

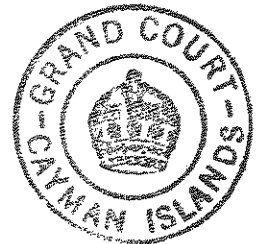
1 **IN THE GRAND COURT OF THE CAYMAN ISLANDS**
2 **CRIMINAL SIDE**

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4 **INDICTMENT NOS: 0057/2014 & 0070/2014**
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8 **THE QUEEN**

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10 **V**

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12 **DELROY ANTHONY JAMES**
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16 **Appearances:**

Ms. Toyin Salako for the Crown

17
18 **Mr. Nicholas Dixey of Nelson & Co. for the**
19 **Defendant**
20

21 **Before:**

The Hon. Mr. Justice Charles Quin Q.C.

22 **Submissions heard:**

1st April 2015
23

24 **Preamble**

25 *This Ruling is distributed with the strict understanding that, in any report of it, the*
26 *anonymity of the Complainants, who are also the victims, must be strictly preserved,*
27 *that is, the victims may not be identified by name, school or family members.*
28

29 **SENTENCE RULING**
30

- 31 1. The Defendant has pleaded guilty to counts 1, 3, 6 and 7 on Indictment 0057 of
32 2014, which carries a total of 10 counts¹. The Defendant also pleaded guilty to the
33 single count² on Indictment 0070 of 2014.

¹ The Crown accepted these pleas and confirmed that the remaining counts on this Indictment would lie on file.

² See paragraph 2.

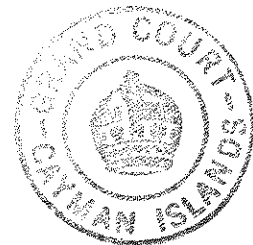
THE INDICTMENT

2. Count 1 and Count 3 on Indictment 57 of 2014 are charges of Indecent Assault contrary to s.145(1) of the Penal Code (2010 Revision). The single Count³ on Indictment 70 of 2014 is a charge of Attempted Indecent Assault, contrary to s.145(1) of the Penal Code (2010 Revision), to which the Defendant pleaded guilty to Indecent Assault.

The particulars of Count 1 are that between the 1st and the 30th of June 2013, at a school within the jurisdiction of the Cayman Islands, the Defendant indecently assaulted Child A, a male child under the age of 16 years, by touching the said child's penis.

The particulars of Count 3 are that between the 1st day of December 2012 and the 30th day of December 2013, at a school within the jurisdiction of the Cayman Islands, the Defendant indecently assaulted Child B, a male child under the age of 16 years, by unzipping the said child's boxer shorts.

The particulars of the single Count on Indictment 70 of 2014 are that between the 1st and the 31st October 2013 at a school within the jurisdiction of the Cayman Islands, the Defendant committed an indecent assault on Child C, a male child under the age of 16 years.



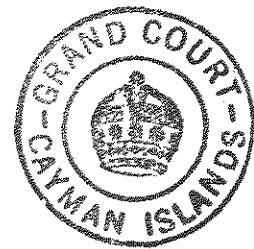
³ Throughout the proceedings on the 1st April 2015 and the 15th April 2015, this Count was referred to as "Count 11".

1 3. Count 6 is a charge of Gross Indecency contrary to s.134A(1) of the Penal Code
2 (2013 Revision).

3 The particulars of Count 6 are that between the 1st day of November 2013 and the
4 3rd December 2013 at a school within the jurisdiction of the Cayman Islands, the
5 Defendant incited Child B, to do an act of gross indecency with him.

6 4. Count 7 is a charge of Possession of an Indecent Image of a Child contrary to
7 s.228A(1)(a) of the Penal Code (2013 Revision).

8 The particulars of Count 7 are that between the 1st day of December 2012 and the
9 30th day of December 2013, the Defendant, within Grand Cayman, had in his
10 possession an indecent photograph of a child, namely Child B.



