

SAINT LUCIA

**THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
(CRIMINAL)**

CASE NO. SLUCRD2023/0005

THE KING

vs.

D. M.

A Child in Conflict

Before:

The Hon. Mde. V. Georgis Taylor-Alexander

High Court Judge

Appearances:

Mr. Jeannöt-Michel Walters for the Child in Conflict

Mr. Linton Robinson for the Crown

The Child in Conflict present

2026: February 06,11;

JUDGMENT ON SENTENCING

- [1] **TAYLOR-ALEXANDER J:** This matter came on for sentencing of a Child in Conflict with the Law (CIC) for the offence of Murder, occurring on the 27th of January 2023. The court considered the Crown's summary of the evidence supporting the conviction; the written submissions on behalf of the CIC filed by Mr. Jeannöt-Michel Walters on the 6th of February 2026; the pre-sentence report; the psychological report of Ms. Alina Auguste dated 26th May 2025; and the psychiatric report of Dr. Julius Gilliard dated 15th July

2025. The court also heard oral submissions from Counsel for the Crown and Counsel for the CIC before proceeding to determine an appropriate sentence.

Plea in Mitigation:

- [2] The CIC has expressed no remorse.

Sentencing Facts

- [3] The victim's daughter, Wivina Alexis Scott, came upon the deceased, who is her mother lying on the floor and unresponsive, face down, with a blue towel covering her lower body. She was found without any undergarments. A knife was lodged in her mother's neck. At Arraignment, the CIC pleaded guilty to the offence of Murder. The CIC at the time of the offence was fifteen (15) years old. The CIC at the time of the incident was a resident of the Boys Training Centre at Massade, Gros Islet. He escaped the facility and proceeded to the home of the deceased 70-year-old Marcellina Alexis, who lived close to the Boy's Training Centre.

Pre-Sentence Report

- [4] The report reveals that the CIC is the seventh of nine children born to his mother, Martha Justin, who is forty-seven (47) years old. He is her only child with the CIC's father, Macdale Mathre. The CIC resided with his mother, sisters, and a nephew. He reported that he maintained a good relationship with his siblings, but acknowledged that he frequently caused trouble and was often reprimanded by his mother. The CIC's mother reported that, as a child, the CIC preferred solitude. She described him as helpful, creative, fond of animals, and as someone who enjoyed making things. She stated that he spent considerable time beneath the family home and in the nearby valley. Notwithstanding these positive attributes, she indicated that the CIC was sometimes rude, disobedient, verbally abusive towards his siblings, and prone to temper outbursts. She further reported that he developed a habit of stealing and would often destroy stolen items in order to repurpose them into other objects. Both parents expressed the view that, if the CIC committed the offence, he should be held accountable and face the consequences of his actions.

- [5] Community members reported that the CIC resided in a dysfunctional household. They described him as a generally quiet child who was, however, known within the community for stealing and dishonesty. They further indicated that when confronted, the CIC would often refuse to speak.
- [6] The report disclosed no known history of mental illness within the CIC's family. The identified risk factors associated with the CIC include early-onset violent behaviour that has escalated over time, a history of stealing and truancy, poor academic achievement, early caregiver disruption, limited personal and social support, poor parental management, risk-taking and impulsivity, anger-management difficulties, low empathy and remorse, poor compliance, minimal engagement with education, and experiences of childhood maltreatment. The identified protective factors include the presence of familial attachment and bonds, access to stable accommodation, and demonstrated creativity and practical skills. The report further identified several criminogenic needs which, if left unaddressed, significantly increase the likelihood of reoffending. These include the CIC's emotional instability, educational deficits, family and parenting dynamics, and persistent disruptive behavioural patterns.
- [7] Information from the Bordelais Correctional Facility revealed that the CIC has been repeatedly involved in the construction of weapons using available materials, and that he has used such weapons to inflict bodily harm on other juveniles within his unit. It was also reported that he draws images of guns on walls and has made threats toward other juveniles. The CIC was enrolled in an arts and crafts programme. He states that he had no interest in the programme at the facility and participated only because it was the sole option available. He expressed no intention to pursue further education and reported having no future career aspirations.
- [8] Ms. Anesia Joseph, a Social Worker at the Boys Training Centre, reported that during the CIC's incarceration at that institution, he did not display significant behavioural issues. She described him as reserved and socially withdrawn. Although he received

counselling while at the Boys Training Centre, this intervention was ineffective due to his unwillingness or inability to communicate or express his emotions. She further disclosed that the CIC was enrolled in a welding programme, which he did not complete, and that he constructed weapons using materials from the welding shop.

