

THE EASTERN CARIBBEAN SUPREME COURT
ANTIGUA AND BARBUDA
IN THE HIGH COURT OF JUSTICE

CLAIM NO. ANUHCR2024/1019

BETWEEN:

THE KING

-AND-

UREL CHRISTOPHER

Appearances:

Ms. Akilah Southwell for the Crown.
Defendant in Person.

2025: May 9th,
23rd

SENTENCING RULING

- [1] **BAKRE, J.:** The defendant pled guilty to the offence of unlawful wounding on the 9th day of May 2025, he was charged for the offences of wounding with intent and unlawful wounding on an indictment filed on the 4th day of March 2025.
- [2] The particular of the offence he pleaded to is as follows:-
“**Urel Christopher** on the 25th of June 2022, at Jennings Village in the parish of St’ Mary, in Antigua and Barbuda unlawfully and maliciously wounded **Ivor Lewis**”
- [3] The plea was accepted by the prosecution and the accused was convicted for unlawful wounding.

THE LAW

- [4] Section 22 of The Offences against The Persons Act CAP 300 Laws of Antigua and Barbuda reads:

“Whosoever unlawfully and maliciously wounds or inflicts any grievous bodily harm upon any other person, either with or without any weapon or instrument, is guilty of a misdemeanor, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding five years, with or without hard labour.....”

THE FACT

- [5] The fact as revealed by the depositions in this case is that the accused who was a 27 year old boy at the point of committing this offence was at Draper bar along with the virtual complainant, Ivor Lewis and other persons.
- [6] While they were there, a lady later identified as the Defendants baby mother came to buy an item at the bar and the defendant was said to have been disturbing her.
- [7] The virtual complainant and others who were at the scene asked the defendant to back off but he did not listen and he actually told the virtual complainant to mind his business and this led to some arguments between them.
- [8] The argument later grew into a scuffle between them and they were separated by the people around.
- [9] After they were separated and the virtual complainant had gone on with other men to play domino, the defendant went in to pick a pool stick and struck the virtual complainant on the head with it, thereby injuring him extensively. He had a laceration which left part of his skull visible.
- [10] It is important to note that the virtual complainant was a 67 year old man with a walking disability thus walks with the aid of a walking stick. The defendant on the other hand was a 27 year old boy.

SENTENCING

- [11] In the course of the sentencing trial on the 23rd day of May 2025, the virtual complainant who is now 70 years old, gave evidence of the impact of the incident on him.
- [12] He gave testimony about how the injury has affected him. He said, he still carries the scare from the injury. He said he still feels the pain from the effect of the injury on his skull.

- [13] He said he has not been able to continue the baking job he was doing prior to the incident. He also said he has been able to forgive the accused in his mind.
- [14] The defendant also accepted that he was sorry and sounded remorseful. He agreed to compensate the virtual complainant for the injury.
- [15] The court is guided by the Eastern Caribbean Supreme Court sentencing guidelines on violence offences as republished in January 2025.
- [16] The court is to establish a starting point by considering the seriousness of the offence including the culpability of the offender and its consequences by reference to harm caused.
- [17] It is the view of this court that based on the consequences of this case; it is regarded as category 2 (High) while the seriousness is placed at Level B. the starting point is thus placed at 35% of five years which translates to one year and nine months. (1year and 9 months).
- [18] The aggravating and mitigating factors for the offence are now considered and in this regard, I consider the age factor between the defendant and the virtual complainant relating to the vulnerability of the Virtual complainant and his partial disability. In view of this I increase the sentence to two years imprisonment.
- [19] I however consider the fact that the crime was not premeditated and it was as a result of some argument between the two of them as a mitigating factor. I thus reduce the sentence to 1 year and 8 months.
- [20] I do not see any further aggravating factor with respect to the offender but I consider is youthful exuberance as a mitigating factor and further reduce the sentence to 1 year and 4 months.
- [21] The defendant did not waste the time of the court. He pled guilty at the earliest stage and thus he is given credit of one- third thus bringing the sentence to 11 months and 20 days.

DEPARTURE FROM THE GUIDELINES

- [22] The sentencing Guidelines provides that in certain circumstances, fines and compensation may be given in lieu of or along with custodial sentence.

- [23] It is clear that while a sentencing court may grant fine in lieu of custodial sentence, the court must take to cognizance a number of issues including the essence of sentencing which must reflect the seriousness of the offence.
- [24] The financial circumstance of the offender must also be reflected to either increase or decrease the punishment in order to have an equal impact on offenders.
- [25] It is also appropriate in this instance to consider an appropriate compensation for the pain and suffering caused by the offender on the virtual complainant. While it is understood that there is no amount of compensation that would properly assuage for the personal injury. The consideration of the resultant effect of the reckless act of the offender dictates that the virtual complainant's pains and sufferings should be compensated.
- [26] It is in view of the above considerations that I am of the view that a custodial sentence would not be appropriate in this instance unless there is a default in the fine and compensation awarded.
- [27] Following the guidelines, the court had earlier concluded that the appropriate custodial sentence would be 11 months imprisonment. In considering a fine, the dictate of the grid as stated in the guideline may not be directly appropriate however the consideration remains the factors of seriousness and circumstances of the offence and the offender.
- [28] Now, having used the grid to determine the appropriate custodial sentence this court uses that as a guide to its discretion to award the sum of One thousand dollars as fine to be paid by the offender. In addition, the sum of Three Thousand Dollars shall be paid in compensation to the virtual complainant. In default, the defendant shall serve the custodial sentence of Eleven months imprisonment.

SENTENCE

- [29] Urel Christopher, having been convicted of the offence of unlawful wounding, you are hereby fined the sum of \$1000 (One Thousand dollars) to be paid within 60 days and you shall pay compensation in the sum of \$3000 (Three Thousand dollars) to Ivor Lewis within 30days from today, failing which you shall serve a period of 11 months in prison. The time already spent in custody (if any) shall be taking into consideration.

Tunde A. Bakre
High Court Judge



By the Court

Registrar