

IN THE SUPREME COURT OF GRENADA
AND THE WEST INDIES ASSOCIATED STATES
GRENADA

IN THE HIGH COURT OF JUSTICE

CLAIM NO. GDAHCR 2010/0113

BETWEEN:

REGINA

AND

STEVE GURRIE

Appearances:

Mr. Ruggles Ferguson for the accused

Ms. Crisan Greenidge for the Crown

2013: December 13

SENTENCING

- [1] **PRICE FINDLAY, J.:** At about 5:00 p.m. on Monday 3rd May, 2010 witness David Richards P.C # 706 had a meeting with Clyde Greenidge to view a plot of land at Balthazar, St. Andrew. He met him on the side of the road leading up to the farm. He observed the convict, whom he had known for about two months prior, wearing a white T-shirt and a long blue jeans pants, also standing there, with a cutlass and a Stag beer in his hand. Greenidge asked the convict for Stafford, commenting that he had not seen him for a while. To this the convict replied that Stafford had diarrhea and that he was going to check on him. He then left and went straight up the road. About seven minutes later he was observed tracking through the bushes and rejoined them, saying that he had not seen Stafford. Greenidge and the witness left the convict and went to look at the plot, which was about ninety (90) yards from the roadside. When they returned to where the convict was, Stafford still had not been seen and the convict said he didn't know his whereabouts. At

about 5:25 p.m. the witness left for Grenville, leaving Greenidge and the convict about to pick beans, about forty (40) feet inside the farm.

[2] Whilst in the charge room at the Grenville Police Station, at about 5:50 p.m. Derek Benjamin Sgt. #87 observed a silver van, driven by the convict, stop in the middle of the road. The two made eye contact; the convict appeared calm. He turned off the ignition, alighted the vehicle holding a white bucket in his hand and proceeded to walk towards the door of the Station. He was wearing a brown short sleeve jersey and long blue jeans pants with apparent bloodstains. He calmly walked right up to the counter, lifted the bucket with his both hands, and poured out the contents onto the counter, revealing two human heads. As he did this the convict calmly said "ah jus kill two man there". He was then cautioned and detained in police custody. Benjamin deponed that he had interaction with the convict until about 2:00 a.m. the following morning, during which time the convict appeared calm and collective, but he spoke sparingly. During his initial detention he also told the officer that he had to go and meet the plane and that they would make him miss it.

[3] Harold Frame Insp. # 320, along with other police officers commenced investigations and deployed firstly to Balthazar, St. Andrew where they carried out a search of the farm area belonging to Greenidge. While walking through a track, a white jersey with stains resembling that of blood was observed. About fifty (50) feet away freshly cut grass and vine was seen. Further probing revealed that the grass was covering a beheaded human body, that of Clyde Greenidge. The search continued and a second beheaded human body, that of Christopher Stafford, was found about two hundred (200) feet away, and a wooden handled cutlass with stains resembling blood about fifteen (15) feet away from the latter body.

[4] Dr. Keith Johnson was summoned to the Station where he examined the two heads and subsequently the headless bodies at the scene, which he pronounced dead. He noted that at the time of his examination, approximately 7:45 p.m., the

body of Greenidge was in the initial stages of rigor mortis, being dead a little beyond two hours. Stafford's was in a state of frank rigor mortis, meaning a marked state of rigidity of the joints and muscles of the body, being dead about three hours prior to the examination. In his opinion the severance of the heads and the injuries noted were caused by a sharp edged instrument of more than seven inches long, applied with excessive force.

[5] On Tuesday 4th May 2010 the convict was taken to the Mt. Gay Mental Hospital and examined by Dr. Esperanza Swaby, who diagnosed the convict with Paranoid Schizophrenia. Upon his return he was again cautioned and questioned in connection with the deaths of Clyde Greenidge and Christopher Stafford. He said "Officer, all I know I kill them".

