

**THE EASTERN CARIBBEAN SUPREME COURT
ANTIGUA AND BARBUDA**

**IN THE HIGH COURT OF JUSTICE
(CRIMINAL DIVISION)**

CASE NO. ANUHCR 2023/0053

BETWEEN:

THE KING

and

BRITTANY JNO-BAPTISTE

Appearances:

Mrs. Shannon Jones-Gittens, Counsel for the Crown
Mr. Wendel Alexander, Counsel for the Defendant

2025: April 1st

SENTENCING JUDGMENT

Background

- [1] **BAKRE, J.:** On an indictment filed on 10th July, 2023 the Defendant was charged for the murder of Jane Finch, deceased. The trial of the matter commenced on 18th November, 2024 and on 2nd December, 2024 before the closing addresses of Counsel, the Defendant changed her plea to guilty of manslaughter. Accordingly, the jury was directed to return a formal verdict. The prosecution indicated to the Court that the plea was accepted on the basis of diminished responsibility.
- [2] The evidence as led during the trial and captured by the prosecution brief disclosed that the Defendant killed Jane Finch in a horrific manner - beating her to death in her home on 4th October, 2021. Even after the deceased had closed her door, the prisoner forced her way into the house and attacked her. The beating resulted in hair being ripped from the deceased's head, massive blood loss with injuries which destroyed parts of her face. The murder weapon, a pliers, was discovered lodged in the ear of the deceased. These acts were in response to the deceased chasing the Defendant from her property when she had gone to seek a phone call to procure a ride home having been left stranded in Piccadilly violating the national curfew that was in effect at that time. Ms. Finch called the police when the Defendant first came at her gate, however, by the time the police were able to get directions and arrived a few minutes later, she had already met her demise.

- [3] Witnesses provided evidence regarding the Defendant's strange behaviour on the evening in question, and the last individual known to have been in her company prior to the murder recounted a bizarre outburst she had. There was evidence that she had been consuming marijuana that night and had gone in search of cocaine. She was also behaving abnormally when the police arrived at the crime scene. She ran out of the house with blood on her hands and was mumbling "mammy a me do um". She was behaving in an uncontrollable manner but eventually calmed down when she was taken to the police station.
- [4] In her defence, medical evidence was led from the Government psychiatrist who diagnosed her with Cannabis Use Disorder/Cannabis Induced Psychotic Disorder with onset during intoxication. He opined that based on his assessment, she would have been suffering from psychosis at the time of the murder and felt compelled to carry out her impulsive act of aggression. This condition from which she suffered, he explained was caused by her chronic use and abuse of marijuana. Her condition was made worse by her underlying condition of ADHD which made her more likely to abuse drugs and made it even more difficult for her to control her anger. The Defendant explained to the doctor that on the night of the murder she was having both auditory and visual hallucinations and she was encouraged to kill Ms. Finch to join a "tribe".
- [5] At the time of her arrest the Defendant was 21 years old and a first-time offender; the deceased was in her 60s.
- [6] The Defendant is now before the Court for sentencing, the Court has before it a plethora of information that must be carefully considered in arriving at an appropriate sentence in this matter. The material before the Court includes the prosecution sentencing brief, the psychiatric report, the social inquiry report and addendum, a victim impact assessment from a friend of the deceased, letters from the family and friends of the deceased, and testimonies at the sentencing trial this morning and the plea in mitigation presented on behalf of the Defendant by her counsel. I have considered these materials and will go through each in turn.

Letters from the Family and Friends of Jane Finch, deceased

- [7] The Court has had the benefit of considering a number of victim impact statements submitted by members of the deceased's family and close friends. These statements convey, with compelling clarity, the profound emotional, psychological, and practical consequences that the unlawful killing of Jane Finch has had on those who knew and loved her.
- [8] The deceased was remembered as a vibrant, principled, and compassionate individual who played a central role in the lives of her family and her community, both in Antigua and abroad. Her son, Mr. Jareese Finch, spoke to the life-altering trauma he has experienced in the wake of his mother's violent death and implored the Court to impose a sentence that reflects the gravity of the offence and

affirms the value of her life. Her siblings—Mr. Geoffrey Finch, Ms. Joanna Finch, and Mr. John Finch—each provided detailed accounts of their enduring grief, the psychological burden they now carry, and the disruption caused to the close familial bond they shared with the deceased.

