and of damaging by
31 fire Plantation Village without lawful excuse and intending to damage in
32 order to endanger the life of Mrs. Evans.

- 1 3. The Defendant and Mrs. Evans had been having serious marital difficulties
2 and in fact, a few weeks prior to the incident on the 12th December 2010, the
3 Defendant's wife had moved out to live in an apartment in the area of
4 Pappagallo (the "Pappagallo apartment"), in West Bay.
- 5 4. The Defendant's wife only used this apartment when the Defendant was
6 drinking, which were the times she became fearful of him. However, Mrs.
7 Evans said she tried to keep living at the matrimonial home because their 10
8 year old son wanted to be with his father. Mrs. Evans also tried to maintain a
9 presence at the matrimonial home because she loved the Defendant and
10 hoped that he would change his lifestyle.
- 11 5. As a result of the Defendant's behaviour Mrs. Evans left the matrimonial
12 home with their son and went to the Pappagallo apartment in West Bay.
- 13 6. On the evening prior to the incident, that is, on the 11th December 2010, the
14 Defendant came home and was in a bad mood. Mrs. Evans also noticed that
15 his eyes were flaky, and she said that when the Defendant would get like that
16 she would get scared.
- 17 7. Accusing her of infidelity, Mrs. Evans said the Defendant said:
- 18 *"People like [you] shouldn't be alive, you know."*
- 19 8. On the evening of the 11th December 2010 Mrs. Evans said that she had been
20 off work and her husband was constantly calling her. She said she went out
21 to bring him home some food. She said that whilst at the matrimonial home
22 with him she saw him go into a kitchen for a fork and he picked up a knife

1 which he then put down. Although he did not do anything she got scared. She
2 recalls that when he sat down at the table and he:

3 *“Start telling me things. He even say [that] If it is the last thing he do he*
4 *will close down Plantation Village.”*

5 9. Mrs. Evans told to the Court:

6 *“I know he was going wild bad. He was like outraged then. I know the*
7 *type of person he is when he gets outraged. His eyes get flaky, like when*
8 *he’s vexed, so I get scared...”*

9 10. Because of this, Mrs. Evans said she told the Defendant that she needed to
10 get some *“dish liquid”* and she managed to get out of the Bush Street
11 residence with her little boy.

12 11. Mrs. Evans said she went to the Pappagallo apartment and her husband kept
13 calling her through the night and telling her to bring the keys for the Bush
14 Street house to him. Mrs. Evans said she eventually left the keys at the police
15 station.

16 12. On the following morning the Defendant arrived at Plantation Village where
17 Mrs. Evans worked, with a machete and asked to see her. The office
18 manager, Mrs. Lisa Claudette Seymour (*“Mrs. Seymour”*), told the
19 Defendant to go away and that his wife was not present.

20 13. The Defendant went away without causing any trouble. However,
21 approximately 30 minutes later he returned to Plantation Village, again asked
22 for Mrs. Evans and, on this occasion she came to the reception area to him.

1 On seeing Mrs. Evans the Defendant said to her, in the presence of Mrs.
2 Seymour and Ms. Chiara Ordonez (“Ms. Ordonez”),

3 *“Come here I have something good for you.”*

4 14. Mrs. Evans said that Mrs. Seymour and Ms. Ordonez were present when the
5 Defendant said this.

6 15. Mrs. Evans followed the Defendant to the front door of the reception area
7 that led outside. The Defendant then went to his truck, which was parked in
8 the portico area outside, took a bottle of H7 out of it and started to return to
9 the reception area. As Mrs. Evans was opening the door to go outside she
10 saw the Defendant coming towards the door with the H7 bottle, whereupon
11 she stepped back into the building. When Mrs. Evans did that the Defendant,
12 shoved his hand through the door and sprayed the contents of the H7 bottle
13 on his wife. The liquid hit her face and burned her eyes. Mrs. Evans managed
14 to close the door, whereupon the Defendant used a lighter or a match to cause
15 the door, and the area around the door, to burst into flames.

16 16. The Defendant then proceeded to go back to his truck, drive the truck –
17 crashing it into his wife’s car and then into the front door of the reception
18 area, causing a hole in the glass door.

19 17. The Defendant then took a container and poured petrol into the reception
20 area. He then lit the petrol and set the reception area ablaze.

21 18. The Court found the Defendant guilty because it was clear that the Defendant
22 had planned the attack on his wife and had pre-prepared the H7 bottle –
23 replacing its contents with gasoline. Furthermore, the Defendant sprayed the

1 gasoline into his wife's face and eyes, and continued to make rigorous efforts
2 to do so until his wife and Ms. Seymour managed to get the door closed.

