

**THE EASTERN CARIBBEAN SUPREME COURT
ST. VINCENT AND THE GRENADINES**

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

CASE NO: SVGHCR 2023/0015

BETWEEN:

REX

and

JEREMIAH BACCHUS

Appearances:

Ms. Maria Jackson-Richards, Counsel for the Crown

Mr. Carl Williams, Counsel for the Defendant

**2024: February 5th
March 11th, 15th**

JUDGMENT ON SENTENCE

- [1] **FLOYD J. [Ag]:** The defendant, Jeremiah Bacchus, was originally charged with murder. On 5th February 2024, a plea of not guilty to murder but guilty to manslaughter was entered. Counsel for the Crown was content with that plea. A Social Inquiry Report was ordered, and the case was adjourned to 11th March 2024 for sentence. The facts as agreed were found in the submissions of the parties, and in the case file. The Social Inquiry Report was not prepared by the originally scheduled sentencing date. It was filed on 13th March 2024. A Victim Impact Statement, dated 6th March 2024, from the mother of the deceased, Claudette Daniel, was filed on 8th March 2024. Written submissions were filed on 8th March 2024 by counsel for the Crown. Oral submissions from both counsel were received on 15th March 2024. The matter now proceeds to sentencing.

The Facts

- [2] A birthday celebration was held at a commercial establishment known as “Macka’s Shop” in New Grounds on 10th April 2022. Several people attended, including the defendant, Jeremiah Bacchus, also known as “Oye-yow-yow,” and the deceased, Jeremiah Daniel, also known as “ET.” Music was played, alcohol was consumed, and a party atmosphere prevailed. Both the defendant and the deceased consumed alcohol at the event. At approximately 10:30 PM, the defendant, the deceased, and others, left and walked up the road. The group stopped near a gas station. The defendant and the deceased were seen to stand in the roadway, face to face, and exchange words.
- [3] The deceased was heard to say, “You want to do me something?” and also, “Do what you want,” while raising his hands up in the air. The defendant was then seen to strike the deceased in the chest with his hand. Thereafter, the defendant ran from the scene. The deceased moved towards his friends, holding his chest, and saying “Look, the man kill me.” He staggered forward, and fell to the ground, blood coming from his chest. He was attended to by his friends, and a passing motorist was flagged down. The deceased was placed in the vehicle, and transported to the Medical Centre in Georgetown. Unfortunately, Jeremiah Daniel was pronounced dead at the hospital. He was 44 years old when he passed away. The defendant was 39 years old at the time.
- [4] Police were called, and an investigation began. Witness statements were obtained. The crime scene was processed, with photographs and measurements taken. The defendant was arrested at his home on 11th April 2022. He was given his rights to counsel and cautioned. He advised police that he wanted to show them where he stabbed “ET.” He was taken to the scene, where he pointed out different areas to the police. At one location near a gas station he said, “This is where I stabbed “ET,” after we got into an argument.” The defendant then took the police to his home. He pointed out a small silver and black scissors lying in the road close by, as being the weapon

he had used. He said he stabbed the deceased, and one of the handles of the scissors broke. He then ran for home, and discarded the scissors along the way. Police confirmed one handle of the scissors was broken, and there was blood on the blade.

- [5] The defendant gave a statement to police, under caution, on 12th April 2022. The interview was audio video recorded. During that interview, the defendant admitted to stabbing the deceased. He also identified the scissors as being the weapon he had used. He said that he was not drunk at the time, although he had consumed alcohol. He said that the deceased poked him in the eye, although the defendant was unhurt, and the deceased then put his hand in his pocket, before the defendant stabbed him.
- [6] A post mortem examination of the deceased was conducted by Dr. Ronald Child, consultant pathologist, on 11th April 2022. Two wounds were noted. The first was a stab wound to the left upper chest. It was 1 cm below the sternal notch, and 3 cm left of the anterior midline. The wound tracked through the first left rib, the anterior pericardium, and into the aortic arch, which suffered a 1 cm incised wound. This led to cardiac tamponade and left hemothorax, with collapse of the left lung. The second wound was a laceration over the right eye. The cause of death was listed as a stab wound to the chest.
- [7] The Victim Impact Statement of Claudette Daniel, reveals a mother overcome by grief and despair at the loss of a child. She is numb, shocked, and angry. She has cried, screamed, and been consumed by rage. She feels lost and alone. Her health has been affected. She has trouble eating and sleeping. Her son was loved by many, especially by his mother.
- [8] The Social Inquiry Report was prepared by Social Worker, Lou-Ann Boyde. It indicates that the date of birth for the defendant is 3rd September 1982. He is now 41 years old. He is single and has no children. His mother emigrated to Canada, and his father is employed as a security guard in St. Vincent. The defendant has seven siblings.

