



IN THE MAGISTRATES COURT OF THE FALKLAND ISLANDS

MC/CRIM/12/25

Sentencing hearing: 24th June 2026

Before

HIS HONOUR JUDGE MALCOLM SIMMONS

BETWEEN:

REX

V

SAMIR RIMAL

MR. STUART WALKER, Senior Crown Counsel, appeared for the Prosecution

MS. NICOLA CARROLL appeared for the defendant by video link

**Reporting restriction under section 465 of the Criminal Procedure and Evidence
Ordinance 2014**

SENTENCING REMARKS

1. You appear today for sentencing having been convicted on 24th April 2026 after trial on one charge: that on the 20th day of October 2025, you intentionally touched your victim, [REDACTED], the touching was sexual, she did not consent to the touching, and you did not reasonably believe that she consented to the touching, an offence under section 205(1) of the Crimes Ordinance 2014.

Maximum Sentences

2. The maximum sentence for an offence of sexual assault under section 205(1) of the Crimes Ordinance 2014 is 10 years imprisonment or a fine or both.

Sentencing Guidelines

3. The Overarching Sentencing Guidelines are applicable to sentencing. The offence-specific guidelines are the England & Wales 'Sexual Assault' guidelines.

Offending

4. At the time of your offending you worked as a chef at the Waterfront Boutique Hotel in Stanley.
[REDACTED]
5. On Sunday 19th October 2025 you had attended a party at the Narrows Bar in Stanley.
[REDACTED]
6. Your victim was very drunk when she left the party. You went to an after-party, returning to your accommodation later that morning.
7. Your victim was still very drunk when she got into bed, naked in the early hours of 20th October 2025. She woke in the middle of the night to find you in her bedroom, uninvited. She was naked and drunk and clearly vulnerable. She exclaimed: "what the fuck are you doing here" and told you to leave. You sat on her bed and began to touch her in a sexual way. Your victim got out of bed in order to put on clothes. She pushed you. You grabbed her to prevent her getting dressed. Having put on some clothes and having again told you to leave, she got back into bed, still very drunk, and fell asleep. She assumed you would leave. You did not. Instead, you took off your clothes, apart from your pants, and got into bed next to her. Your victim woke some time later to find you in bed with her. She repeatedly told you to leave but you failed to do so. Instead, you took advantage of her vulnerability by touching her vagina and breasts and placing her hand on your erect penis. You only left your victim's bedroom when her flatmate returned home and she was able to eject you.

Victim Impact

8. Your victim has provided a victim impact statement in which she describes the effect that your offending has had on her. She says she now locks the front door of her flat as well as her bedroom door. She has struggled to sleep since the assault and had nightmares for about seven months afterwards. She said she also now found it more difficult to fall asleep, sometimes waking in the middle of the night. She describes having had panic attacks and anxiety attacks. While she no longer has panic attacks, she does occasionally have anxiety attacks.

Sentencing

9. In terms of harm, you entered your victims bedroom uninvited. [REDACTED], you did not have a general permission to enter that flat when you pleased. You certainly did not have your victims permission to enter her bedroom. You used some violence in attempting to prevent your victim getting dressed, although, on my assessment it was not significant. I am satisfied that your offending falls comfortably into Category 1. Your victim was vulnerable by reason of her having consumed a significant amount of alcohol the previous evening, the effects of which were still present. You touched her breast and vagina through her clothing. I am sure that you also touched her naked breast. She repeatedly told you to leave but you failed to do so.
10. None of the Culpability A factors are present. Therefore, on my assessment, this case falls into category B.
11. The starting point for an offence in category 1B is 2 years and 6 months custody. The category range is 2 – 4 years.
12. There are no aggravating features, additional to those already taken into account in assessing culpability.
13. Before consideration of your mitigation, the appropriate starting point for this offending is 3 years imprisonment.

Pre-Sentence Report

14. I have received a pre-sentence report dated 12th June 2026 from the Probation Service. It is, as always, a very comprehensive report, for which I thank the Probation Officer.
15. Mr. Rimal, you were born on 7th November 1993. You are now 32 years of age. You are a citizen of Nepal. You are single but engaged; your fiancé lives in Nepal. Your family also reside in Nepal.
16. At the time of your offending you were employed as a chef at the Waterfront Boutique Hotel and Restaurant in Stanley. That employment has been terminated.
17. You have indicated a willingness to engage with the Probation Service as appropriate.

Sentencing

18. I have had the benefit of sentencing notes from Mr. Walker. I have listened carefully to the submissions of Mr. Walker and Ms. Carroll. I have taken into account everything said on your behalf by Ms. Carroll. I have also considered carefully the Pre-Sentence Report.
19. You have no previous convictions recorded against you.
20. You have lived and worked for some years overseas. You provide financial support to an extended family. Your parents are elderly with health concerns. I recognise that, because of this conviction, you may find it more difficult to obtain employment, particularly overseas. I have taken that into account.
21. I recognise that the impact of a custodial sentence will be significant. Your family are overseas and you have only a small friendship group in the Falkland Islands. It will clearly also have an impact on your family, your partner and your financial circumstances.
22. I have considered the guidelines as to the imposition of a custodial sentence and whether it might be suspended. Your offending is so serious that I am satisfied only an immediate custodial sentence is appropriate.

SENTENCE

23. The starting point on conviction after trial would have been 3 imprisonment. Having regard to your mitigation, I reduce that to 2 years and 6 months imprisonment.
24. In accordance with section 563 of the Criminal Procedure and Evidence Ordinance 2014 any sentence of imprisonment is to be reduced by the time spent on remand in custody and police detention.
25. You will be subject to notification requirements for an indefinite period. You must keep the police informed at all times of your personal particulars, the address at which you are living, and any alteration in the name you are using.
26. There is no application for a Sexual Harm Prevention Order and in this case I do not consider one to be appropriate.
27. Because of the immediate custodial sentence I am not making an order that you pay prosecution costs.
28. Given your financial circumstances and the sentence imposed, I am not making a compensation order in this case.