

**IN THE SUPREME COURT OF GRENADA
AND THE WEST INDIES ASSOCIATED STATES
IN THE HIGH COURT OF JUSTICE
(CRIMINAL)**

SUIT NO. GDAHCR2017/0041

BETWEEN:

THE CROWN

V

RONALD JEFF MORRIS

Appearances:

Ms. Crisan Greenidge for the State
Mr. George Prime for the defendant

.....
2021: March 29.
April 16.
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JUDGMENT ON SENTENCE

[1] **CHARLES-CLARKE, J:** The defendant was indicted on the 5th day of September 2017 for the non-capital murder of Daron Phillip, committed on the 9th of July 2016 at Alston George Park, Victoria, St. Mark. The defendant was convicted of manslaughter by a majority verdict after a trial on 9th November 2020. The court ordered a social inquiry report and counsel for the prosecution and defence were directed to file written submissions on sentencing. Upon receipt of the social inquiry report and submissions by counsel the sentencing hearing was held on 29th March 2021.

Summary of Facts

- [2] On Saturday 9th July 2016, 27 year-old Daron Phillip was stabbed to death following an altercation with the defendant. At the time of the incident the defendant was at his residence near Alston George Park which he shared with his common-law partner Alicia Cato and her children, one of whom being the defendant's child. The deceased was on the verandah of the defendant's residence and was smoking cannabis which was a habit he often engaged in with some of his friends. The defendant spoke to the deceased who according to a prosecution witness left and went to his home nearby to get money to give one Shannon to buy top up. The deceased then returned to the residence of the defendant.
- [3] When the defendant saw the deceased coming up the steps to his verandah he went to the kitchen and grabbed a knife and came back onto the verandah. The defendant said to the deceased "what ah tell all you about the verandah? Ain't I tell all you dead you gonna come and dead". A scuffle ensued between them and the defendant stabbed the deceased twice with a knife. The deceased received a stab wound to the elbow and one to the back. One witness described seeing the deceased running away from the home of the defendant with blood 'spraying' from his back area. At the time the deceased was bare backed. While he was running the deceased said "you see what the man do me?" He then fell to the ground in the pasture. He was later taken away by the ambulance to the Gouyave Health Centre and then transferred to the General Hospital where he was pronounced dead.
- [4] A post mortem examination conducted by Dr. Mabel Leon Alvarez revealed the deceased had two stab wounds: one at the left elbow measuring 2 x 1.5 x 10 cm in depth with damage to the muscle and blood vessels and the other at the right side of back measuring 3.5 x 1.6 cm deep separated by 2 cm from the middle back and 22 cm from the neck. This wound passed across the 10th and 11th ribs and went to the lower right lobes of the lung, posterior and anterior side. Dr. Alvarez found the

cause of death was: i) hypovolemic shock and; ii) stab wound in the back with puncture of the right lung and stab wound in the left elbow with muscle and blood vessel damage.

[5] Throughout the trial the defendant maintained he was acting in self- defence. In his unsworn statement from the dock the defendant said that from 6 am that morning the deceased was on his verandah 'pulling cannabis and rolling it'. The deceased then looked at him in a very unpleasant manner. He became very frightened and went inside to his family. He spoke to his common-law wife and she also seemed frightened. He observed the deceased left the verandah and returned with a knife in his possession. That was when he grabbed onto the knife in the kitchen and rushed to the verandah. As the deceased approached the gate he said to the deceased "where you going with that again.... what is your problem with me boy"? No sooner the deceased walked up the stairs grabbed onto him and was able to push him with his size and strength. The deceased pushed him with his body more into the verandah as he tried to release himself from his hold. According to the defendant he saw the deceased 'attempting to his weapon' he (the defendant) swung his hand to him. He felt his release and the deceased ran up to the verandah and jumped over it.

[6] In his interview under caution to the police recorded on 9th July 2016 the defendant admitted stabbing the deceased but told D/Sgt 274 Noel that the deceased was coming up the stairs with a knife in his left front pocket and he had a joint in his right hand smoking. He said the deceased jumped up the stairs and was coming at him. He asked the deceased 'where you going with that again, what is your problem with me'. The deceased pushed him with his body, and they ended up on the verandah. The defendant swung his hand with the knife and he juke the deceased.

[7] At the interview the defendant told the police he juke the deceased once with the knife. He stated that he went for a knife because he was afraid of the deceased and he thought that when the deceased saw the knife he would not come. The defendant

also told the police that he was afraid of the deceased who always had altercations with him in the past. On these occasions the deceased would go for a weapon and would return to the verandah and say certain things.