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SUMMARY OF FACTS

COUNT 1 - INDECENT ASSAULT

5. Child A told the police that the Defendant was his drama teacher. Child A said that he was shy and the Defendant would give him tips on how not to be shy. Child A said that the Defendant told him that he needed to *“let go of himself and play a character.”* The Defendant showed the child some pornography and Child A was to be a character who did not like pornography and therefore did not get aroused. The Defendant told Child A that he should control himself and put on a condom. Child A told the Defendant he knew how to put on the condom and the Defendant asked the Child if he ever had sex. The Defendant offered to give to Child A, a pass for the next class as the Child would be 45 minutes late for it. Child A asked the Defendant why he was doing this and the Defendant said “I’m just teaching you.” The Defendant said he would not want Child A to mess up his life. At this time Child A was sitting and the Defendant unzipped Child A’s pants and said, “It’s okay” and said he would not hurt him. Then the Defendant saw Child A’s exposed erect penis. The Defendant used a ruler to measure Child A’s erect penis – making brief contact with the ruler. The Defendant did not make any direct contact with Child A’s penis although the ruler did make contact.

6. The following day Child A said he was stressed and every time after that the Defendant told him to go to detention he would not go because he knew what the Defendant was going to do.



1 7. During an incident shortly after this offence a female student teased Child A about
2 the size of his penis and the Defendant came over and whispered in Child A's ear
3 "Well we know that you don't have anything boyish in your pants" referring to the
4 size of Child A's penis.

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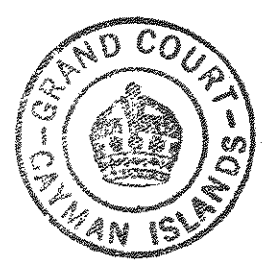
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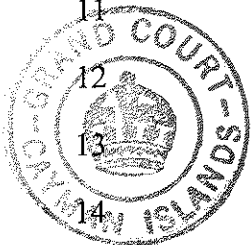


COUNT 3 – INDECENT ASSAULT

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2 8. This Count involves Child B who described the Defendant as his drama teacher,
3 counsellor and best friend. Child B said that they met in December 2012 and the
4 Defendant was the teacher with whom he would talk when he was going through
5 difficult times at home or at school. Child B trusted the Defendant.

6 9. In December 2012 the Defendant made a comment that Child B had “a small pee
7 pee.” Child B told the Defendant that he was sexually active. The Defendant asked
8 Child B if he knew how to put on a condom and Child B said that he did know. The
9 Defendant said he did not think Child B knew how to put it on and the Defendant
10 told Child B that if he were able to muster up the courage to show the Defendant
11 “his thing” he should come [to prove that he knew how to put on the condom]. One
12 day the Defendant told Child B that he wanted to show him how to put on a
13 condom. The Defendant told Child B that there was something special about him
14 and he (the Defendant) hoped Child B would find out God’s plan for him soon.
15 Child B said the Defendant was God-fearing and he trusted the Defendant more
16 because he was a Christian.



17 10. On one of these occasions Child B and the Defendant were alone in the drama
18 room. The Defendant showed Child B pornography, four or five times, to see how
19 long it would take for Child B’s penis to get hard and the Defendant asked to see
20 Child B’s penis after showing him the pornography. On one of these occasions the
21 Defendant measured the child’s penis whilst it was in his boxer shorts. Then the
22 Defendant unzipped Child B’s boxer shorts but promised he would not touch the
23 penis. The Defendant used Child B’s hand to hold Child B’s penis and the
24 Defendant’s hand grazed the penis.

1 11. The Defendant committed the offence of indecent assault as Child B was not old
2 enough to consent to such activity. Child B said he would not show the Defendant
3 his penis or allow him to touch it. The Defendant wanted to measure Child B's
4 penis. The Defendant put a ruler in Child B's hand, held his hand and then
5 measured Child B's penis with the ruler. The Defendant measured Child B's penis
6 and told him how big it was.

7 12. During this incident the Defendant told Child B that he wanted to see if Child B had
8 self-control. The Defendant would show Child B pornography to see how long it
9 would take for Child B's penis to get hard. The Defendant showed pornography to
10 Child B four or five times and on one of those occasions he measured Child B's
11 penis when it was in his boxer shorts.

12 13. Child B was not sexually aroused during this incident. There was no sexual activity
13 although the Defendant told Child B that his penis was big.



COUNT 6 – GROSS INDECENCY

14. This offence was also in relation to Child B and occurred after school between 3 p.m. and 4 p.m. in the drama room. On this occasion the Defendant again made Child B watch pornography. The Defendant gave Child B a condom and asked him if this fitted – but, before this he had asked Child B what size condom he needed and he told Child B to show him how he put it on. Child B did not realise that the Defendant wanted to remain inside the room until he saw him take a seat next to him. Child B could not get an erection and the Defendant said,

“You must whip out your meat and jerk it off.”

