

IN THE EASTERN CARIBBEAN SUPREME COURT

IN THE HIGH COURT OF JUSTICE

IN THE FEDERATION OF ST CHRISTOPHER & NEVIS

IN ST CHRISTOPHER CIRCUIT

CASE SKNHCR 2023/0067 & 0071 - joined

REX

V

TREVERN EDWARDS

**APPEARANCES**

The DPP Mr Adlai Smith, Ms Maaisha Liburd and Ms Krystal Sukra for the Crown.

Mr Tim Prudhoe, Mr Craig Tuckett and Ms Iyesha Usher for the defendant.

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**2025: APRIL 28-29**

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**VERDICT**

**On two separate murders tried jointly**

- 1 **Morley J:** The judgement which follows is the verdict from trial during 20.02-14.04.25 by judge alone of Trevern Edwards, aka Scar, aged 33 (dob 10.11.91), under the **Judge Alone Trials Act**, act 20 of 2024 (JATA), in force from 20.09.24<sup>1</sup>, there having been ruling as to conducting judge-alone trial on 03.02.25.

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<sup>1</sup> This is the second verdict delivered by the instant judge, under **JATA** on St Kitts & Nevis, there having been no others so far in the jurisdiction, the first being in **R v Anthony Adams 2024**, delivered on 09.12.24, sentenced on 07.04.25, to be found at [www.eccourts.org](http://www.eccourts.org).

- 2 Edwards has been tried on allegations of two murders, joined by ruling on 24.05.24, being:
  - a. Originally indictment SKBHCR2023/0067, for the murder of Jesse Lee, aka BJ, aged 29 (dob 14.06.92) on 18.11.21; and
  - b. Originally indictment SKBHCR2023/0071, for the murder of Arthur Ezekiel Henry, aka Karateman, aged 67 (dob 09.03.55) on 24.03.22.
- 3 As a mark of the seriousness of this case, the Crown has made it clear if Edwards is convicted of both murders, the Office of the Director Public Prosecutions (ODPP) will seek the death penalty, not sought for many years on St Kitts & Nevis, and perceived still legally available for murder under **s2 and s3 of the Offences Against the Person Act** cap 4.21, first passed in 1873.

#### The shape of the case

- 4 Pre-trial proceedings in the Edwards case have been listed 21 times, being the following dates:
  - a. 30.11.23, as first appearance, then on 15.12.23; then on
  - b. 22.12.23, Counsel Tuckett was told by the Court he must have a senior to lead him on so serious a case, as being called to the Bar on 05.12.22 he was at this point only one year Call, then on 19.01.24; then on
  - c. 06.02.24, Counsel Prudhoe came forward as the senior; then on
  - d. 23.02.24 and 20.03.24; then on
  - e. 02.05.24, there was the joinder argument, with ruling on 24.05.24; then on
  - f. 07.06.24, 28.06.24, 05.07.24, 12.07.24, and 26.07.24, there were discussions about public funding of Edwards' representation; then on
  - g. 17.09.24, Edwards formally pleaded not guilty to both murders; then on
  - h. 29.11.24 and 09.12.24; then on
  - i. 13.12.24, when trial was fixed for February 2025; then on
  - j. 20.01.25, there was the judge-alone argument, with ruling on 03.02.25; then on
  - k. 14.02.25, with the trial being finally fixed to start on 20.02.25.

- 5 The ruling on 03.02.25 as to judge-alone trial is at annex 3 and the joinder ruling on 24.05.24 is at annex 4.
- 6 To complete the record of how the case has evolved, *obiter*, there were during the pre-trial proceedings discussions about Edwards' representation.
- a. Counsel Tuckett was charged on 22.02.24 with perverting the course of justice in a separate matter, which led to contemplation whether he should continue in this or any case while under charge, then leading to proceedings under **s81 Supreme Court Act**, but which were finally objected to on 31.05.24, as to the constitution of the bench, being the instant judge and brother Justice Thompson on Nevis, not only by counsel for Tuckett (being Counsel Prudhoe), but also by counsel from the Bar Association, Office of the Attorney General (OAG), and by the ODPP, meaning the court has been to date powerless to consider stopping him.
  - b. Counsel Tuckett's trial is presently fixed to start on 19.05.25 before visiting Justice Innocent, and so its outcome will postdate this judgement.
  - c. It may arise if Counsel Tuckett is convicted, there will be argument he should not have appeared in these proceedings, where both parties can appeal under **s9 JATA**, and so by way of anticipation, it can be said by this court:
    - i. As this is a judge-alone trial, not a jury trial, so the judge is expected capable of putting out of mind Counsel Tuckett's predicament, and that the predicament will not affect impartial judicial assessment of the facts; and
    - ii. In any event almost the entire defence has been conducted by Counsel Prudhoe as senior, to be expected, and ably, so there is little for an observer perhaps to worry of how Counsel Tuckett's contribution may here influence any judge.
  - d. On St Kitts & Nevis, it has long been welcome policy public funds are available for assignment to counsel in murder cases, and here, there being two murders, two

