

IN THE EASTERN CARIBBEAN SUPREME COURT

IN THE HIGH COURT OF JUSTICE

IN ST CHRISTOPHER & NEVIS

IN ST CHRISTOPHER CIRCUIT

CASE SKBHCR 2024/0028

REX

V

KAREEM CHUMNEY

APPEARANCES

Ms Greatess Gordon-Hazel and Mr Tashaun Vasquez for the Crown.

Mr Brian Barnes for the defendant.

2025: MAY 23

SENTENCE

For manslaughter by stabbing young brother

- 1 **Morley J:** Kareem Chumney aged 30 (dob 22.04.95), following plea of guilty on 18.11.24, falls to be sentenced for provocation manslaughter on 25.03.17 when then 21 of his younger brother Ashanafi, then 15, by stabbing him with a breadknife during an argument where Ashanafi had threatened him with scissors.
- 2 The sentencing hearing was on 14.04.25, with adjournment for remarks to be in writing to the first sitting Friday after Easter, being 02.05.25, but delayed further for court admin and then to help defence counsel to today 23.05.25.

- 3 The family circumstance has been five siblings share the same mother, Theona, in 2017 being from eldest to youngest, Kareem, Tafari, Dovanice, Dovaldene, and Ashanafi¹, where the father of Kareem and Tafari is Ucklyn Claxton, of the twin sisters is Derval Hobson, and of Ashanafi is Carlos Saddler. Ashanafi was living with Theona on Nevis, the twins with their father in St Johnston village, while Kareem had been for a year living with Jeida Mitcham, now deceased, in Jannet Alley in McKnight. Tragically, Tafari has since died, also in 2017, from being stabbed on St Maarten.
- 4 On 25.03.17, Ashanafi was to attend a wedding, and traveling from Nevis met his friend Kayjuan Gaiton, and went on to visit Kareem. There is reliable information Gaiton has at this time been a member of a then juvenile gang, called the TNT (tek no talk), known to this court as a malefactor and hostile witness in other trial proceedings during 18.04-04.05.23 concerning *Antonio Pascal*², and with Ashanafi, both wished to smoke marijuana at Kareem's home, Ashanafi using scissors to cut it, but which Kareem would not allow.
- a. Kareem is openly gay and was wearing feminine clothes with false pink acrylic nails.
 - b. Though usually on good terms with Kareem, Ashanafi was truculent in front of his friend Gaiton, who Kareem thought a bad influence. Kareem played with Ashanafi's hair, then pushing him several times in the head, and an argument followed where the big brother tried to assert himself over the little brother, leading to wrangling, with Ashanafi threatening to stab Kareem with the scissors, and Kareem threatening to stab Ashanafi, if false nails he was wearing broke, with both tussling together in the kitchen, where Gaiton intervened, and so Kareem took the scissors off Ashanafi, leaving them to one side.
 - c. During the scuffle, the false nails had been broken, which upset Kareem, causing fingernail bleeding, one nail being recovered off the floor by police during investigation.

¹ First names will be used for ease of reading among the many family members.

² See the committal bundle of witness statements in *R v Antonio Pascal & Eson Gaiton* SKBHCR 2021/0013.