- [9] In relation to his educational background, the Principal of the Vigier Combined School reported that the CIC was initially a quiet student but later began exhibiting aggressive tendencies. She noted incidents in which he waited for other students after school while in possession of a knife, as well as incidents involving theft. She stated that the CIC showed little to no interest in his schoolwork and expressed concern that his behaviour was influenced by his home environment. The CIC's mother corroborated this account and stated that while he attended the Vigier Combined School, she received complaints that he was in possession of a penknife, necessitating police intervention. With respect to his attendance at Piaye Secondary School, the institution reported that the CIC was a form one student at the time of his arrest during term two. Following the commencement of online learning during the Covid-19 pandemic, the CIC did not participate in virtual classes, nor did his parents collect the learning packages prepared for him. The school reported incidents of inappropriate and unacceptable behaviour, while the CIC was at school, including spitting on students, inflicting harm on peers, and refusing to comply with a school suspension. His academic performance during the two terms he attended the school was assessed as well below average.

The Victim Impact Statements

- [10] The deceased in this matter is seventy-eight (78) year old Marcellina Alexis, a resident of Massade, Gros Islet. She resided alone at her dwelling at Massade, Gros Islet, within close proximity to the Boys Training Centre. She was mother to five children (two boys and three girls) and grandmother to seven grandchildren. Mrs. Winiva Alexis-Scott, daughter of the deceased, expressed that the horrific ordeal haunts her daily as she remembers the lifeless body of her deceased mother on the living room floor. She informed that what hurts even more is that her mother's cherished ornamental wine bottle, a fine collectable to her mother was used to inflict pain upon her. Mrs Scott

relayed that she is traumatised, bewildered, and infuriated as thousands of emotions overwhelm her daily. She conveyed that she is in disbelief that her mother's life was taken from her in her own home. Mrs. Scott expressed that she has lost her sense of security and, as such has placed more locks on doors in her home as she is now hyper vigilant. She explained that she constantly cries when she sees her mother's photos. She is fearful each time she enters her mother's home. She stated that a home which was once filled with happy, fond memories of special times like Christmas and New Year, Valentine's Day, Independence Day, Easter, her mother's birthday, Jounen Kwéyòl and all her children and grandchildren's birthdays where the family would convene in celebration, is now a place of sorrow. Mrs. Scott relayed that since the incident, there have been no more 6:00 a.m. wake-up calls from her mother or the preparation of hot bakes and cocoa tea on any given day, especially when it rained. She stated that she is unable to comprehend this nightmare and wants answers from the CIC as to why he did that to her mother. Mrs. Scott informed that justice needs to be served, and she is hoping that the CIC gets the full extent of the law.

[11] Another daughter, Amanda Alexis informed the probation officer that she resided at Marisule with her partner, who suddenly passed away in December 2023, and thereafter, she moved to her mother's dwelling at Massade, Gros Islet, in January 2024. She relayed that she remains traumatized by this incident. Ms. Alexis explained that she shared a close bond with her mother. She stated that she visited her regularly and accompanied to her doctor's appointments for medical treatment for a broken leg she suffered. She expressed that she is heartbroken and that it has been a nightmare for her to sleep as she constantly recalls the terrifying ordeal. She explained that no form of compensation can replace her mother or provide closure; however, she stated that the state should take some form of responsibility over the funeral expenses.

[12] Anthia Alexis-Stephen, another daughter to the deceased, expressed anxiety over the situation. She relayed that prior to the incident she resided at Marisule and after many attempts to visit her mother's home since the incident she only became successful after a year had passed. She stated that she now lives at her mother's residence at Massade,

Gros Islet, but expressed that she hides all kitchen knives and only puts them out when in use. She further explained that she feels like she should not be at her mother's home but stated that the house needs to be open and ventilated. Mrs. Stephen relayed that she is constantly reminded of the incident every time she comes across a knife. She explained that walking the Massade road enroute to her mother's home is now something of the past as she now gains access only via vehicle assistance. Mrs. Stephen stated that frequent family gatherings at her mother's place was something she looked forward to and said that life will never be the same without her mother. She informed that she has forgiven the CIC but she has expectations that justice will be served and time will be spent incarcerated as a consequence to the harm that has been done.

