

IN THE EASTERN CARIBBEAN SUPREME COURT

IN THE HIGH COURT OF JUSTICE

IN THE FEDERATION OF ST CHRISTOPHER & NEVIS

IN THE ST CHRISTOPHER CIRCUIT

CASE SKBHCR 2024/0039

REX

V

LAWSON HENDRICKSON

APPEARANCES

Mr John Coombs for the Crown.

Mr Jason Hamilton for the defendant.

2025: JUNE 20

SENTENCE

After Newton Hearing for inflicting bodily harm on public service worker

- 1 **Morley J:** Lawson Hendrickson aged 53 (dob 08.01.72) falls to be sentenced for inflicting bodily injury contrary to **s19 Offences Against the Person Act** cap 4.21 on Edward Halliday on 13.04.23, causing wounding and grievous bodily harm. He pleaded guilty on 22.11.24, a social enquiry report was ordered, which was not communicated to the probation office, so that sentence delay arose, and then on 30.04.25 it became clear there was a dispute as to the facts: Hendrickson had pleaded guilty on the basis Halliday had attacked him with a shovel and Hendrickson had overreacted in self-defence; however, Halliday has been engaged in separate civil proceedings arguing the reverse, that Hendrickson had attacked him. As the civil

proceedings would not settle within the criminal proceedings, it was determined there had to be a *Newton Hearing* to decide who had been the attacker, because for the criminal court as a sentencing exercise to accept Hendrickson had been attacked by Halliday would fetter the civil suit.

2 The *Newton Hearing* was on 30.05.25. The court heard from six witnesses:

1. Edward Halliday
2. Virgil Pemberton
3. Stephen Percival
4. Micheal Bridgewater
5. PC Warner (Investigating officer)
6. Lawson Hendrickson (Defendant)

3 On 11.06.25, the court declared its finding it was sure Hendrickson had attacked Halliday, as set out at annex.

4 The facts are on 13.04.23 there was construction work at the property of Hendrickson at Pine's Gardens which required water connection, leading to the water department sending plumbers Halliday, Pemberton and Percival to the scene. Hendrickson and Halliday have known each other for 20 years. Hendrickson was upset the connection had not been made sooner as he had paid for it weeks earlier. Halliday said others had paid earlier and are still waiting, while having made the connection off the property he was on the foundations looking about. Hendrickson told him to leave, and he did not respond immediately, so that he was told about 5 times. There appears then to have been enquiry by Halliday about wanting a bucket. Halliday has a profound stammer, while observably mild-mannered, and Hendrickson was noted by the court to be a dominant personality. It appears Halliday misread Hendrickson's mood and the bucket enquiry while being told to leave triggered Hendrickson becoming so irritated with Halliday he then pursued Halliday as he exited, to his property boundary armed with a steel rebar, and struck him on the left arm, breaking it, causing Halliday to fall. Halliday reached for a shovel which was to hand where the connection work had been done, swinging it at Hendrickson, causing bruising to his chest, but which Hendrickson then grabbed, holding the shovel, while continuing to strike at Halliday, to his right arm, and stabbing at his inner upper left thigh, causing laceration. Bridgewater of the SKNDF, not seeing the beginning, saw the blows to the right arm and left leg,

while Hendrickson had the shovel, with Halliday on the ground, and perceiving Hendrickson to be the aggressor, trained his firearm on him, saying if he hits Halliday again he will shoot. Later in interview, Hendrickson said Halliday had first attacked him with the shovel, found to be a lie at the *Newton Hearing*, while police photos taken of Hendrickson's injuries, said to be caused by the shovel have since been lost.