- [9] Ms. Joanna Finch in particular expressed not only the intense sorrow occasioned by her sister's loss, but also her ongoing psychological difficulties and inability to maintain steady employment in the years following the offence. While expressing a belief in restorative justice, she underscored the need for acknowledgment of guilt, remorse, and responsibility from the Defendant. Ms. Chloe Finch and Ms. Molly Varrow, nieces of the deceased, spoke of the anguish felt throughout the family, the trauma of attending the crime scene and funeral in Antigua, and their continued psychological suffering. Ms. Chloe Finch also addressed the Defendant directly, expressing disbelief at the Defendant's reported lack of remorse and the continuing pain inflicted upon the family.
- [10] The Court also received a statement from Ms. Wendy Neilsen, a lifelong friend of the deceased, who described Jane Finch as a loyal and nurturing presence in her life for decades. She described the horror of seeing the deceased's final online plea for help go unanswered and the deep void her death has left.
- [11] Ms. Deborah Dagg, another close friend of the deceased, expressed dissatisfaction with the outcome of the trial and the charge of manslaughter. She described Ms. Finch as the "best friend in the entire world" and recalled fond memories of their annual celebrations together in Canada. Ms. Dagg's statement reflects the broader concern among those who knew Ms. Finch that the sentence should reflect not only the brutality of the act committed, but also the immense value of the life lost. She remarked on the deceased's continued vitality and presence, refuting any implication that the deceased's age diminished the significance of her life or the gravity of her killing.
- [12] The court also had the benefit of listening to the brother, sister and niece of the deceased in court during the sentencing trial. They all gave their testimony in emotion laden voices about the impact the death have on each of them and the rest of the family.
- [13] Taken collectively, these statements present a portrait of a woman whose life was deeply intertwined with those around her. The Court is satisfied that the impact of this offence has been wide-ranging and enduring, having caused immense suffering across several generations of the deceased's family, as well as her extended circle of friends. The Court will give due weight to the seriousness of the harm outlined in these statements and acknowledges the unified call for justice and accountability.

The Social Inquiry Report and Addendum

- [14] The Court has had the benefit of reviewing the Social Impact Report and an Addendum to the Report prepared by the Probation Unit, which provides a comprehensive overview of the personal history and circumstances of the Defendant, Ms. Brittany Jno Baptiste.
- [15] The Social Inquiry Report dated 31st January, 2025 was prepared by Mrs. Betty-Ann Bloodman of the Probation Unit of the Family and Social Services Division. The Addendum to the Social Inquiry Report was ordered on 10th February, 2025 and is dated 3rd March, 2025.
- [16] Ms. Jno Baptiste is a 24 year old Antiguan national who, by her own account, experienced a difficult upbringing. She was born in Antigua but spent some of her early years in Dominica, the country of her parents' birth, before returning to Antigua to live permanently. Her father abandoned the household when she was a child, and she was raised by her mother in a single-parent home. The man her mother later partnered with, Mr. Glenroy Francis, played a fatherly role in her life. Academically, she struggled significantly, particularly with reading and writing, which ultimately led to her premature departure from school while in third form. Despite these setbacks, she cultivated a skill in hairstyling and contributed to the household through domestic chores.
- [17] From a relatively young age, the Defendant began engaging in risky behaviours. She frequented parties and consumed alcohol, and at the age of 18, she was introduced to marijuana. This developed into an addiction that, according to her, led to auditory hallucinations and a deterioration in her mental health. She has also acknowledged that anger management has long been a challenge for her. The use of illicit substances, particularly marijuana and cocaine introduced at a party in 2021, contributed to a downward spiral in her mental health, manifesting in disturbing behaviours such as prolonged sea bathing, sleeping on rooftops, walking barefoot over long distances, refusing food and hygiene, and public disrobing.
- [18] Members of her household and community consistently described Ms. Jno Baptiste as a kind, quiet and helpful individual. There was widespread shock at her involvement in the fatal incident. While those closest to her were aware of her mental health struggles, none reported having observed any violent tendencies prior to the offence.
- [19] Teachers from her former school recalled her poor attendance and early withdrawal but had no significant behavioral complaints. Her prior record is clean, and she has had no known interactions with law enforcement before this matter.
- [20] Since her incarceration, Ms. Jno Baptiste has continued to suffer from episodes of psychosis. Prison officials noted disorientation, hallucinations, and non-compliance prior to her being placed on psychiatric medication. Since commencing treatment with prescribed medications — Cogentin and Aripiprazole — her condition has reportedly improved, with a calmer and more coherent demeanour,