- d. Ashanafi later went to leave, to stay overnight with Gaiton, but Kareem would not let him go, as he did not approve, given he was only 15 and in bad company, so a further tussle followed at the door, with Ashanafi once again armed with the scissors threatening to stab Kareem. In response, Kareem reached for an ordinary breadknife, with a blade about 6in, available to hand inside his bedroom door, the tussling continued, with Ashanafi defying his eldest brother pulling to go, while Kareem pulled him back, and in frustration, provoked by his belligerent defiance, not really intending serious harm, stabbed at Ashanafi once.
 - e. Unfortunately the wound was to the left side of the chest and went 5.5cm deep, into the right heart ventricle. Though Ashanafi ran off, taking his scissors with him, later collapsing, the scissors being recovered from where he collapsed, being taken to the hospital by a passing bus, he told staff he had been stabbed by Kareem, who was then arrested, giving up the knife, while sadly Ashanafi died next day.
 - f. In interview on 26.03.17, with his mother Theona present, Kareem gave a police statement, and described events, though at this stage saying the injury an accident while pulling Ashanafi toward him who moved inadvertently onto the knife.
 - g. By his plea to manslaughter on 18.11.24, he has accepted the injury was not an accident nor in self-defence, but a momentary though deliberate stabbing movement of the knife, intending some harm, though not serious harm, and under provocation leading to a momentary loss of self-control in exasperation at his defiant little brother, who was being threatening with scissors and determined to leave with Gaiton which Kareem disapproved.
- 5 During the sentencing hearing on 14.04.25, of some delicacy, there are three features in the case of particular note.
- a. The family categorically do not want Kareem jailed, there being in court his great aunt Linda, aunts Kuryl and Rodona, while on zoom from Bristol in the UK were his mother Theona, and twin sisters Dovaldene and Dovanice, while victim impact statements followed from:

- i. Kuryl dated 18.11.24, saying *'this has been hard for the entire family...Kareem is not a violent person...I would not want Kareem put away for any time whatsoever...we are not happy that it happened but we forgive him...He is trying with his life, he has a young son, [now 4], I would not want him to go to prison and not be able to spend time with him and see him grow, none of us wants that...Kareem is a kind person...he's kind hearted'*;
- ii. Dovanice, dated 24.12.24, saying: *'My brother Kareem...has always been kind-hearted, uplifting...this heartbreaking incident does not reflect who he truly is. He is not a person who intentionally sets out to harm others...The situation has been incredibly painful, losing my youngest brother, and on the other side seeing my [eldest] brother go through this hardship has left a deep mark on the family. My heart aches knowing that he is facing such serious consequences...I have witnessed he expresses sincere remorse for what had happened...He is working to provide a good life for his son he loves dearly...I ask for mercy and leniency...I kindly ask you take into consideration my mother who had three sons and lost two within the same year... and the thought of another son going away my family and I cannot bear'*; and
- iii. Theona, dated 27.12.24, saying: *'...every day I am in pain on the outcome of this tragic incident...I am depressed, heartbroken, isolated every time I think on this situation, I cried to my knees because I am still stuck in the pain knowing my son Kareem Chumney did not mean for any of this to happen...having to see my baby son will no longer be with me, as for my first son Kareem...he has always shown love and care for both his brothers...please don't take him away from his family. Kareem is not a trouble son...please her my cry, sir.'*
- iv. In addition, Romancia Rawlins, who is the mother of Kareem's son, gave evidence to the court Kareem has Ashanafi's name tattooed on his back as a constant reminder of what happened, also of Tafari, emphasizing his love for his brothers, he is a good father seeing his son aged 4 every weekend, who he loves, and who is named Azanafi, in tribute to Ashanafi, and who will be greatly distressed if Kareem is taken away, Kareem has suffered mentally and emotionally during these 7 years, talking a lot about Ashanafi, and is plainly is remorseful, needing now emotional support.

b. Moreover, it has been expressed by Counsel Barnes on instruction from the family Ashanafi was keeping bad company from the age of about 13, such that Theona has told the court directly on zoom on 14.04.25 during 15mins in some emotion his character was evolving such that he 'scared' her, she was fearful of what he would get up to when he was away from her on St Kitts, he had had become 'disgusting' in his behavior, being 'disrespectful', like a 'gangster', of which she was 'ashamed', though she loved him, and he loved his brothers, emphasizing Kareem is kind and was not like how Ashanafi was becoming.

c. As mentioned above, Kareem is gay, and moreover is androgynous in self-presentation, from early teens, here convicted while dressed as a woman of killing a friend of Gaiton, who has been a member of the TNT, such that Counsel Barnes has queried with some emphasis whether Kareem's time in jail, if sent there, might be more difficult than for others, notwithstanding there is a letter dated 11.02.25 from prison officer Spencer Isaac to the court, relied on by Crown Counsel Hazel, assuring Kareem's 'safety and security will be paramount'.