assignments have early been allocated to Counsel Tuckett, who had conduct of the case before his senior Counsel Prudhoe joined from 06.02.24 to assist.

- e. However, it has been made clear to Counsel Tuckett by the OAG as an administrative decision he will not receive public funds while under charge and so his continuing representation ought to be construed per the OAG as pro bono.
  - f. Concerning Counsel Prudhoe, though there has been contemplation whether he might receive assignment as a leader, or have one of the two assignments in the hand of Counsel Tuckett signed over to him, it has been made clear by the OAG as an administrative decision he cannot receive public funds as he has no work permit, though called to the St Kitts & Nevis Bar, as he is normally resident on Turks & Caicos Islands, so that his representation of Edwards ought also to be construed per the OAG as pro bono.
  - g. This is a most serious case, and it may be there will be argument at a later date, before a different court, or appeal court, about the non-availability of public funds to Counsels Tuckett and Prudhoe, and its possible effect on these proceedings, and so by way of anticipation, it can be said by this court:
    - i. Counsel Prudhoe in leading his team of Counsels Tuckett and Usher has been exemplary in his conduct and ability, and in my assessment of this trial it could never be said Edwards has had weak representation owing to there being no clarity as to funding or appearing pro bono; and
    - ii. Though not seeking to fetter any other tribunal reviewing funding here, going forward there needs to be clearer public funding rules, including as to counsel from off-island, or under criminal charge, with protocol in writing, to avoid funding of representation possibly becoming grounds for appeals.
- 7 Prior to the trial, the instant judge had read all the case papers, being the two committal bundles, meaning all the witness statements and exhibits as bundled had been studied. This material would not be seen by a jury, and moreover, I have had cause to weigh these materials as I have made the two rulings as above. Being a trial by judge alone, I am expected to be conscious of where material I have read is not admissible or not in evidence, which from professional training

I will endeavour fairly to do, putting out of the judicial mind material not making up the trial record. As I know so much about the case, there was no need for a lengthy formal opening, as would occur before a jury who would have no prior knowledge, and so on listing the trial on 20.02.25, the proceedings went quickly to calling the evidence.

8 The trial then convened during 21 days, 22 if including today, receiving evidence on 14 days, from 13 witnesses, with 20 exhibits, 72 paragraphs of agreed facts, plus a locus visit on 27.03.25, sitting during 20, 21, 24, 25, 26, 27.02.25, and 17, 18, 19, 20, 24, 25, 26, 27, 28, 31.03.25, and 01.04.25 for evidence, and 07, 08, and 09.04.25 for closing speeches, with final tidying on 14.04.25, this verdict to be delivered on 28-29.04.25.

9 Concerning the call of witnesses, the trial history has been:

20.02.25	Javier Greene.
21.02.25	Janayah Rhyner.
24.02.25	Javier Greene.
25.02.25	Janayah Rhyner, Skadeaj Dickenson.
26.02.25	Skadeaj Dickenson.
27.02.25	Skadeaj Dickenson.
17.03.25	Chelsea Selkridge, Alandre Williams.
18.03.25	Alandre Williams.
19.03.25	Discussions about whether Edwards may seek a sentencing indication.
20.03.25	Leshana Lee.
24.03.25	Leshana Lee, David Joseph.
25.03.25	Tilano Archibald, Nelius Boudeine.
26.03.25	Charmaine Audain, Xavique Wilkes.
27.03.25	Kevin Foster; visit to the locus, with further evidence on site from Skadeaj Dickenson, Alandre Williams, and Leshana Lee.
28.03.25	Housekeeping, plus reading in the judge notes re the locus visit.
31.03.25	Reading in the Agreed Facts.

