

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 2023/0051

REX

V

WALTER BASS

APPEARANCES

Ms Althea Campbell and Mr John Coombs for the Crown.

Mr Jason Hamilton for the defendant.

2024: DECEMBER 17

SENTENCE

For indecent assault as commanding officer on soldier

- 1 **Morley J:** Walter Bass aged 54 (dob 31.12.69) faces sentence for indecent assault on 27.05.19 on AR¹ while she was a private soldier in the SKNDF and he holding the rank of major was her commanding officer. While she was cleaning the band hall in an army issue brown t-shirt, he entered, checked nearby rooms to see no one was in, and then in surprise he reached from behind her to around her front and held both her breasts in his hands. She broke free and made an immediate complaint to her staff sergeant. He denied any incident occurred but was convicted by jury during trial, 14-21.10.24.

¹ The complainant will not be identified by name as she is entitled to anonymity, as is any other making an allegation of a sexual offence.

- 2 Bass was of exemplary character, having served in the police, coastguard, and defence force since 1988, promoted to major in 2018. His conviction has meant he can expect will lose his job, pension, gratuity for long service, and likely be dishonourably discharged. Many have spoken well of him, including in his social inquiry report dated 04.12.24 Laverne Bass, his wife of 29 years with whom he has three children, Pastor Joel Morton who has known him for 30 years, and best friend from 2007 Melissa Carey-Isaac who worked alongside him at the SKNDF; while oral evidence was also received in court on 12.12.24 from Major Lynn Wilkin describing his excellent relations with the ranks, knowing him from 1991, and from Major Glenford Hamilton, who as counsel has been the SKNDF Judge-Advocate for 27 years, still is, knowing Bass for 25, describing the incident as wholly out of character.
- 3 In addition, Bass made fulsome remarks of contrition to the probation officer Khisma Huggins, set out at annex, and which are accepted by this court to express remorse for his action.
- 4 The court is further aware this case has had high profile on social media, where there are opposing camps for and against Bass, and much gossip, with close attention being paid to what has happened since the complaint in 2019.
 - a. Initially, after making complaint on 27.05.19, and asking to move unit, AR later had a meeting with the CO/SKNDF Colonel Comrie, leading to a meeting with Bass, who spoke directly to her, inviting her into his office asking why she wanted to move, which as a complaint procedure is regrettable and inappropriate, as all this made her most uncomfortable.
 - b. No formal inquiry was initiated within the SKNDF, leading to AR believing her complaint had been ignored.
 - c. Then in 2021, there were five scandalous anonymous postings on social media, widely disseminated, with posters, with long text commentary, naming AR as having complained, accusing Bass and other officers, with photos, of graphic serial sexual offending, and asserting there had been a cover-up.
 - d. The social media attention in 2021 led to AR, while she was still working in camp as a reservist, and still is, making a formal complaint to police of indecent assault by statement dated 14.06.21, more than two years after the incident, inter alia because there had been no action by the SKNDF.

- e. On orders from the Prime Minister, the SKNDF then set up an internal enquiry led by some overseas officers, with others, into the scandalous social media posts, and into the various allegations, where among many witnesses, AR said on 16.02.22 she could not talk about her complaint as it was under police investigation, and Bass on 21.02.22 described the social media postings as domestic terrorism designed to undermine morale, all of which produced a report dated 23.02.22 recommending within the SKNDF training and better complaints procedures, but no internal adjudication on AR' complaint, which was too late as the matter was already with police.
 - f. The Bass case proceeded slowly into the high court list, given the covid backlog, coming finally to trial first on 21.03.24, when the jury had to be discharged next day owing to a jury issue, and then as above on 14.10.24, with conviction on 21.10.24 for the incident on 27.05.19, but he was acquitted of a different incident said to have occurred on 24.05.19.
 - g. Sentence was listed for 05.12.24, but the Crown sought delay to offer a further statement, producing for hearing on 12.12.24 an unsigned statement from CF dated 06.12.24, complaining about a sexual remark allegedly made by Bass in 2017.
 - h. Sentencing remarks have been then adjourned to be in writing to today, 17.12.24
- 5 In court on 12.12.24, discussing this case with the Judge-Advocate, called as a character witness for Bass, who was early aware of the allegation, meeting weekly to advise Colonel Comrie on possible legal matters, it is most regrettable it seems there was never legal advice to conduct soonest an internal inquiry into the complaint by AR. It is possible this would have produced a swifter outcome, where the Judge-Advocate has suggested if he had found against Bass, as the jury did here, there would have been suspension without pay, no time in the camp brig, reprimand so there would be no further promotion, and perhaps demotion, which may possibly have led to some satisfaction for AR who may not have pressed the matter further, noting she had not made a police report for two years, then expecting it seems internal resolution. However, from how it has not been dealt with by the SKNDF, she has felt scorned and ignored, so that the matter has eventually evolved into a high court trial and jury conviction for AR to get any sense of justice, with Bass now poised to be jailed after all this began more than five years ago. In a sense, it may be the SKNDF has wholly let down both Major Bass and Private AR by not dealing with this sooner, fairly and thoroughly.