though occasional disconnection from her environment remains. She has been reintegrated into the general female prison population and permitted to assist with chores. Prison officials confirm that she last accessed marijuana in June 2024, during her incarceration, but there is no indication of continued use thereafter.

- [21] With respect to the offence itself, Ms. Jno Baptiste states that she was emotionally triggered by a distressing experience shortly before her encounter with the deceased. She reports that the interaction with Ms. Finch further exacerbated her emotional state, leading to an outburst of anger during which she was allegedly responding to voices instructing her to “finish the job.” According to her, the voices ceased at the precise moment the victim succumbed to her injuries. Following the incident, the Defendant expressed remorse and stated that she wished it had been her life taken instead. She has indicated a willingness to apologise to the family and friends of the deceased but remains haunted by the experience, stating that she continues to see the deceased’s spirit whenever she is placed in isolation.
- [22] The report also addresses the impact of the offence on the deceased’s family and friends, echoing the themes and effects already detailed earlier in this judgment.
- [23] In totality, the report paints a picture of a young woman who, prior to her mental deterioration, was widely regarded as kind and helpful, with no history of criminal or violent behaviour. Her actions on the day in question appear to have been influenced by longstanding and untreated mental illness, exacerbated by substance abuse. At the same time, the gravity of the offence and its lasting emotional toll on the loved ones of Ms. Finch cannot be overstated. The Court must therefore weigh the Defendant’s personal circumstances and mental health condition against the severity of the offence and the legitimate expectations of the family and community for justice and accountability.

The Psychiatric Report

- [24] Pursuant to an order made on 10th February, 2025 an updated Psychiatric Report was prepared by Dr. Griffin C. Benjamin. The date of this report is 14th March, 2025. This report speaks to the Defendant’s present mental condition and her history of mental illness.
- [25] In his report Dr. Benjamin states that he visited the Defendant at His Majesty’s Prison on 6th March and 13th March, 2025. Dr. Benjamin’s clinical diagnosis of the Defendant is that she was “mentally stable at the time of interview”, he noted that she “did not present with any gross features of psychosis”.
- [26] The doctor noted that there was no evidence of delusions, hallucinations or disorganization of speech or behaviour. He stated that the Defendant has a clinical history of psychosis and is currently using neuroleptic medication treatment of Aripiprazole. Dr. Benjamin indicated that the Defendant reports

a long clinical history of multiple substance use including marijuana and cocaine and that over the past three years of incarceration she denied any use of illegal psychostimulants despite having access to these substances while in prison. He also indicated that the Defendant was able to give a clear account of the incident related to her conviction and seemed to be in touch with the reality of her situation. Dr. Benjamin states unequivocally that “There is no evidence that she suffers from any physical, neurological or neurocognitive illness that may impair her memory, judgment or mental competence.” Dr. Benjamin also stated his belief that the Defendant should continue to benefit from psychiatric care.