- 5 As is occurring overmuch now on St Kitts, the sentencing process has been drawn out over several hearings: as above, there was a listing of sentence on 30.04.25, with then *Newton Hearing* on 30.05.25, the findings reported on 11.06.25, and then as defence witnesses were not that day available mitigation was offered on 12.06.25, with remarks in writing today 20.06.25.
- 6 The laceration to the thigh was 8cm long and 1cm wide, the right forearm received a 5cm haematoma, while the left arm ulnar suffered a midpoint fracture with complete displacement, requiring surgery by Dr Duane Hendrickson on 19.04.23 inserting a plate and screw.
- 7 In his victim impact statement, dated 16.12.24, it is evident Halliday has been seriously traumatised by being attacked, reporting how he has often been in tears over how his left arm no longer functions as it did, so that it cannot lift weight which is part of his job, and at age 60 he despairs for being able to work properly. In consequence there is a civil suit by Halliday against Hendrickson claiming \$100000ec, instructing Counsel Williams who has attended court to observe proceedings, where Counsel Hamilton has reported formal claim for general damages to include pain and suffering at \$55000ec, and special damages at \$45000ec, including costs of medical treatment, noting the cost of the surgery alone was \$5625ec.
- 8 In the social enquiry report dated 15.04.25, by Nekeisha O'Loughlin, Hendrickson is reported as without previous conviction, hard-working, generous, and respected within the community by Deputy Controller of Customs Sargeant, and others, asking he receive a rehabilitative sentence rather than immediate custody. Further, there was a character reference dated 12.06.25 offered by Dr Oral Williams, Director of the International Monetary Fund, describing him as being candid in contracts, and showing benevolence and charity to the community, while separately giving evidence in court on 12.06.25:

- a. Dr Derek Jeffers, a leading figure in the medical community, described him a part of the construction business community, and also a leading figure in importing items onto the island, efficient, generous, though tellingly whose 'mouth is very loud', liking 'boisterous' debate and to 'tease'; and
 - b. Mr Lenrick Lake, a civil service permanent secretary, described how Hendrickson has the nickname 'Bob the builder', who is generous, though tellingly likes to 'debate everything very strongly'.
- 9 The picture clearly emerges of a forceful personality who is generous, kind, helpful, successful in business, respected in the community, but who likes to get his own way, and is argumentative and forceful in presenting himself, who was annoyed by Halliday not doing as he was told.
- 10 Under the ECSC sentencing guidelines for unlawful wounding and/or inflicting grievous bodily harm, contrary to **s19 Offences Against the Person Act** cap 4.21, which on St Kitts & Nevis carries a maximum sentence of 7 years, assessing the offence it falls under category 2A, by causing serious psychological and physical harm, while using a weapon, being the steel, placing the starting point at 60%, adjusted upwards as a sustained attack on a public service worker, meriting 5 years or 60 months. Considering the offender, his positive good character merits a reduction by 21 months to 39 months.
- 11 I turn now to credit for plea. Hendrickson cannot attract full credit of one-third, as there has been a *Newton Hearing*, under the authority of **R v Newton 1982** 77 CrAppR 13, lasting a full day, calling 6 witnesses, in which I found I am sure he was lying to say Halliday attacked him.
 - a. Credit for plea will therefore be reduced, consistent with dicta at **D20.28 Blackstones Criminal Practice 2017**, per **R v Underwood 2005** 1 CrAppR 178, which reports:

If the accused is disbelieved...and conveys to the judge he has not insight into the consequences of his offence and no genuine remorse for it, the judge may reduce the discount for a guilty plea....
 - b. The Crown have suggested the discount reduced to 20%, and Counsel Hamilton has suggested 25%. However, in my judgement, the nature of this case has been fundamentally altered, where to assert he was over-reacting in self-defence has been shown before the court to be deeply dishonest, as who was the aggressor has been reversed. Where a sentencing exercise descends into demonstrable lying, wrongly and mischievously casting

aspersion on the victim, to minimise responsibility for injury, the consequence must be substantial, such that, though there is still some credit for plea, its size must be severely affected, and so I assess the credit reduced to 10%. If there is not severe impact, there may arise many pleas with *Newton Hearings*, as there will not be much consequence to arguing the facts after plea, while reducing the sentence by hoarding credit, yet taking up court time, where in part credit for plea is designed to reward not doing so. Where there is a plea, it behoves counsel prosecuting and defending to come to agreement on the facts, by cooperating together, discussing the facts fully to see if there is important disagreement, and for defence counsel to be on guard to be *ad idem* with the Crown in order to preserve the maximum credit of one-third.