01.04.25	Finish reading in the Agreed Facts, prosecution case closes; for the defence case Edwards did not give evidence, then calling defence witness Rodelle Nicholls.
07.04.25	Prosecution closing speech.
08.04.25	Prosecution closing speech continued.
09.04.25	Defence closing speech.
14.04.25	Final tidying, with three queries on discreet points of evidence raised by the court.
28.04.25	Verdict with reasons in writing, being today.

- 10     The Agreed Facts running to 72 paragraphs (AFpr1-72) appear at annex 1.
  
- 11     The 20 exhibits (Ex 1-20) arising in the case are listed at annex 2.
  
- 12     For the closing speeches,
  - a.   DPP Smith addressed the court for 1.5 court days during 07 and 08.04.25, and produced written materials running to 71 pages, being
    - i.   A full closing argument of 57 pages (when condensed of irregular spacing),
    - ii.  A global corroboration table, of 9 pages, and
    - iii. A table of evidence specifically corroborating Dickenson, of 5 pages; and
  - b.   Counsel Prudhoe addressed the court during one full court day during 09.04.25, and produced written materials running to 83 pages, being
    - i.   A skeleton closing argument, of 9 pages, and
    - ii.  A table of evidence, of 74 pages.
  
- 13     Before embarking on my assessment of the evidence, I would like to pay tribute to both teams of advocates, prosecuting and defending, where seniors of ability have been well-supported each by two juniors, particularly in note-taking and trial housekeeping, culminating in an intelligent contest of the issues, with appropriate cooperation between counsel where matters could be agreed, each team eliciting and challenging the evidence in a manner which should be regionally seen more often; no bad points have been taken, and without raising rancour or

mischief with each other, each has argued to their fullest over what evidence matters most in this most serious case.

### **The legal parameters**

- 14 The allegation is of murder, here the deliberate shooting in the head of Jesse Lee on 18.11.21 and of Arthur Henry on 24.03.22. For the purposes for this case, murder is doing a deliberate act which unlawfully kills with the intention of causing death or at least really serious harm. In my judgment it is an irresistible inference that to shoot someone deliberately in the head is to intend death. There has been no issue raised on the evidence of accident, mistake, self-defence, provocation, or diminished responsibility, which might produce full or partial defences, while at paras 48-51 of the agreed facts, it is agreed the partial remains of Lee as in pictures Ex 16.1-23 and full remains of Henry as in pictures Ex 19.1-3 have been recovered, showing they are dead, where pathologist Nunez further reports in Ex 18 Henry was shot in the head.
- 15 In the circumstances, it has been agreed between the parties, and in any event is trite as a matter of law and fact in this case, it would be murder if Lee and Henry have in this case been deliberately shot in the head dead, there being no defences raised. It follows, to convict of murder, the only question of fact to resolve is:
- a. Am I sure Edwards deliberately shot Lee in the head dead?
  - b. Am I sure Edwards deliberately shot Henry in the head dead?
- 16 In reviewing the evidence, I am bound by the following legal principles:
- a. The burden at all times is on the prosecution to prove its case; the defendant need prove nothing.
  - b. The standard to which the case must be proved is I must be sure of guilt, nothing less, sometimes expressed as 'proved beyond reasonable doubt', meaning if Edwards might be very probably highly likely guilty, this would not be enough, as it would mean I am short of being sure.
  - c. There will be no more evidence, I must not seek any, deciding the case on what has been offered at trial, and I must put out of mind, as above, what is not in evidence.

- d. The witness Javier Greene being a police expert on phones and digital information in them, I direct myself he can be expected to know more on this subject than me, and I would need good reason to disregard him.
  - e. Trevern Edwards being of good character, born 10.11.91, now 33, then aged 30 during the events of the Lee and Henry murders, his good character is to his credit and may make it less likely he has offended as alleged.
  - f. Edwards was entitled not to answer all police questions in interview on 13.04.22 (Ex 10) and 10.05.22 (Ex 13), which will not be held against him.
  - g. Edwards was entitled not to give evidence at trial in his own defence, which will not be held against him.
  - h. There will be occasions where the evidence may invite inferences to be drawn, where in law an inference must not be a guess, or speculation, but a conclusion to be drawn from facts which lead to no other reasonable possibility.
  - i. Further, circumstantial evidence if arising needs to be approached in a particular way, meaning where there is no direct evidence of an event occurring, where here for example no one saw Edwards shoot Lee, which instead may be an inference from the surrounding facts. A circumstantial case is not automatically weaker than an eye-witness or confession case. Many come before the court and each depends for its persuasiveness on the vanishing unlikelihood of coincidence, working cumulatively in geometrical progression eliminating innocent possibilities, so that if an innocent possibility remains, no matter if improbable, but being just reasonably possible, then such reasonable possibility should be accepted to the advantage of a defendant. However, I further observe there is confession evidence to consider, which may mean circumstantial reasoning may not arise.
- 17 The case involves per the prosecution presentation of 3 male civilians who are gang members, and legally accomplices (being Skadeaj Dickenson, Alandre Williams and David Joseph), a female civilian was ruled hostile (being Chelsea Selkridge), and what the prosecution say are lies told by Edwards to police and the family of Lee (on 19.11.21 and 10.05.22), requiring therefore I remind myself of respectively the accomplice warning, the correct approach to hostility, and the *Lucas* direction.