6 In the social inquiry report by probation officer Khisma Huggins, dated 15.01.25, running to 12 pages, much positive is said of Kareem, being of good character, with a full interview with Theona, and also with Tinetta McKoy of SKN Alliance for Equality, which assists gay life, and who has known Kareem for 12 years, observing how hard he works, his good nature, and how he has struggled with discrimination.

a. There is a lengthy section of fully two pages quoting Kareem, who said:

'The whole situation hurt me, paining me, burning me down, I'm not a killer and I am sorry this had to happen to my younger brother. I never in a million years had no intention to kill my brother because we never had any problem...my intention was to find out where he was sleeping and staying as a big brother, no matter if I am gay or I was wearing nails, my heart is in so much pain...I'm living with this until I dead, I feel so depressed, mentally broken...It hurts to see it was so difficult for me to get work and now I have a job to take care of my son, help my mom and sisters, and be able to pay my lawyer Brian Barnes. This has been going on for 7 years, I'm not a trouble maker, I'm really really sorry this incident had to take

place...It hurts, I fall down on my knees and ask my brother Ashanafi to forgive me and God to forgive me...By me going to jail is a punishment and I understand that, but my heart and mind already done prison, I'm asking for community service...I've been struggling for my whole life...I feel really bad because I'm not a killer or heartless. I only picked up the breadknife because my brother had a scissors that I had taken away from him earlier when his friend handed it to him to stab me...I know it's all my fault this happened, every day I feel depressed, and want to cry because my hands made my brother ain on this earth with us and he family. Lord know how I bow down on my knee and asking my brother to forgive me and I'm so sorry.'

- b. Kareem's upbringing has been difficult, living with his grandmother and great grandmother while Theona settled, eventually on Anguilla, and while with his grandmother Kareem reported sexual abuse, and again on Anguilla, Theona's partner was physically abusive to him and her, such that there was intervention by social services, leading to his being returned from Anguilla to St Kitts, the family circumstance being 'very traumatic and dysfunctional'.
- c. Probation officer Huggins goes on to say in conclusion, '*...given the totality of circumstances, it is recommended that the court consider alternatives to prolonged incarceration, such as a structured rehabilitation program, community service or restorative justice measures.*'

7 Following plea on 18.11.24, sentence had been due on 16.01.25, but on seeing the social inquiry report, Counsel Barnes asked for a psychological report, which was then produced by Dr Cherrilyn Warde-Crawford dated 13.03.25.

- a. The report, which is excellent in its presentation, over 9 pages, has a lengthy account of the incident, as reported by Kareem, which for the purposes of sentencing broadly the court accepts, except that at the fatal moment there was a deliberate stabbing action, not an accident.

Defendant's Account of Offence

The incident occurred in a family setting after Ashanafie arrived in Saint Kitts early in the afternoon on March 25, 2017. He visited his brother, Mr. Chumney, unexpectedly, bringing a box of KFC. After exchanging pleasantries, Mr. Chumney offered belated birthday wishes to Ashanafie and promised to buy him a birthday gift when he had the money. Mr. Chumney

felt very hungry and asked his brother to share some of the KFC with him, but Ashanafie replied that he was taking it back to Nevis for their mother.

After his brother left, Mr. Chumney noticed that Ashanafie had dropped his knapsack on the verandah. Concerned for his brother, he thought that if Ashanafie was returning to Nevis, he would need his bag. Upon searching through the knapsack, he found a small pair of scissors and some local "brown" but no clothes. His concern for his brother grew, and he thought, "If he was going back to Nevis, he should have walked back with his bag, and if he was staying in St. Kitts, there should have been clothes in it." He began to suspect that Ashanafie intended to stay in St. Kitts. He wanted to call their mother to find out about Ashanafie's plans because she usually informed him when his brother was staying over in St. Kitts and where he would be staying.