- 6 For AR, it has been a difficult road pursuing her complaint, and she has been supported by Naemah Hazelle, a director for the national counselling centre. In her victim impact statement dated 19.11.24, AR reported the incident left her 'terrified of men', experiencing 'many sleepless nights', while soldiers on the base have suggested to her she is lying. Further in the final paragraph of the social enquiry report, probation officer Huggins asserted AR had suffered 'immense psychological and mental distress', and 'the severity of her mental state cannot be overstated', adding 'the ripple effects of this incident extend beyond the immediate parties', though there is no explanation for the source of this assessment, it simply appears as the last word. Weighing impact, the court observed AR, giving evidence, twice, on 21-22.03.24, and on 15.10.24, who presented as resilient and determined, which are characteristics much to her credit, in keeping with her being a soldier of quality, and her continuing at the base as a reservist through these five years suggests the psychological impact of her breasts being touched, while significant and affecting, was not more extreme.
- 7 The court being aware of the island-wide interest in this case, attendant on the social media scandal, it must be understood by the public Walter Bass will not be sentenced based on gossip. Nor where there is an unsigned statement by another added for this sentencing hearing but about which there has never been any formal proceeding. Further he has been acquitted of a different offence, which I put out of mind, and I pay no heed to the five lurid social media posts. This is all only fair. People must not be tried on facebook, or whatsapp, but instead in court, where they have a chance to query what is being said and to defend themselves properly. He will be sentenced for one offence, namely as a commanding officer, approaching a private soldier, and cupping her breasts from behind.

Constructing the sentence

- 8 The maximum sentence for indecent assault on St Kitts & Nevis is 10 years, contrary to **s47 Offences against the Person Act** cap 4.21, for which there are ECSC sentencing guidelines published in November 2021.

- 9 Step 1 in sentencing practice is to consider the seriousness of the offence, which I assess as falling within category 3A, where I consider categories 1 and 2 do not arise, while level A arises owing to breach of trust, where Bass was AR' officer commanding. This produces a starting point of 20%, being 2 years. I adjust downwards within the range to 18 months as touching breasts over clothes is at the lower end of indecency, but increase by 12 months to 30 months owing to the brazen abuse of power involved, where an officer makes unwanted sexual advances on a private soldier plainly expecting the superior rank will be protection.
- 10 Step 2 is to consider the offender, where here there is exemplary good character, and also a severe public fall from grace, with contrition expressed in the social enquiry report, and significant financial impact on loss of job and pension. However, good character is why Bass had his rank, so its effect is muted, meriting a reduction of 3 months, though with other features as above, meriting a further 9 months reduction, the sentence reduces to 18 months.
- 11 Step 3 is to consider credit for plea, which does not arise, as this was a conviction by jury.
- 12 Step 4 is to consider totality, if more than one offence, and dangerousness, neither of which arise.
- 13 Step 5 is to consider time on remand of 1m25d, since conviction on 21.10.24, which will count against the sentence, with its effect to be credited by the prison.
- 14 Step 6 is to consider ancillary orders which in my judgement here do not arise.
- 15 The sentence stands at 18 months. The question arises whether it should be suspended, as is possible if under three years per **s6 Alternative Sentencing Powers Act** cap 3.20. I have thought carefully about this.
- 16 I have been reminded of previous sentences for indecent assault by this court.
- a. In *R v Franklyn Perkins 2018*, reported, on Montserrat following trial, I suspended a sentence for groping a patient by an elderly doctor, about whom there was medical evidence of depression, and before there were ECSC sentencing guidelines;