- [8] A Social Inquiry Report was prepared by probation officer Ms. Judy Milo which highlights the defendant's upbringing and educational background, his familial and social relations, and his character and antecedents. Interviews were conducted with members of the defendant's family, his schoolteachers and members of his community. Interviews were also conducted with members of the deceased family.

The Sentencing Hearing

- [9] Written submissions were filed by counsel for the defendant Mr. George Prime and Senior Crown Counsel Ms. Crisan Greenidge. Both counsel addressed the court at the sentencing hearing.
- [10] In his submissions Mr. Prime referred to the United Kingdom (UK) Sentencing Guidelines (2018) for manslaughter and invited the court to consider the category of the offence in relation to the offender's conduct. He submitted that this case fell within Category D of the UK Guidelines - where the factors indicate low culpability where: 'Death was caused in the course of an unlawful act - which was in defence of self or others or where there was no intention by the offender to cause any harm and no obvious risk of anything more than minor harm'. He submitted that under the UK Guidelines the starting point in this category was two years, with a range of 1-4 years imprisonment. He argued that this was a case of extreme provocation as the offence was committed on the defendant's premises and therefore he was acting in self-defence. This he argued was a strong mitigating factor. He pointed out the other mitigating factors relative to the offender and invited the court to use a starting point of eight (8) years with a range of 4-9 years.

- [11] Senior crown counsel Ms. Crisan Greenidge submitted that there was a high degree of culpability by the defendant given the manner and execution of the offence. She agreed that there was some degree of provocation as the deceased was liming and smoking on the defendant's verandah that morning and allegedly had a knife on his person. She also highlighted the aggravating factors of the offence and the offender.
- [12] Both counsel for the defendant and the prosecution indicated what they thought were the aggravating and mitigating factors relative to the offence and the offender and referred to the Eastern Caribbean Supreme Court General Sentencing Guidelines. They both provided the court with several authorities on manslaughter from the Eastern Caribbean Supreme Court jurisdiction which established a starting point of fifteen years and where the sentences passed ranged from 4 years to 20 years imprisonment¹.

Discussion and Analysis

- [13] In passing sentence I will apply the classical principles of sentencing laid down in the case of **R V Sargeant**² and applied by Byron C.J in **Desmond Baptiste et al**³ namely i) retribution and the harm done – this allows the punishment to reflect society's and the legislature's abhorrence of the offence and the offender; ii) deterrence is aimed at deterring potential offenders and the offender himself from recidivism; iii) prevention is aimed at preventing the offender through incarceration from offending against the law and thus protect society; and iv) rehabilitation is aimed at assisting the offender to reform his ways so as to become a contributing

¹ See Director of Public Prosecutions v St Clair Elliott SKBHCR2013/0032 – Sentence 8 yrs 6 mths; The Queen V Brian Edwards BVIHCR 2008/0003 – 6 yrs; The Queen v Alberto De La Rosa BVIHCR2014/0032 – 10yrs; DPP V Clive Sylvester Williams SKBHCR 2018/0024 – 4 yrs, 5 mths and 2 days; The Queen v Hermus Frederick SLUCRD 2009/0031; R v Daiyan Austin and Clive Hodge 2018/0009; The Queen v Trudy Edwards - 7 yrs; Kenneth Samuel v The Queen reduced from 25 yrs to 7 yrs on appeal; R v Jamal Jones – 13 yrs; R v Keon Edwards – 20 yrs; Shonovia Thomas v R – 10 YRS; R v Dileon Hippolyte – 5yrs, 6 mths^{1/2} yrs.

² (1974) 60 Cr. App. R 74

³ SVG Crim App No. 8 of 2008

member of society. The court finds the principles of retribution; prevention and rehabilitation are most apt in this case.

[14] The court will also take the following factors into consideration namely: the seriousness of the offence and the prevalence of that particular offence in society; the character and antecedents of the offender; and the mitigating and aggravating factors and the peculiar circumstances of this case. The sentencing judge must also seek to impose a sentence which is proportionate to the seriousness of the offence and comparable to other sentences imposed for similar offences. (See **Desmond Baptiste et al**)

[15] This is a case of manslaughter by reason of provocation for which a custodial sentence is presumptively the appropriate sentence. In the **Queen v Trudy Edward**⁴ Hariprashad-Charles J referring to the dicta of Shaw L.J in **Bancroft (1981) Crim App. R. (S) 119 at p. 120** that:

