



Dominica Official Gazette

Published by Authority

VOL. CXXXIX

ROSEAU, THURSDAY JULY 28, 2016

No. 36

Departmental and Other Notices

THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
COMMONWEALTH OF DOMINICA
CRIMINAL
CASE NO. 9 OF 2015

Between:

The State

v

Asher James

Appearances:

Ms. Sherma Dalrymple, Ms. Fernilia Felix and Ms Carlita Benjamin for the State.

Mr. Geoffrey Letang assisted by Ms. Ann Riviere for the Defendant.

2016: June 19th
July 1st

JUDGEMENT ON SENTENCING

[1] THOMAS, J[Ag]:. On June 9th, 2016, the defendant was found guilty of murder of Kennie George. This determination led to two further events bearing on the sentencing. The first is a psychiatric assessment of the defendant; and the second is a social inquiry

report to be prepared by a Probation Officer of the Welfare Department.

[2] With respect to the psychiatric evolution, this was carried out by Dr. Nadia Wallace MD, DM and reported that the defendant is mentally fit to be sentenced. The entirety of the report will follow:

RELAVANT CONSIDERATIONS

[3] For the purpose of the sentence to be imposed, the court must consider the following: the nature of the offence, the manner of execution, the maximum penalty under the law of the offence, the social standing of the defendant, the age of the deceased and the defendant, the principles of sentencing, the aggravating factors, the mitigating factors, the psychiatric evaluation, the Social Inquiry Report and the plea in mitigation.

NATURE OF THE OFFENCE

[4] The offence of murder involves the ending of a person's life without lawful excuse.

MANNER OF EXECUTION

[5] The evidence revealed that the difficulties between the deceased and the defendant began outside of a shop situated in the village of Wotten Waven. At this initial stage, the defendant testified that as he was