- 12 There being a 10% discount, the sentence shall be reduced by 4 months, to 35 months, being one month shy of 3 years. This is only just inside the 3 year limit to suspending sentences, per **s6 Alternative Sentencing Powers Act** cap 3.20, with the sizeable above reduction of 21 months being attributable to the support he has had in the community, particularly from those who gave evidence, being Dr Jeffers and Mr Lake: if the reduction had been 3 months shorter, as 18 months, not 21, then the sentence would have settled at 38 months, which could not have been suspended.
- 13 I turn now to whether I should suspend. In support Counsel Hamilton has relied on **R v Howells et al 1999 1AER50**, while in addition there is **ECSC Practice Direction 8C No 2 of 2025**. In the balance is whether the fact Halliday is a public service worker merits a deterrent sentence by imposing immediate jailtime.
- 14 On reflection, I consider the sentence can here be suspended, for 35 months, as under **rule 5d Practice Direction 8C** I consider there is clear prospect for rehabilitation, said so by the probation officer, while I accept the offence surprising in a man of such high standing in the community so long without any conviction up to the age of 53, meaning he is not a danger to the public under **rule 5b**, so under **rule 5a** that this is not an offence where only immediate custody can be justified.

- 15 Moreover, a reason for him not to go into custody will be to be at liberty in work, and therefore able to pay compensation, as posited by Counsel Coombs.
- a. Counsel Hamilton has said on 12.06.25 Hendrickson would happily accept paying \$40000ec.
 - b. However, I am quite satisfied that Hendrickson has really hurt Halliday and as a successful business man is in a position to pay a sizeable sum more and so I order him to pay \$75000ec to Halliday, being three-quarters the civil claim, within 6 months by 20.12.25, being jailed for 12 months in default, which is a sum I assess should broadly alleviate his medical costs, loss of earnings and suffering.
 - c. This order will likely have the effect of ending the civil proceedings, which were the reason for the *Newton Hearing*, and which would on St Kitts & Nevis likely take up to 5 further years, perhaps more, with more fees for counsel and more time in court, pointing here to the need for counsel always to avoid unnecessary litigation, as the *Newton Hearing* with its findings adverse to Hendrickson need not have arisen if counsel could have agreed a sum in compensation in the criminal proceedings.
- 16 *Lawson Hendrickson, please stand up.* For the reasons explained, I am sure you have been lying to the court, wrongly blaming Edward Halliday as the aggressor, when it was you, and you have only just avoided an immediate prison sentence thanks to the weight of evidence from your character witnesses Jeffers and Lake.
- 17 For the assault on Edward Halliday on 13.04.23, where you were the aggressor, hitting at least three times with an iron bar, breaking his left arm, lacerating his inner left thigh, and bruising his right arm, being told at gunpoint not to hit him further, and where at *Newton Hearing* though you pleaded guilty I have found you to be lying to say Halliday hit you first, the sentence shall be 35 months imprisonment suspended for 35 months, with an order to pay compensation of \$75000ec by 20.12.25.

The Hon. Mr. Justice Iain Morley KC

High Court Judge

20 June 2025

Annex

REX

V

LAWSON HENDRICKSON

FINDINGS AT NEWTON HEARING ON 30.05.25

STATED ON 11.06.25

- 1 **Morley J:** From the evidence during *Newton Hearing* on 30.05.25, concerning the assault on 13.04.23, as to who attacked first, with questions from the parties and Bench, and carefully listening to the witnesses, being:

1. Edward Halliday
2. Virgil Pemberton
3. Stephen Percival
4. Micheal Bridgewater
5. PC Warner (OIC)
6. Lawson Hendrickson (defendant),

I am sure that Lawson Hendrickson first hit Edward Halliday with the steel bar at the property boundary, breaking his left arm by fracturing his ulnar, then Halliday picked up the shovel and hit Hendrickson, but in defence, causing bruising to Hendrickson's chest, then Hendrickson struck back at Halliday, got hold the shovel and continued to hit Halliday, causing injury to his right arm raised defensively, and laceration to his left leg, ripping his pants by poking with the steel.