- [9] The defendant attended primary school, but only up to Senior 1. He is described as being functionally illiterate. He can neither read nor write, other than to write his own name. Before his incarceration in this matter, he was employed as a construction worker.
- [10] The defendant's overall health is described as good. However, he has struggled with substance abuse, including alcohol and marijuana. He has overdosed on several occasions, and suffered blackouts. When he awakens, he does not always know what has happened to him.
- [11] Prior to his incarceration, the defendant resided for three years in a temporary rental, wooden, one-bedroom structure. There was no electricity, no internet, and no internal water source. He has not had a great deal of family support in his life.
- [12] The report confirmed that the defendant has a criminal record, including two entries for wounding. Officials at HMP Kingstown indicated that the defendant was quiet, mannerly, and respectful towards prison staff. He got along well with other inmates.
- [13] The defendant cooperated with the preparation of the report. However, he was described as easily distracted, with a flat affect, during the interview. He identified as having severe depression and moderate anger symptoms.
- [14] Interviews were conducted with members of the defendant's community. He was variously described as helpful to others, not troublesome, cool, quiet, and a hard worker. He was, however, often bullied by others. People interviewed were surprised and shocked to learn of the role played by the defendant in this incident. Although the defendant was generally described as a humble person, it was noted that he "loved to drink," and when intoxicated, he became annoying and argumentative.
- [15] A brother and sister of the defendant were interviewed. They described the defendant as hardworking, helpful, and quiet. However, when the defendant's mother emigrated to Canada, and the defendant continued to reside in her house in St. Vincent, conflict arose between the defendant and a brother. This resulted in a court action, with the

defendant losing his right of occupation. He eventually became what was described as a vagrant. Family members also indicated that the defendant was a victim of sexual abuse as a youth, at the hands of an elderly male in the community. This was confirmed by the defendant in the report.

- [16] Although family members described their surprise upon learning of the role played by the defendant in this crime, they also confirmed his alcohol and marijuana addictions. This has led to blackouts and memory loss. Of note, the defendant was described as being someone who could be aggressive. Quick to “fire a blow, such as a lash, and run for cover.”
- [17] The defendant was asked about the incident that led to his incarceration. He advised that he and the defendant had been acquaintances for several years. However, they had a falling out when the deceased was upset with the defendant for killing one of his dogs. Over time, the relationship improved, but not to the previous level.
- [18] On the day of the incident, the defendant advised that he and the deceased argued about the deceased’s access to a female, who was part of their group that evening. The defendant was carrying a scissors, which he normally uses to cut up his “weed” because he “smokes a lot.” The defendant stated that during the argument, he was assaulted by the deceased, who put his hand into the defendant’s face. In an attempt to defend himself, the defendant raised his hands, while holding the scissors. The deceased then stumbled forward, and fell on to the scissors. The defendant ran home, went to bed, and was later awakened by the police. The defendant stated that he had no intention to kill the deceased. The report’s author stated that the defendant inferred that had the deceased not provoked him to fight, the death would not have occurred. There was no attack, the deceased simply fell on to the scissors. The defendant was sad that the deceased had passed away.
- [19] The court notes that the version of events described by the defendant in the Social Inquiry Report bears no resemblance to what was observed by eye witnesses, who gave statements to police. Nor does it compare to the statement given by the defendant to police, two days after the incident. Further, to allege that the deceased

suffered a stab injury, consisting of a piercing of the chest wall, a rib, and the heart, by falling forward on to a scissors held by the defendant, beggars' belief. The court does not accept that version of events. It simply has no air of reality when compared to all of the evidence.

- [20] The court is not satisfied that the behaviour of the deceased, as described in the statements of the witnesses, reached a level of provocation which would have caused the defendant to forcefully stab the deceased in the manner that he did, particularly when the deceased's arms were upraised.
- [21] Although the court accepts the defendant's assertion that he has feelings of sadness at the death of Jermiah Daniel, when that is considered in the context of the fanciful version of the stabbing given by the defendant in the Social Inquiry Report, it does not rise to a level of genuine remorse.
- [22] The mother of the deceased declined to take part in the production of the Social Inquiry Report. However, her Victim Impact Statement has been filed.
- [23] The Social Inquiry Report describes the defendant as a good candidate for rehabilitation, which of course he is, given his age. The report recommends the defendant be assessed while serving his sentence, and be referred to whatever counselling is determined as being suitable and necessary. In particular, substance abuse counselling is recommended. While the court supports those recommendations, it is expected that the defendant will receive the same treatment as every other inmate, which includes assessment and direction into appropriate counselling, by prison authorities. Further, it is well known that unless one has reached a place where one accepts the need for counselling and treatment, and is amenable to it, then it is pointless to order it. For that reason, the court will restrict its sentence to a custodial disposition, and leave the assessment and programing to the prison authorities. The defendant will have time to consider his position, in that regard, while serving his sentence.

