

**THE EASTERN CARIBBEAN SUPREME COURT  
ANTIGUA AND BARBUDA**

**IN THE HIGH COURT OF JUSTICE  
(CRIMINAL DIVISION)**

**CASE NUMBER: ANUHCR 2023/0095**

**BETWEEN:**

**THE KING**

**and**

**JOHN MICHAEL ISAAC**

**Appearances:**

Ms. Rashida Jonas, Counsel for the Crown

Mr. Wendel Alexander, Counsel for the Defendant

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2025: November 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, 17<sup>th</sup>, 28<sup>th</sup>;  
December 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>;  
2026: January 20<sup>th</sup>.  
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**SENTENCING REMARKS**

**Background Facts**

- [1] On 27<sup>th</sup> November, 2022 the complainant attended the fete “Squirt” at the stadium with a group of friends, including the prisoner, John Michael Isaac. While at the event, she consumed alcohol and became intoxicated.
- [2] At the end of the fete, Mr. Isaac (herein referred to as the prisoner) was selected to drive the complainant’s rental vehicle in order to take her, Melinda Davis and Kareem Brown home. After dropping Melinda and Kareem off, he stopped at the back of Caribbean Union Bank on Factory Road, where he engaged in sexual activity with the complainant without her consent.
- [3] The prisoner was subsequently arrested and charged with one count of rape and two counts of serious indecency.
- [4] At the conclusion of the trial, the jury returned a verdict of not guilty on the charge of rape but found him guilty on both counts of serious indecency.

## **The Law**

- [5] The offence of serious indecency is governed by **section 15 (1)(b) of the Sexual Offences Act, 1995**. It provides for a maximum sentence of five (5) years imprisonment.

## **Sentencing Guidelines**

- [6] The Sentencing Guidelines of the Eastern Caribbean Supreme Court, 2019 (republished on 6<sup>th</sup> January, 2025) provide guidance for sentencing in sexual offences. The Court finds the following to be the categories and calculations which it will make and take into consideration in arriving at its sentence.

## **First Stage**

- [7] The Court finds that the offences properly fall within Category 2 of the sentencing guidelines, as there was some serious psychological harm to the complainant as evidenced by the victim impact statement in the social inquiry report. The statement will be examined in further detail in paragraph 12 of these sentencing remarks.

## **Second Stage**

- [8] The offence warrants classification at Level A in terms of seriousness as there was penetration of the vagina by the defendant's finger and the placing his mouth on her vagina.
- [9] Applying the two-stage assessment the starting point for the offence at this level is 45% of the maximum sentence. This equates to 2 years 3 months imprisonment with an appropriate sentencing range of 1 year 6 months to 3 years.

## **Aggravating Factors**

- [10] The prosecution in their sentencing brief submitted the following aggravating factors in relation to the offence as being:-
- i) The complainant was intoxicated at the time of the assault;
  - ii) The prevalence of these types of offences as seen by the many matters of the Court's docket;
  - iii) Lack of remorse from the prisoner.

## **Mitigating factors**

- [11] There are no mitigating factors in relation to this offence. The sole mitigating factor in relation to the offender is that he has no previous convictions.

## **Victim Impact Statement**

- [12] The complainant in this matter when interviewed by a probation officer who authored the report indicated that she had been involved with the prisoner 20 years ago but classified it as a "fling". Over the years she said they had maintained a cordial relationship. During the interview the probation

officer noted that the complainant became visibly upset when recounting the incident which she said had left her traumatized “mentally unstable, having feelings of mistrust and becoming socially isolated”. She had only two counselling sessions and it is the recommendation of this Court that she avail herself of professional counseling services. It is clear to the Court that this complainant has suffered as a result of being violated by her former boyfriend who took advantage of her intoxicated state.

### **Mitigation**

- [13] Counsel in his plea of mitigation highlighted the hardships endured by the prisoner in his early life and the non-existent relationship with his father even though he (the father) resided in Antigua. He highlighted the fact that the prisoner’s family, friends and former employers spoke highly of him describing him in general terms as being “respectful, kind, courteous, loving and industrious”. His ex-girlfriend referred to his excessive alcohol consumption which the prisoner also admitted to.

### **The Sentence**

- [14] As set out in paragraph 5 of this ruling the maximum for these offences is 5 years. The Court will use the starting point of 2 years. The three aggravating factors to be applied will bring the time to 3 years. The Court also notes that throughout the report there has been no expression of remorse from the prisoner. The 3 years will be reduced by 1 year to take into account the mitigation of Counsel and the fact that the prisoner is of previous good character.
- [15] Counsel in his plea of mitigation urged the Court to impose a fine rather than a custodial sentence. However, the Court wants to send a message to society that opportunistic offending of this nature will be viewed and dealt with seriously.
- [16] The prisoner is therefore sentenced to 2 years in prison on each count with the counts to be served concurrently. His time spent on remand of 48 days (time as of today’s date) will be deducted from the final sentence.

**Ann- Marie Smith**  
High Court Judge

**By the Court**

**Registrar**