Child B replied,

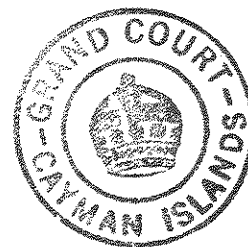
“I can’t jerk off around a man.”

The Defendant then said he would leave the room and he left the room – leaving Child B watching the pornography. When the Defendant returned to the room he asked Child B,

“You hard yet?”

and Child B said,

“no.”

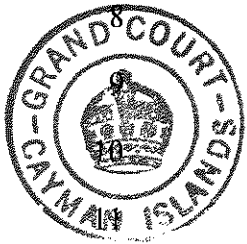


15. The Defendant said,

“Come man, come man, try and find [on the porn site] something good.”

1 **COUNT 7 – POSSESSION OF AN INDECENT IMAGE OF A CHILD**

2 16. Child B had a defective genital and he shared this fact with the Defendant because
3 he wanted to know if it was something that would create problems later on in life.
4 Together they looked on Google and spoke about it. Child B asked the Defendant if
5 he wanted to see it because he seemed interested. The Defendant asked Child B
6 where he could see his penis and asked him for a picture. Child B initially said no,
7 but did eventually show his penis to the Defendant. The Defendant then told Child
B that he did not have a large penis and when he was small it was small. The
Defendant asked for a picture of Child B's penis and Child B duly provided a
digital picture of his penis. The picture was dark and grainy and it was difficult to
discern. The picture was not sent to any third party and was deleted shortly after
receipt.



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13 **INDICTMENT 0070 OF 2014 – INDECENT ASSAULT**

14 17. Child C had just turned 15 and the Defendant had been his drama teacher for about
15 three years and all was normal. In September 2013 the Defendant would give
16 students, including Child C, pornography to watch. Sometime in 2013 Child C went
17 to do some work after school. Child C asked the Defendant for his phone to call his
18 mother. He said his mother could not come so the Defendant said he could drop
19 him off as he was waiting for his wife to come. While they were waiting Child C
20 borrowed the Defendant's iPhone. The Defendant said to Child C that he should not
21 use the phone to look at anything he should not be looking at. When Child C
22 approached the Defendant's desk to return the iPhone the Defendant asked Child C
23 if he had been watching pornography and the Defendant briefly touched Child C's
24 trousers around his groin area, at which time Child C pulled away.

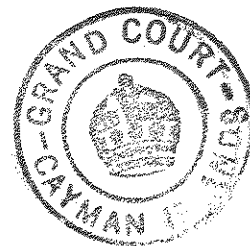
DEFENDANT'S INTERVIEWS

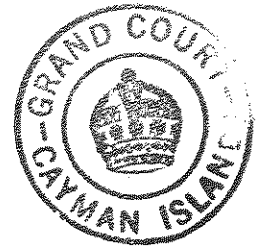
18. In his interviews the Defendant confirmed that he had been a teacher since 2003: He had taught at a prestigious High School in Jamaica up to 2011 and he taught at the school at which these incidents occurred since 2012. He had twenty-four 50-minute drama sessions per week and he gave the number of his classroom.

19. The Defendant admitted that Child B was not in his drama class – although they would always say hello and speak with each other. The Defendant said they had a good open relationship. When Child B needed advice on something he would ask the Defendant. It was clear that Child B considered the Defendant to be someone in whom he could confide.

20. The Defendant admitted that he had watched a pornographic website with the Complainants. The Defendant admitted that Child B had taken a picture of his penis and sent it to the Defendant's cell phone.

21. The Defendant admitted speaking to Child A about pornography and told him it was not a healthy practice.





DEFENCE CASE

22. Counsel on behalf of the Defendant, Mr. Nicholas Dixey, stated that the Defendant's initial equivocal responses in relation to these charges do not mean that he fails to accept the seriousness of the charges.

23. Mr. Dixey stated that the Defendant is ashamed of his behaviour. His remorse can be clearly established by his early guilty pleas to the charges for which he is now to be sentenced. In addition, the Defendant had no wish to put any of the Complainants through any more distressing experiences.

