

IN THE EASTERN CARIBBEAN SUPREME COURT
ANTIGUA AND BARBUDA

IN THE HIGH COURT OF JUSTICE

CASE NO. ANUHCR2023/0040

BETWEEN:

THE KING

-and-

WINSTON TITTLE

Appearances:

Mr. Daniel Lattery for the Crown
The Defendant in Person

2023: November 7th

SENTENCING

[1] **BAKRE, J.:** On 8th May 2023 the Director of Public Prosecutions indicted Mr. Tittle for two offences contrary to the **Offences against the Person Act, Cap 300 of the Laws of Antigua and Barbuda, Revised Edition 1992**. The offences are as follows:

- a. Causing Grievous Bodily Harm with Intent contrary to **Section 20 of the Offences against the Person Act, Cap 300 of the Revised Edition (1992) of the Laws of Antigua and Barbuda**.
- b. Inflicting Grievous Bodily Harm Contrary to **Section 22 of the Offences Against the Person Act, Cap 300 of the Revised Edition (1992) of the Laws of Antigua and Barbuda**.

[2] At his arraignment the defendant pled not guilty to both counts. The matter subsequently went to trial and the defendant was convicted on Count Two on 30th October 2023.

[3] The defendant now stands to be sentenced.

[4] The court has had the benefit of the Prosecution's Sentencing Brief.

Facts

- [5] The defendant and the Virtual Complainant Ms. Francia Brann were involved in an intimate relationship which lasted about 10 years. They lived together at their home in Green Bay, Antigua.
- [6] On the night of 21st May 2021 Ms. Brann went home to the house that she and the defendant shared. Upon arriving home, she decided to do some washing and asked the defendant to give her the sheet on the bed which he was resting on at the time. He refused and asked her to leave the house. An argument ensued and the defendant began to beat Ms. Brann on her head, back, hands and feet.
- [7] On the morning of the following day, 22nd May 2021, Ms. Brann was at the West Bus Station when the defendant picked up a stick and beat her again in full view of several bystanders. This time the defendant beat Ms. Brann on her back, hands and feet.

Constructing the Sentence

- [8] The court will rely on the Eastern Caribbean Supreme Court Sentencing Guidelines for Violence Offences found in A Compendium of Sentencing Guideline of the Eastern Caribbean Supreme Court for Violence Offences Reissue 8th November 2021.

Harm

- [9] The court has assessed the harm caused by the offence to be in the highest category (Category 1). Ms. Brann gave evidence that since she was beaten by the defendant one of her fingers became bent and remains that way to date. Additionally, the court finds that there was an element of significant degradation and humiliation to the offence as on 22nd May 2021 the defendant beat Ms. Brann at the bus station, a public place in full view of bystanders.

Seriousness

- [10] As for the seriousness of the offence the court has assessed this as High (Level A) having regard to the fact that there was a repeated assault on Ms. Brann and considering that a stick was used during the second beating.

The Starting Point

- [11] Under section 22 of the Offences against the Person Act, Cap 300 the maximum sentence which can be imposed for the offence of Inflicting Grievous Bodily Harm is 5 years imprisonment. As this case falls in Category 1 for harm and Level A for seriousness the starting point is 75% of the maximum sentence which equates to 3 years and 9 months imprisonment.

Aggravating and Mitigating Factors of the Offence

[12] The court has determined that the aggravating factors of the offences are as follows:

- a. Abuse of power and/or position of trust: Mr. Tittle and Ms. Brann were in a long-term intimate relationship and living together at the time of the attacks. Mr. Tittle was in a position of trust with Ms. Brann and abused that trust when he violently beat her.
- b. Domestic Violence: Having regard to the nature of the relationship which existed between the parties there was an element of domestic violence to the offence.

[13] There are no mitigating factors relevant to the offence.

[14] In light of the foregoing the sentence is adjusted upwards to 4 years.

Aggravating and Mitigating Factors of the Offender

[15] As for aggravating factors the prosecution has informed the court that the defendant has an extensive criminal record dating back to his first conviction on 18th August 1981 for Wounding. Additionally, the defendant was convicted on 26th June 1986 for Battery, 25th January 1994 for Robbery with Violence, 2nd March 2011 for Wounding and the 21st June 2013 for Unlawful Wounding. These offences show an extremely high propensity to physical violence.

[16] As for mitigating factors the court notes that the defendant is elderly and appears to be quite frail. He gave evidence that he previously suffered a stroke. The defendant also appears to have difficulty speaking as his speech was at times unintelligible when giving evidence at trial and he was asked to repeat himself numerous times.

[17] The sentence will not be adjusted at this stage as both factors cancel out each other. The sentence remains at 4 years.

Sentence

[18] In the Circumstance, Winston Tittle. For the offence of Inflicting Grievous Bodily Harm you are hereby sentenced to 4 years imprisonment.

Tunde A. Bakre
High Court Judge

By the Court

Registrar