However, due to his financial problems, he did not have any credit on his phone, so he decided to wait for his brother to return and ask to use a phone.

Later that evening, his brother returned home with his friend Kayjaun, whom Mr. Chumney knew was involved with gangs in McKnight. Mr. Chumney noticed that they had cornflakes; his brother had a bottle of vodka, while Kayjaun had a bottle of Malawi. Ashanafie informed Mr. Chumney that they had come to eat. Since Mr. Chumney had agreed to go with his neighbor to pick up a pizza, he left shortly after his brother and Kayjaun arrived.

Upon returning home, Mr. Chumney found his brother smoking marijuana. He questioned Ashanafie about what he was doing, but his brother ignored him. Mr. Chumney then took the joint from his brother's mouth, threw it on the ground, and stamped it out. In response, Ashanafie retrieved more marijuana from his bag and began to prepare another joint. Mr. Chumney then asked Ashanafie where he would be staying that night and whether he would stay with him or their father. He also inquired why Ashanafie was behaving that way. His brother continued to ignore him, prompting Mr. Chumney to knock the marijuana from Ashanafie's hand, causing it to fall to the ground. Ashanafie then reacted by cursing and telling Mr. Chumney to give him a break and allow him some privacy. Mr. Chumney responded that he was his older brother and that Ashanafie was "showing himself." In a concerning turn, Ashanafie asked his friend for the scissors he was holding and threatened Mr. Chumney, saying he would stab him if he did not move from in front of him. Mr. Chumney felt insulted and shocked by his brother's reaction, as they had been "on good terms" before this visit. Although Ashanafie's friend extended the scissors to him, Mr. Chumney grabbed them and placed them on the kitchen table. He felt very uneasy witnessing his brother's friend being willing to hand over the scissors to Ashanafie so he could stab him.

Mr. Chumney asked Ashanafie again where he would be staying that night, to which Kayjaun responded that Ashanafie would be staying with him. Mr. Chumney clarified that Ashanafie usually stayed with him or his father. He repeatedly asked his brother about his overnight plans, but received no response. Wanting to contact their mother, Mr. Chumney asked Ashanafie to use his phone. Ashanafie replied that his phone was dead but agreed

to give it to Mr. Chumney to charge. Throughout this interaction, Mr. Chumney felt scared because Kayjaun had remained largely silent, only stating that Ashanafie would be staying with him. The fact that Ashanafie's friend readily passed the scissors to him just because he asked about his brother's plans and behavior heightened his sense of fear.

He expressed concern for his brother because he was acting strangely. They had never had significant arguments before, but his brother seemed angry and was likely under the influence of alcohol and marijuana. He mentioned that his brother had struggled with behavioral issues for years, having been involved in fights at school, stealing bikes, and shoplifting. He believed these issues started after his brother began associating with a gang. That evening, when he saw his brother with Kayjaun at their house, he recognized Kayjaun as a gang member with a history of bad behavior, including theft, and the community had even linked him to a murder case. He felt a strong urge to keep his brother safe, especially since Kayjaun had mentioned that his brother would be staying with him that night.

He explained that he stood in front of his brother while asking where their mom had said he would sleep. Ashanafie requested him to move aside because he wanted to leave, but he ignored him. As a result, Ashanafie pushed him, causing him to fall through a partition in the room.

This incident caused several of his false nails to break off, leading to tearing and bleeding. He mentioned that he got up, but by that time, his brother had already retrieved a pair of scissors and was gathering his belongings to leave the house. He said his fingers were bleeding and very painful, which made it difficult for him to consistently hold his brother back; he would pull him and then let go. He clarified that he never threatened to kill his brother. During the struggle of pulling back and releasing his brother, his brother warned him that if he continued to hold on, he would stab him.