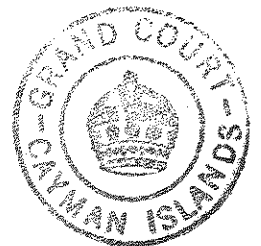
24. Mr. Dixey explained that the Defendant was a toddler when his mother left the family home to seek employment in the Cayman Islands. The Defendant remained under his father's care until the age of 12. His father had a military background and was hard on the Defendant and his siblings. As a result of this unhappy situation it was decided that the Defendant, at the age of 12, would go to live with his grandmother. The Defendant describes his grandmother as a loving and affectionate person whose primary concern was caring for her grandchildren.

25. The Defendant attended High School in Jamaica where he attained passes in 12 subjects. He was Deputy Head Boy and a member of the Prefect Student Council. The Defendant was well liked by the staff and his peers and he represented his school in various competitions. The Defendant attended the Edna Manley College for the Visual Arts and attained a diploma in the Visual and Performing Arts. He then attended State University in New York where he attained a Bachelor of Science degree majoring in Theatre. The Defendant received various accolades for his academic pursuits, and, more recently, had completed an online Masters' Degree in Education at Walden University.

1 26. The Defendant taught at a highly-reputed High School in Jamaica from 2003 to
2 2011 and has held the post of Drama Teacher at school in the Cayman Islands until
3 his arrest in relation to these charges.

4 27. The Defendant has been in prison from his first appearance before the Grand Court
5 on the 20th June 2014. The Defendant then suffered from serious ill health and from
6 anxiety, and he had difficulty sleeping. As a result, he sought the help of Dr. Von
7 Kirchenheim, the prison psychologist Dr. Augustine, and the Prison Chaplain Cathy
8 Gomez. There has been an improvement in his wellbeing and the Chaplain provided
9 a letter of reference which demonstrates that the Defendant has taken a very active
10 part in assisting others in HMPS Northward. He has assisted with the music, church
11 services and he has been an assistant music tutor for other inmates. The Defendant
12 has formed a singing Quartet and this brings great joy to some of the inmates. In
13 addition he has assisted the Chaplain in setting up the Chaplain's library and the
14 Chaplain confirms that the Defendant is always courteous and willing to assist
15 whenever possible.

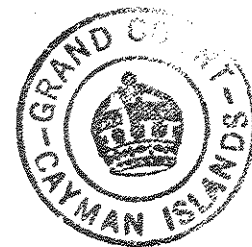
16 28. Fortunately, the Defendant has a very supportive wife. They have a 4-year old son.
17 The Defendant's wife has remained a major and constant source of support and
18 their relationship is described as healthy. Mr. Dixey has remarked on the
19 Defendant's wife's incredible courage and loyalty and stated that the Defendant is
20 very fortunate to have the unwavering love and support of a strong woman. Mr.
21 Dixey submits that the Defendant is hard working and a well-qualified teacher –
22 one who was a successful drama teacher.



1 29. The Defendant accepts that his professional life as a teacher has now been ruined
2 and he also accepts that he has no one to blame but himself. He will suffer
3 enormous detrimental consequences beyond his incarceration in HMPS Northward.

4 30. Defence counsel submits that whilst the offences are serious offences, there was no
5 physical contact and therefore the offences fall in the lower end of the scale in
6 Sentencing Guidelines produced by the UK Sentencing Guidelines Council ("UK
7 Sentencing Guidelines") in relation to seriousness and culpability. There was no
8 sexual intercourse. In this case there is no evidence of any direct sexual or physical
9 contact between the Defendant and the Complainants. There was no masturbation
10 or ejaculation. There were no threats, no coercion, no force and no suggestion that
11 the Defendant forced any of the Complainants to keep the matters secret.

12 31. Defence counsel accepts that there is a breach of trust but submits that when one
13 compares the facts of the case to the cases of the same or similar offences cited by
14 both counsel, the case now before this Court is on the lower end of the scale.



THE LAW

32. For Counts 1, 3 on Indictment 57/14 and the single Count on Indictment 70/14 – namely Indecent Assault, contrary to s.145(1) of the Penal Code (2013 Revision) the maximum sentence is ten (10) years’ imprisonment.

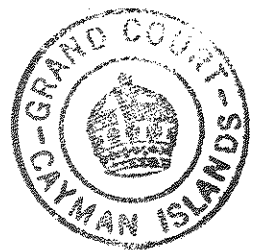
33. For Count 6 – namely the offence of Gross Indecency, contrary to s.134A(1) of the Penal Code, the maximum sentence is twelve (12) years’ imprisonment.

