

THE EASTERN CARIBBEAN SUPREME COURT
SAINT CHRISTOPHER AND NEVIS

IN THE HIGH COURT OF JUSTICE
SAINT CHRISTOPHER CIRCUIT

(Criminal)

SKBHCR2012/0048

DIRECTOR OF PUBLIC PROSECUTIONS

V

[1] AKEEM SHEDDY PARRIS

[2] JAVONNE JUNIE HENDRICKSON

Appearances: Ms Rhonda Nisbett-Browne, Dr. Dennis Merchant and Ms Greatess Gordon for the Director of Public Prosecutions
Convicts in person

2013 January 21

2013 March 21

JUDGMENT ON SENTENCE

[1] **Thomas J. (Ag)** On 21st January 2013 the prisoners Akeem Sheddy Parris and Javonne Junie Hendrickson were found guilty of attempted murder by suffocation.

[2] As a consequence, Social Inquiry Reports were ordered on the two celebrated prisoners. The reports were prepared by Ms Khisma Huggins, Probation Officer and these are her assessments:

With respect to Akeem Sheddy Parris, this is what she says:

“Ms Sheryl Brooks stated that Akeem was not a trouble maker. However, his criminal record shows that he was convicted four (4) times; two (2) of which or drug related crimes. From the interviews conducted, it is apparent that due to the lack of proper parenting, Akeem found a replacement in his friends. His actions were influenced by his friends. Akeem received no guidance from his parent and this impacted negatively on his life. His friends were not monitored and so he strayed into negative

company. Parenting includes care of a child from every angle. It is more than providing a meal or shelter”.

[3] And with respect to Jermaine Hendrickson this is her assessment:

“Javonne has had a hard life growing up. It was made difficult by parents who did not see the need to provide an environment that was conducive to a healthy life. According to Ms. Newton, Javonne was sent from home to home but it seems that he was able to learn of the good qualities in life such as manners and helping others. Javonne should continue to be a helpful individual as it is an attribute that can prove to be an asset in life. Javonne does not have a criminal record which means that he was able to stay out of trouble until now. However, he has committed a crime and it is a very serious one. He now has to bear the consequences of his action. Javonne should look to making his mistake a stepping stone in his life and not a stumbling block”.

[4] It now falls on the Court to outline the matters that must be considered in arising at the sentences to be imposed.

1. The victim a minister or former minister of religion
2. Nature of the crime – attempted murder by suffocation
3. Manner of execution
 - a. Entry gained to the victim’s house
 - b. He was hit in the face
 - c. A pillow placed over his head in an attempt to suffocate him
4. Maximum penalty under the law is 10 years imprisonment
5. Previous convictions:-
 - a. Parris – for possession of cannabis, resisting arrest, carrying abroad an offensive weapon (knife)
 - b. Hendrickson – NONE
6. Age of the prisoners
 - a. Parris – 21 years
 - b. Hendrickson – 25 years
7. The principles of sentencing – deterrence, prevention, retribution and rehabilitation
8. The age of the victim – 75 years

- [5] This case has a special dimension in that a man of the cloth or former minister was the victim. This is almost unthinkable in any society, let alone St. Kitts and Nevis, because of the central place of religion, the church and the priests or pastors in our lives.
- [6] In giving evidence of the event, the victim spoke of his way of life, and his friendship in the community. And he went on to say that it was the God Almighty who gave him the strength to overpower the person who placed the pillow over his head.
- [7] What is worse is that the victim knew one of the prisoners when he was even younger.
- [8] The principles of sentencing are aimed at guiding the Court as to the manner in which a convicted person should be treated in sentencing in the circumstances. The principles of prohibition, deterrence, rehabilitation and prevention are self explanatory and in the end all aimed at protecting society.
- [9] As indicated before a priest, pastor, reverend, imam are persons who have chosen as their profession the spreading of religion and strengthening our spirituality. They are there when a child is baptised, when he or she is confirmed, when married and then when God is ready for that pension and the rest of us.
- [10] A man of religion is deep in the mare fabric of society. People in society respect men and women of religion. A man of religion can always help when we are in trouble. He or she can pray with us when we are sick or in difficulties so that God can make us better.
- [11] All of the foregoing is said in order to arrive at a motive for what these two young men have done. As is often said in this Court, the fact that you did not have proper parental guidance or poor is not an excuse for crime. But it is a factor to be considered; and the Court has on more than one occasion placed person on probation or give them suspended sentences in certain circumstances where stealing, for example, is done out of sheer poverty and hunger. Attempted murder

of a priest is not in this category. In fact Courts generally impose very severe sentences where the crime is unusual or abnormal.

[12] For example in 1965, prisoners were given 30 years for an organized train robbery in 1982, 42 and 38 years for espionage and in 1984, 30 and 35 years for the attempted murder of an ambassador. These are English cases but they make the point.

[12] According to **Halsbury's Law** Vol. 11(2) at para 1189:

"In determining sentence the appropriate sentence for any particular offence, the court will take into consideration the nature of the offence and the circumstances in which it was committed, for example, the degree of deliberation shown by the offender, the degree of preparation and planning involved, whether the offender was in a position of trust, the prevalence of the offence, whether gratuitous violence was used and the degree of physical or mental harm inflicted, and whether the offender is in a mental state which makes him a danger to the public. The court may also indicate its particular displeasure at a specific type of offence by imposing a more severe sentence than is usual.

Mitigating factors which may be considered include a guilty plea, the offender's youth and his previous good character, any assistance he may have given to the police as to offences committed by other, and provocation which the offender received if the crime was one of violence, and serious delay between the commission of the offence and trial, and the fact that the crime would not have been committed but for the activities of an informer or police officer. Some offences are so heinous in themselves that mitigating factors are of little relevance.

In passing sentence, the court should ensure that the punishment fits the offence and that, when a number of offences is being dealt with the total sentence is not out of proportion to the gravity of the offences taken as a whole. When co-accused are being sentenced for the same offence, the court should ensure that no unjustified disparity exists between them. In fixing a term of imprisonment, possible remission for good conduct or release on license should be ignored. Time spent in custody on remand which would not automatically be deducted from the sentence may be taken into account.

[13] By now it must be clear that the Court considers this offence to be abnormal. It is abnormal because of the vocation of the victim. He could have died.

[14] Based on the learning the Court wishes to point to these following pieces of evidence:-

1. The two persons and the victim's wife travelled to St. Pauls on the same bus and sat close to each other on the bus.
2. The all ended up at the victim's house.
3. The victim, apart from the suffocation, was also hit in the face and bled profusely.
4. The victim was in his mid 70s

[15] In this Court in the case of Garvey Rogers a sentence of 10 years was imposed for attempted murder. This involved the use of a firearm and an unprovoked attack on the victim. On the other hand, Sydney Berkley pleaded guilty to attempted murder and placed on a bond for a 3 years period and supervised by a probation officer. He was also ordered to pay compensation of \$10,000.00. This involved an unprovoked attack with a machete to the head and hand. The head injury required 17 stitches.

Sentence

[16] There is no firearm involved nor in there any machete attack but the Court considers it as being unusual because of the victim and other factors given above.

[17] There are no mitigating factors except that Hendrickson does not have a criminal record. But while the principle of deterrence and prevention are the operative principles the Court must also look at rehabilitation given the ages of 21 and 25 years respectively.

[18] The sentence on each prisoner is seven (7) years imprisonment and time on remand must be credited towards the sentence.

Errol L Thomas
High Court Judge (Ag)