The Plea in Mitigation

- [27] Mr. Alexander for the Defendant gave an address in mitigation on behalf of the Defendant. Counsel urged the Court to consider the age and the circumstances of the Defendant. It is the position of Counsel that the society has failed the Defendant by not providing adequate care for her unfortunate family medical history and situation in life. Counsel urged the Court to consider the fact that the Defendant had shown remorse at the earliest possible opportunity while being interviewed by the police. On behalf of the Defendant, Counsel further apologized for the act to the deceased’s family.

Constructing the Sentence

- [28] The offence of manslaughter is governed by **section 5 of the Offences Against the Person Act, Cap.300 of the Laws of Antigua and Barbuda** which provides a maximum penalty of thirty-five (35) years imprisonment.
- [29] The Compendium Sentencing Guideline of the Eastern Caribbean Supreme Court for Homicide Offences which was re-issued on 6th January, 2025 sets out guidelines for offences of manslaughter on the basis of provocation and by an unlawful act. There are however no guidelines for manslaughter by reason of diminished responsibility. The Court therefore considers that it must be guided by local and regional case law where the Courts have imposed sentences on offenders in cases of manslaughter by reason of diminished responsibility. The Court would consider some of the precedents cited and relied on by the prosecution counsel in this regard.
- [30] In **Toussaint v R**, Criminal Appeal No. 5 of 2000 which was an appeal from Antigua and Barbuda, the appeal was allowed and a verdict of manslaughter by reason of diminished responsibility was substituted for that of murder. The Court found that an appropriate sentence in the case was twenty-five years’ imprisonment. The appellant killed his wife and buried her body at a beach. He cooperated with the authorities and confessed to killing her, handed over his bloody clothing and took the police to the burial site. He had been diagnosed and treated for anxiety and depression several months before the killing and was being treated with drugs for manic depression.

- [31] In **The Queen v Germaine Sebastian**, Case No. 4 of 2006, a case from the British Virgin Islands, the defendant killed a six-year-old boy on the evening of 26th February, 2004. The child's lifeless body was found in a bushy area concealed with women's clothing. Upon examination of the body, there were multiple incised wounds to the different parts of the neck. There were two cuts into the thyroid cartilage, two into the trachea and the jugular vein was also cut. Death was due to massive blood loss and asphyxia.
- [32] The police found the Defendant that night in blood-stained clothing and shoes which he explained as being the result of a cut on his hand sustained the day before. He was arrested and charged with murder but subsequently pleaded guilty to manslaughter on the basis of diminished responsibility.
- [33] In arriving at the sentence, the Court reviewed the psychiatric evidence which was presented that explained that the defendant had been using drugs and alcohol from a very tender age. He had undergone treatment for his mental health in 2000 and in 2003. On the latter occasion he was found to have been suffering from paranoid psychosis which was substance induced particularly with his long history of marijuana use. When examined shortly after the incident, his results suggested that there may be an underlying psychotic disorder, possible paranoid schizophrenia or a paranoid psychosis. The doctor opined that his medical condition at that time was incurable but could be treated and controlled. It was also explained that he abuses drugs and if not treated he remained a threat to society generally.
- [34] At paragraph 34 of the decision the Court considered the UK practice as was pronounced in the case of **Chambers** (1983) 5 Cr. App. R. (s) 190. That case explored the various options open to the courts in England which includes making a hospital order, imposing life imprisonment and imposing a determinate sentence. The Court then pointed out that there were no local precedents at the time and therefore sought guidance from decisions of our Court of Appeal which included the case of **Toussaint v R.**
- [35] At paragraph 54, the Court reminded that in cases of diminished responsibility, the mental abnormality reduces the crime from murder to manslaughter and reduces the Defendant's culpability for the killing. The greater the mental disability, the greater the effect in mitigating culpability.
- [36] The most important factor that the Judge considered applied to the case was the need to protect the public (which is an objective of sentencing). The Defendant was still consuming marijuana and seemingly failed to appreciate the effect that the drug had on his mind and his mental health. Further she considered that the psychiatrist opined that while his condition is treatable it needed to be treated over an extended period of time.
- [37] The Court then concluded that the Defendant was a danger to society and had a moderate degree of personal responsibility in spite of his mental abnormality. Account was taken of the mitigating factors to include his age and that his responsibility had been diminished by reason of his mental illness.