- b. In *R v Anthony Ranton 2024*, reported, on St Kitts following plea, I imposed 2 years immediate imprisonment for sucking on the exposed breast of a severely autistic neighbour; and
- c. In *R v Stanley Knight 2021*, on St Kitts following trial, I imposed a suspended sentence where a pageant coach had sucked on the exposed breast of a mentee after asking permission, to which she said yes, but did not mean it, and by denying anything had occurred the jury concluded he must have known or not cared

17 Each case is variously distinguishable on their facts, but the overarching distinction is none involved the rank of a commanding officer. This is the gravamen of the case, being a power to compel soldiers to surrender their lives. There is a sacred bond in the military, the instant judge having once been in the ranks and later a junior British TA officer, that officers are of unarguable propriety, who the ranks can hold in esteem, lest morale falters and the unity of the fighting force fails. Indecency by superiors with soldiers directly undermines the effectiveness of an army, as it will give rise to anxiety refusal to accept a sexual advance will cause a soldier to be put in harm's way, while rivalries undermining cohesiveness will arise where others are believed being promoted for agreeing sexual favour. The military is no place for inter-rank sexual activity and must never be a playground for superiors. As such, indecent assault in the army must almost always result in immediate imprisonment, and in this case I therefore assess it falls into offending where only immediate custody can be justified, as per **para 4a ECSC Practice Direction 8C no. 3 of 2019**. For this reason, the sentence of 18 months will not be suspended and I suspect Major Walter Bass, in public service since 1988, well knows this.

18 *Walter Bass, please standup*. For the reasons explained, for the offence of indecent assault on AR on 27.05.19, while she was a private soldier under your command, in her army issue tshirt cleaning the camp band hall, by reaching from behind her to cup her breasts in your hands, will be 18 months imprisonment. Time on remand will count. You will be eligible for remission of one-third of your sentence if of good behaviour. You may go with the gaoler.

The Hon Mr. Justice Iain Morley KC

High Court Judge

Annex

The contrite remarks of Walter Bass to the probation officer

“The remand following a guilty verdict for the offence of Indecent Assault has been an immense and humbling burden. I recognize that the consequences of this extend beyond myself, affecting many others including my family. As I reflect on this incident deeply, I pray for healing and peace. The weight of this incident is consistent in my conscience. I spend many hours in self-reflection recognizing the sadness and regret surrounding this matter. It stands in direct contradiction to the values I hold dear- those instilled in me through my Christian faith, my personal principles, my professional ethics and the law. I have learned many lessons, particularly in regards to personal respect and respect for institutions of state. Over the past three years since my arrest, I have fully complied with all imposed restrictions that have regrettably resulted in the loss of freedom, loss of income to meet my financial obligations to my family and lending institutions.

I have suffered in other obligations to satisfy my duties at the church and my community. I am deeply committed to my wife, with whom we have enjoyed near thirty years of marriage in early

2025. This verdict also means that my earned gratuity for my service to our nation as well as a pension I would have been entitled to, is forfeited by the state. Your Honour, I deeply regret that I am no longer able to contribute to my country in a capacity for which I trained and dedicated so many years to, at the sacrifice of my family – a period spanning 36 years.

I also express my sincere empathy towards the complainant in her struggle in dealing with this incident.

In light of the foregoing, I respectfully ask for the court to consider a sentence that reflects my long career of service at the strategic and operational levels of national security. Throughout my career I was often exposed to significant personal risk in/pursuit of protecting our nation, being jointly responsible for planning in numerous operation that resulted in the arrest and incarceration of some of our nation’s most violent offenders.

I respectfully seek the court’s consideration of these facts and take into account the potential elevated physical risk that continued incarceration may impose on me. I also continue to reflect on the profound impact that this has on my wife who has stood steadfastly and unwavering at the side for 37 years. I am devastated I am not able to assist her with even the simplest of physical tasks many of us take for granted. I am no longer able to assist her to get in or out of our vehicle, or navigating stairs as she faces her own health challenges.

Your Honour, I do not seek to minimize the seriousness of the offence, nor the consequences of my conviction. I simply seek the court’s consideration as I try to rebuild my life and to move forward with integrity, responsibility and accountability.

Thank you, Your Honour.”