

THE EASTERN CARIBBEAN SUPREME COURT
ANTIGUA AND BARBUDA

IN THE HIGH COURT OF JUSTICE
(CRIMINAL DIVISION)

CASE NUMBER: ANUHCR 2025/0008

BETWEEN:

THE KING

and

VEYELLA PETERS

Appearances:

Mrs. Shannon Jones-Gittens, Counsel for The Crown

Mr. Sherfield Bowen, Counsel for the Defendant

2025: October 23rd, 24th;
November 12th;
December 5th;
2026: April 1st.

SENTENCING REMARKS

Background

- [1] **SMITH, J.:** On 5th December, 2025 the convict Veyella Peters was convicted of the offence of wounding with intent after a trial by judge alone. This trial was conducted as a Judge Alone Trial by virtue of the **Criminal Proceedings (Trial by Judge Alone) Act**, No.8 of 2021, the charges on the indictment in this matter are mandated to be tried by a single Judge. The **Criminal Proceedings (Trial by Judge Alone) Act** was signed by the Governor-General on the 28th May, 2021 and provides for cases to be tried by a Judge sitting alone without a Jury. The offence on the indictment is one such matter which can be tried by Judge Alone pursuant to the legislation.
- [2] The Court found that Ms. Peters wounded the complainant Mr. Turner Livingston at his home on the night of 28th August, 2023. The Court heard the evidence from the doctor that Mr. Livingston suffered two gaping and serious wounds, one to the neck and one to the face. At the time of the offence Ms. Peters was 30 years old and Mr. Livingston was 64 years old.

The Law and Sentencing

- [3] The maximum penalty prescribed for the offence of wounding with intent is fifteen (15) years imprisonment. The Court is mandated to follow the Sentencing Guideline of the Eastern Caribbean for Violence Offences republished on 6th January, 2025. Below is an outline of how these guidelines will be applied to the present case.

First Stage

- [4] The first stage involves considering the consequence by assessing the harm caused by the offence. This offence may be placed in Category 2 High as serious physical harm was caused to the complainant.

Second Stage

- [5] This stage addresses the seriousness of the offence by assessing the culpability of the offender. In this case, the appropriate category may be level A– High a weapon was used, i.e., a cleaver.

Third Stage

- [6] At this stage the relevant calculation will be done using the grid provided in the guidelines. For an offence in Category 2, Level A, the starting point is 60% of the maximum term of imprisonment which is **9 years**. The general range of the sentences for that category identified is **6 years, 9 months to 11 years, 3 months** incarceration. (**My Emphasis**)
- [7] The Court is then called upon to examine the aggravating and mitigating factors of the offence and the offender. The Court finds the following.

Aggravating/Mitigating Factors

- [8] The aggravating factors in relation to the offence are as follows:-
- i) The defendant took steps to prevent the complainant from making a report and obtaining assistance. She pretended to call 911 as the complainant was bleedings profusely and trying his best to control the bleeding.
 - ii) She attacked the person who provided her with a place to stay when she was desperately in need.

- iii) As stated in the social inquiry report the offence resulted in scaring the face and neck of the complainant. He stated that they are a constant reminder of the incident and attract unwanted stares from people, making him feel embarrassed about his appearance.

[9] There are no mitigating factors in relation to the offence.

[10] Regarding the offender there are no aggravating factors but in mitigation the Court finds:-

- i. The convict is of previous good character
- ii. She has expressed remorse both in Court during her testimony and to the author of the probation report
- iii. The convict has several children, some of which are still minors
- iv. Based on the evidence the Court finds that the convict was subjected to mental abuse by the complainant in the form of his constant demands for sex
- v. The convict has expressed remorse for her conduct. She indicated to the probation officer that she would welcome the opportunity to apologize to the complainant for her actions.

The Probation Report and Mitigation

[11] The probation department submitted a very comprehensive and detailed report on the convict Peters. The early life of the convicted person appeared to be traumatic and distressing for her.

[12] The early part of her life was marked by sexual abuse from her father while they lived in Guadeloupe. She alleged that in her life from 13 to 26 that she was taken advantage of by her partners physically and emotionally. To add to this, she said she reported the molestation to her mother who disbelieved her.

[13] In addition to the abuse suffered by the convict she spent time in care in Guadalupe before returning to Antigua where advances were made towards her by her grandmother's partner.

[14] The reports from her employers described her as being respectful and helpful worker. Mitigation from Counsel Bowen noted that he objected to the categorization of the offence. He highlighted the fact that the testimony in the trial the convict was subjected to continued sexual advances by the complainant. He also disclosed to the Court that the grandmother of the defendant had recently passed away placing her in a further vulnerable position. Counsel asked the Court to take this new development into consideration.

Victim Impact Statement

- [15] The complainant in this matter has suffered from the physical and the emotional harm occasioned upon him as a result of the convicts attack and subsequent actions. Following the attack he disclosed that his physical appearance has been adversely affected. He stated that the scars are permanent and are a constant reminder of the incident.

The Court's Consideration

- [16] The Court does not find favour with the submissions of Counsel that the matter was not justified in being in the high and serious categorization. It does find that the offending was indeed high and serious. Having said that, it is patently clear to this Court that incarceration of the convict in this case would result in further trauma for her minor children. Although the majority of the children reside with their fathers, incarceration would create hardship for the family in general.

Departure from the Sentencing Guidelines

- [17] The guidelines indicate that where the Court departs from the stipulated guidelines, reasons must be provided. In this case the Court as indicated above in the paragraph above (16) the reasons for the departure. The Court is guided by the rubric of the Eastern Caribbean Supreme Court Practice Direction. The Importance of Giving Reasons¹ which states that sentences must be clearly expressed and the reasoning given. It goes on to require that the factors taken into consideration, whether as aggravating or mitigating, should be set out as part of the sentencing remarks. Any departure from the guidelines must be explained as part of the reasoning.
- [18] In particular, the Court must ensure that there is no element of double counting, meaning that a factor taken into account at one step should not then be taken into account again at a later step. In considering an award of compensation as opposed to incarceration the Court will consider the pain and suffering caused by the injury (including terror, shock or distress) and any loss of facility, which should be assessed in light of all factors that appear to the Court to be relevant, including any medical evidence, the victim's age and personal circumstances. The complainant in this case told the probation officer that his scars were permanent and caused him a degree of embarrassment and humiliation.
- [19] Having said all of the above, the Court therefore orders Miss Peters to pay the complainant compensation. The compensation will be in the sum of \$7,000.00. This sum is to be paid in monthly installments of \$450.00 per month to commence on 30th April, 2026.²

¹ The Eastern Caribbean Supreme Court (Sentencing Guidelines) Rules 2019 Practice Direction 8A No. 1 of 2025 (re-issue).

² The terms of the compensation order was a result of discussions between the Crown and Defence Counsel

[20] In keeping with her expression of remorse, the convict is to pen a letter of apology to the complainant since he not here in Court today.

Ann- Marie Smith
High Court judge

By the Court

Registrar