- [38] In the BVI, the maximum sentence for manslaughter was life imprisonment and there were also provisions for the imposition of a minimum term. To mete the justice of the case, the Court imposed a sentence of life imprisonment to be reviewed after twenty-five years to determine whether he was still a threat based on psychiatric evidence. It was also ordered that during his incarceration that he was to receive psychiatric treatment.
- [39] In **R v Wilson Adams** ANUHCR1997/0033, a decision from the High Court in Antigua and Barbuda, the Court was considering the sentence to be imposed on a defendant who pleaded guilty to manslaughter on the basis of diminished responsibility. This decision was delivered on 4th May, 2021.
- [40] On 8th January, 1997 during an apparent psychotic episode the defendant saw the deceased, lying and relaxing on a beach. He thought she was a big dog and bashed her head with a rock, stabbed her in the chest and cut her throat. He was detained by persons in the vicinity and restrained until the police arrived. When he was confronted by the police on that day, Mr. Adams explained that he heard voices telling him to kill the woman. The next day he gave a caution statement where he said he had been suffering from some “head problems” and he remembers approaching the lady in a rage but he couldn’t remember what else happened.
- [41] When examined by a psychiatrist two days after the incident he was found to be suffering from a psychotic illness and that most likely had been ongoing for some time. However, the doctor could not say with certainty for how long and what his condition was on the day of the killing. The defendant was known to have suffered a mental breakdown sometime in 1996 for which he had been hospitalized and treated.
- [42] During the course of his decision, the learned Trial Judge reviewed the law on diminished responsibility and the evidence from the psychiatric report presented to assist the Court with sentencing. Like the Court in **Germaine Sebastien**, the Court reviewed the UK position noting that Antigua and Barbuda did not have similar legislation. Also, it was noted that there was no similar legislation like the BVI to impose a review period. After consideration of the relevant legislation, the Court found that the only viable option was a determinate sentence of imprisonment. At paragraph 41 of the decision, the Court then considered the circumstances of the case and the offender including his guilty plea and determined that a sentence of thirty years imprisonment was appropriate in the matter.
- [43] In arriving at an appropriate sentence, the Court is guided by the well-established sentencing objectives articulated in **Desmond Baptiste v The Queen** High Court Criminal Appeal No. 8 of 2003, namely, retribution, deterrence, prevention, and rehabilitation. The sentence imposed must be proportionate to the seriousness of the offence, the degree of the offender’s culpability, and the harm caused, while also addressing the legitimate concerns of society, the victim’s family, and the prospects for the offender’s reform.

[44] This Court now considers the facts of this case and the serious nature of this matter. The impact and effect of this case on the community of Antigua and Barbuda and the unfortunate negative reputation that this singular act of the Defendant places on the country. The Court considers the appropriate starting point to be thirty-four years imprisonment.

[45] The Court would now carefully weigh the aggravating and mitigating factors in this matter.

[46] The aggravating factors are as follows:-

- a. The sustained and extreme violence. The nature of the injuries was horrific, and the use of a pliers as a weapon, lodged in her ear, underscores the brutality of the attack. The deceased had sought help by contacting the police, and yet the speed and ferocity of the attack prevented any intervention.
- b. The attack was entirely unprovoked.
- c. The Defendant forced entry into the home of the deceased, indicating deliberate action and escalating aggression.
- d. The vulnerability of the victim due to her advanced age.

[47] Mitigating factors include:-

- a. The Defendant was 21 years old at the time of the offence and is a first-time offender with no prior convictions or history of violence.
- b. The Defendant has been clinically diagnosed with Cannabis Use Disorder and Cannabis-Induced Psychotic Disorder, conditions which substantially impaired her mental functioning at the time of the offence and reduced her culpability.
- c. Her underlying neurodevelopmental condition (ADHD) contributed to impulsivity and poor anger regulation, making her more vulnerable to the effects of chronic substance use.
- d. The Defendant has expressed remorse and has reportedly experienced ongoing psychological torment related to the killing. She has indicated a willingness to apologise to the victim's family.
- e. She has now shown responsiveness to psychiatric treatment while in custody, and prison authorities have noted improvement in her behaviour since she commenced prescribed medication.
- f. There is no suggestion of premeditation in the conventional sense; the act appears to have been impulsive and psychotically driven rather than calculated.