Psychiatric Reports

Dr. Julius Gilliard

- [13] Dr. Gilliard reported that the CIC described his childhood as generally happy, although he acknowledged engaging in troublesome behaviour. He reported that he frequently fought with and assaulted his siblings, set an animal on fire for amusement, and ran away from home. He also reported a history of truancy and longstanding difficulty with authority figures. There is no known family history of mental illness.
- [14] He noted that the CIC is self-described as a bully who has no interest in academics. While attending Vieux Fort Secondary School, he bullied other students and was subsequently expelled. He thereafter attended another secondary school, but during form two, he was sent to the Boys Training Centre. He reported that he consistently achieved low academic grades and found school to be difficult.
- [15] On examination Dr. Gilliard noted that the CIC's affect was restricted. He exhibited poverty of speech. No formal thought abnormality. He denied having delusions. He denied suicidal or homicidal thoughts. He admitted to hearing spirits talking to him; When asked to elaborate, he replied, " That's not for you to know". He was oriented to

time, place and person. His memory was intact. His obstruction was impaired. His attention and concentration were intact. His judgment was intact.

[16] Dr. Gilliard conducted a psychiatric assessment of the CIC using the Diagnostic and Statistical Manual of Mental Disorders, 5 (DSM-5). He concluded that the CIC meets the diagnostic criteria for Conduct Disorder, Childhood-Onset Type, with Limited Prosocial Emotions, Severe. He further noted the possibility of a Mild Intellectual Disability. Dr. Gilliard opined that the CIC has exhibited multiple behavioural patterns since his pre-teen years which are consistent with Conduct Disorder. Given the early onset and severity of the disorder, the CIC is considered to be at high risk for future violent behaviour, as well as the potential development of Antisocial Personality Disorder.

[17] Dr. Gilliard also reported that the CIC refused to participate in an evaluation of his fitness to plead. However, his performance on cognitive testing suggests that he may have difficulty understanding the nuances of the legal system. Dr. Gilliard recommended that the CIC undergo standardised psychometric testing by a trained forensic psychologist in order to properly determine his fitness to plead.

Dr. Guruswamy (Assessment on 1st July, 2025)

[18] The CIC was also assessed by Dr. Guruswamy, a psychiatrist attached to the Saint Lucia National Mental Wellness Centre.

[19] The CIC was cooperative during the interview. He had guarded responses to some questions about the incident for which he is before the court. He exhibited grandiose delusions. He denied having hallucinations. His judgment was impaired.

[20] Using the International Classification of Disorders (ICD 10) Dr. Guruswamy formed a diagnosis of cannabis use disorder; psychosis; antisocial personality disorder. Psychotic features were noted during examination. The CIC has a family history of mental illness. He uses cannabis which exacerbates his condition. He concluded that the CIC's condition can improve overtime with medication and supportive psychotherapy.

Psychological Report

[21] Ms. Alina Auguste, Clinical Psychologist conducted an assessment of the CIC on the order of the court. The following assessment tools were used to gather the relevant information:

- (i) Clinical Interview
- (ii) Wechsler Adult Intelligence Scale (WAIS)
- (iii) Minnesota Multiphasic Personality Inventory (MMPI-2)
- (iv) Hare Psychopathy Checklist – Revised (PCL-R)
- (v) Historical Clinical Risk Management – 20 (HCR-20)
- (vi) Test Of Memory Malingering (TOMM)
- (vii) Fitness Interview Test-Revised (Fit-R)

[22] Ms. Auguste reported that, on formal intelligence testing, the CIC obtained a Perceptual Reasoning Index score of 88 and a Working Memory Index score of 80, both of which fall within the low-average range. His Full Scale IQ score of 72 falls within the well-below-average range. His Verbal Comprehension Index score of 68 falls within the lower-extreme range. These results indicate that the CIC experiences significant difficulty in understanding verbal instructions and questions, and that his processing of information is likely to be slow. Ms. Auguste advised that special consideration should be given when communicating with the CIC, including the use of simplified language and allowing him additional time to comprehend instructions and questions.

