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IN CHAMBERS  
IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: D129/2003

BETWEEN:

ANDREW CROWE

Applicant

AND:

SHREENE CROWE

Respondents

BEFORE: The Honourable Madam Justice Levers

Appearances:

Mr. D. McGrath of Samson & McGrath for the Applicant

Ms. S. Brooks of Brooks & Brooks for the Respondent

Heard: 22<sup>nd</sup> August 2007



JUDGMENT



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Levers, J.

The Applicant in this case Shreene Crowe was given a custodial sentence for causing grievous bodily harm to the Petitioner Andrew Crowe. This Court subsequently gave judgment as to custody, care, control and access based on the fact that the mother was going to be in prison for a considerable number of years. The Court of Appeal reduced the sentence

1 and therefore the mother has now been released. She has been out of  
2 prison for approximately 9 months – 1 year. She now applies to the Court  
3 to be granted access to the children of the marriage, namely Ashley and  
4 Matthew for the full summer holidays in the year 2007 and subsequent to  
5 that be granted defined access. By the time this Court was seized of the  
6 matter and the hearing date was set, the summer of 2007 had passed. I  
7 have now got the task of considering whether the children should spend a  
8 week as offered by the Respondent at Christmas with the mother. The  
9 children are at present with their father in the United States of America.  
10 They are apparently settled and there are no allegations of discomfort or  
11 any harm to the children. The welfare of the children therefore is not in  
12 question. What is in question is the safety of the children while with the  
13 mother.

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15 The mother is bi-polar, she is receiving treatment and has been since she  
16 was a child. Apparently for the past few months she has been compliant.  
17 She is now in full time employment and the Court saw both her sisters who  
18 gave sworn evidence at the Court's request. The Court is of the view that  
19 the sisters are less strong than the Applicant. The Applicant is an  
20 extremely strong person, who undoubtedly loves the children but in the

1 Court's view hates their father. The father, I believe is also of the same  
2 view, which is why he refuses to come back to the Cayman Islands. He is  
3 willing to ensure access to the mother and is willing to send the children to  
4 visit the mother as long as her sister Mrs. Walmsley is the guardian of the  
5 children, while the children are here. The father appears to have more faith  
6 than the Court. I am of the view that I cannot deny access to the mother  
7 but am extremely heavy hearted in making any access order at this time.  
8 Especially in view of the fact that the Applicant, Mrs. Crowe, clearly stated  
9 on more than one occasion to the Court that there is no correlation  
10 between the bi-polar and the attack upon her husband. She says it is  
11 because she could not contain herself anymore and was extremely angry.  
12 The Court asked her if she would go for anger management and she said  
13 she would not because she has got the full benefit of anger management.  
14  
15 On one occasion after she said that she showed the Court exactly why the  
16 Court was anxious to have her attend anger management counseling. She  
17 walked out of Court in a rage. Her Counsel tried desperately, as did her  
18 family, to make her at least pretend that she was calm but they did not  
19 succeed. Having seen the behaviour in this Court and reviewed all the

1 evidence I am extremely concerned about the safety of the children.

2 However as the father seems to be willing to trust the aunt I rule as follow:

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4 (1) That the children are to spend a week in December with the  
5 mother on condition that the mother's sisters Mrs. Walmsley and  
6 Ms. Lisa Clarke supervise the children's visits with their mother at  
7 all times;

8 (2) That Mrs. Walmsley and Ms. Lisa Clake sign an undertaking that  
9 they will not leave the children alone with Mrs. Crowe while they  
10 are in the island;

11 (3) That the children will spend one day with their friends;

12 (4) That they are to reside with Mrs. Walmsley and sleep nowhere  
13 else

14 (5) That the Applicant is not to cross examine the children as to the  
15 fathers lifestyle or say anything derogatory about their father to  
16 them;

17 (6) That their passports are to be kept by their aunt, Mrs. Walmsley;

18 (7) That Mrs. Crowe attends anger management counseling  
19 commencing forthwith.

20 (8) That prior to access the sister, Mrs. Walmsley, checks with the  
21 doctors to see if Mrs. Crowe is taking the medication on a regular  
22 basis and that both sisters sign undertakings that they will inform

1 the Court or their attorney immediately they are unable to comply  
2 with the Order.

3 (9) Penal Notice.  
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5 It is hoped by the Court that the children will be able to visit their mother  
6 regularly if this period of access succeeds. There is no Court in any  
7 jurisdiction in any part of the world that would condemn a mother eternally  
8 for even the most violent actions if in fact the Court believes that she is  
9 rehabilitated and is resolving the issues that caused her to nearly take the  
10 life of one whom she was married to. I must add that when the Court made  
11 the initial order as to access, it was of the view that Mrs. Crowe would be in  
12 prison for a number of years. Now that Mrs. Crowe has been released it is  
13 imperative that the Court review the entire access order at the earliest  
14 convenience.

15  
16 Having permitted access, the question of payment for the tickets is to be  
17 considered. In a former judgment of this Court, it was ruled that Mr. Crowe  
18 and Mrs. Crowe would share the cost equally. It has been brought to my  
19 attention that Mr. Crowe alone paid for the first two access visits. I

1 therefore order that for this access visit the cost of the children's tickets to  
2 the island is to be paid for by Mrs. Crowe alone.  
3 No order as to costs.

4 Dated this day <sup>6<sup>th</sup></sup> 5<sup>th</sup> September 2007

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6 Judge of the Grand Court