[6] An autopsy conducted by Dr. Elizabeth Carballosa Velasquez on the same day revealed the following:-

Clyde Greenidge:

1. a deep 11 cm wound to the left cheek extending to the nasal dorsum (nose bridge) with fracture of the nasal bone;
2. a deep 13 cm wound to the left lateral region of the face 2 cm from the ear;
3. a deep 15 cm wound to the left mandibular region (jaw) with fracture of the jaw bone, section of the neck, blood vessels, nerves and soft tissues involved;
4. section of the first phalanx of the second finger of the left hand;
5. a deep 6 cm wound to the palm of the left hand between the thumb and index finger;
6. a deep 3 cm wound on the skin and tissue of the proximal phalanx of the left thumb;

7. a 3 cm superficial wound in the right scapular region;
8. excoriation of the right forearm measuring 4 cm;
9. skin wounds and superficial section of the skull in the right parietal region measuring 9 cm; and
10. total section of the neck 2 cm from the collar bone with multiple attempts at incision.

[7] The cause of death was massive bleeding brought about by several deep wounds by a sharp instrument in addition to decapitation.

Christopher Stafford:

1. Total section of the neck, at the hyoid bone level, 4 cm from the clavicular region with multiple attempts at incisions.

The cause of death was determined to be massive bleeding brought about by section of the neck and decapitation.

[8] In a Question and Answer Interview given to the Police on the 4th May 2010 the convict admitted cutting off the heads of Greenidge and Stafford. The events of the material Monday, in his words, are that from since about 9:30 a.m., after he came from hunting, he met Greenidge in his shop at Balthazaar and the two started drinking beers. He hid the cutlass he had gone hunting with by the road. He and Greenidge had a good relationship but him and the other guy, whose name he did not know, only used to speak; he never had any problems with either of them. Once he had worked in the land for Greenidge and had charged him about EC \$1200.00 but he was never paid.

[9] Further, he told Insp. Frame that he knew he was at the Police Station for the incident that occurred the previous day when he brought in the two heads. He had gotten the two heads from Greenidge's land and knew one belonged to Greenidge but didn't know the other guy's name. The other guy gave him a cutlass, which

belonged to Greenidge, to cut grass and whilst the two were carrying up the grass, his mind told him to cut off the guy's head and he did. He gave him about one or two chops. During this time he knew that Greenidge had left to go for beers. When Greenidge returned with the beers, the convict drank two whilst Greenidge drank one. He did not recall at what point after this that he cut off Greenidge's head but the two had been walking up where the crew was and his mind told him to do it and he did; he didn't know how many times he chopped Greenidge but he knew that he chopped him. He said Greenidge, an ex-police officer, was not armed. After he committed these acts he put the heads in a bucket and drove Greenidge's van to bring them directly into the Station."

[10] It is to be noted that the Court satisfied itself that the convicted man fully understood the nature of his plea and that he had the benefit of legal advice prior to entering such a plea.

[11] The Court also after the allocutus invited Counsel for the defence to present any and all Psychiatric reports relative to the convicted man as well as ordering that a Social Inquiry report be provided. The matter was then scheduled for a sentencing hearing.

The Hearing

[12] There were three psychiatric reports, two submitted by the convicted man and one from the Prosecution.

[13] It is clear from all the reports that the convicted man was suffering from paranoid schizophrenia.

[14] The first such examination was conducted by Dr. Esperanza Swaby, the consultant psychiatrist at the Mt. Gay Psychiatric facility. This examination was conducted some seven days after the commission of the crime.

[15] The convicted man spoke of feeling that people were laughing at him and talking about him. He also heard voices saying that he was a 'battie' man. That within

recent times he said that the voices had become more persistent and his feeling of unpleasantness increased to the point that he started drinking alcohol so that he could no longer hear these voices.

- [16] On the day of the crime, he felt that the two deceased men were laughing at him, so he became angry and attacked the men, cutting off their heads with a cutlass.
- [17] The idea to do this came to him suddenly and he did so. The doctor reports that he had delusional thoughts related to homosexual ideas and hearing voices commenting that he was homosexual.
- [18] At that time he felt he had done nothing wrong, that he had to kill the two men. He did not know why he was incarcerated.
- [19] The convict was also examined by Dr. Keith J.B Rix, a psychiatrist of some 30 years experience. He produced an extremely detailed report of his examination of the convict.
- [20] He gave Dr. Rix the same basic explanation of the facts leading up to the offence as he did Dr. Swaby.
- [21] Dr. Rix has opined that the convict was suffering probably from "schizophrenia or a schizophrenia like illness".
- [22] He further opined that "the experience for a heterosexual person to feel that he is being accused of being homosexual and experience of being mocked, ridiculed and harassed are typical of schizophrenia."
- [23] He found that while at the time of his examination of the convict, he showed no active evidence of mental illness, it was his opinion that at the time of the commission of the offence, it was more probable than not that the convict was psychotic.
- [24] He however found that he was aware of the nature and quality of his acts. He states in his report, "he knew he was killing them".

