

**EASTERN CARIBBEAN SUPREME COURT
COMMONWEALTH OF DOMINICA**

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

CASE NO. DOMHCR2021/0004

BETWEEN:

THE STATE

and

GLENTISTE BAPTISTE

Appearances:

Ms. Sherma Dalrymple, Director of Public Prosecutions, Counsel for the State
Mr. David Bruney, Counsel for the Defendant

**2023: February 23rd, 24th, 27th, 28th
: March 1st, 2nd, 6th, 7th, 8th, 9th & 13th
: April 6th**

JUDGMENT ON SENTENCE

[1] **FLOYD J:** On February 23, 2023, a trial commenced in this case. On March 9, 2023, a jury found the defendant, Glentiste Baptiste, guilty of the murder of Parmer Phillip Blesuget. A Social Inquiry Report was ordered, as well as a psychological evaluation and report. The Psychological Report and the Social Inquiry Report were both received on April 3, 2023. Written submissions from State counsel and defence counsel were received on April 5, 2023. The matter now proceeds to sentencing.

THE FACTS

- [2] The defendant, and his uncle, the deceased, lived in the same house in Wesley, in the Parish of St. Andrew. The deceased lived downstairs, while the defendant and his mother lived upstairs. On December 21, 2018 at about 8:00 pm, the defendant came to the home of his sister, Terisa Baptiste, where another sister, Irisa Baptiste, was visiting. He said he had heard dogs barking, and then saw their uncle, the deceased, on the ground outside the residence. All three went back to the house. They found their uncle down and injured, with blood on his face. Terisa Baptiste went for help, to the neighbour, Charles Williams. Together, Terisa Baptiste, Irisa Baptiste and Charles Williams, took Mr. Blesuget to the Health Centre. He was conscious throughout. At one point, he said that J.C. had done this to him. J.C. was a nickname for the defendant. Mr. Blesuget was transferred by ambulance to the Princess Margaret Hospital. He was visited there by family members on December 24, 2018 and January 2, 2019. On January 3, 2019, Terisa and Irisa Baptiste received information that their uncle had passed away.
- [3] Terisa Baptiste described the defendant as being illiterate, unable to read or write. She also described the relationship between the defendant and the deceased as being "*not an uncle-nephew relationship.*" There was negativity in the family which she related to allegations made by the deceased, that her grandmother's will had been forged.
- [4] Police received a report at 11:25 pm on December 21, 2018 from the Health Centre in Wesley. An officer attended, and met with Mr. Blesuget. A laceration was evident on his forehead, and also at the back of his head. Mr. Blesuget was conscious, but did not speak to the officer. When asked what caused the head wounds, he did not reply. On January 3, 2019, the defendant was arrested. A statement under police caution was obtained from him. He admitted striking the deceased with a stone or block. Later that day, the defendant took police to the

scene, and pointed out certain things, including where he was standing when he struck the deceased, and the block that he used. The block was seized by police.

- [5] In his statement to police, and also in a brief unsworn statement from the prisoner's dock during the trial, the defendant said that he had been threatened by the deceased on the night in question. This made him fearful. So, when his uncle said that he was going to his house to come back, the defendant took that opportunity to strike him with a stone on his side.
- [6] A pathologist, Dr. Idelmys Alarcon, conducted an autopsy on the body of the deceased. She testified that the deceased had injuries, secondary to trauma in the head region. The cranium was visible. The injuries were caused by a blunt object. Lacerations to the head were noted in the right temporal region, frontal region (skull was visible), base of head, and underneath the skin of the head. The abdominal cavity contained coagulated blood. In her opinion, the head trauma caused the deceased to lose much blood volume. The amount of blood to the vital organs was therefore insufficient. There was multiple organ failure, and death ensued. Although the deceased had a pre-existing condition, atherosclerotic disease, the cause of death was listed as organ failure caused by head trauma.
- [7] The Social Inquiry Report was prepared by Welfare Officer Anya Gage and Chief Welfare Officer Giddings-Stedman. It confirms that Glentiste Baptiste was born on February 1, 1999. He is age 24. At the time of the incident, he was 19 years old, and the deceased was age 55. The defendant has five siblings. He has a good relationship with them, and with his parents. He was subjected to corporal punishment in the home, but described a happy childhood. The defendant was active in sports, but left school at age 13. His mother did not have the financial resources to allow him to continue his education. After leaving school, the defendant found work in farming, and then in construction. He described himself as respectful, approachable, kind, and helpful.

