

IN THE EASTERN CARIBBEAN SUPREME COURT

IN THE HIGH COURT OF JUSTICE

IN THE FEDERATION OF ST CHRISTOPHER & NEVIS

IN ST CHRISTOPHER CIRCUIT

CASE SKNHCR 2024/0014

REX

V

KHALID VANTERPOOL

APPEARANCES

Ms Shantrice Dorset and Ms Azuree Liburd for the Crown.

Mr Chesley Hamilton for the defendant.

2024: NOVEMBER 07

SENTENCE

For machete attack

- 1 **Morley J:** Khalid Vanterpool aged 34 (dob 27.07.90) faces sentence for unlawful wounding when 27 of Carl Hobson when 50 (dob 14.03.68) on 12.05.18, following conviction by the jury after a trial during 03-18.07.24.
- 2 Vanterpool lived in La Greite village and had a dog which would trouble folk passing his yard. Nearby was the Tamarind Tree Bar, where in the afternoon of 12.05.18 a man named Jumbie told folk he would assault the dog, and set off with a machete, banging on Vanterpool's fence. There was a dispute with Vanterpool, who armed himself with a machete, upset, pursuing Jumbie back toward the bar, brandishing a tablet, seeking to film him. Hobson was seated under the tamarind tree and expressed annoyance at Vanterpool

filming, who then in temper deliberately began filming Hobson, and there is evidence Hobson threw a bottle at him, whereupon Vanterpool drew his machete and attacked Hobson, who in self-defence had to block machete blows with a plastic chair while trying to get away. Hobson was forced to the floor where Vanterpool broke both his legs with the machete, inflicting during the assault 8 chops causing wounds, requiring stiches, leg casts, and six months in hospital:

1. To the right side of head;
2. Again to the right side of head;
3. To top of the left knee, fracturing the patella;
4. To below left knee;
5. To below the right knee;
6. Again to below right knee, fracturing the tibia;
7. To the right lower palm;
8. To the left forearm.

- 3 Vanterpool was tried for wounding with intent, where his defence was Hobson had attacked him with Jumbie's machete, and who on getting it off him had inflicted injury in reasonable self-defence, knowing Hobson to have two, though minor, previous convictions for violence.
 - a. On 16.07.24, during the summing up, he then pleaded guilty to unlawful wounding on the basis the number of defensive blows had been unreasonable force.
 - b. The Crown did not accept he was acting in self-defence with Hobson as the aggressor and the trial continued, as the jury was in charge and the indictment had not settled to the satisfaction of the Crown, with then the jury acquitting of wounding with intent, but convicting Vanterpool of the lesser offence of unlawful wounding on the basis he had been the aggressor armed with his own machete while Hobson had none.
 - c. Then in his social inquiry report dated 24.09.24, Vanterpool had told the probation officer Lauston Percival he did indeed use his own machete, but in self-defence at being attacked with the bottle and the plastic chair.
 - d. Mitigation took place on 02.10.24 and the court made it clear from having heard the evidence during trial from Hobson, and also from Vanterpool in the witness box, there was no doubt Vanterpool was the aggressor, armed with his own machete, and Hobson had only ever used the chair to block an attack by that machete; and moreover, from his shifting lines of defence, Vanterpool can be seen to be a persistent

liar, bending his version to what might suit him best, changing positions as the evidence evolved, but never telling the truth, showing no remorse.

e. Passing of sentence was adjourned to today 07.11.24 for remarks to be in writing.

- 4 By victim impact statement dated 10.09.24, and in court, Hobson described medical bills of \$60000ec, and is contemplating suit for a further \$140000ec for pain and suffering, noting his legs remain injured, one may need amputation, he remains in pain, and he lost his rasta locks, much loved by him, owing to treating his head injuries, saying his continuing discomfort makes him feel like 'a fish thrown up on the sand trying with gasps to return to the comfort of water'.
- 5 Vanterpool is divorced with no previous convictions and suffers disability owing to a car accident on 12.06.06, fracturing his left femur, still requiring regular treatment, causing limping and abscess, and ultimately will need surgical intervention in the USA if funds can be raised. He is supported by various family and community members who describe him as a caring and calm person.
- 6 The offence of unlawful wounding contrary to **s19 Offences against the Person Act** cap 4.21 carries a maximum sentence of 7 years, or 84 months, for which sentencing guidelines have been published by the ECSC in November 2021.
- 7 Turning to step 1 of sentencing practice, assessing the offence, it plainly falls within category 1A, being severe physical harm with the use of a weapon, meriting a starting point of 75%, with a range up to 90%, merited here for the sheer number of injuries inflicted, noting blows to the head and two broken legs, being 75 months.
- 8 Turning to step 2, assessing the offender, there is good character and he suffers a disability, meriting a reduction of 9 months to 66 months.
- 9 Turning to step 3, there is no credit for plea, as the jury convicted him as the aggressor, such that his attempt to plead out on 16.07.24 on an untrue basis of fact was of no effect.
- 10 Turning to step 4, there is the question of whether Vanterpool is dangerous, presenting a serious risk of further serious violence, which I find he is, owing to his fluent lying in court,

in combination with how vicious and sustained this attack was on a man aged 50, and so I adjust the sentence upward by 6 months to 72 months, or 6 years.

- 11 Turning to step 5, considering time on remand, being 3 months and 19 days, I declare this counts toward the sentence, and its effect on release is to be calculated by the prison.
- 12 Turning to step 6, considering ancillary orders, I order he pays \$200000ec to Hobson, to be arranged within one year, or he must serve a further 12 months in default consecutive to his sentence, which if it arises would mean the combined effect of the sentence of 6 years and 12 month period in default of making the compensation would equal 7 years.
- 13 *Khalid Vanterpool, please stand up.* For the offence of unlawfully wounding Carl Hobson in a vicious sustained machete attack, breaking both his legs, putting him in hospital for 6 months, for which you show no remorse and about which you have lied fluently before this court, all meaning I further find you dangerous, the sentence is 6 years. In addition, you are ordered to pay compensation to Hobson for \$200000ec within 12 months, or 12 months imprisonment will be added to your sentence in default. Time on remand shall count, and you shall be eligible for remission of one-third of your sentence if of good behaviour.

The Hon. Mr. Justice Iain Morley KC

High Court Judge

7 November 2024