[23] With respect to personality assessment, Ms. Auguste noted that the CIC's MMPI profile may be invalid due to the presence of severe psychopathic traits, and that the results should therefore be interpreted with caution. Notwithstanding this limitation, the CIC obtained very high scores on the following MMPI scales: Hypochondriasis, Psychopathic Deviate, Schizophrenia, Hypomania, and Paranoia. He obtained high

scores on the Psychasthenia and Social Introversion scales, and moderate scores on the Hysteria and Depression scales.

- [24] On the Psychopathy Checklist—Revised (PCL-R), the CIC obtained a score of 15 out of 40, which falls below the diagnostic cut-off for psychopathy. However, Miss Auguste noted that the PCL-R conceptualises psychopathy as existing on a spectrum, with higher scores reflecting a greater presence of psychopathic traits or behaviours. In this regard, the CIC obtained the maximum score of two in the following trait categories: lack of remorse or guilt, lack of empathy, poor behavioural control, lack of realistic long-term goals, impulsivity, and juvenile delinquency. He obtained the maximum score of one in the following categories: grandiose sense of self-worth, failure to accept responsibility, and criminal versatility.
- [25] On the Test of Memory Malingering (TOMM), the CIC obtained a score of 48 out of 50 on Trial 1 and 50 out of 50 on Trial 2, indicating no evidence of memory malingering.
- [26] On the HCR-20 violence risk assessment, the CIC was assessed as being at high risk for future violence, high risk of serious psychological harm, and at moderate risk for imminent violence. Ms. Auguste reported that the CIC has a history of engaging in violent behaviours and appears to lack appropriate non-violent coping strategies. She recommended that he be closely monitored for any changes in mood or increases in aggressive behaviour.
- [27] Ms. Auguste made the following recommendations:
- (i) That the CIC receives a comprehensive psychiatric evaluation, where there is clear communication with him as to why he is receiving medication, the purpose of the treatment, its benefits and side effects.
 - (ii) Regular psychiatric follow-ups should also assess medication efficacy and offer alternatives if needed. Involuntary treatment should only be continued if necessary.

- (iii) Given the reported pain in the CIC's right eye and history of cataracts, it is important that he undergoes an assessment by an eye specialist.
- (iv) Given the CIC's history of severe discipline, exposure to violence, and lack of conflict resolution skills and emotional regulation, it is recommended that he participates in counselling that addresses these issues.
- (v) Given his incomplete participation in vocational training, it would be beneficial if the CIC engaged in a work or school program at the Bordelais Correctional Facility. Participation in vocational or skill development training can provide him with job readiness skills. It would benefit him to gain additional work experience and skills.
- (vi) Given the CIC's dissatisfaction with his current legal counsel, his request for a change should be considered to ensure that he feels adequately represented and heard in his legal matters. It is crucial that he understands his legal rights and that simplified language is used during the judicial process.
- (vii) The CIC should continue being held in a one-man cell to de-escalate incidents of violence.

Constructing an appropriate Sentence

- [28] The Consequence of Murder is always death.
- [29] A Child in Conflict with the Law cannot be sentenced to death. This offence involved multiple offences, including Aggravated Burglary. This offence involved sexual conduct; there was sperm found in the vaginal vault of the deceased; the deceased was left without clothing, and her genital area was exposed. There is a strong indication of future violence by the CIC from the reports of the psychiatrist and psychologist.

[30] For an offence of this character, a whole life sentence is ordinarily appropriate. An appropriate starting point is fifty (50) years' imprisonment, with a sentencing range of forty (40) to sixty (60) years. Given the presence of numerous whole life sentence factors, movement within the range from fifty (50) years to fifty-five (55) years is also appropriate.

[31] **Aggravating Factors of the Offence**

- The deceased was seventy-eight (78) years old and lived alone.
- The offence occurred at the home of the deceased.
- The offence was unprovoked.
- There was mental or physical suffering of the deceased. Her screams were long and loud and heard by her neighbour.

[32] **Mitigating Factors of the Offence**

- There are none.

[33] This requires an upward adjustment of four (4) years (one year for each of the aggravating factors). Taking the sentence to fifty-nine (59) years.