- a. I note Virgil Pemberton said Halliday picked up the shovel after being struck, and swung it at Hendrickson, and Stephen Percival said Halliday picked up shovel after Hendrickson had hit him, and so hit Hendrickson, noting also Hendrickson had bruising to his chest and abdomen in lost police pictures.

- b. I find Hendrickson was upset at the delay regarding the water connection, which led to a row with Halliday, who refused to do as he was told by Hendrickson five times to leave the property when Halliday went looking for the connecting pipe on the property, which he may not have needed to do, and I accept Halliday may have irritated Hendrickson further by asking for use of a bucket.
- c. I am not sure Hendrickson placed his own shovel onto Halliday's left shoulder to warn him to leave, said by Halliday, denied by Hendrickson, and I find it likely something was said or done by Halliday to cause Hendrickson unreasonably to lose his temper with Halliday, though denied by Hendrickson, and pursue him to the property boundary, where he struck him in ill temper, thereby beginning the altercation.
- d. I am supported in the finding he lost his temper as I heard the rising voice of Hendrickson in his interview when talking of what happened and his upset at the water not having been earlier connected. Further, I saw in him when he gave his evidence in court as a tense and dominant personality, even making allowances for his being under the stress of giving testimony.
- e. Moreover, I am sure, on his own admission, Hendrickson had a steel in his hand when argument arose with Halliday, which I find was not merely because Hendrickson was on his building site, it was not coincidentally to hand, but was in his hand precisely because he was annoyed with Halliday and the water workers for late connection, while Halliday was irritating him by not leaving his property.
- f. And further, the argument arising at the foundation work on his property, however it did so, I am sure Hendrickson had no reason to pursue Halliday to the property boundary, as he admitted going to the boundary where Halliday had gone, except to harm him, where on Hendrickson's version Halliday went to arm himself with his own shovel, being where the fight then occurred, meaning on his own version Hendrickson went to the conflict, which I find he did as the aggressor, which he would not have done were he not the aggressor, and where Halliday then took up the shovel after being struck.
- g. Specifically, I reject Hendrickson saying Halliday hit him first with the government shovel, and I find Hendrikson was the aggressive party, though Halliday was likely provocative, but only mildly, in not obeying his commands to leave.
- h. I therefore will sentence on the basis Halliday offered minor provocation to a man who was clearly animated there had not been earlier connection, but Hendrickson was aggressive, not acting in unreasonable self-defence, but in punitive irritation, where Hendrickson struck first, and broke Halliday's arm.

- 2 Though Michael Bridgewater of the SKNDF trained his gun on Hendrickson, he did not see how matters began and so he cannot assist this enquiry.
- 3 During submission, careful suggestion was made by Counsel Hamilton Hendrickson insulted Halliday by saying to him, on his asking for a bucket, he should ask his girlfriend for the money to buy one as he gives her all his money, such that locally this is an insult to show Hendrickson knows his business, and is belittling him that his partner controls his income, amounting to what locally is called 'hard talk', to which Halliday had said in evidence such a suggestion was 'personal', meaning as argued by Counsel Hamilton was reason for Halliday to want to attack Hendrickson with a shovel, which he had then gone to get. However:
 - a. I am sure Hendrickson did not make this insult to Halliday as Hendrickson denied doing so in evidence at court when asked by Counsel Hamilton, denying offering hard talk;
 - b. More, I do not accept Halliday from the personality I saw in court would have reacted to such words by attacking with a shovel; and
 - c. Further, I do not accept that locally such words if uttered, which I find they were not, should and would be expected routinely to lead to fighting with weapons, though I do accept they may be thought a jab or insult.
- 4 In sum, Hendrickson will be sentenced on the basis I am sure he has been lying to say to the court that Halliday attacked him. I can be sure of this because 3 prosecution witnesses say Hendrickson attacked Halliday first, who then reached for a shovel in self-defence, supported even on Hendrickson's own version that he pursued Halliday to the boundary armed with a steel bar.
- 5 Credit for plea will be reduced, to be discussed with the parties.