Notwithstanding a man's reason might be unseated on the basis that the reasonable man would have found himself out of control there is still in every human being a residual capacity for self-control, which the exigencies of the given situation may call for. That must be the justification for passing a sentence of imprisonment to recognize that there is still some degree of culpability

[16] Referring to the dicta of Lord Lane CJ in the English case of **Taylor** that sentencing in these cases is an almost impossible task, Hariprashad-Charles J. stated at para 10 of her judgement that:

‘a judge must be mindful of two objects in sentencing in these cases: firstly the necessity to ensure that the accused expiates his offence by the imposition of a term of imprisonment and secondly, although to some extent

⁴ Case No.56 of 2003

where there is provocation it may seem illogical, it has got to be a lesson to other people that they should keep their tempers and not be provoked in such circumstances’.

[17] The offence of manslaughter leads to the irreversible consequence of loss of life. In **The Queen v Alberto Rosa de La Rosa**⁵ Ellis J stated at paras 57 and 58:

57] ‘Although manslaughter is a lesser offence than murder it is nevertheless an extremely serious offence which will generally attract a custodial sentence. Although manslaughter presents the greatest variety of circumstances affecting culpability, a key element in assessing the gravity of the objective circumstances of such cases is that they involve the unlawful taking of a human life. The starting point must therefore be the fact that the defendant’s actions resulted in death of the victim.

58] In arriving at an appropriate sentence, a court must therefore assess the gravity or seriousness of the offending. At paragraph 37 of her judgement in **R v Donald Rogers** Hariprashad J made the following observation:

“In weighing the gravity of the offence, regard must be had to the “degree of harm to the victim....the level of culpability of the offenderand the level of risk by the offender to society”.

[18] Section 232 of the Criminal Code of Grenada as enacted by Section 41 of the Criminal Code (Amendment) Act 29 of 2012 provides for a maximum penalty of life imprisonment for cases of manslaughter. In cases of manslaughter by reason of provocation the courts in the Eastern Caribbean Supreme Court jurisdiction have established a starting point of fifteen years.

[19] In **Kenneth Samuel v R**⁶ Barrow JA stated at para 20:

⁵ BVI Crim. Case No.22 of 2014

⁶ Crim App. No.7 of 2005

The reference to a benchmark underscores the point that the starting point in imposing sentence is not necessarily or even usually the maximum penalty. As a matter of reasoning the maximum penalty must be appropriate only for the worst cases. However much the instant case may have shocked the public this case does not fall into the category of worst cases.

- [20] The court adopts the above stated principles. In the instant case the degree or level of provocation will influence the starting point. The court will also consider the circumstances of the case, the manner in which the offence was committed, the cooling off time and the weapon used. According to the defendant the deceased was 'rolling and pulling cannabis' on his verandah from 6:00 am that morning and the deceased looked at him in a menacing way resulted in him being afraid, the deceased left and went to his home and returned to the defendant's verandah where the altercation took place. The defendant stated that the deceased had a knife in his front side pocket. However none of the prosecution witnesses spoke of seeing the deceased with a knife that morning. The jury obviously accepted that the defendant was provoked but rejected self-defence. While the court accepts the deceased's behaviour amounted to provocation, however the reaction of the defendant or the extent to which he retaliated was excessive in the circumstances.

The Sentence

- [21] The Eastern Caribbean Supreme Court has not yet issued guidelines for sentencing in cases of manslaughter, but has done so for murder. This court is guided by the Eastern Caribbean Supreme Court Sentencing Guidelines PD NO.2 of 2019 which outlines the steps to constructing a sentence. The court will arrive at a starting point by considering the seriousness of the offence. This includes culpability of the offender and the harm caused. Next the court will consider the aggravating and mitigating factors relating to the offence and the offender. Finally, time spent in pre-trial custody will be deducted from the sentence.

