

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

CASE NO. ANUHCR2024/1003

BETWEEN:

THE KING

-and-

[1] JAMARRIE WEBBER

[2] ELVIS PELLE

APPEARANCES:

Mr. Daniel Lattery for the Crown
Mr. Michael Archibald for 1st Accused
Mr. Lawrence Daniels for 2nd Accused.

2025: May 8th, 12th

SENTENCING RULING ON UNLAWFUL WOUNDING

- [1] **BAKRE, J.:** This is a matter in which two accused were jointly charged with the offences of Wounding with intent and Unlawful wounding. When the matter was called, the 1st of May 2025, the 1st accused said his counsel was not around and requested for an adjournment while the 2nd accused, opted to represent himself initially. He pleaded guilty to the 2nd offence of unlawful wounding and the prosecution agreed and dropped the offence of wounding with intent. Subsequently, his brief was taken over by Michael Archibald Esq.
- [2] On the 8th of May 2025 when the matter was called, the Jamarrie Webber was arraigned and he opted to also plead guilty to the 2nd count of the offence and the prosecution accepted the plea and dropped the first count.
- [3] The relevant fact to the offence was that the on the 1st of May 2023, during the Labour day procession, the accused persons and their friends had a scuffle with one Jahiem Christopher and injured him in the act.

- [4] The fact as related by the virtual complainant was that he left his house to join the procession. He said in the course of the procession, he went with the band towards fort road near KFC restaurant.
- [5] Around the place, he saw one man referred to as Orlando who he knew from when they worked together. (Orlando was in company of his other friends). He said he ignored them because he was not friends with Orlando from when they worked together. The VC narrated that at some point, one of the boys that was with the said Orlando came and deliberately pushed him and he hit him with the umbrella he was holding.
- [6] The virtual complainant said while this was happening, an undercover police officer who was there was talking to him when all the other boys including the accused persons came and started to beat him.
- [7] He said they all over powered him and threw a stone at him which hit him at the back of his head and made him unconscious and while he was trying to sit up, another stone hit him on the side of the face and he started to bleed. He said he also subsequently realized that he was also stabbed on the side and he was eventually taken to the hospital.
- [8] The defendants also gave a statement to the police wherein one alleged that it was the virtual complainant who started the fight. This fact as related by the defendant is however contrary to the investigation of the police officers who had also retrieved a video evidence of the event and shown to the defendants. The medical report is also basically in tune with what the virtual complainant had said.
- [9] Upon their arraignments, the defendants opted to plead guilty to the offence of unlawful wounding. They were convicted for the same offence and now before this court for sentencing.
- [10] The defendants agreed to do away with any social inquiry report and would rather face the sentence as assessed by the court in this regard and instead, the virtual complainant gave evidence in court of the impact of the attack on him. He narrated that he still has pains from the injuries sustained.
- [11] The court listened to the plea in mitigation on behalf of the defendants. It was stated that the second defendant has turned a new leaf and within the last two weeks when he was released on bail, he has taken up employment and is

supporting his mother and siblings from the income. The court has taken those into consideration in the course of this Ruling.

THE LAW

- [12] The Offence of unlawful wounding is governed by section 22 of the **Offences against the Person Act Cap 300 Laws of Antigua and Barbuda**. It provides for a maximum sentence of five years imprisonment with or without hard labour.

SENTENCING GUIDELINES

- [13] The court is guided by the Sentencing guidelines for violent Offences of the Eastern Caribbean Supreme Court, as republished in January 2025.
- [14] The first stage is to assess the harm caused by the offence and placing it in a specific category. This court having considered the fact of this case assesses the harm to be category 2 (High) considering the serious physical harm sustained by the virtual complainant.
- [15] On the seriousness which is determined by the level of culpability of the offender, the court refers to the statement of the accused persons with the police and the report of the investigation of the police in this case which shows that the virtual complainant was actually stoned and stabbed. There was continuous attack on the complainant by the accused persons and these are the main causes of the injuries sustained. This puts the level of seriousness at level A (High).
- [16] The starting point based on the foregoing is determined. According to the grid, the starting point based on the consequences and the seriousness is fixed at 60% of the maximum penalty of five years imprisonment which comes to 3 years with range between 45% - 75% of the maximum sentence.
- [17] At this stage, consideration is had to the Aggravating and mitigating factors of both the offence and the offender.
- [18] I do not see any aggravating factor in relation to the offence rather I consider the fact that the defendants were only part of a group that perpetrated the offence and the fact the offence was not pre-planned as mitigating factors. I therefore reduce the sentence by 10 months taking the sentences to 2 years and 2 months.

- [19] On aggravating and mitigating factor of the offender, I see that the 2nd defendant has had brushes with the law a number of times. While for the 1st defendant, I do not have record of any action that would amount to aggravating or mitigating factor for him and thus the sentence of two years and two months (2 years and 2 months) remains for the first offender while the second offender would have his term increased to two years and five months (2 years and 5 months).
- [20] Considering that these defendants pled guilty at the earliest opportunity, they would be given a credit of one third of the above sentence and thus reducing the sentence of the first accused to 18 months and that of the second accused would be 20 months imprisonment.
- [21] The second defendant has been in prison for a period of fifteen months before he was eventually released on bail this number of months shall be taken into consideration in his sentence. On the other hand, the first accused was not in custody.

DEPARTURE FROM THE RULES

- [22] The guidelines for sentencing allow the court to depart from the stated rule of sentencing in certain circumstances. I have considered the age and circumstance of life of the accused persons. I have also considered the plea in mitigation wherein it was stated that the second accused has now secured a job and has become useful to his mother and siblings. I am willing to give the accused persons a new lease of life as the virtual complainant has indicated that he would be sufficiently compensated with an agreed amount.
- [23] I am of the view that this is a situation where custodial sentence would not particularly be appropriate and instead I am willing to order a fine to be paid in lieu of custodial sentences.
- [24] I have stated that the first accused, Jamarrie Webber shall serve a term of 18 months in prison for this offence. I hereby order that he shall pay a fine in the sum of Two Thousand Dollars within the next 30 days failing which he shall serve the said term of 18 months in prison.
- [25] With respect to Elvis Pelle, I stated above that he shall serve a term of twenty months out of which he has been in prison for a period of 15 months. In view of this, Elvis Pelle shall pay a sum of One thousand dollars as fine within the next 20 days failing which he shall be imprisoned to complete the 20 months sentence.

- [26] In this instance, the virtual complainant has suffered unjustifiably in the hands of this accused persons and I hereby order that he should be compensated by each of the accused persons in the sum of Three thousand dollars (\$3000) each within the next five months, paying at least Eight Hundred (\$800) monthly starting from end of June 2025 failing which they would spend additional 3 months in custody upon default.

SENTENCE

- [27] **Jamarrie Webber**, having been convicted for the offence of unlawful wounding of Jahiem Christopher, you are hereby fined the sum of \$2000 payable within the next 30 days. In default, you shall go to jail for twenty months. You will also pay the said Jahiem Christopher the sum of Three Thousand dollars within the next five months paying a minimum of Eight Hundred Dollars to him every month, failing which you will spend additional three months in prison.
- [28] **Elvis Pelle**, having being convicted for the offence of unlawful wounding of Jahiem Christopher, you are hereby fined the sum of One thousand dollars (this has taken into consideration the fifteen months you had spent in custody). You would also pay the said Jahiem Christopher the sum of Three Thousand dollars within the next five months paying a minimum of Eight Hundred Dollars to him every month, failing which you will spend additional three months in prison.

Tunde A. Bakre
High Court Judge

By the Court



Registrar