

THE EASTERN CARIBBEAN SUPREME COURT
ANTIGUA AND BARBUDA

IN THE HIGH COURT OF JUSTICE
(CRIMINAL DIVISION)

CASE NO. ANUHCR 2021/0013

BETWEEN:

THE KING

and

LEON HAWKINS

Appearances:

Mrs. Shannon Jones- Gittens, Counsel for the Crown

Mr. Andrew O’Kola, Counsel for the Defendant

2024: October 2nd
2025: January 20TH
March 18th,
April 1st, 2nd.

SENTENCING RULING

- [1] **BAKRE, J.:** The accused, Leon Hawkins pled guilty to manslaughter and he was convicted for a one count charge of manslaughter based on an indictment dated 9th July, 2021.
- [2] The accused was alleged to have murdered his brother, Kareem Santiago on the 13th day of March, 2020 at Yorks Village, Saint John’s Antigua.
- [3] After a series of adjournments, the accused agreed to a plea of manslaughter which has been accepted by the prosecution.

Summary Fact as Stated by the Prosecution and Accepted by the Defendant

- [4] The defendant, Leon Hawkins is the younger brother of the deceased in the matter, Mr. Kareem Santiago. Both lived in Yorks Village and so did their mother but they all lived in separate households. In March 2020, the Defendant had recently separated from his girlfriend, Ms. Rachael Scott with whom he shared 4 children, ages 5, 4, 2 and 8 months old.

- [5] On Wednesday 11th March, 2020 Ms. Scott went to collect the children (who were residing with her) from the defendant's home and informed him that she had gotten a job at a hotel and would commence work the following day. She advised that he should make efforts to find a babysitter and she would do the same. This led to an argument during which the defendant retorted that he was not her man. A neighbor overheard and agreed to assist.
- [6] Two of the children were left at the deceased, Mr. Santiago's home with his girlfriend. While the children were there, Mr. Santiago and his girlfriend made efforts to get two of the children registered in a daycare center but were unsuccessful as they were told they would have to wait until the new school year in September. Nonetheless, they went out and bought them clothing and toiletries. Later that day the Defendant and Ms. Scott once again had arguments about the children and their care.
- [7] On Friday 13th March, 2020 Ms. Scott was scheduled to work at 8:00 am and needed to be at the bus station for 7:00 am. She prepared for work, took the 3 eldest children by a friend but the friend could not accommodate the baby. Therefore Ms. Scott tried calling the Defendant but got no response. As a result she went to complain to Mr. Santiago and asked if he could find her a babysitter.
- [8] He suggested taking the baby to their mother but she felt like the grandmother and others at the house didn't want to keep the baby. The Defendant called her back and she told him she needed to get to work and he hung up on her. In the meantime, Mr. Santiago had gone by the preschool next to his home to see if they could accommodate the baby. Unfortunately no cribs were available.
- [9] Mr. Hawkins, at the time was working at the Solid Waste Management Authority and was off work on Fridays. He eventually came out his house and approached Ms. Scott in an upset manner and she walked away from him leaving the baby in the stroller on the sidewalk. This led to his brother, Kareem Santiago arguing with the defendant telling him he needs to look after his children. The argument escalated and Kareem Santiago went to his car and took out a knife. Mr. Hawkins walked towards him and they continued to argue while being in each other's faces. Kareem then took the knife and chopped the defendant in his forehead and blood began to run down his face. The defendant in turn threw a stone and struck his brother in the head.
- [10] Eventually, the two held on to each other and began wrestling. The Defendant eventually overpowered his brother and sat on top of him while the deceased tried to push him off. The Defendant then stabbed his brother in his throat despite the cries from persons around not to stab him. The Defendant stood up with the knife and went to sit outside the school. The deceased then began to spit blood and was struggling to breathe. Persons rushed to his aid and they tried applying pressure to the wound which was bleeding profusely.
- [11] A police officer who resides in the area was alerted to the incident and arrived to find Mr. Santiago injured and bleeding in the school yard with a knife on the ground near him which was about 12-13 inches in length. The defendant was on the road with a cloth around his head with blood on it.

- [12] The EMS was summoned and arrived on the scene and transported Mr. Santiago to the hospital where he was rushed to the operating theater. However, as preparations were being made for his surgery, his pulse became undetectable and CPR was done for 20 minutes without success. He was pronounced dead at 9:13 am.
- [13] Having received a report at the St. John's Police Station, an officer arrived on the scene and under caution, the accused stated that he didn't mean to hurt his brother but stated that the incident arose because he had a confrontation with his children's mother. He reported how his brother went for a knife and stabbed him in his head and he threw a stone at him. He further explained that they ended up wrestling and he got the knife and "dig him" and walk away. It was then that he realized his brother was bleeding.
- [14] He was arrested and taken into police custody and they transported him to the hospital where he was treated for 3.7cm laceration to the forehead. It was sutured and he was thereafter discharged. A CT scan was done which revealed no intracranial injury. He was noted to have an abrasion to his right forearm and soft tissue injury to the sides of his neck.
- [15] On the same day, the Defendant gave a caution statement where he explained how he and Ms. Scott had argued and he came out to get the child. He said his brother started cursing with him and seemed like he wanted to hit him and he challenged him that he could not do so. It was then that his brother went to the car and retrieved the knife and stabbed him in his head. He repeated what he had told the other officer about the wrestling and that he eventually stabbed him but he was uncertain of where the knife had connected.
- [16] He participated in an interview the following day where he stated that he found Ms. Scott was unreasonable when it came to handling the care of the children. He said that he had suggested that she waited until the baby was a year old before getting a job. In that way arrangements could be made for daycare. He also admitted that he knew his brother cared about his children and he believed that Kareem was angry that morning because he thought he didn't want to look after the baby. He responded that he felt bad about the matter and felt that it was his fault. However, he also found that Kareem should have handled the situation better because he was the older sibling. Finally he stated that everything could have been avoided if Ms. Scott had simply handed him the child and gone to work.
- [17] On 30th March, 2020 a post mortem examination was conducted on Mr. Santiago's body and the pathologist found that he had a stab wound measuring 3cm x 2cm to the central area to the front of the neck. That wound to the neck damaged the larynx and the esophagus. There were also two defensive wounds to the palm of the right hand. The pathologist opined that death was due to massive internal hemorrhage as a result of that stab wound.
- [18] At the time of this incident, the Defendant was 29 years old and the deceased was 32 years old. The accused has been in detention since the incident in 2020 and it is to this allegation that the accused considers a plea of guilty for manslaughter by reason of an unlawful act.