At that moment, Mr. Chumney picked up a bread knife from the ledge, pointed it at his brother, and asked if he would really stab him. When Ashanafie tried to leave the house again, Mr. Chumney held on to him. In response, Ashanafie turned quickly with the scissors as if he intended to stab him. Mr. Chumney stated that he reacted to his brother's sudden movement by pushing his hand up with the knife in the air. He insisted that he never intended to stab his brother; he felt the knife touch something before it fell to the ground. He thought the knife had touched his knapsack, so he bent down to pick it up, and by that time, his brother and Kayjaun had left. He heard Kayjaun asking his brother if he had been stabbed, but he did not catch his brother's response. Not seeing any blood on the knife, he followed them to the landing. However, after Ashanafie and his friend began to throw stones at him, Mr. Chumney decided to return to his house and lock the door, believing that his brother and Kayjaun had gone to call a gang. He expressed feelings of shock and fear, worried that the gang would return to harm him since some members had previously threatened to shoot him if they encountered him alone, particularly because he was wearing women's clothing.

- b. There then followed an exemplary analysis of Kareem's psychological profile, with assessment of the degree of provocation he experienced, which it is appropriate to set out in full here.

Mr. Chumney is a 29-year-old male who has faced intellectual challenges since early childhood. At the age of nine, he was transferred to Cotton Thomas Comprehensive School to receive special education services due to a learning disability. He attended this school for less than two years before moving to Anguilla, where he was placed in remedial classes. Mr. Chumney later returned to St. Kitts to complete his education and was placed in class 4A5, known for having the lowest academic performance within that year group. An evaluation using the CTONI 2 and an interview revealed deficits in his intellectual functions, including reasoning, problem-solving, academic learning, and judgment. My assessment found that he is performing below the expected level of reasoning and problem-solving for someone his age. It is my opinion that Mr. Chumney meets the criteria outlined in the Diagnostic and Statistical Manual of Mental Disorders - 5th Edition Text Revision (DSM-5-TR) (2022) for F71 Intellectual Developmental Disorder (Intellectual Disability): Mild.

According to the DSM-5-TR (2022), a mild intellectual development disorder is characterized by several impairments in the conceptual domain.

One such impairment involves abstract thinking, which is the ability to see the bigger picture, connect ideas, think beyond the obvious, and imagine hypothetical scenarios. Mr. Chumney exhibits concrete thinking; he tends to operate in a literal way and primarily focuses on gathering information. He struggles with analyzing trends and exploring possibilities. This is evident in his consistent attempts to find out where his brother would spend the night, as he failed to recognize that the situation was escalating.

There will be impairments in executive functioning, including difficulties with planning, strategizing, and cognitive flexibility.

Cognitive flexibility refers to the ability to adapt one's thinking and behavior to changing situations, which involves switching between different mental tasks, strategies, and perspectives. Mr. Chumney exhibited impaired cognitive flexibility by rigidly focusing on where his brother was supposed to spend the night and the usual procedure of receiving guidance from their mother regarding this issue. He faced challenges in approaching the problem from a different perspective, even when his initial strategy proved ineffective.

The DSM-5-TR (2022) highlights several challenges in the social domain, such as difficulties in accurately interpreting peers' social cues. Individuals may exhibit communication, conversational, and language skills that are more concrete or immature than what is typical for their age. They often have a limited understanding of risks in social situations, and their social judgment may not be fully developed for their age, putting them at risk of manipulation. In terms of practical skills, those with these challenges are frequently found in competitive employment that does not require strong conceptual skills.

- A. Concerning Chumney's family background and its impact on his mental state, particularly at the time of the stabbing: Chumney has a history of adverse childhood experiences that have been traumatic for him. He has endured physical, emotional, and sexual abuse, and he has also witnessed domestic violence. His high score on the Adverse Childhood Experience (ACE) questionnaire indicates a significant risk for mental health issues. Further investigation into the effects of his traumas revealed moderate symptoms of post-traumatic stress. The Severity of Post-Traumatic Stress Symptoms-Adult screening tool indicated that he frequently experiences flashbacks of these traumatic events, feels emotionally upset and cries when reminded of them, and actively tries to avoid thoughts and feelings related to these experiences. Additionally, he experiences very negative emotional states, including feelings of fear and shame, a loss of interest in activities he once enjoyed, and a heightened state of alertness where he is constantly on the lookout for danger.