34. For Count 7 – namely the offence of possession of an indecent image of a child, contrary to s.228(1)(a) of the Penal Code, the maximum sentence is fifteen (15) years’ imprisonment.

35. In England the corresponding offence to Indecent Assault – is Causing or Inciting a Child to Engage in Sexual Activity pursuant to s.10 of the Sexual Offences Act 2003 – the maximum sentence is fourteen (14) years’ imprisonment.

36. The Crown and the Defence agree that for Counts 1 and 6 on Indictment 57 of 2014, and for the charge on Indictment 70 of 2014, the offence falls in Category 2 of the UK Sentencing Guidelines.

37. Under the UK Sentencing Guidelines the starting point for Category 2 is three (3) years’ custody – with a category range of 2 to 6 years’ custody. The recommended starting point of 3 years’ imprisonment relates to a Defendant with no previous convictions, who pleads not guilty and then is found guilty after a trial.



CASE LAW

38. In *R v. Malcolm David Clarke*⁴ the English Court of Appeal upheld the sentence of imprisonment of 3 years, where the Appellant had pleaded guilty to five counts of indecent assault on young boys by a Sports Coach. The indecent assaults in this case were not only touching the penis but also consisted of masturbating.

39. In *R v. George Nicholson*⁵ the English Court of Appeal reduced a sentence of 6 years' imprisonment for a series of minor assaults on boys aged 10 to 12 years, to 4 ½ years. The Defendant in this case was convicted after a trial of nine (9) counts of indecently assaulting boys involving touching the boys' private parts on a number of occasions.

40. In *R v. Staples*⁶ the Defendant was convicted after a trial of 17 counts of indecent assault on young males. In this case there was more touching of the boys' private parts and, in addition, the boys were between 8 and 10 years of age. The Court of Appeal upheld the sentence of 4 years' imprisonment.

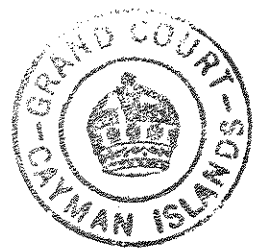
41. In *R v. Joseph Luis Delgado*⁷ the Defendant was convicted after a re-trial of 4 counts of indecent assault and sentenced to 5 years' imprisonment. In this case the Defendant was a Scout Master who indecently assaulted young boys who were between 14 and 15 years of age. These offences involved masturbating and ejaculation and were more serious than the offences in the case now before this Court.

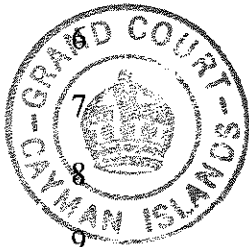
⁴ [1997] 2 Cr. App. R. (S.) 53

⁵ [1998] 1 Cr. App. R. (S.) 370

⁶ (2001) 2 Cr. App. R. (S) 517 / EWCA Crim. 1017

⁷ [2004] EWCA Crim. 1966





1 42. In the *Attorney General's Reference No. 112 of 2005*⁸, the Attorney General had
2 been given leave to refer a Sentence, because it appeared to him to be unduly
3 lenient. In this case the Defendant had been convicted after a trial of four counts of
4 Indecent Assault. The trial judge imposed a sentence of 30 months imprisonment on
5 each count to run concurrent. Four counts involved 3 victims, aged 11 years, and
6 one victim, 14 years of age. In each case the offences consisted of masturbating the
7 victim, and in two cases, ejaculation. In one case the Defendant had given the
8 victim alcohol in the form of lager and vodka. The Defendant had a previous
9 conviction for indecent assault and denied all the allegations during his interview
10 and at trial. The Court of Appeal held that the appropriate sentence for all four
11 offences in the first instance would have been five years. However, as the
12 Defendant had already been sentenced once, the Court allowed for the for the factor
13 described as double jeopardy, it was concluded that the appropriate sentence was 4
14 years on each count to run concurrently.