- a. Concerning accomplice evidence, it is well known an accomplice, being a person who has acted criminally with the defendant, may have much reason to lie on him, or embellish and exaggerate the role of the defendant, to play down his own role and so escape culpability. In such circumstances, it has been long established in caselaw I ought to look for corroboration of anything said by an accomplice before relying on it, being independent support for what was said; though having given myself this important warning, in theory I could still rely on the accomplice unsupported, being then in a judge-alone verdict expected to give detailed persuasive reasons why. However, whatever the formal position, I have decided in this case the fairest position is not to rely on any accomplice unless corroborated, though which can be by another accomplice.
- b. Concerning hostility, which is governed by **s43 Evidence Act** cap 3.12, where a witness has been declared hostile, this means there have been indicia of her not being desirous of telling the truth, so I have therefore allowed the contents of her witness statement to be put to her by the Crown, with a view to the Crown arguing what is in the statement is true. However, I must remind myself her evidence on oath is it is not, and there must be good reason shown I can be sure her evidence on oath is untrue, and instead her statement true, before I can ignore her sworn evidence, preferring as true what she denies, if I do so.
- c. Concerning a *Lucas* direction, arising in **R v Lucas 1981** QB 720, on any lies to police or Lee's family by Edwards, before finding this might support guilt, I must be sure:
  - i. First, he has told a lie;
  - ii. Second, the lie cannot have a possibly innocent explanation, like mistake, panic, confusion, embarrassment, possible stupidity, or any other reason; and
  - iii. Finally, if there is no possibly innocent explanation, I must then reason why I can be sure the lie points to guilt.

18 Finally, during the trial, there were discussions about a possible plea and with sentence indication, though this never progressed beyond talking, so that no plea deal was formally reached, nor any formal indication given. I put wholly out of mind there have been plea discussions, meaning these will not influence my finding whether Edwards is guilty. Indeed, it

can be said it would have been irresponsible of defence counsel not to raise plea query, and so this feature is to the credit of Counsel Prudhoe, and in no way to the detriment of the defendant.

## **The prosecution case**

19 The case for the prosecution in outline is as follows:

- a. Concerning Edwards, he is a 'gangster', running as leader a gang in Stapleton, being an informal group devoted to each other and to criminality, associated with gathering marijuana from the bush, having access to guns.
- b. Concerning the murder of Lee:
  - i. Edwards told his girlfriend Janayah Rhyner Lee had been ordered to kill him but he would 'catch him back', meaning get him first.
  - ii. In his rental car, he collected Lee from his home at about 20.00hrs on 18.11.21 to take him into the Bayford mountain to gather marijuana, but shot him twice in the head while he was going under a fence, taking a picture of the dead Lee on his phone.
  - iii. Edwards then arranged for gang members Skadeaj Dickenson and Alandre Williams to help move and hide the body.
  - iv. He then that night confessed to killing Lee to his girlfriend Chelsea Selkridge, showing her the picture.
  - v. He also in later days confessed to Rhyner, showing her the picture.
  - vi. He lied to Lee's family he had been with Lee when a gunman had shot at them, so they separated, not knowing what had happened to Lee, later deceitfully joining search parties to find him, though encouraging search in the wrong area.
  - vii. The picture on Edwards phone of Lee dead was found by police on 13.12.21.
  - viii. Lee's remains were finally recovered on 01.04.22 when Dickenson took police to where he had been hidden.
  - ix. To prove Edwards murdered Lee, incriminating statements have been taken from Dickenson, Williams, Selkridge, and Rhyner, along with evidence concerning the

police report from 19.11.21 Lee had gone missing, being from police sergeant Charmaine Audain and Lee's family, being his sister Leshanna Lee and partner Tilano Archibald, and investigating officers generally, whose evidence has then been tested at trial.

