

ST. CHRISTOPHER AND NEVIS

IN THE HIGH COURT OF JUSTICE

ST. CHRISTOPHER CIRCUIT

(CRIMINAL)

SKBHCR2005/0016

DIRECTOR OF PUBLIC PROSECUTIONS

V

TRAVIS DUPORTE

Appearances:

Mr. Dennis Merchant Director of Public Prosecutions for the Prosecution.

Dr. Henry Browne, Mr. Hesketh Benjamin and Mr. Chesley Hamilton for the prisoner.

2006: June 29
July 17, 20

JUDGMENT ON SENTENCING

[1] On the 28th day of June 2004 Travis Duporte travelled from his home in Phillips' to Basseterre where he was seen in Newtown asking for directions to the home of the deceased Sattora Williams aka. "Shakabee." He was seen around 6.30 a.m. standing outside of deceased's home. He called for "Shakabee" and "Shakabee" eventually came out of his front door and stood on the front step apparently speaking to the prisoner. Soon the sole eyewitness saw the prisoner pull out a gun from his waste and shoot "Shakabee." "Shakabee" later died in his home in the presence of siblings and his mother. The cause of death as reported by Dr. Stephen R. Jones, the Pathologist was a "gunshot injury to the chest with haemorrhage and shock."

[2] The degree of criminality involved in this murder is distinguished by the following features.

1. The murder was committed in cold blood.
2. There was no evidence that the prisoner was provoked, attacked or involved in any altercation with the deceased.

3. The murder was premeditated.
4. The murder was brutal and deliberate to the extent that the deceased had little chance of survival.
5. The crime was committed in broad day light with other persons in close proximity, both on the street and in the deceased home.
6. The prisoner has shown no remorse for the killing.
7. The prisoner has shown no concern for the family of the deceased.
8. There appears to be little hope of reform.

The Reports and Mitigation Plea

- [3] I have read the reports of the Probation Officer and the Psychiatrist and find, as counsel Dr. Browne conceded, that these reports say nothing to the credit of the prisoner. What is clear is that Travis Duporte grew up in an unstable home atmosphere and at one point chose to live with a lady called Ms. Lillian Pogson rather than with his mother. He never had a father figure in his life. These latter facts while being of social significance, do not in any way mitigate the crime.
- [4] Dr. Browne candidly said in his plea of mitigation that the only thing which may be a mitigating factor is Duporte's age. According to the records, Travis Duporte was born 31st August, 1984. He is therefore 21 years old. The social inquiry report seems to suggest that he had difficulty remaining focused in structures such as school, family life and work. He has no previous convictions for crimes of violence, but is not unknown to law enforcement and the courts.
- [5] I have recently pronounced on the guidelines established in the Court of Appeal Criminal Appeals No. 20 of 1998 and 14 of 1997 **Newton Spence v The Queen** and **Peter Hughes v The Queen**, and **The Queen v Peter Hughes** Privy Council Appeal No. 91 of 2001. All of the procedural guidelines laid down in those cases have been followed. The prisoner has been interviewed by a probation officer and a Social Enquiry Report has been delivered to the court. Duporte has also been interviewed by a psychiatrist and she has

also delivered a report. Duporte was given an opportunity to bring witnesses to speak on his behalf. But no one came, neither did Duporte say anything on his own behalf.

[6] Of all the murders recently tried in the courts in St. Kitts, this was the most cold blooded, indeed appearing to involve absolutely no emotion or loss of control. It therefore follows that the murder in this case must but for Duporte's age, be seen as one at the highest level of depravity, but displaying the least of mitigating factors. I find that Duporte's age at 21 years, though often a period of experimentation and growth when many persons have not yet made up their minds about their goals and are prone to rebellion, cannot be a sufficient mitigating factor for the kind of cold blooded killing perpetrated.

[7] It is evident that Travis Duporte has fallen prey to a culture which creates bullies, predators and sometimes monsters. In assessing the kind of sentence appropriate for the crime one must also look at the need to deter the kind of behaviour displayed by Duporte and the society's need for just retribution. I therefore apply the reasoning of the supreme Court of India in a case referred to by Byron CJ in the **Newton Spence v The Queen** and **Peter Hughes v The Queen** decisions. Referring to **Bachan Singh v The State of Punjab** (1980) 2 SCC 476 Byron CJ had this to say in relation to the principle applied to death penalty cases by the Supreme Court of India.

"The decision revealed that the sentencing discretion relating to the death penalty is affected by propositions that the normal rule is that the offense of murder is punishable with a sentence of life imprisonment, but the court can impose a sentence of death but only if there are special reasons for doing so which must be recorded in writing .While considering the question of sentence for the offense of murder the court must have regard to every relevant circumstance relating to the offense as well as to the offender. It is only if the offense is of an exceptionally depraved and heinous character and constitutes on account of its design and the manner of its execution a source of grave danger to the society at large the court may impose the death penalty."

[8] I have already addressed the special features of this crime. I find that Travis Duporte when he committed this murder showed no regard whatsoever for the life of another young man like himself, and no respect to the deceased's family or his immediate neighborhood.

He has expressed no remorse for the crime. He has shown no sympathy for the deceased family. He has provided us with no reason for the killing. I therefore think that it falls into the category deserving of the highest penalty for the crime of murder. That penalty is death. I therefore sentence Travis Duporte to suffer death in the manner prescribed by law for the murder of Sattora Williams.

Francis H V Belle
High Court Judge