15 43. In *R v. Sturt (Kenneth George)*⁹, the Appellant pleaded guilty to two offences of
16 sexual assault on a male child under 13. The trial judge imposed a sentence of three
17 years' imprisonment on each count to run concurrently. In this case, the facts
18 demonstrated an element of grooming. The Appellant pulled down the victim's
19 trousers and masturbated him. The Appellant admitted the offence and pleaded
20 guilty. The Court of Appeal referred to the Sentencing Guidelines and stated that
21 the starting point should be three years with a sentencing range of 1 to 4 years. The
22 Court of Appeal stated that the starting point adopted by the trial judge was too high
23 and failed to reflect the very important mitigation that the Appellant used no force,
24 did not press his attention upon the victim and immediately apologised.

⁸ [2006] EWCA Crim. 285

⁹ [2009] EWCA Crim. 77

1 Furthermore, the Appellant appreciated the victim's upset and assisted him in
2 contacting his parents. In the circumstances the Court of Appeal quashed the
3 sentence of 3 years' imprisonment and substituted concurrent sentences of 18
4 months' imprisonment for each count.

5 44. In *R v. Elvina Catrina Fairhurst*,¹⁰ the trial judge sentenced the Defendant who
6 had pleaded guilty to 11 counts of sexual activity with a child to 4 years and 3
7 months' imprisonment. In this case the Appellant was a Special Needs teacher who
8 proceeded to have sexual intercourse with a student. The Court of Appeal held that
9 the court of first instance had not allowed for the mitigation advanced on behalf of
10 the Appellant and the serious impact the convictions would have upon her family,
11 her children, her husband and her home.

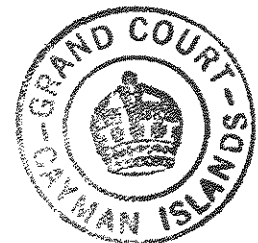
12 45. For count 7 the Court has the benefit of the Grand Court decision in *R v. Ron*
13 *Christopher Douglas*¹¹. The Grand Court had cited the UK case of *R v. Oliver*¹²
14 and the Sentencing Guidelines. For simple possession without distribution, it would
15 appear that the starting point for this offence is one year in custody. In *Douglas*
16 there was no dissemination of the image and the Defendant pleaded guilty. The
17 Court imposed a sentence of 8 months' imprisonment which was not disturbed by
18 the Court of Appeal.

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¹⁰ [2007] EWCA Crim. 75

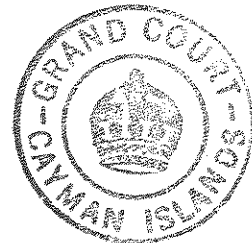
¹¹ Unreported Ind. 0071/2013

¹² [2003] 2 Cr. App. R. (S) 15



1 46. I am grateful to both counsel for their helpful review of relevant UK cases in
2 relation to similar offences. From my review of the these cases the sentence
3 imposed for offences – formerly Indecent Assault and now designated Causing or
4 Inciting a Child to Engage in Sexual Activity – comes within the range set by the
5 UK Guidelines of 2 to 6 years, with a recommended starting point of 3 years’
6 imprisonment for the Defendant who pleads not guilty and has no previous
7 convictions.

8 47. As the Courts in the UK have stated, when dealing with cases of sexual assault the
9 Courts must not allow the interests of the accused and of his previous good
10 character to be given undue weight when compared with the seriousness of the
11 offence.



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VICTIM IMPACT STATEMENTS

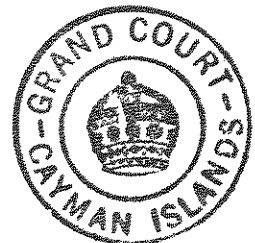
48. The Court has been provided with two VISs from Child A and Child C. Child A states that the main problem that he has is that people still tease him about the incident. Child A says:

"I act like I don't care anymore. I joke around just to play it off."

Child A went on to state:

"I really don't know how I feel. I just don't know. If I had to come up with a word that I feel inside it would be stupid, I just feel stupid. I feel stupid that I make it go that far, stuff like that. I don't seem to trust no teachers or adults anymore."

49. Child C said he was very upset by the indecent assault and felt angry and insecure. He said the Defendant apologised so he accepted his apology but, Child C said in his own mind he just wanted to attack the Defendant. Child C said, "I did not say anything to anybody after his arrest because I was embarrassed. I feel violated to an extent. The fact that he thought that I would go through with it when he propositioned me was what made me feel violated. Child C said, "My experience with Mr. James made me feel insecure, uncomfortable and I would say that I feel some measure of hate towards him."