- [25] He further states, "The defendant had an aberration of mind". He found that there was some form of mental unsoundness or mental disease. He was suffering from a defect of reasoning due to a disease of the mind.
- [26] He found the convict in remission at the time of his examination and opined that this is understandable if it was the result of years of excessive drinking.
- [27] I pause here to observe that while there is some evidence that the convict drank, and even drank on the day in question, there is no evidence whatsoever of excessive drinking on the part of Mr. Gurrie nor is there any evidence that the convict was under the influence of alcohol at the time of the commission of this offence.
- [28] The convict was also examined by the clinical psychologist Dr. Harry Wood. He examined the convict on 26th October, 2011, some seventeen months after the incident. He conducted a Personality Assessment Inventory on Gurrie, and detailed the four elements which formed part of this assessment.
- [29] He found that Gurrie was in a state of extreme confusion and that he was likely to have been suffering from an altered state of mind at the time of the incident. He also found that the convicted man's responses indicated the presence of psychosis.
- [30] It is noted that none of these three professionals gave any indication as to what treatment, if any the convicted man should receive, and also did not indicate whether he was a threat to society at large.
- [31] There was a Social Inquiry report which spoke to the convicted man as having a normal childhood with the support of family and friends.
- [32] He has been described as a loving, kind, quiet and caring individual. He has been described as helpful and someone who had no difficulty in living in his community.

- [33] There were several persons including family members who swore affidavits in support of the convicted man. The sentiments of those persons were reflected in the Social Inquiry report.
- [34] The convicted man has been in a relationship with his girlfriend for a relatively long period of time, and the mother of his girlfriend describes him as a gentle person who was very good to her and her daughter.
- [35] All of the individuals who gave affidavits on behalf of the convict expressed disbelief that he was capable of doing the acts for which he is before this court.
- [36] The Social Inquiry report describes the convicted man as a peaceful, loving, generous, hardworking and uninvolved person.
- [37] The community expressed shock at his actions and had difficulty reconciling the person they know with what he has done. Interestingly they have stated that they do not view him as a threat to the community and eagerly await his return.
- [38] His employer spoke of him in very positive terms and has expressed the view that he awaits his return to his previous job and the community as a whole.
- [39] He is presently not receiving any medication.
- [40] The family of Greenidge were interviewed by the Social Inquiry Officer and some of them stated that they have forgiven the convicted man, while others have not. No interviews were conducted with the Stafford family as they were out of State and unavailable for comment.
- [41] The mother of Clyde Greenidge was not interviewed by that officer due to the fact that she resides in the Bronx, New York. She did attend the sentencing hearing and did testify. She described her son as loving, the best son one could have. She was still visibly shaken speaking about her son's death. She spoke of his love of agriculture, and the time he spent as an Officer of the Royal Grenada Police Force, and his return to his first love agriculture after his tour of duty. She wanted justice for her son.

[42] Mr. Ferguson in his comprehensive submission submitted that the convict co-operated fully with the police from the time he presented himself to the police station on the day of the event and his Question and Answer interview comprised a large part of the events told in this matter.

[43] Mr. Ferguson also addressed the Court on what the applicable law was from the perspective of the defence and referred the Court to many authorities. He pointed out the aggravating and mitigating circumstances as follows:

- time spent in custody;
- the guilty plea, confession statement, and co-operation with the police;
- good character and strong family ties;
- no previous convictions;
- the fact that the convicted man was bordering on insanity at the time of commission of the offences; and
- the fact that the convicted man had diminished responsibility at the time of committing the offences.

Aggravating Factors

[44] The cutting off of the deceaseds' heads.

[45] The placing of the heads in the bucket and dropping them on the counter of the police station.

[46] He submitted that the mitigating factors clearly outweigh the aggravating factors.

[47] The mitigating factors as set out by the Crown were as follows:

- The very rare plea of guilty to murder.