- [8] The defendant said that his relationship with the deceased deteriorated when he began to harass the defendant's mother about family land. On the day of the incident, the defendant said his uncle threatened him, saying he was going home to return. When the complainant came back, the defendant picked up a concrete block and struck him on the side. However, it was this self defence argument that was not accepted by the jury at trial.
- [9] The defendant is described as being remorseful in the report. He regrets his actions. He was very troubled when he heard that his uncle had died. The incident often replays in his head when he is alone.
- [10] The defendant's mother confirmed that the deceased was her brother. When their mother died, the deceased began to harass her, wishing to take control of the family home. He threatened her, and the police were contacted many times. In 2017, the deceased was convicted of an offence, and ordered to stay away from her for one year. She confirmed the defendant was a slow learner, who left school early to work on the farm.
- [11] The defendant's cousin described him as a helpful and loving young man. She confirmed the friction between the defendant's mother and the deceased. The deceased's sister confirmed that he could be troublesome and his relationship with his family was strained. Community members were shocked by this incident. The defendant was not known to be aggressive or violent.
- [12] The Psychiatric Report was prepared by Dr. Griffin Benjamin, consultant psychiatrist, and Director of the Family Medical Clinic. The defendant was examined on March 27 and 30, 2023. He had no major psychiatric illness and no signs of acute psychosis. He exhibited no clinical feature of any medical illness. He does not suffer from any neurological, psychological, or neurocognitive illness that may impair his memory, judgment, or mental competence. During the examinations, the defendant reflected on recurring conflicts between the deceased and his mother, after the death of his grandmother. He described this incident as

involving a perceived threat posed by the deceased, which resulted in him striking the deceased in the side with a block, and the deceased falling. The defendant did not believe that he murdered the deceased, since his uncle died of lung failure and blood clots in the hospital. The defendant expressed regret, and appeared remorseful. He said after it happened, he tried to pick up the deceased, and then went to get his sisters to help. In the opinion of Dr. Benjamin, the defendant is mentally fit to be sentenced by the court.

THE POSITION OF THE PARTIES

- [13] Learned counsel for the State seeks neither a death sentence nor a whole life sentence. Instead, she submits that a determinate sentence is appropriate in this case, and refers to the **Compendium of Sentencing Guidelines of the Eastern Caribbean Supreme Court: Homicide Offences Re-Issue November 26, 2021**. State counsel urges the court to balance the young age of the defendant with the fact that this is a capital offence. After considering all of the relevant features of the case, a starting point of 25 years is suggested.
- [14] Aggravating factors pertaining to the offence, as submitted by State counsel, include that it occurred at the home of the deceased, and was unprovoked. By way of mitigation, counsel for the State refers to the assistance rendered by the defendant to the police, and an intention to cause bodily harm rather than to kill.
- [15] With reference to the offender, State counsel submits that there are no aggravating factors. Mitigating factors include the lack of any prior convictions, genuine remorse, youth or lack of maturity, and good prospects for rehabilitation. This reduces the sentence by 4 years to 21 years.
- [16] State counsel submits that credit should be applied to the sentence for time spent on remand, and refers to the Inmate Incarceration History record provided by the Dominica Prison Service. This reveals that, to date, the defendant has served

slightly less than 4 years and 3 months. This results in a recommended sentence of 16 years and 9 months.