The Position of the Parties

- [24] Learned counsel for the Crown refers to the classic principles of sentencing in criminal cases, and submits that deterrence and rehabilitation are the primary considerations in this case.
- [25] Crown counsel directs the court to the Eastern Caribbean Supreme Court Sentencing Guidelines relating to Manslaughter by Reason of Unlawful Act. The seriousness of the offence is found in the fact that the defendant carried out an unlawful act with a high risk of death, which should have been obvious. This places the offence into Level B – High, with a starting point of 18 years, and a range of 10 – 24 years.
- [26] Aggravating factors for the offence, as submitted by Crown counsel, include the use of a weapon, the offence occurring in a public road, and the prevalence of the offence. Crown counsel also refers the court to the Victim Impact Statement of the deceased's mother. It is further submitted that there are no mitigating factors for the offence.
- [27] As noted, Crown counsel submits that an aggravating factor the court should consider, is the prevalence of the offence in this community. However, in that regard, the Court refers to **Practice Direction 8A No. 1 of 2019**, which states that judicial notice can be taken of local circumstances, if appropriate, and if it affects the sentence, then reasons must be given. Prevalence must, however, be established. To do that, the Court can receive evidence from local police, prosecutors, probation officers or other appropriate persons. Without any such evidence having been tendered in this case, the Court declines to take judicial notice of the prevalence, if any, of this type of offence.
- [28] Crown counsel submits that there are no mitigating factors pertaining to the offender. There are, however, aggravating factors. This is found in the criminal record for the defendant, which includes two entries for crimes of violence, one in 2018 and one in 2020, both being wounding.

- [29] Crown counsel submits that the defendant is entitled to a one third sentence reduction for his guilty plea.
- [30] Crown counsel further submits that the defendant should receive credit for time spent on remand, both pre-conviction and post-conviction, for a total of 1 year, 11 months and 5 days.
- [31] Learned defence counsel submits that the classic principles of sentencing must be considered by the court in applying the Sentencing Guidelines. Defence counsel acknowledges the serious nature of this offence, but reminds the court that a guilty plea was entered to the charge of manslaughter, and not murder. There is no justification for the crime committed, however, defence counsel submits that there was significant provocation displayed by the deceased towards the defendant at the time of the offence.
- [32] Defence counsel submits that the seriousness consideration in the Sentencing Guidelines leads to a finding of the appropriate category being Level C – Medium. This will result in a starting point of 12 years, with a range of 6 – 16 years.
- [33] As to aggravating factors of the offence, defence counsel submits that, contrary to the submissions of the Crown, the offence occurring in a public place should not be considered.
- [34] As to mitigating factors of the offence, counsel for the defendant submits that a lack of premeditation should be considered. Crown counsel agreed with that position.
- [35] Learned defence counsel acknowledges that the defendant's criminal record is an aggravating factor of the offender. However, the remorse of the defendant referred to in the Social Inquiry Report, is confirmed, submits defence counsel, in the interactions he has had with the defendant. That is a mitigating factor of the offender, and should be considered. Crown counsel disagreed with that position, submitting that the sorrow displayed by the defendant, and referred to in the report, did not rise to the level of genuine remorse.

- [36] Defence counsel submits that the assistance given by the defendant to the authorities, is another mitigating factor that should be considered. Crown counsel disagreed with that position, submitting that there is a distinction between assistance and cooperation with authorities.
- [37] Defence counsel further submits that the defendant is a good candidate for rehabilitation. He has been respectful and polite towards prison officials while incarcerated, and gets along well with other inmates.
- [38] Defence counsel asks the court to grant the defendant a one third reduction in sentence, in light of his guilty plea. Defence counsel also asks the court to take into account the time the defendant has spent on remand, and reduce the sentence accordingly.
- [39] For all of these reasons, counsel for the defendant submits that the sentence should be at the lower end of the range, perhaps even reaching a time served threshold.