The evaluation results from the GAD-7 indicate that Mr. Chumney is experiencing severe anxiety symptoms. He reported feeling nervous, anxious, or on edge almost every day. He struggles to control his worry about various issues and often feels restless, with a persistent fear that something terrible might happen. Additionally, the PHQ-9 results suggest that he is suffering from severe depressive symptoms. He frequently feels depressed and expresses little interest in activities he once enjoyed.

He has also mentioned feeling tired, experiencing a poor appetite, feeling bad about himself, and considering himself a failure. During the interview, he noted that he often felt sad and anxious throughout his childhood.

In my opinion, Mr. Chumney meets the criteria for Post-Traumatic Stress Disorder (PTSD) as his principal diagnosis. He presents with moderate posttraumatic stress symptoms, which align with his history of trauma. Although he has not been previously diagnosed with PTSD, his symptoms and background indicate that this condition existed prior to the offense. It is common for individuals with PTSD to experience affective symptoms, such as anxiety and depression.

- B. Concerning how his experiences, influenced by his sexual orientation, impact his responses to stressful situations:

Chumney has no prior history of aggressive behavior. According to Ms. Chumney's Social Enquiry Report dated January 15, 2025, her son Kareem was both a caregiver and protector, taking his role in caring for his siblings very seriously.

Individuals with PTSD may encounter triggers. These are stimuli that remind the brain of past traumatic experiences and provoke an immediate stress response. These triggers activate the body's fight-or-flight mechanism, even when the individual is currently safe and not experiencing trauma. The brain forms a neural shortcut linking

certain sensory inputs to past threats, leading to an automatic protective reaction. Neurologically, these triggers engage the amygdala, the brain's fear center, which can inundate the system with stress hormones such as cortisol and adrenaline. This physiological response may present as panic attacks, intense anxiety, rapid heartbeat, sweating, or overwhelming emotions.

Several types of triggers exist, but those that could have been activated in Mr. Chumney at the time of the offense include stress, conflict, and feelings of vulnerability. The interaction with his brother that culminated in the offense might have provoked overwhelming emotions, as Mr. Chumney perceived his brother as needing protection. When his brother declined to engage in a conversation about where he would spend the night, Mr. Chumney experienced intense fear. The conflict was marked by tense interpersonal interactions, such as confrontation and physical tussling between the brothers. The feelings of vulnerability may have been triggered by his brother's refusal to stay at his house, leaving Mr. Chumney feeling powerless and out of control.

In my opinion, Mr. Chumney's adverse childhood experiences, including the abuse he faced due to his sexual orientation, contributed to the development of PTSD. Furthermore, at the time of the offense, it is likely that Mr. Chumney experienced his PTSD triggers, resulting in an immediate stress response.

C. Concerning the level of provocation:

In the context of psychology, provocation refers to actions, stimuli, or situations that intentionally or unintentionally elicit emotional, behavioral, or cognitive responses, often leading to anger, aggression, or other reactions.

Considerations:

- Ashanafie was behaving strange. Mr. Chumney and his brother had never had significant arguments before until the incident. During the incident Ashanafie was perceived to be angry and was likely under the influence of alcohol and marijuana. Ashanafie knew his brother's friend, Kayjaun as a gang member with a history of bad behavior, including theft, and the community had even linked him to a murder case. Mr Chumney felt very uneasy witnessing his brother's friend being willing to hand over the scissors to Ashanafie so he could stab him and saying that Ashanafie was going to spend the night with him. It is my opinion that the above actions, elicited a heightened his sense of fear in Mr. Chumney as he perceived his youngest sibling needed to be protected.
- Mr. Chumney has PTSD and his PTSD triggers which are internal stimuli could have resulted in an immediate stress response.
- Mr. Chumney was diagnosed with intellectual disability in the past and currently has Intellectual Development Disorder (Mild) that is characterized by several impairments in the conceptual and social domain and in executive functioning. He has deficits in his intellectual

functions, including reasoning, problem-solving, academic learning, and judgment.