- [17] Learned defence counsel refers to the sentencing guidelines as well as case law, although the court notes that the effect of the guidelines has been to supersede old case law on previous sentences. Defence counsel submits that, where there is more than one possible interpretation of a jury's verdict, then the court should pass sentence on that which is most favourable to the defendant. He emphasizes the young age of the defendant, and the fear that he had for the deceased on the night of the incident, which caused him to lash out. The reports filed show that the defendant is a quiet individual, who is close to his family. He left school early, and is functionally illiterate. Therefore, articulating his emotions is difficult, but he is genuinely remorseful nonetheless.
- [18] Defence counsel submits that a determinate sentence is appropriate, with a starting point of 10 years. By way of mitigation, reference is made to the assistance given by the defendant to the police. He was cooperative with them. The defendant is a young man with good prospects for rehabilitation. He has no criminal record and he sought help for the deceased, after he struck him.
- [19] Defence counsel described the facts of this case as being unusual. It involved a family dispute that got out of hand, although the court notes that there was very little evidence of that at trial. It was the Social Inquiry Report that explored that area. Counsel for the defendant submits that only one blow was administered and the defendant had much regret thereafter. The intention of the defendant at the time was more in keeping with causing bodily harm than death. However, the court notes that we have only the word of the defendant about the number of blows, and his defence was not accepted by the jury. The pathologist described more than one injury to the skull of the deceased, and the attending police officer made similar observations. Whether that was caused by the defendant directly, or by the deceased falling after being struck by the defendant, we cannot say. The number of blows, and the intention of the defendant in administering those blows, is

therefore difficult to determine. The court is asked by defence counsel to pass a sentence in keeping with the circumstances of the crime and the mitigating factors of the case.

THE LAW

- [20] Under s. 2 of the **Offences Against the Person Act**,¹ upon conviction for murder in Dominica, the penalty is death. However, case law has modified legislation requiring the death penalty throughout the region. It is no longer a mandatory sentence for the crime of murder. Indeed, in the **Eastern Caribbean Supreme Court (Sentencing Guidelines) Rules 2019, Practice Direction No. 2 of 2021, Sentencing for the Offence of Murder, Re-Issue 26th November 2021, s. 3**, indicates that sentence of death, where lawful for murder, may only be considered in certain cases. Thereafter, several considerations are set out. If the sentencing court determines that a death sentence is not appropriate, then it must move on to consider whether a whole life sentence or a determinate sentence is appropriate.
- [21] Sentencing in criminal cases involves many considerations in order to achieve the appropriate penalty. 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 Caribbean Court of Justice in the case of **Renaldo Anderson Alleyne v The Queen**⁴ has gone further, and notes that a more modern approach would refer only to the principles of punishment, deterrence, and rehabilitation. Sentencing seeks to promote respect for the law and an orderly society. Amongst the considerations for the court, are the facts of the case and the gravity of the offence, balanced with the characteristics of the offender, including his age and background, whether he has a

¹ CAP 10:31

² 60 Cr. Ap. R. 74

³ Cr. Ap. No. 8 of 2003

⁴ [2019] CCJ 06 AJ, 93 WIR 155

criminal record, and the role he played in the offence. The court in the **Renaldo Anderson Alleyne** case reminds us that, in murder cases, 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 murder, the design and execution of the offence and the possibility of reform and reintegration of the convicted person into society.

[22] The case of **R. v Parranto**⁵ confirmed that sentencing is one of the most delicate stages of the criminal justice process. While the process is governed by clearly defined objectives, it remains a discretionary exercise for courts in considering and balancing all relevant factors to meet the basic objectives of sentencing. The goal in every case is a fair, fit, and principled sanction. Sentencing is a highly individualized exercise, approached on a case-by-case basis. The court must determine which objectives of sentencing merit greater weight, and evaluate the importance of mitigating or aggravating factors to best reflect the circumstances of each case.

[23] The court considers all of this in determining an appropriate sentence in this case.

ANALYSIS

[24] Having received and carefully reviewed the written and oral submissions of both parties, the Social Inquiry Report, and the Psychiatric Report, what follows is the decision of the court on sentence. This was a tragic encounter between an uncle and his nephew. It may have involved a family dispute regarding property. We shall never know for certain. However, the jury did not accept the self defence argument put forward by the defendant, and he was found to have caused the death of Parmer Phillip Blesuget. Before passing sentence, the court must emphasize that any period of incarceration is neither intended to, nor does it reflect, the worth of Mr. Blesuget's life.