c. Concerning the murder of Henry:

- i. Henry reported to police on 14.03.22 that on 11.03.22 Edwards and Williams had with guns assaulted him with a view to robbing him, leading to both being wanted.
- ii. On 15.03.22, Williams was arrested.
- iii. On the phone, Edwards reported to Rhyner he would 'deal' with Henry for making a police statement.
- iv. Edwards asked David Joseph to help him deal with Henry but he declined.
- v. In the morning of 24.03.22, Edwards and Dickenson went to the home of Henry, Henry fought Edwards, causing him minor facial injury, Edwards threatened him with a gun, tied him up, marched him into the bush with Dickenson, shot him in the head, and buried him.
- vi. Shortly after, Edwards confessed to Joseph he had shot Henry in the head dead, remarking the wound had smoked.
- vii. In the next days, Edwards confessed to Rhyner he had dealt with Henry.
- viii. Edwards surrendered to police custody on 29.03.22, being wanted for the assault on Henry on 11.03.22.
- ix. Henry's remains were finally recovered on 05.04.22 when Dickenson took police to where the body was buried.
- x. To prove Edwards murdered Henry, incriminating statements have been taken from Dickenson, Williams, Joseph, and Rhyner, and investigating officers generally, whose evidence has then been tested at trial.

## The investigation

- 20 Before assessing the evidence, it will be helpful to set out in greater detail the salient events clearly established in the police investigation as recorded in police documents, and in part in evidence, which led to collating evidence to consider against Edwards on both murders.
- a. Jesse Lee was reported missing by his partner Tilano Archibald to police at 10.44hrs on 19.11.21, per Ex 12, last being with Edwards, and reacting to the report of Lee being missing, Sgt Charmaine Audain spoke with Trevern Edwards on the phone on 19.11.21, and who then came to see her at Stapleton police station, saying inter alia he did not know what had happened to Lee, as he had been with his girlfriend Chelsea Selkridge celebrating her birthday at Boozies restaurant in Frigate Bay.
  - b. A police flyer of Lee was circulated to the public reporting Lee missing from 20.00hrs on 18.11.21, per Ex 15.
  - c. Police cyber expert Javier Greene had sight of the body pic as at 13.12.21, being Ex 1.1, though police then not knowing who this was, following seizure of Edwards phone (due to an unrelated matter of driving without insurance, which as an allegation I put out of mind so it does not raise prejudice).
  - d. Henry made a report to police on 14.03.22<sup>2</sup>, that inter alia Alandre Williams had assaulted him armed with a gun on 11.03.22, (though the agreed facts carefully did not mention had included naming Edwards, where Henry's report mentions Edwards, and it should be noted Williams in evidence during the trial said Edwards had been with him).
  - e. Williams was arrested on 15.03.22, and charged on 17.03.22 with assaulting Henry with intent to rob him on 11.03.22, per his custody record at Ex 14, then remanded to prison, (with evidence during the trial the proceedings and incarceration not ending until September 2023).
  - f. It was agreed on 14.04.25 between Counsel that Edwards surrendered to police custody on 29.03.22, brought in by his uncle Carl Edwards, when it was known he was wanted for the 11.03.22 assault on Henry as reported by him on 14.03.22.

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<sup>2</sup> See AFpr57-58.

