

COPY

5-11-98

IN THE GRAND COURT OF THE CAYMAN ISLANDS

HOLDEN AT GEORGE TOWN, GRAND CAYMAN

IND. NO. 64 OF 1997

REGINA

- vs -

OSCAR SANDOVAL

PROCEEDINGS HAD AND TAKEN BEFORE
THE HONOURABLE MR. JUSTICE GRAHAM,
ON THE 30TH DAY OF OCTOBER, 1998,
IN GEORGE TOWN, GRAND CAYMAN.

CHARGE: MANSLAUGHTER

APPEARANCES:

For the CROWN: THE SOLICITOR GENERAL, MR. S. BULGIN
For the DEFENDANT: MR. J. FURNISS

1 SENTENCING OF OSCAR SANDOVAL2 COMMENCED ON FRIDAY, OCTOBER 30, 1998:

3

4 THE COURT: Mr. Sandoval, I am satisfied that when
5 you went on the 18th of March, 1997 to where your wife was
6 staying with her man friend that you had wanted to get the
7 family back together again. She had left you in February
8 of 1997 to live with a man who had been your joint tenant
9 and I'm sure that caused you a great deal of distress,
10 leaving the children with you.

11 You knew that your wife suffered from a dangerous
12 condition in her head -- I will put this in very plain
13 terms so that you will understand -- and that she had to
14 be very careful as to what she did otherwise she might
15 die.

16 Now your wife is described as an aggressive woman
17 and I'm told she is a large woman. You didn't want
18 trouble that day which is why you went to the police, but
19 having got back to where you lived with your wife, there
20 was a fight between the two of you. I don't know who
21 began it, but there was a fight. You lost your temper in
22 the course of that fight as a result, no doubt, of the
23 provocation you had received from her behaviour by going
24 away with this man. No doubt by things that she said to
25 you in the course of the fight, you lost your temper and

(FRIDAY, OCTOBER 30, 1998)

1 you struck her a violent blow on the back of the head. 12:14 PM
2 Something you must have realised was -- however provoked 12:14 PM
3 you were -- that that was a reckless thing to do. That 12:14 PM
4 blow on the best evidence before me led to her death. 12:14 PM
5 Not satisfied with that -- although of course you 12:14 PM
6 didn't realise that she had mortally been struck -- you 12:14 PM
7 went out and armed yourself with a rake which has a 12:14 PM
8 plastic operating part -- so it can't have been a very 12:14 PM
9 heavy rake -- and you struck her about the body with it. 12:14 PM
10 I have to balance that activity with the fact that the 12:14 PM
11 fatal blow had already been struck. 12:15 PM
12 You were frank about it to the police, you were 12:15 PM
13 frank about it to this Court. I know well that many a man 12:15 PM
14 might have sought to put before the jury a medical issue 12:15 PM
15 to try and excuse the inexcusable and I give you credit 12:15 PM
16 for that. 12:15 PM
17 I bear in mind that you have already served six 12:15 PM
18 months imprisonment, but I have to look at the fact that 12:15 PM
19 you killed your wife. Domestic violence, whatever the 12:15 PM
20 provocation, is not to be permitted by this Court. 12:15 PM
21 Now you know very well that the maximum sentence for 12:15 PM
22 manslaughter is life imprisonment and the standard 12:15 PM
23 sentence which the Court gives is between five and seven 12:16 PM
24 years. That is the standard sentence for manslaughter. 12:16 PM
25 It is not the sentence that I am going to impose upon you. 12:16 PM

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1 Taking into account everything that I have heard 12:16 PM
2 about you and it is all to the good, knowing that you have 12:16 PM
3 a heavy responsibility for three children, ages nine, six 12:16 PM
4 and three, and accepting that you are a man who is devoted 12:16 PM
5 to his children and who is a good hard worker who can be 12:16 PM
6 expected to be employed again, the least sentence that I 12:16 PM
7 can impose upon you having regard to all the facts that 12:16 PM
8 are before me is 18 months imprisonment. The time that 12:16 PM
9 you have spent in custody already will count towards your 12:16 PM
10 sentence; accordingly, you will have six months to serve. 12:16 PM
11 That is a merciful sentence, it is designed to be a 12:16 PM
12 merciful sentence and the general public must not assume 12:17 PM
13 that that is the kind of sentence which ordinarily will be 12:17 PM
14 imposed in a case of wife killing. This is an exceptional 12:17 PM
15 case and the sentence I impose is an exceptional one. 12:17 PM
16 Thank you.
17 The Court wishes you good luck when you are released 12:17 PM
18 and I hope that you will re-establish yourself. A lot of 12:17 PM
19 people think very well of you, Mr. Sandoval, but the Court 12:17 PM
20 cannot pass the matter over. Thank you. 12:17 PM
21 MR. FURNISS: I'm obliged, sir.
22 MR. BULGIN: Thank you, My Lord.
23
24 (COURT ADJOURNED AT 2:43 P.M.)
25

REPORTER'S CERTIFICATE

I, **DARCIA C. HEWAK**, Official Court Reporter, do hereby certify that the foregoing pages are a true and accurate transcript of the proceedings had in the said Court and reported in machine shorthand by me on the date and place aforementioned.

DATED THE 5TH DAY OF NOVEMBER, 1998.

A handwritten signature in black ink, appearing to read "Darcia C. Hewak", written over a horizontal line.