

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

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

CASE NO. ANUHCR2021/0050

BETWEEN:

THE KING

-and-

SEAN MUSSINGTON

Appearances:

Mrs. Shannon Jones-Gittens and Mr. Curtis Cornelius for the Crown
Mr. Wendell Alexander for the Defendant.

2025: JULY 15TH

SENTENCING RULING

- [1] **BAKRE, J.:** This case evokes deep emotional reflection. It is the tragic culmination of a romantic relationship that deteriorated severely, resulting in the death of one party.
- [2] The accused, Mr. Sean Mussington, stood indicted for the murder of his former partner, Ms. Simone Whyte-Barrington. The indictment was filed on 27th January 2022.
- [3] Following a full trial, a jury of his peers returned a unanimous guilty verdict on 28th March 2025. He now appears before this court for sentencing.

- [4] The Crown's sentencing brief, prepared by Acting Director of Public Prosecutions Shannon Jones-Gittens, is dated 28th April 2025. The salient facts are summarized herein

SUMMARY OF FACTS

- [5] On 28th March, 2025, the prisoner Sean Mussington was convicted for the murder of his ex-girlfriend Simone Whyte-Barrington. A few days before the murder Ms. Whyte-Barrington had made a report to the police that the prisoner threatened to kill her and then kill himself. When confronted by the police with the allegation, the prisoner denied it.
- [6] The police nonetheless warned him not to have contact with Ms. Barrington. Evidence was led that in the weeks leading up to the murder, Mr. Mussington continued to attend at Ms. Barrington's work place and she would constantly chase him from there.
- [7] On the 14th November, 2020 while Ms. Barrington was attending a party at her friend's business place at the corner of Market and Tanner Street, Mr. Mussington in an unprovoked attack stabbed her once to the chest causing her death. He subsequently fled the scene and tried to seek refuge at the home of a friend. When those efforts failed, he found himself at the home of his grandmother where the police arrested him a few hours after the murder.
- [8] The police also found Mr. Mussington with a stab wound to the neck which he attributed to being inflicted by the deceased. It was this act which he said caused him to take his knife from his pocket and stab her. Video footage retrieved by the police proved that his account was false. At the time of the offence, the prisoner was 35 years old and the deceased was in her 40s.
- [9] It was the case of the convict that in the course of the relationship, the deceased abused him mentally and physically and also took advantage of him by continuously

taking financial support from him while moving with other men without any consideration for his feelings.

SOCIAL INQUIRY REPORT AND MITIGATION PLEA.

- [10] The court ordered and received a Social inquiry Report dated the 3rd of June 2025, in respect of this case prepared by one Mr. Alvin Jarvis, a senior probation officer.
- [11] The Probation office gave an insight into the convict's life and the impact of the incident with his family. The deceased's family members were also interviewed.
- [12] The court also listened to Mr. Wendal Alexander, in mitigation on behalf of the convict.

THE LAW

- [13] By Section 2 of the Offences against the Person (Amendment) Act, 2013, the penalty for murder is that convict may be sentenced to death, to life imprisonment or a term of years.
- [14] In this exercise, the Court is to be guided by the Practice Direction on Sentencing for the Offence of Murder for the Eastern Caribbean Supreme Court which was updated and reissued on 6th January, 2025.
- [15] Based on the guidelines, the offence will fall into Category 9 as the offender took a bladed weapon to the scene of the incident and had it available to be used as a weapon and he eventually used the weapon to commit this offence. The recommended starting point is thus a sentence of thirty years within a range of 20-40 years imprisonment.

- [16] The court will now consider the aggravating and mitigating factors in relation to the offence and the offender.
- [17] In relation to the offence, this offence was committed by the convict in a public place and it was totally unprovoked. This in my view is an aggravating factor of the offence and I see no mitigating factor in regard to the offence.
- [18] The sentence is increased in view of this to thirty two years imprisonment. (32 years).
- [19] With respect to the offender, the offender had been reported to the police by the convict and he was forewarned to stay away from the convict. This is an aggravating factor to be further considered and thus increases the sentence to thirty three years imprisonment.
- [20] From all circumstances however it is clear that the convict was previously of good character and seems to have a good prospect of rehabilitation. This is consider a mitigating factor in his favor and would reduce the sentence back to 30 years imprisonment.

CONSIDERATION OF THE SOCIAL INQUIRY REPORT

- [21] The court had earlier refer to the Social Inquiry report received wherein the circumstances of the life of the convict was brought forth to the court by members of his family. The convict gave a report of his background and upbringing. He stated how he was allegedly exploited by the deceased in the course of their relationship and seems to admit that despite all, he acted foolishly in the commission of the offence.
- [22] Members of his family also gave a good account of his life and seek leniency for the incident. A good account of the convict was also given by the prison officers. He

has been in custody for over four years since the incident and he is said to be a disciplined inmate. He is said to be remorseful.

- [23] The social inquiry report on the convict is however juxtaposed with the victim impact report on the family of the deceased.
- [24] The deceased was a mother of three children who came to Antigua from Jamaica in search of a better life. He was said to be a great supporter of her family. Her father and mother described how they received the devastating news of the death of their daughter and how this has negatively impacted on their daily life.
- [25] The family members of the deceased did not know the convict but they consider his action as totally inconsiderate and unacceptable.
- [26] All these have been considered by this court along with the plea in mitigation by his counsel who stated that the accused is a forty year old man that was unfortunately abused by the deceased.
- [27] This matter went to full trial and thus the convict is not entitled to be considered for any waiver.
- [28] It is the view of this court that the circumstance of this case though emotional, should be weighted along with the impact of the incident on the family of the deceased. The considerations of condition of sentencing as related in **Desmond Baptiste vs. The Queen CA No. 8 of 2003**, should weigh in the mind of the court.
- [29] The convict in this instance would face the full weight of the law in order to send a message to the general public. He is sentenced to Thirty years imprisonment. He shall be entitled to a review according to the law after twenty years imprisonment.

[30] The number of days, which is One thousand six hundred and ninety eight already spent by him in custody shall be taken into consideration and reduced from the sentence.

SENTENCING

[31] In the circumstance, Sean Mussington, having been found guilty of the offence of murder of Simone Whyte-Barrington, you are hereby sentenced to Thirty years imprisonment. The One thousand six hundred and ninety eight days already spent in custody would be deducted from the sentence. You shall be entitled to a review according to the law after twenty years imprisonment.

Tunde A. Bakre
High Court Judge



By The Court

Registrar