- g. On 30.03.22, from 18.24-20.15hrs, Chelsea Selkridge, identified by Edwards as his girlfriend to Officer Audain on 19.11.21, not arrested, made a police statement implicating Edwards in the murder of Jesse Lee, describing Skadeaj Dickenson helping him.
  - h. On 31.03.22, at 13.00hrs, Dickenson was arrested on suspicion of murder and kidnapping of Lee, per his custody record at Ex 7, on 01.04.22 showed police the remains of Lee, later proved by DNA, then making a police statement between 14.57-18.00hrs implicating Edwards in the murder of Lee, and Williams in moving the body, also describing David Joseph as a friend of Edwards, and was discharged at 18.30hrs.
  - i. On 02.04.22, Williams, who was on remand at the prison, during 12.04-13.36hrs made a police statement implicating Edwards in the murder of Lee, and admitting to being with Edwards during the event on 11.03.22 with Arthur Henry, then on 04.04.22 showing police the general area where Lee's body could be found, making a further statement during 09.30-09.40hrs.
  - j. On 04.04.22, Joseph was arrested on suspicion of kidnapping Henry at 16.30hrs, per his custody record at Ex 9, spoke with police during 17.20-19.50hrs, it appears mentioning Edwards had a girlfriend Janayah Rhyner, (discussed with counsel on 14.04.25).
  - k. On 05.04.22, during 09.15-11.00hrs, Janayah Rhyner, being a girlfriend of Edwards it appears mentioned by Joseph on 04.04.22, not arrested, made a police statement implicating Edwards in the murder of Lee and of Henry.
  - l. On 05.04.22, Dickenson, now not being under arrest, having been released on 01.04.22, from 17.30hrs showed police where to find the remains of Henry, later proved by DNA, making a second police statement during 18.20-21.55hrs.
  - m. On 06.04.22, Joseph was released at 12.50hrs, then during 12.55-14.55hrs making a police statement, mentioning Rhyner formally, and implicating Edwards in the murder of Arthur Henry.
- 21 In sum, though police had the unidentified body pic Ex 1.1 from 13.12.21, evidence as police statements against Edwards began with
- 1. Audain knowing on 19.11.21 Edwards had said he was with Selkridge on 18.11.21, leading four months later

2. to Selkridge making a statement on 30.03.22 re Lee, mentioning Dickenson, leading
3. to Dickenson making a statement on 01.04.22 re Lee, mentioning Williams and Joseph, and
4. to Williams making a statement on 02.04.22 re Lee, and
5. to Joseph mentioning Rhyner on 04.04.22, and
6. to Rhyner making a statement on 05.04.22 re Lee and Henry, and
7. to Dickenson again making a statement on 05.04.22 now re Henry, and
8. to Joseph making a statement on 06.04.22 re Henry.

22 These details are set out as much emphasis has been placed by the defence on the extent to which witnesses may have been played off each other, and threatened, in order wrongly to implicate Edwards, to which I will turn in my assessment of the evidence, which I now do.

### **Analysis of the evidence**

23 As said in outline above, but repeated here as evidential analysis begins, the prosecution case is Edwards has been the leading figure in a Stapleton gang of five, with access to guns, often working together to acquire locally-grown marijuana – the members being Edwards, Lee, Dickenson, Williams, and Joseph - where he murdered Lee on 18.11.21 believing Lee would betray and murder him, and he murdered Henry on 24.03.22 for making a police statement on 14.03.22 about being assaulted on 11.03.22, which got Williams arrested on 15.03.22, and Edwards wanted.

24 There being two separate murders, the prosecution relied pivotally on evidence from 5 civilian witnesses, building it in this order of gathering information during investigation, being Chelsea Selkridge, Skadeaj Dickenson, Alandre Williams, David Joseph, and Janayah Rhyner.

- a. Selkridge reported in her statement Edwards confessed to her he had murdered Lee, showing her Ex 1.1 as proof.
- b. Dickenson has said in court:
  - i. At Edwards request, he helped move the body of Lee; and

- ii. At Edwards request, he accompanied him to the home of Arthur Henry, where after a fight, Henry was marched bound into bush and shot dead by Edwards, watched by Dickenson.
- c. Williams has said in court:
  - i. At Edwards request, he helped move the body of Lee, who he confessed he had shot; and
  - ii. At Edwards request, he was party to an assault to rob on Henry (by implication on 11.03.22), for which he was arrested on 15.03.22.
- d. Joseph has said in court Edwards wanted him to accompany him to 'deal' with Henry for having made a statement leading to the arrest of Williams, which he avoided, and afterwards Edwards confessed to killing Henry with a smoking shot to the head.
- e. Rhyner has said in court:
  - i. Edwards confessed to killing Lee, showing her Ex 1.1 as proof; and
  - ii. Edwards confessed to having 'dealt' with Henry.