- [22] As regards culpability of the offender the court looks at the circumstances of this case. When the defendant saw the deceased approaching, he armed himself with a kitchen knife which he used to inflict two stab wounds upon the deceased, one in the elbow and one in the back.
- [23] Although the court finds the deceased was the aggressor and what he did amounted to provocation the defendant being a man of strong religious beliefs, and who was described in the social enquiry report as a peace maker, he should have restrained himself and used more peaceful means of resolving this conflict. Accordingly, the court finds the culpability to be high.
- [24] Regarding the harm caused, the tragic loss of life of a young man aged twenty-six is irreversible and cannot be easily quantified. Dr. Mabel Leon Alvarez who conducted the autopsy found that the more severe injury, the wound to the right side of the back passed through the chest across the 10th and 11th ribs and went to the lower right lobes of the lung, posterior to anterior side. There was atelectasis (collapsed area of the lungs) area in all the lower lobes, abundant blood in the right thorax, per tracheal right hematoma. Internal examination revealed the kidneys had pale cortex and congested medulla, which indicates shock to the kidneys. The deceased was pronounced dead upon arrival at the hospital.
- [25] The relatives and loved ones of the deceased were traumatised by his death and the manner in which he lost his life. His fiancée told the probation officer that after she got the news of the death of the deceased she was left in a state of shock, she is still grieving and misses him greatly. She now suffers from insomnia. She further experienced pain and anxiety having to follow the trial. The father of the deceased was also greatly affected and explained that he was in a state of 'discombobulation' when he received the news that his son was stabbed. As a result of his son's death he suffers from insomnia and is plagued by nightmares about his son. The deceased's cousins spoke of their heartfelt pain, great loss, emptiness, depression and sleepless nights brought about by the untimely and tragic death of the

deceased. This incident has also caused a rift between the family of the deceased and the defendant who are related. Accordingly, the court finds the harm caused to be high. Therefore the seriousness of the offence is high and the court will begin at a starting point of 12 years.

[25] Next the court will consider the aggravating factors relative to the offence. These are: i) The use of a weapon namely a knife; ii) The severity of the injury which the deceased sustained which resulted in his rapid demise; iii) The deceased was unarmed; iv) The deceased was stabbed in the back. The only mitigating factor relative to the offence is that the deceased's conduct provoked the defendant. These factors have already been considered in determining the seriousness of the offence and as a result there will be no adjustment to the sentence.

[26] The aggravating factors relative to the offender are:

- i) The defendant has a criminal record. Three out of the seven previous convictions are offences of violence;
- ii) The defendant is a person of bad character. From the social inquiry report it was revealed that despite his professed religious calling and beliefs several members of the community commented negatively about the defendant's conduct and behaviour. Members of the defendant's religion, the Church of Jesus Christ of the Latter Day Saints questioned his lifestyle which they felt was inconsistent with the teachings of their church. They refuted his claim that he held the position of Bishop or priest at the Church. Numerous reports were made to the probation officer by members of the community about the defendant's aggressive behaviour. Some described him as an aggressive, hot-tempered individual who loved to fight and is a manipulator. It was felt that he joined a martial arts group within the village 'to perfect his ability to exchange blows' and it was common to see him walking around the village with a sword or a weapon;
- iii) It was noted by the villagers that the defendant did not have a good relationship with his common-law wife and his step-children as he was

verbally and physically abusive towards them. This was denied by Alicia Cato, his common-law wife but supported by her son, 23 year-old Rakim Cato. Rakim Cato informed the probation officer of several incidents when he was beaten up by the defendant one of which was the subject of a matter before the courts. He also spoke of his mother being locked out by the defendant when she was six months pregnant. The defendant's mother and siblings referred to his aggressiveness and his inability to control his anger which began from childhood;

- iv) Some members of the community mentioned the defendant's use of illicit drugs. Although this was denied by the defendant, one of his siblings observed that his behaviour deteriorated when he began using illicit substances. A teacher from the village who knew the defendant for about five years noticed that he had become physically weak at his martial arts classes and when confronted the defendant admitted that he smoked but he did not indicate what substance.
- v) The defendant's attitude towards the offence:- The defendant expressed remorse to the probation officer. His hand-written note to the probation officer was included in the social inquiry report in which he stated inter alia *'It is within my most honesty of heart, to express my sympathetic arrangement to relatives, friends and loved ones of my neighbour Daron Phillip, who tragically lost his life by homicide on 9th July 2020 (the correct year is 2016). If Ronald Morris being called priest-hood holder of the Church of Jesus Christ of the Latter Day Saints, can fall short anyone can. I cannot free myself but it is the relatives, friends, loved ones and of Daron, the law of the land to free me also the grace of God. But indeed I can free my mind by being truthful in expressing how remorseful I am to be in this predicament, since the 9th day of July 2016 to this day of December 2020. Family friends, loved ones of Daron, please accept my sympathetic arrangements'*. He then went on to extend *'heartfelt condolences'* to the father, girlfriend of the deceased and all those persons mentioned by the

probation officer in the victim impact statements. At the sentencing hearing the defendant sought to explain himself further by saying *'predicament means everything, how family feels and how I have been affected. I am most remorseful about how the family deals with situation and I want to show that I am rehabilitated and will try to do better'*.