3 19. The Court found that the Defendant returned to Plantation Village prepared
4 with gasoline and a lighter or a match to carry out his attempt to kill his wife.

5 20. The Defendant continued by pouring gasoline on to the premises and causing
6 the premises to be burned. This resulted in damage to Plantation Village of
7 approximately \$200,000.00.

8 21. Both the Deputy DPP and counsel for the Defendant have provided the Court
9 with very helpful authorities. The Court has also been assisted by the
10 following documents:

11 a. A detailed and helpful social inquiry report (SIR), dated the 5th October
12 2011, from Ms. Jhaneille Ennis, of the Department of Community
13 Rehabilitation;

14 b. A psychiatric report, dated the 13th December 2011, from Dr. McGill of
15 the Psychiatry & Behavioural Department of the Health Services
16 Authority (HSA);

17 c. A victim impact report, dated the 5th October 2011, from Carlene
18 Bramwell;

19 d. A supplementary case status report from Ms. Jhaneille Ennis, of the
20 Department of Community Rehabilitation dated the 12th January 2012;

21 e. An undated letter from Mrs. Darlene Owens-Elliott.

1 22. It is clear from Dr. McGill's report that the Defendant is suffering from
2 alcohol dependence and a personality disorder, which is most likely
3 obsessive or narcissistic. Dr. McGill recommends rehabilitation for the
4 Defendant's alcohol dependence and ongoing supportive therapy in order to
5 cope with interpersonal stressors.

6 23. What the Defendant has to understand is that he has been found guilty of a
7 deliberate attempt to kill his wife. Had he managed to light the fuel he
8 sprayed on her face and in her eyes, he could well be facing a life sentence
9 for murder. He also seriously endangered the lives of at least two others by
10 his planned arson attack on Plantation Village.

11 24. Ms. Ennis confirms that the Defendant admitted to committing the offences
12 and apologised for his actions. The Defendant has told the social worker that
13 he just tripped out. I recall the evidence of Mrs. Seymour who observed the
14 Defendant was still in a rage after he had set the building on fire and was
15 shouting "*I am George Evans. I did it. I did it*" some minutes after the
16 incident. Ms. Ennis reports that the Defendant said that he is sorry for what
17 he did and expressed that he is not perfect.

18 25. I note that Mrs. Evans, even after the incident, and even after the many other
19 reports of distress caused to her by the Defendant, still claims that she loves
20 the Defendant. By this it is clear that the Defendant is a good husband,
21 except when he is drinking alcohol. I also note that his wife continues to visit
22 him at HMPS Northward on a regular basis.

23 26. Both the Defendant's wife and their son report that when the Defendant is
24 drunk he loses all self control and, to quote the words of his son,

1 “...Daddy is a smart, educated, intelligent, confident man and knows
2 what he is doing. But when he drinks alcohol he acts like he has got no
3 sense.”

4 27. Mrs. Evans confirms that when the Defendant is not consuming alcohol:

5 “... he is good man...he is loving, responsible and helps around the
6 house... and he is a very caring father.”

7 Mrs. Evans reports that for a period of two years when the Defendant was not
8 drinking he was,

9 “the perfect husband... smart, always busy using his multiple skills,
10 including his ability to do appliance repairs.”

11 28. Their 10-year old son is very concerned about his mother’s wellbeing and
12 states, “As long as no one hurts mummy I will be fine.”

13 29. Their son acknowledges his father’s action was wrong and recognises that his
14 father loves him. The Defendant’s son also stated to the social worker,

15 “.... He should stop this, as it is affecting my mother and me and he
16 should realise that people don’t trust him anymore...he needs counseling
17 to think things over.”

18 30. I note that the maximum sentence I can impose is a sentence of life
19 imprisonment.

20 31. The Grand Court has applied the Guidelines of the English Court of Appeal,
21 in particular in *R v. Blackburn* [1979] 1 Crim. App. R. (S) 205 and *R v.*

1 *Pither* [1979] 1 Crim. App. R. (S) 209. The English Court of Appeal in *R v.*

2 *Blackburn* stated,

3 *“A sentence of life imprisonment should not be imposed unless the*
4 *sentencer is satisfied, on medical evidence, that the offender is subject to*
5 *a degree of mental instability which makes him a danger to the public.”*

6

7 32. Later in *R v. Pither* the then President of the English Court of Appeal Lord
8 Justice Lawton stated at page 213:

9 *“This court has laid it down as a matter of principle that life sentences*
10 *for offences other than homicide should not be imposed unless there are*
11 *exceptional circumstances in the case. One of the most usual type of*
12 *exceptional circumstances is that there is a marked degree of mental*
13 *instability.”*