⁵ [2021] SCC 46

- [25] In crafting this sentence, the Court has relied upon the general provisions of the **Eastern Caribbean Supreme Court Sentencing Guidelines for Homicide Offences**. At **s. 2**, the sentences available for murder are set out, including sentence of death. However, a death sentence may only be considered in certain cases, enumerated at **s. 3**. For the following reasons, the court is satisfied that a death sentence should not be imposed in this case. Although the defendant was an adult when he committed the offence, and the facts are serious, they do not fall within either the “rarest of the rare” or the “worst of the worst” category. The defendant is still a young man. Until this offence, he was without a criminal record. Prospects for his reform and rehabilitation appear to be good. As previously noted, the defendant has been evaluated by a psychiatrist, and found mentally fit to be sentenced. The court is satisfied that the objects of punishment can be achieved by means other than a sentence of death. That leaves either a whole life sentence or a determinate sentence.
- [26] At **s. 4**, a whole life sentence may be appropriate where the court considers the seriousness of the offence to be exceptionally high, and the offender was an adult when he committed the offence. Although the defendant was an adult at the time, the court is satisfied that none of the factors set out at **s. 5** apply, and the seriousness of the offence is not found to be exceptionally high. Therefore, a whole life sentence does not arise.
- [27] As a result, the sentence in this case will be a determinate one. Although the defendant was an adult when he committed this offence, none of the factors set out at **ss. 6, 7, 8 or 9** apply in this case. In particular, although a “blunt instrument” was used, there is no evidence that the defendant took that item to the scene, such that the terms of **s. 9** would apply. Therefore, pursuant to **s. 10**, the appropriate starting point is a determinate sentence of 25 years, with a range of 15 – 35 years. The court is satisfied that the appropriate starting point for this offence is 25 years.

- [28] Having established a starting point of 25 years, the court must go on to consider the aggravating and mitigating factors pertaining to both the offence and the offender. Aggravating factors pertaining to the offence are set out at **s. 12**. This offence occurred at the home of the victim, although it was also the home of the defendant. This serves to increase the sentence by 2 months, to 25 years and 2 months.
- [29] In mitigation, factors pertaining to the offence are enumerated at **s. 13**. The jury did not accept the defence position that the defendant was provoked, and as noted, the intention of the defendant in administering the blows is difficult to determine. However, the defendant assisted the authorities by providing an inculpatory statement under caution, and leading the police to the murder weapon at the scene. He also sought the assistance of his sisters, after injuring the deceased. This serves to reduce the sentence by 14 months to 24 years.
- [30] The court then turns to the consideration of factors that pertain to the offender. None of the aggravating factors found at **s. 14** apply here. The defendant is a man with no prior criminal record and he was not on bail when he committed this offence.
- [31] As to mitigating factors regarding the offender, the court refers to **s. 15**. As noted above, the defendant is a man of good character. He demonstrated genuine remorse during his interviews for the Social Inquiry Report, and the Psychiatric Report. At the time of the offence, he was a young man, lacking maturity. He is still a young man. He has good prospects for rehabilitation. These are strong reasons to reduce the sentence by a further 33 months to 21 years and 3 months.
- [32] The defendant was convicted after trial, and therefore receives no credit by way of plea. However, he must receive credit for time spent on remand. The defendant has been in custody since his arrest on January 3, 2019, for a total of 4 years and 3 months. The court will therefore reduce the sentence accordingly to 17 years.

[33] For all of these reasons, the defendant, Glentiste Baptiste, is hereby sentenced to a period of 21 years and 3 months imprisonment for the murder of Parmer Phillip Blesuget. Taking into account the time he has served on remand, and giving him full credit for that, the sentence imposed is reduced to 17 years, as of today's date.

Richard G. Floyd
High Court Judge

By the Court

Registrar