- [19] I have chosen to rely on the detailed facts as related by the prosecution for clarity and in view of the necessity to understand the case presented and relied on by the prosecution.
- [20] The Court also received a social inquiry report with respect to the Defendant dated 22nd November, 2024 and prepared by a probation officer, Mr. Alvin Jarvis and signed by the Director of Family and Social Services.

Sentencing

- [21] The Court is guided by the Sentencing Guidelines for Homicide Offences Re-Issued on the 6th January, 2025 specifically the guidelines for manslaughter by reason of an unlawful act.
- [22] The prosecution's sentencing brief addressed manslaughter by reason of an unlawful act and this was accepted by the defence.

Consequence

- [23] The first stage is to determine the consequence. The consequence of manslaughter is always the death of the victim.

Seriousness

- [24] The second stage is to consider seriousness by assessing the culpability of the offender. The seriousness for sentence in manslaughter by reason an unlawful act is determine by the consideration of the grid.
- [25] In **R v Alberta Rosa de la Rosa** Criminal Case No. 22 of 2014 (a case determined in The Territory of the Virgin Islands) the court described the sentencing for manslaughter as notoriously difficult.
- [26] What is also clear is that where there is evidence that the deceased had been aggressive or violent to the Defendant, this may be sufficient to place the manslaughter at the lower end of the scale of seriousness. In the case **R v MD** (2005) 156 A Crim R 372 the Court observed that:

"In many cases where an offender is convicted of manslaughter there will be exculpatory matters and personal circumstances that can lead the court to significantly ameliorate the sentence which might otherwise be imposed.

However, it is also open to a sentencing judge where a defendant utilizes an inappropriate or excessive response to aggression, to find that the manslaughter falls in the serious category. Therefore, offences involving a weapon will generally attract sentences at the higher end of the range."

- [27] With the foregoing in mind the Court will consider whether the fact in this case reveals that there exculpatory matters or personal circumstances leading to the unlawful act.
- [28] This Court in considering the Eastern Caribbean Supreme Court Sentencing Guideline on Manslaughter is to determine whether the circumstances of this case falls under the level of seriousness in category A (Very High) (which starting point is 24 years), category B (High) (which starting point is 18 years) and category C (Medium) (which starting point is 12 years) or D (low) (with starting point at 6 years). Having regard to the facts of this case this Court considers the level of seriousness to be Level C (Medium) as there was a gross and extreme conduct from the victim but death was caused in the cause of an unlawful act which involved an intention to cause harm.

Starting Point

- [29] At this stage the Court must determine the starting point having regard to the consequence and seriousness of the offence. The consequence of the offence being the death of the victim and the level of seriousness having been assessed as Level C (Medium) the appropriate starting point for this offence is 12 years within a range of 6 to 16 years imprisonment.

Aggravating and Mitigating Factors of the Offence

- [30] Having determined the appropriate starting point the Court will now consider the aggravating and mitigating factors of this offence and the offender.
- [31] I see no aggravating or mitigating factor to the offence in the circumstance and thus the 12 years would remain unchanged at this stage.

Aggravating and Mitigating Factors of the Offender

- [32] As for aggravating factors for the offender, this Court notes that from the social inquiry report, the Defendant had no previous convictions for violence offences based on record and thus cannot see any aggravating factor for the offender.
- [33] As for mitigating factors, the Court notes the Defendant's attitude, particularly expressions of remorse over the incident as stated by the Probation Officer and the Defendant co-operation with police in their interviews with him following the offence. The sentence will be adjusted in this regard to 10 years.

Early Plea

- [34] Where there is an early guilty plea, the offender would have been entitled to a reduction of one third of the sentence and thus that would have been 6 years and 8 months or 80 months. The prosecution has however asked the Court to note that the accused did not plead guilty at the earliest opportunity. In the circumstance, the Court would at best consider a 25% reduction at this stage thus reducing the 10 years to 7 years and 6 months or 90 months.

Time on Remand

- [35] The Defendant is to be given credit for time spent on remand for this offence. This is 1844 days that would be removed from the period assessed.

Sentence

- [36] In the circumstance of this case, it is the view of this Court that based on the facts and evidence subsequently admitted, the sentence of the accused shall be 7 years and 6 months for the offence of manslaughter by reason of an unlawful act. Time spent in prison would be taken into consideration.
- [37] Leon Hawkins, for the offence of manslaughter by reason of an unlawful act, you are hereby sentenced to 7 years and 6 months in prison less 1844 days already spent in custody.

Tunde A. Bakre
High Court Judge



By the Court

Registrar