The Law

- [40] Under **s. 163** of the **Criminal Code**¹, upon conviction for manslaughter, the penalty is life imprisonment.
- [41] Sentencing in criminal cases involves many considerations in order to achieve a fair and equitable penalty, and the court always begins decisions by referring to the general principles of sentencing. The sentencing goals of retribution, deterrence (both general and specific), prevention and rehabilitation, are confirmed in the well-known cases of **R. v Sargent**² and **Desmond Baptiste et al v The Queen**³. The case of **Renaldo Anderson Alleyne v The Queen**⁴ from the Caribbean Court of

¹ CAP 171

² 60 Cr. Ap. R. 74

³ Cr. Ap. No. 8 of 2003

⁴ [2019] CCJ 06 AJ, 93 WIR 155

Justice, refers to the principles of punishment, deterrence, and rehabilitation. The goal of sentencing is to promote respect for the law and an orderly society. A sentencing court must consider the facts of the case, as well as the nature and gravity of the offence. It must balance that with the circumstances of the offender, including his age and background, whether he has a criminal record, the role he played in the offence, the design and execution of the offence, and his reform and reintegration into society.

[42] Although the **Renaldo Anderson Alleyne** case involved a murder conviction, the sentencing considerations are equally applicable to a case of manslaughter. The court held that the sentencing judge must consider the personal and individual circumstances of the convicted person, the nature and gravity of the offence, the character and record of the convicted person, the factors influencing the conduct leading to the death, the design and execution of the offence, and the possibility of reform and reintegration of the convicted person.

[43] All of this has been considered by this court in formulating an appropriate sentence in this case.

Analysis

[44] Having received and carefully reviewed the written and oral submissions of counsel for both parties, as well as the Social Inquiry Report, and the Victim Impact Statement, what follows is the sentencing decision. This was a very serious crime. A man was stabbed to death, as a result of an argument following a birthday celebration. A gathering to mark another year in the life of one person, was followed by the tragic end of another person's life. Although the range of sentence for manslaughter convictions are many and varied, because the factual circumstances and the degrees of culpability are wide, the crime still involves the unlawful taking of a human life. The gravity of the objective circumstances must, therefore, be closely examined.

- [45] In crafting this sentence, the Court has relied upon the general provisions of the **Eastern Caribbean Supreme Court Sentencing Guidelines for Homicide Offences, Re-Issue 26th November 2021**. Sentencing for a case of manslaughter by reason of unlawful act, requires an assessment of the seriousness of the offence, including the culpability of the offender, and its consequences, by reference to the harm caused. To establish the starting point for the offence within the relevant range, there are four stages. The first stage is to determine the offence category based on consequence. The consequence of manslaughter is always the death of the victim.
- [46] The second stage involves the consideration of seriousness by assessing the culpability of the offender. Seriousness is confirmed in this case as the defendant stabbed the deceased in the chest. Death was therefore caused in the course of an unlawful act, which carried a high risk of death or really serious harm, which was, or ought to have been, obvious to the defendant. The appropriate category must therefore be Level B - High.
- [47] Having determined the level of responsibility, the starting point is found by consulting the sentencing guidelines grid. This calculation leads to a starting point of 18 years, with a range of 10 – 24 years. In this case, the court has determined the appropriate starting point to be 18 years.
- [48] Having established a starting point of 18 years, the court must consider the aggravating and mitigating factors of the offence, and adjust the figure upwards or downwards, as appropriate. In this case, the offence involved the use of a weapon, a scissors. The sentence is therefore increased for this aggravating factor by 2 years, to 20 years. In considering mitigating factors, the court notes that there was no premeditation evident in committing the unlawful act. A disagreement in the street escalated, but there was no planning involved. This reduces the sentence by .5 year, to 19.5 years.
- [49] The court must go on to consider aggravating and mitigating factors pertaining to the offender, and adjust the figure upwards or downwards accordingly. In the criminal

record for the defendant, the court notes previous relevant convictions for crimes of violence. This increases the sentence by 2 years, to 21.5 years. By way of mitigation, the court takes into account the assistance the defendant gave to the authorities. He provided an inculpatory statement under caution, and showed the police where the weapon he used was located. There were, however, eye witnesses to the incident, and this tempers the value of the assistance provided. The sentence is therefore reduced by .5 year, to 21 years.

[50] Credit must be given to the defendant for his guilty plea. This will result in a one third reduction in sentence, reducing the sentence by 7 years, to 14 years. The defendant must also receive credit for time spent on remand. Following his arrest, the defendant spent 1 year, 11 months and 5 days on remand, in custody, until today's date. This reduces his sentence to 12 years and 25 days.

[51] For all of these reasons, the defendant, Jeremiah Bacchus, is hereby sentenced to a period of 14 years imprisonment for manslaughter, in the death of Jeremiah Daniel. Taking into account the time he has served on remand, and giving him full credit for that, the sentence imposed is reduced by 1 year, 11 months, and 5 days, leaving a total sentence of 12 years and 25 days, as of today's date.

Richard G. Floyd
High Court Judge [Ag]

By the Court

Registrar