[48] The aggravating factors were stated as follows:

- Loss of two lives
- The injuries were inflicted with a cutlass belonging to one of the deceased
- The nature and extent of the injuries inflicted on the deceased men; severance of their heads
- Unprovoked acts
- The relationship that existed between the convict and both deceased, especially with Greenidge for whom he was employed occasionally
- The fact that this occurred on the property of one of the deceased
- Previous conviction for a crime of violence

[49] The Court in *Spence and Hughes*¹ set out certain factors which are to be taken into account with respect to a plea in mitigation. These factors are:

1. The gravity of the offence
2. The character and record of the offender
3. The subjective factors which may have influenced the offender's conduct
4. The design and manner of the execution of the offence
5. The possibility of reform and social re-adaptation of the offender.

[50] I have earlier in this judgment referred to the three expert reports tendered to this Court, the Social Inquiry Report, and I have been provided with the convict's antecedent report. I have also listened carefully to the submissions of Counsel.

Gravity of the Offence

[51] This is one of the most heinous offences known to mankind. Murder and treason are the two most serious offences known to the laws of Grenada. In this case, two

¹ Criminal Appeal 14 of 1997/Criminal Appeal 20 of 1998

men, Clyde Greenidge and Christopher Stafford, lost their lives in a most gruesome manner. They were beheaded.

[52] These men had families and friends. Their loss to their loved ones is tremendous. They were both breadwinners, the emotional and financial impact of their loss is enormous.

[53] The punishment meted out by the Court must reflect the gravity of the crime committed. The Court has to place a high value on the lives of the deceased persons. Society demands it and the Court must have cognizance of this. It is for the Court to send a message that this behaviour is not acceptable. The sentence must reflect the abhorrence of society for such an act.

Character and Record of Offender

[54] The convict has one previous conviction dating back to 2006 for causing harm. He was sentenced by the Magistrate to pay a fine of \$500.00 and compensation of \$800.00 both to be paid in two months, in default six months imprisonment. The Court notes that the offence took place seven years ago and four years prior to the incident and notes that it is a crime of violence. Given the lapse of time the Court will not place too much emphasis on this conviction.

Factors that may have influences the convict's Conduct

[55] I will take into account the following:

- The mental condition of the convict
- The use of alcohol by the convict

[56] The convict's mental state has been set out earlier in this judgment, and this condition clearly had an effect on the convict's behaviour. It was precipitated by his delusion that the two deceased men were talking about him and laughing at him. He felt that they were of the view that he was a homosexual. His state was described as one of the accused having an "aberration of the mind" and in another instance, being in a "state of extreme confusion". There is a general diagnosis of

paranoid schizophrenia and psychosis. These mental conditions did play a role in the actions of the convict on the day in question.

The Design and Manner of the Execution of the Offence

[57] The facts as related by the Prosecution have already been set out in the judgment and I will not repeat them here.

[58] The convict according to him, said that his mind told him to behead the two men and he did so.

[59] The offence was heinous and brutal attack as evidenced by the report of the pathologist which set out in great detail the injuries suffered by both deceased.

Remorse

[60] I note that the convict has expressed remorse, albeit he has done so by way of letter dated 28th December, 2011 but not delivered to the families to whom it was addressed. It was read in Court by Counsel and expresses the convict's grief at his actions, and was to accept responsibility for his actions. He explains the time lapse by stating that he needed time to be able to think clearly, and he expresses his deep regret and sorrow for what he has done. This must be taken into account in his favour.

Possibility of Reform and Social Re-Adaptation

[61] From the evidence contained in the Social Inquiry Report, I consider the possibility of re-adaptation of the convicted man is good. It appears that he will be accepted back into the community and would have his old job back at the time of his release. I believe that his prospects of reform and rehabilitation are good.

[62] The Court must also look at the sentencing principles set out in **R v Sergeant**²

1. Retribution

² Criminal Appeal Rep. 74

2. Deterrence
3. Prevention
4. Rehabilitation

Deterrence

[63] There is no evidence that there is a need to deter this convict in the sense that even though there is a previous conviction for a violent act, he seems to have been a peaceful and loving person within the community and the acts he has committed appear to be an aberration. There is a need for general deterrence as there is a proliferation of knife, cutlass and machete crime in Grenada and a message must be sent to society that this type of behaviour will not be tolerated.