[48] Having regard to the aggravating and mitigating factors and the fact that the mitigating factors all together indicate that there is some prospect of rehabilitation of this Defendant I have determined that the sentence should be brought down to thirty years imprisonment.

- [49] The Court accepts that this is not a case of inherent or permanent mental disorder, but rather one where the Defendant's abnormality of mind was brought on and worsened by her voluntary and sustained substance abuse, for which she bears some personal responsibility. Nevertheless, the law recognizes that a genuine mental disorder — even if self-induced — can significantly reduce moral culpability. In this case, the Defendant's diminished responsibility for the killing has been established through credible medical evidence.
- [50] Having reviewed comparable authorities, including stated above and taking into account the aggravating and mitigating features, the Court considers a sentence of thirty years' imprisonment to be appropriate. This reflects the need for retribution for the life lost, deterrence against similarly violent conduct, the prevention of harm by incapacitating an individual who may still pose a risk if left untreated, and the rehabilitation of a young offender whose prospects may yet be salvaged with proper psychiatric and social support.
- [51] As was stated in the sentencing hearing, the Defendant's plea of guilty was entered at a very late stage in the proceedings — specifically, just prior to the commencement of closing addresses to the jury. The defence Counsel has stated that same was offered at the earliest stage. In these circumstances, ordinarily, the position is that the plea coming so late does not warrant a reduction of the sentence.
- [52] While it is acknowledged that the defence had indicated a willingness to plead guilty to manslaughter before the trial commenced, the medical report — which the defence bore the burden of proving — required further clarification before it could be properly relied upon. This clarity was not available until the psychiatrist gave evidence on the state of mind of the Defendant. As such the consideration for the plea was not available and not entertained at the earliest reasonable opportunity. However based on the Eastern Caribbean practice direction on credit for an early plea which states:-

“An early guilty plea is in the public interest and should attract credit of one-third. It is the duty of defence counsel to tell an offender about this. In addition an offender should be told it by the court on first appearance and in any event no later than when the Defendant is arraigned. After arraignment the amount of credit you will receive for a guilty plea reduces on a sliding scale all the way to trial. A guilty plea after the first opportunity attracts up to ¼ (maximum 25% reduction) down to a maximum of 1/10 (10% off the sentence) for a guilty plea on the first day of trial. Reasons must be given if the court decides to give no or reduced credit.” (My Emphasis)

- [53] I consider the accused's early attempt at pleading to manslaughter and would award the 10% credit of the sentence. This is in view of the circumstances of this case which gave the prosecution no clear view to determine the consideration of the plea until the opportunity to cross examine psychiatrist was eventually presented by the defendant. The sentence is thus reduced to 27 years imprisonment.

- [54] Time spent on remand is to be deducted from this term. As at today the accused has spent (1,270) One thousand two hundred and seventy days in custody and this would be taken into consideration in the compilation of the time to be removed from her sentence. The Defendant is to remain under psychiatric care during her incarceration. The Superintendent of His Majesty's Prison is directed to ensure that the Defendant is regularly monitored by mental health professionals and that her prescribed treatment plan continues to be implemented.

Sentence

- [55] The defendant, Brittany Jno- Baptiste, for the offence of manslaughter in the killing of Wendy Jane Finch, you are hereby sentenced to (27) twenty seven years imprisonment less (1,270) one thousand two hundred and seventy days already spent in custody.
- [56] In keeping with **section 3B(1)(b) of the Offences Against the Persons (Amendment) Act No. 13** has served twenty-five years of her sentence.

Tunde A. Bakre
High Court Judge

By the Court



Registrar