14

15 33. The Deputy DPP has also drawn this Court’s attention to the Canadian case
16 from the Alberta Court of Appeal *R v. Browne* 1992 73 C.C.C. 242 and the
17 judgment of McDonald J. where he quotes Wilson J. in *R v. Lavallee* who
18 stated:

19 *“The gravity, indeed, the tragedy of domestic violence can hardly be*
20 *overstated. Greater media attention to this phenomenon in recent years*
21 *has revealed both its prevalence and its horrific impact on women from*
22 *all walks of life.”*

23 McDonald J. went on to add,

24 *“In the case of assaults by a man against his wife or other female partner*
25 *in life, two of the applicable principles are that the sentence should be*
26 *shaped in the hope of furthering the rehabilitation of that man and in the*
27 *hope of deterring him from repeating his conduct in the future. However*
28 *the more important principles are that the sentence should be such to*
29 *deter other men from similarly conducting themselves towards women*
30 *who are their wives or partners (what is called the principle of “general*
31 *deterrence”) and that the sentence should express the community’s wish*
32 *to repudiate such conduct in a society that values the dignity of the*
33 *individual.”*

- 1 34. It was clear from the evidence adduced by the prosecution that the Defendant
2 put his wife through a terrifying experience and she had good reason to fear
3 for her life. What is tragic is that when the Defendant is sober he is a loving
4 husband, but when drunk, he tried to kill her.
- 5 35. Dr. McGill's report confirms that the Defendant has a serious alcohol
6 dependency problem and this, more than any other factor brought about these
7 offences.
- 8 36. It is clear from the words of his wife and his son that when the Defendant is
9 not under influence of alcohol he is a good husband and good father. I note
10 that since the Defendant has been in HMPS Northward he has completed the
11 anger management programme and he has made positive attempts towards
12 changes in his conduct. This must continue.
- 13 37. I strongly urge the Defendant to continue working with the prison authorities
14 in their rehabilitative programmes. This, together with the regular visits from
15 his wife and his son, will hopefully ensure that he will never come before the
16 Courts again for any criminal behaviour.
- 17 38. I take into account that the Defendant had an extremely good work record,
18 working for over 25 years with the former Holiday Inn.
- 19 39. This is a tragic case where the negative effects of alcohol, added to
20 uncontrolled jealousy, have made this Defendant behave in a manner in
21 which he would, otherwise, not behave.

- 1 40. Although the Court finds the Defendant guilty of both offences, it is by good
2 fortune that the victim, his wife, suffered minimal physical and psychological
3 harm.
- 4 41. I have been assisted by the Sentencing Guidelines laid down by the
5 Sentencing Guidelines Council, chaired by the Lord Chief Justice of England
6 and Wales, Lord Judge.
- 7 42. The starting point for attempted murder laid down by the Sentencing
8 Guidelines Council in cases like this, where there has been little or no
9 physical and psychological harm in Level 2 is ten (10) years custody, whilst
10 the sentencing range is between seven (7) and 15 years custody. The starting
11 point in Level 3, again where there is little or no physical or psychological
12 harm is nine (9) years and the sentencing range is between six (6) and 14
13 years custody.
- 14 43. In my view, this offence comes within Level 2 of the Sentencing Guidelines.
- 15 44. In my view the appropriate sentence for the offence of attempted murder in
16 all the circumstances of this case is ten (10) years imprisonment. The
17 appropriate sentence for the offence of arson in this case is eight (8) years.
18 However, I accept that both offences were committed at the same time and
19 by some common acts. Accordingly I order that the sentence of 8 years is to
20 run concurrent with the sentence of 10 years imprisonment. On Count 4, I
21 impose a sentence of six (6) months imprisonment, also to run concurrent
22 with the other two sentences. Time spent in custody is to be taken into
23 consideration.

1 45. It is vital that the Defendant continues to receive medical care and is placed
2 in a continuing rehabilitative programme run by professionals in order to
3 rehabilitate him and to deter him from such conduct in the future.

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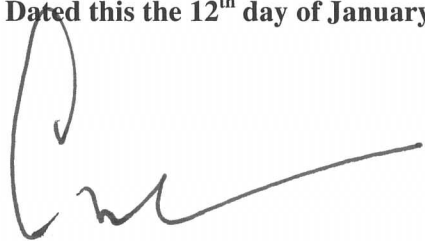
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7 **Dated this the 12th day of January 2012**

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11 **Honourable Mr. Justice Charles Quin**
12 **Judge of the Grand Court**