Prevention

[64] Even in view of his prior conviction I do not believe that there is need for prevention in this case.

Rehabilitation

[65] As already addressed, and based on the Social Inquiry report there is nothing to suggest that the convicted man is incapable of rehabilitation.

Punishment

[66] This is beyond a doubt a very serious offence and whatever the punishment, it must send a very strong message to society that the taking of a life, whatever the circumstances, is unacceptable. Human life is sacred, and when one takes a life, the perpetrator must be held responsible.

[67] I have already set out the aggravating and mitigating factors, as set out by Counsel and I will state the Court's findings in that regard here.

[68] The mitigating factors include the fact that he has expressed remorse, the fact that he did not conceal his culpability in this case, his full co-operation with the police, and his plea of guilty.

- [69] I must also take into account his mental state at the time of the commission of these acts.
- [70] The Court is fully aware that diminished responsibility is not a defence open to persons charged with murder in Grenada and it was in light of this that the Court urged Counsel to present its medical evidence fully at this sentencing hearing.
- [71] The aggravating factors include:
- The use of a weapon, to wit, a cutlass
 - The nature of the injuries to the two deceased men
 - The fact that the convict brought the heads to the police station and deposited them on the counter of the station
 - That the acts appeared to be totally unprovoked
 - It was a multiple victim homicide
- [72] The Court must conclude that the aggravating factors outweigh the mitigating factors.
- [73] It is established that if one pleads guilty to an offence that a discount of 1/3 is available. The United Kingdom guidelines suggest that murder is in a special category, and a different approach is needed.
- [74] It suggests that a 1/6 reduction or five years (whichever is less) where the guilty plea came at the first reasonable opportunity, to 5% where the plea is entered at a later stage. The guidelines go on to state that after the relevant reduction has been made, the Court must look at the sentence to ensure that the minimum term accurately reflects the seriousness of the offence.
- [75] I have been referred to the cases of **Emma Last & others v R**³, **Habib Simon v The State**⁴, and **Regina v P Helman**⁵ among others and have found guidance in how to approach sentencing where there is a plea of guilty to non capital murder.

³ (2005) EWCA Crim. 106

- [76] The Court understands and recognizes that it is a grave step for an accused person to enter a plea of guilty to murder. The effect of the plea is that it saves the State the expense and trouble of the trial process. The victim's families and friends are spared the proceedings and as a result of this, the offender is given a discount.
- [77] However, in this matter the Court cannot agree with Counsel that this matter should be treated as one of manslaughter, that is, as if the defence of diminished responsibility were available to the convict.
- [78] Unfortunately, the Laws of Grenada do not recognize such a statutory defence and therefore it is not available to accused persons. The Court has, however, taken into account the mental state of the convict in coming to a determination of what an appropriate sentence would be in this matter.
- [79] The convicted man was arrested and charged with the offence of murder on the 3rd May, 2010. The indictment was filed on the 4th January, 2011 and on the 9th October, 2013 he was re-arraigned and pleaded guilty to both counts contained in the indictment.
- [80] That the convict co-operated with the police is not in dispute, and though the guilty plea came somewhat late in the day, I do not find that in all the circumstances that a discount should be withheld. I therefore find that he is entitled to a discount.
- [81] Counsel for the convicted man has very helpfully provided the Court with a substantial list of murder and manslaughter convictions from the jurisdiction for the period of 2000-2011.
- [82] Murder convictions range from death by hanging to life imprisonment to a lesser term of years. Having reviewed the aggravating and mitigating factors in this case,

⁴ (1989) 43 WIR 391

⁵ (2001) NSWSC 1127

including the reports of the psychiatrists and the psychologist in the matter, a Court after trial would have imposed a sentence of life imprisonment.

- [83] Having concluded that the convict is entitled to a reduction in sentence, I conclude that an appropriate sentence in this matter would be 35 years imprisonment to run from the date of remand.

Sentence

- [84] The Court sentences you, Steve Gurrie, to a term of 35 years in prison. I recommend that during your term in prison that you be examined by the psychiatrist every six months for the purposes of determining your psychiatric health, with any recommendation for further treatment.

- [85] I further recommend that should the psychiatric evaluations be favourable that the sentence be reviewed after a period of 25 years with a view to early release of the convicted man.

Margaret A. Price Findlay
High Court Judge