[34] **Aggravating Factors of the Offender**

- The CIC has a relevant conviction for a sexual offence.
- The CIC was serving a sentence at the Boys Training Centre at the time he committed the offence.

[35] **Mitigating Factors of the Offender**

- Mental disability: It is evident from the reports of the psychologist and Dr. Guruswamy, that the CIC, has a family history of mental illness, and has displayed psychosis on examination.

[36] After canceling out an upward adjustment of the sentence from fifty-nine (59) years to sixty (60) years is warranted, as an appropriate sentence for this offence.

[37] Practice Direction 8D of the Eastern Caribbean Supreme Court on the Sentencing of a young person between the age of 14 and 17, proposes a reduction of a sentence to two-thirds of an adult's sentence. This would take the appropriate sentence to forty (40) years, but for the Child Justice Act.

[38] **Guilty Plea**

The CIC entered a plea at the first available opportunity. He is entitled to a one-third (1/3) discount of thirteen (13) years and four (4) months, taking his sentence to twenty-six (26) years and eight (8) months.

Section 54(2) of the Child Justice Act

[39] But for the Child Justice Act the sentence that would ordinarily have been imposed of twenty-six (26) years and four (4) months is to be contained to the statutory limit of three (3) years. The CIC is due to be released by the 9th of February 2026, there is nevertheless a requirement to craft a rehabilitation plan for the CIC to address the recommendations in the report of the psychiatrist and psychologist.

ANCILLARY AND REHABILITATION ORDERS

[40] The CIC is placed on probation for a period of three (3) years.

[41] During the period of probation, the CIC shall reside with his mother at Cantonment, Vieux Fort, and shall remain under her supervision and guidance. In the event that the CIC changes his residence without the prior approval of the court during the said three-year period, he shall serve an additional term of six (6) months' imprisonment at the Bordelais Correctional Facility.

- [42] The CIC shall participate in the “Life Minus Violence” programme to be facilitated by Mr. Patrick Fearon, Mental Health Counsellor, for a period of six (6) months commencing forthwith. Should the CIC fail to participate in or complete the said programme, he shall serve an additional term of six (6) months’ imprisonment.
- [43] The CIC and his mother shall participate in family counselling sessions to be facilitated by Mrs. Enitha Boland, such counselling to commence forthwith. Should the CIC fail to participate in or complete the said counselling, he shall serve an additional term of six (6) months’ imprisonment.
- [44] The costs associated with counselling sessions conducted by Mr. Patrick Fearon and Mrs. Enitha Boland shall be borne by the State.
- [45] The CIC shall attend the National Skills Development Centre (NSDC), South, and enrol in the Bread and Pastry Making Programme. The CIC shall register for the programme on or before 28th February 2026 and shall complete the programme within twelve (12) months of registration. In default of registration and/or completion of the programme, the CIC shall serve an additional term of twelve (12) months’ imprisonment.
- [46] The Probation Services Department shall explore the availability of an apprenticeship programme in woodwork or any similar such program, for the CIC. If such an opportunity is offered and the CIC fails to take advantage of same, he shall serve an additional term of twelve (12) months’ imprisonment.
- [47] The CIC is placed on a curfew for the next twelve (12) months and shall remain indoors at his residence at Cantonment, Vieux Fort between the hours of 7:00 p.m. and 7:00 a.m. daily, except where the CIC is to attend a program ordered by this court. If the CIC fails to comply with the curfew order he shall serve an additional term of twelve (12) months’ imprisonment.

- [48] The Royal Saint Lucia Police Force south, shall conduct regular patrols of the CIC's residence to monitor and ensure compliance with the curfew order, and a copy of this order is to be served on the Inspector in Charge, Royal Saint Lucia Police Force south.
- [49] The CIC shall report to this court every three (3) months during the period of probation to satisfy the Court of his compliance with this Sentencing Order. The first such review hearing shall be on 29th May 2026. The failure of the CIC to attend these reviews will result in the Defedant being imprisoned for an additional six (6) months' imprisonment.
- [50] The CIC is to be released forthwith to the custody of his mother.
- [51] The family members of the deceased, as many as require it are to be provided with counselling to be provided by Caricare at the cost of the state. The Crown will ensure that this facility is put in place.

Justice V. Georgis Taylor-Alexander
High Court Judge

BY THE COURT



REGISTRAR