- vi) The probation officer noted that the defendant lamented that he never expected a guilty verdict from the jury because he was attacked in his home and was defending himself. He questioned what type of persons the jurors are to do that to him. The probation officer concluded that *'The convicted man has not expressed genuine remorse or accepted responsibility for his actions in the death of Daron Phillip. Instead he seemed preoccupied with the injustice done to him and the unfairness meted out, such as the verdict he received. Rather he sees himself as being a victim.There are obviously some things the convicted man does not conceptualize or has not reasoned. Therefore it appears he has not come to grips with the role he played in the murder of this young man. Furthermore it is clear that his behaviour has escalated and he needs to come to terms with what he has done'*.

[29] The court is not convinced that the defendant is truly remorseful and has accepted full responsibility for his actions. The defendant seems to regard himself as the victim in this case. The probation officer believes that the defendant has an inflated level of importance and his approach to life may be delusional and devoid of reality.

[30] It does appear to the court that that the defendant has an inflated view of his own importance. He believes he is a priest or Bishop in his church contrary to what church members say that no such position exists on the island of Grenada. When he was informed of the negative comments made by members of his community the defendant denied all of them and explained that he associates with the higher opulence of society and requested that the probation officer contact Honourable Clarice Modeste-Curwen, a minister of government but all attempts proved futile.

This led the defendant to ask 'where are my fans who will speak in my favour'. This is a reflection of the defendant's condescending attitude, his inflated ego and his failure to face reality and fully appreciate the import of his wrong-doing.

[31] In light of the aggravating factors, 5 years will be added, bringing the sentence to 17 years.

[32] The court finds the mitigating factors relative to the defendant are:

- i) The defendant co-operated with the police during the investigations. He was on his way to the police station when he met D/Cpl Deon Coutain to whom he reported the incident. He also gave the police the knife he used to inflict the stab wounds upon the deceased.
- ii) Some favourable things were said about the defendant by members of his family. His mother described him as loving, generous, friendly, caring hardworking, helpful, fun loving and a family oriented individual. She believes that his weakness stems from his inability to control his anger and she noted a decline in his attitude when he began living with Alicia Cato and got involved in the wrong company.
- iii) Three of the defendant's brothers who are all policemen spoke of him in favourable terms. One brother described the defendant as a nice person who gets aggressive when he becomes emotional. Another brother described the defendant as humble, loving, intelligent and a spiritual oriented person. They believe that he grew up without parental supervision and had anger management problems as a child. Also the bad company that he kept influenced him negatively. They are aware that there was a brewing conflict between the defendant and the deceased.
- iv) The defendant had a challenging upbringing. The probation officer noted that the defendant grew up in an environment which was not conducive for normal and positive upbringing with a father who was a policeman and had his children sequestered while their mother migrated to Canada for work. One of his brothers noted that growing up was a struggle. They grew up

without proper parental guidance and supervision and the defendant was treated 'as a black sheep of the family and between ages nine and ten he began displaying anger issues'. However it is noteworthy that three of the defendant's brothers turned out to be police officers. It means that the defendant cannot use his upbringing as an excuse for his offending.

- v) The defendant has demonstrated that he is amenable to reform and rehabilitation. Since his remand in custody he has been given some responsibilities in the medical unit and the personnel at the medical office at Her Majesty's Prisons noted his devotion to his work which he takes seriously. The defendant indicated that he was an assistant in the medical unit and he was also responsible for gathering inmates in the area where religious gatherings are held.

[33] The court will deduct two years bringing the sentence to fifteen years imprisonment.

[34] The time spent on remand which is four years 9 months and three days will be deducted from the term of imprisonment making the sentence ten years and three months.

[35] Ronald Jeffrey Morris you are sentenced to fifteen years imprisonment. The time spent on remand will be deducted bringing the sentence to 10 years and three months. In keeping with the need for rehabilitation as an aim of sentencing the court orders that:

- i) You shall undergo counseling for anger management and aggression for a period of two years in the first instance and as further recommended by the prison social worker. These are necessary tools which you will need to cope while incarcerated and when you are released from prison to enable you to have a greater appreciation and respect for the life of others.
- ii) You shall enroll in the existing rehabilitation programmes deemed suitable to your needs as determined by the prison authorities.

- iii) You shall enroll in an educational or skills training programme deemed necessary for your development and rehabilitation and eventual re-integration into the society.
- iv) You shall write a letter of apology to the father, girlfriend and cousins of the deceased who were mentioned in the social inquiry report addressing each one of them specifically to show how genuinely remorseful you are for their loss.
- v) Your sentence will take effect from today 15th April 2021.

Victoria Charles-Clarke

High Court Judge

By the Court