It is my opinion that Mr. Chumney received a high degree of provocation.

- c. The report was received on 20.03.25, and the prosecution asked for time to consider it. Under the ECSC sentencing guidelines, there are three categories of provocation, where category C reflects a high degree of provocation, meaning the most mitigating category, which on 28.03.25 the prosecution invited the court to consider as the correct category in light of the psychology report.
- 8 Reflecting on the sentence, manslaughter carries a maximum sentence of life imprisonment, contrary to **s5 Offences against the person Act** cap 4.21, which within the sentencing guidelines is construed notionally as 30 years, where a category C provocation manslaughter offence has a starting point of 10 years, with a range up to 15 years. In parallel, it is a feature of the offence in his provoked act he did not intend really serious harm, which would place the offence within category B of lesser intent manslaughter, where the starting point is 18 years. Weighing these two aspects, and adding here is a case of an adult stabbing a teenage child, a child being in law a person under 18, though tragically stroppy and belligerent, in my view for this provocation lesser intent manslaughter the correct starting point lies between the 10 and 18, and is therefore 14 years.
- 9 Weighing the offence, I then take into account that Ashanafi though a child was threatening with scissors, so that an element of self-defence creeps into Kareem's behaviour, where though adult he has overreacted in making a stab, so I would reduce the sentence by one year to 13 years. He also cooperated fully, meriting a further reduction of a year to 12 years. I also reduce the sentence a further 2 years, to 10 years, for the delay in it coming to court, as the event was in 2017 and we are now 8 years later, the delay arising in part owing to covid, and changes in committal procedures.
- 10 Weighing the offender, his unusual psychological profile has already been taken into account in the categorization of the offence and so should not be counted again. However, there are additional features in mitigation, being good character, positive social inquiry report, and heartfelt

remorse, while his family positively do not want him to go to jail, so that there can be a further reduction by 2 years to 8 years. Reflecting on his personal circumstance, though I accept the jail will look after him correctly, nevertheless I recognize he will feel more vulnerable than others, and so will reduce the sentence a further 6 months, to 7.5 years.

- 11 Weighing full credit for plea, being one-third, the sentence can be reduced further to 5 years.
- 12 Time on remand will count, which I declare to be 3 months, to be factored by the prison when assessing his release date³.
- 13 I have given consideration to whether Kareem Chumney might be able to avoid jail for stabbing his brother Ashanafi to death. From constructing the sentence, it has settled at 5 years, which is more than 3 years, which is the maximum which can be suspended, so that contemplation here of a suspended sentence would not arise. I have further considered stepping outside the guidelines, as the family have asked he not be jailed. However, I remind myself here an adult has killed a child, even though he was behaving badly and in bad company. What has occurred is a tragedy for Ashanafi and for Kareem, but in my judgement this court must speak to the loss of life, where the dead cannot defend themselves against a press of family asserting Ashanafi had become they say odious. The court cannot overlook he was a boy, and to stab him in frustration and to control him, while he behaves threateningly and disrespectfully, must in the final analysis merit jail time. Five years is the least which can be contemplated, much reduced from 14 years, that figure already reduced by successful defence argument to reflect a lesser manslaughter category.
- 14 *Kareem Chumney, please stand up.* For the offence of stabbing your brother Ashanafi to death on 25.03.17, when he was 15 and you were 21, though he was being threatening, disrespectful, and provocative, following your plea of guilty, where your defence counsel has successfully argued your case into the lowest category of manslaughter, for all the reasons explained the least sentence consistent with my public duties I can pass is 5 years imprisonment. Time on

³ See para 12 **R v Anthony Adams 2025** at www.ecourts.org/judgments.

remand shall count, and you shall be eligible for remission of one-third of your sentence if of good behavior. You may go with the gaoler.

The Hon. Mr. Justice Iain Morley KC

High Court Judge

23 May 2025