

THE EASTERN CARIBBEAN SUPREME COURT
ANTIGUA AND BARBUDA

IN THE HIGH COURT OF JUSTICE
(CRIMINAL DIVISION)

CASE NO. ANUHCR2024/1012

BETWEEN: THE KING

and

KENROY PAIGE

Appearances:

Mrs. Shannon Jones-Gittens holding papers for Mr. Curtis Cornelius, Counsel for the Crown
The Defendant appears in person

2025: May 8, 30
June 27
July 4.

SENTENCING RULING

- [1] **BAKRE, J.:** The defendant was charged on an indictment filed by the Director of Public Prosecutions on one count of wounding with intent and one count of unlawful wounding contrary to sections 20 and 22 respectively of the **Offences Against the Person Act Cap 300**. Upon arraignment the defendant pled guilty to count one and the prosecution withdrew count two as the offences were in the alternative.

Brief Facts

- [2] The brief facts in relation to this charge are as follows. The complainant on 21st June, 2023 went to a Syrian restaurant in Heritage Quay to wait on a friend. He sat down in a chair and while waiting, he felt a sharp pain in his right side and heard someone say "you go dead". When he turned around, he saw the Defendant standing with a white handled long knife in his right hand.
- [3] The defendant attempted to stab him again, aiming for his neck but the complainant pushed him and they started wrestling until they got separated. The defendant then started throwing bottles at him, and in response, the complainant took up a garbage bin to shield himself.

- [4] The complainant was admitted to the Mount Saint John Medical Center the same day where it was found he had a 2.5 cm stab wound to the right posterior 5th intercostal space with a right pneumothorax. A right thoracostomy tube was placed in his right intercostal space mid-clavicular line under local anesthesia. The tube was removed on 25th June, 2023 and he was discharged in stable condition from the hospital on 26th June, 2023.
- [5] The defendant in his statement to the police dated 21st June, 2023 stated that he was at Heritage Quay at the Syrian Restaurant where he had a Heineken beer and a rude boy. He admitted to seeing the complainant and stabbing him. He explained that the sister of the complainant asked him why he did it and he responded that the complainant's time was up and he was supposed to be dead. He said he warned him to stop putting his name in things.
- [6] In his interview with the police he stated he and the complainant had an altercation before at G-Spot bar. He said on the day of the stabbing the complainant was abusing him. He admitted to already being armed with the knife. When asked why he stabbed the complainant he said it was because he was given weed laced with cocaine in March of that year.
- [7] The Court received a social impact report on this case. The report dated 25th June, 2025 and signed by Irvin Henry, Probation officer, gave an in-depth background to the life of the convict. The probation officer interviewed family members of the convict and also his community members. The officer also wrote the social impact report of the incident and victim.
- [8] The convict was projected as a person of relatively good character but frustrated based on his life circumstances. He was said not have never had any issue with the law until this incident.
- [9] The report was that the convict left school at a very early stage in life but tried to make something out of his life. He worked with the government at the Solid Waste Division in landscaping since 2021. He also worked in the hotel industry at some point. Members of his family all said he was a good man.
- [10] There was also an interview with the victim who said he was hospitalized as a result of the incident but he feels better now. He said he has forgiven the accused for the incident and they have become friends after the incident.
- [11] The conclusion of the probation officer is that the convict does not seem to be a threat to society and that the action was a result of the frustration he was going through in his personal life.

The Law

- [12] The offence of Wounding with Intent to which the defendant has been convicted is governed by section 20 of the **Offences against the Person Act Cap 300**. It provides a maximum sentence of fifteen years' imprisonment.

Sentencing

- [13] The first step in constructing the sentence is to establish a starting point of the offence. In accordance with the Eastern Caribbean Supreme Court Sentencing Guidelines for Violence Offences republished on 6th January, 2025 to establish a starting point, a case of wounding with intent to cause grievous bodily harm requires an assessment of the seriousness of the offence and its consequences by reference to the harm caused. In assessing seriousness, this should include reference to the culpability of the offender. There are four stages in step one
- [14] The first stage is to consider the consequences by assessing the harm caused by the offence. This should include an assessment of the evidence. It is submitted that this offence falls in category 3 – lesser, the victim said he was in the hospital for the injury but stated that he is very alright now without continuous impact.
- [15] The second stage is to consider seriousness by assessing the culpability of the offender. In this regard the Court considers that there was a sustained incident where he attempted to stab the complainant again in the neck area, and other members of the public had to separate them. The defendant also threw bottles at the complainant even after they were separated. It is clear that by attempting to stab him in the neck area and saying “you go dead” that he intended to cause more serious harm than what resulted from the offence. He maintained this statement while talking to the victim’s sister. Therefore, it is my view that the seriousness of this offence would be Level A (High) as he was armed with a knife which he used to stab the complainant.
- [16] In accordance with the grid where the offence falls in Category 3 and Level A the starting point is 45% which is six and half years with a range of 30%-60% (i.e. five years and, to nine years).
- [17] The aggravating and mitigating factors of the offence would now be considered to adjust the sentence either upwards or downwards.

Aggravating Factors of the Offence

- [18] Defendant was motivated by revenge
- [19] There are no mitigating factors for this Offence and thus the punishment is increased to seven years imprisonment.
- [20] Next step is to adjust the figure with the aggravating and mitigating factors of the offender.

Aggravating Factors of Offender

- [21] There are no aggravating factors of the offender.

Mitigating Factors of Offender

- [22] The defendant has genuine remorse.
- [23] The aggravating factor for the offence and the mitigating factor of the offender shall in my view cancel each other out and thus the sentence shall remain at six and half years (6 1/2 years) imprisonment.
- [24] Credit of one-third discount on the sentence would be applied for the early guilty plea and thus the sentence is thus reduced to (4 years and 4 months) four years and four months imprisonment.
- [25] The one hundred and twenty nine days (129 days) already spent on remand shall also be taken into consideration and deducted from the sentence.
- [26] I have considered the report of the probation officer especially the position of the victim in this circumstance who stated that he has totally forgiven the convict and that they have now become friends. It is my understanding that this is a case where I should depart and give the convict an option of fine and to compensate the victim. The victim is at liberty to forgo his compensation after it has been awarded.
- [27] In the circumstance, the convict shall pay a fine of \$1,000.00 or in the alternative serve a term of four years and four months less one hundred and twenty nine days. He shall also pay the victim \$ 1,500.00 (one thousand five hundred dollars) or serve another six months in prison.

The Sentence

- [28] Kenroy Paige, having been convicted of the offence of wounding with intent to cause grievous bodily harm, you shall pay a fine of \$ 2,000.00 (two thousand dollars) within the next 30 days or in the alternative serve a term of four years and four months less one hundred and twenty nine days already. You shall also pay the victim, Mr. Javera Colbourne the sum of \$1,500.00 (one thousand five hundred dollars) within the next 60 days or serve another six months in prison. The victim may decide to forgo his own compensation.

Tunde A. Bakre
High Court Judge



By the Court

Registrar