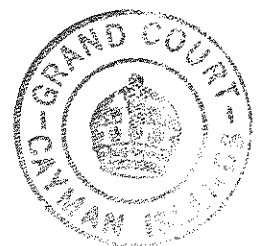


SOCIAL INQUIRY REPORT

50. The Court has had the benefit of a detailed SIR dated the 3rd March 2015. The SIR states, "The LS/CMI predicted the general risk of reoffending and although not specific to the recommitment of sexual offences it would consider behaviours that would speak to the Defendant's good character. The Defendant was identified as low risk to reoffend; however his scoring bordered the medium risk/need category. According to the Static-99R which is known sex offender tool, the Defendant scored in the moderate to high risk category.

51. However, in relation to the risk/need associated with re-offending when one considers his education and employment, it is assessed in the SIR as low. In relation to a family and marital background the risk relating to reoffending is assessed as low. The area of risk associated with reoffending regarding his companions is low, and his criminal history means that the risk associated with reoffending is assessed as very low.

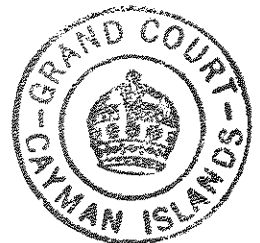
52. The SIR concluded by saying that the Defendant should be encouraged to engage in some psycho-educational programme geared toward to sexual offending.



AGGRAVATING FACTORS

53. The aggravating factors in this case are:

- i. The offences took place over a protracted period of several months;
- ii. The five offences relate to three separate Complainants;
- iii. There is the abuse/breach of trust – which is probably the most aggravating factor, in that, all three Complainants attended the school at which the Defendant was a teacher, and two of the children were students of the Defendant. The Defendant was a person in whom the students reposed great trust. The Defendant accepts that, having that trust, he abused the trust and, to use his own words, “crossed the line.” The Defendant’s breach of the trust of the adult-child/teacher-student relationships that were supposed to have existed is an overriding concern for this Court.
- iv. There is the significant disparity in age between the Defendant and the Complainants, which, to a large extent overlaps with the foregoing breach-of-trust item.
- v. The offences form a common pattern – one which the Crown refers to as “grooming” by the Defendant of these juveniles in order for them to come to view the Defendant’s discussions and behaviour as normal and acceptable.
- vi. The offences all took place in the confines of the school environment - a place that should be a safe haven for students;



vii. The Defendant, as a school teacher, was in a position of authority, which meant that children would initially believe that his instructions to them were coming from a person in authority, were indubitable and should be obeyed.

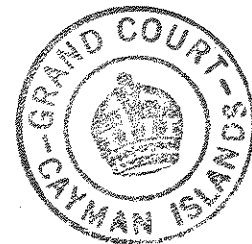
MITIGATING FACTORS

54. The strongest mitigating factor in this case is the Defendant's very early guilty plea.

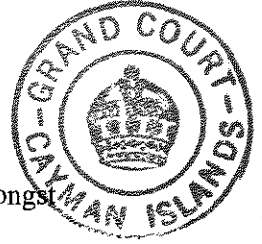
55. The Defendant has no previous convictions and therefore is viewed by this Court as a person of previous good character who, up to the time of these offences in 2013, was a highly regarded school teacher who had conducted himself in a professional manner.

56. Defence counsel has told the Court that the Defendant is very ashamed of his conduct. The Defendant's career in teaching is now in ruins and this in itself constitutes punishment for the wrong doing.

57. Defence counsel highlights the fact that the Defendant never threatened or coerced the students and, further, there was no physical violence.



1 *ANALYSIS AND CONCLUSION*



2 58. Whilst this Court acknowledges that these offences cannot be said to be amongst
3 the most extreme of their kind, the Court must take judicial notice that the possible
4 long-term effect of such offences on the lives of these three boys is, whilst
5 unknown, cause for concern. It is this Court's sincere hope that these young
6 Complainants will be closely monitored by their parents and the school so that they
7 will receive any assistance needed in the area of counseling which they may
8 require.

9 59. Additionally, before proceeding, I must also state that, whilst this Court notes the
10 excellent reference provided by the prison Chaplain, and the reports of the
11 Defendant's work with teaching in the prison, the Court is concerned by the fact
12 that such an accomplished teacher, with a reportedly stable home life, could
13 become involved in such conduct. With his professional background and his home
14 life with a young wife and child of his own, he should have been aware of the
15 damaging effect his actions could have had on these boys. It is therefore this
16 Court's view that the Defendant, whilst in custody, should be afforded the benefit
17 of psychiatric assessment and the required counselling specifically in relation to his
18 actions towards his victims.

19 60. As has been frequently raised by the social workers of the DCR: It is extremely
20 regrettable that the Cayman Islands does not have an intervention programme for
21 sexual offenders and the victims of such offences – which would significantly assist
22 in the work that must be done with offenders to deter them from re-committing
23 these offences. It is a matter of some urgency that such programmes are introduced
24 in the Cayman Islands and made available for the inmates of Northward Prison.

1 61. The abuse of the privileged position of trust the Defendant had as a school teacher is
2 a serious aggravating factor. The Defendant is a person whom these boys could
3 trust. The Defendant abused this trust, and, moreover, over a protracted period of
4 time, and therefore must be sentenced to prison in order to reflect the seriousness of
5 the offences and to deter others from embarking upon this kind of conduct. The
6 Defendant must have realised that his actions with these three boys, was
7 inappropriate, improper and unlawful.

8 62. I take into account the submissions of both Crown and Defence counsel and I have
9 read the helpful SIR and VIRs.

10 63. I take into account the most significant mitigating factor, namely, that the
11 Defendant has pleaded guilty at the earliest opportunity. This is also especially
12 meaningful in a case such as this as, with the Defendant's early guilty plea, he has
13 removed the need for a criminal trial and the additional stress of having young
14 witnesses called to give evidence.

15 64. I also accept that the Defendant is deeply ashamed and remorseful about his
16 conduct. The Court notes that the Defendant has no previous convictions and comes
17 before the Court as a person of good character. Finally I take into account that his
18 hitherto stellar career as a drama school teacher is, to quote defence counsel, "now
19 left in ruins", and, consequently his punishment for the commission of these
20 offences will continue long after his incarceration in Northward. This in itself
21 should ensure that the Defendant never repeats this type of offence.

22

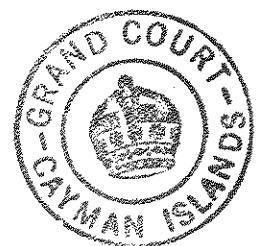


1 65. For Count 1 and Count 3 on Indictment 57 of 2014 and for the single Count on
2 Indictment 70 of 2014, I find that, in consideration of all the circumstances of these
3 three counts, the appropriate sentence is three (3) years' imprisonment on each
4 count. I will allow the Defendant the usual 33 1/3 % discount off for his early guilty
5 plea – resulting in a sentence of two (2) years' imprisonment on each count, with
6 time spent in custody to be deducted and with the sentences running concurrently.

7 66. For Count 6, the appropriate sentence is four and a half (4 ½) years' imprisonment.
8 I will allow the Defendant the usual 33 1/3 % discount off for his early guilty plea –
9 resulting in a sentence of three (3) years' imprisonment with time spent in custody
10 to be deducted and with the sentence running concurrent to the 2 years'
11 imprisonment above.

12 67. For Count 7 the appropriate sentence is twelve (12) months' imprisonment. I will
13 allow the Defendant the usual 33 1/3 % discount off for his early guilty plea –
14 resulting in a sentence of 8 months' imprisonment with time spent in custody to be
15 deducted and with the sentence running concurrent to the 3 years' imprisonment
16 above.

17 68. The Defendant is sentenced to a total term of three (3) years' imprisonment with
18 time spent in custody to be deducted.

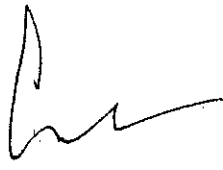


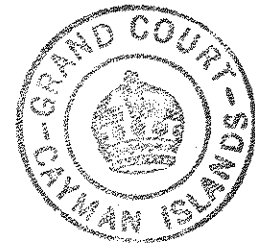
1 69. I also order that, whilst in custody, the Defendant is to undergo psychiatric analysis
2 in relation to these offences and the recommendations, if any, in relation to
3 treatment, are to be carried out.

4 70. Upon the Defendant's release from custody I recommend that he be deported back
5 to his home country.

6

7 **Dated this the 15th April 2015**

8 



9 **Honourable Mr. Justice Charles Quin Q.C.**
10 **Judge of the Grand Court**