*Jesse Lee – preliminary findings*

- 25 Concerning the murder of Jesse Lee, knowing it is agreed he is dead<sup>3</sup>, the starting point is to contemplate Ex 1.1, which is the picture in foliage of the torso from waist to bleeding head of an apparently dead body face-forward to the ground.
- a. From the evidence I am sure this is the body is of Jesse Lee because it was identified as such by his sister Leshana Lee and by his partner Tilano Archibald, in clear unambiguous evidence at trial, who recognized his hair, jansport bag, clothing, and features of the shape and manicure of his hand.
  - b. I am sure the picture was on Edwards phone, Ex 5, which has a cracked screen, seized from him on 13.12.21 during investigation of a driving incident, as image JPG12454, being a thumbnail residue of a picture deleted from the phone, found by police on the phone on 13.12.21 by police cyber expert Javier Greene.

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<sup>3</sup> See AFpr49

- c. I am further sure the picture was taken by the phone, and is not from a third party, like via whatsapp or from the internet, relying on the expert experience of Greene that this inference can be drawn from it being stored within the phone software in the 'pictures' file, as appears at row 603 on Ex 4 of the cyberdownload, meaning it was originally a picture made on the phone.
- d. Further as parallel consideration, though separately, it is just not feasible Ex 1.1 was sent to Edwards so soon after the killing, by the killers, implicating themselves, such that Edwards would not then mention receiving it to others, and from who, nor that it is on the internet without others like the Lee family finding it, reinforcing the phone took the picture.
- e. I am sure the picture record was made on the phone on 19.11.21 at 00.59hrs, which was possibly when it was taken, or probably after being taken when the picture was first accessed within the picture gallery for being viewed on the phone, which on the prosecution case would have been to show it to Selkridge.
- f. I am sure Lee was last seen alive by his family at about 20.00hrs on 18.11.21, as per the missing person flyer at Ex 15 and the police report at Ex 12, plus trial evidence from Tilano Archibald.
- g. I am sure the body is dead owing to the bleeding to the top of the head, with separate blood to the right, showing probably two injuries, which from appearance would be consistent with two gunshots, given he went missing at 20.00hrs on 18.11.21, there is his picture with head injury with a timestamp of 19.11.21 at 00.59hrs, he was never seen again, and four months later bone fragments of his long decomposed remains were recovered.
- h. This tells me I am sure Edwards' phone has taken a picture on his phone of the dead Lee at about the time of death, begging did Edwards take the picture, which I conclude as an inference he did, there being no other reasonable possibility, as it was on his phone, he was in possession of the phone on 13.12.21 when it was seized, the picture had been deleted suggestive it was known by him unwise to remain viewable on the phone, if it had been taken by another (or even sent or from the internet), it could be expected Edwards would have reported someone had used or accessed his phone given he was party to searching for Lee and in contact with Lee's family, meaning if not connected to taking the picture, but having it on his phone, he would have said so to them, all pointing inexorably therefore to it was him who took it.



- i. This tells me further, as he took the picture, I am sure Edwards was lying to Lee's family in calls on 19.11.21 recorded by Leshana Lee at Ex 8 that he and Lee had been ambushed by gunmen who had shot at them and he had not known what happened to Lee or where he went.
  - j. In parallel, this means Edwards was lying to officer Audain when speaking with her on 19.11.21 first he had been with Selkridge, changing this to there had been a gunman, and in police interview on 10.05.22 at Ex 13 when he said he did not know if Lee was alive nor when he last saw him, which I will later contemplate as to the *Lucas* Direction after considering all the other evidence.
  - k. In sum, just from assessing the body picture at Ex 1.1, with some other evidence, I am sure Edwards is directly connected to the death of Lee, having been present at his body to take the picture, and I must assess if I am sure he shot him dead.
- 26 I am further sure:
- a. Edwards has had access to at least one firearm, close to the time Lee was murdered, given I am sure the pictures on his phone as Ex 3.5 and Ex 3.6 show him in possession of a black pistol with red tape on the handle, identified in evidence as being him by Janayah Rhyner as being taken during her birthday celebrations on her turning 17 on 30.10.21; and
  - b. Dickenson has been connected with the dead body of Lee as he correctly pointed out on 01.04.22 where to find the remains.
- 27 In addition, there is no pathology evidence what caused Lee's death, as the body was too decomposed, being bone fragments, and the head was not recovered, while the pic at Ex 1.1 only shows injuries consistent with gunshots, which is not the same as being sure, so that if I am to conclude I am sure Edwards shot him, I would have to rely on what witnesses say Edwards said he had done.
- 28 At this point, I now know Edwards in late October 2021 had access to a pistol and was present at the body of Lee to take the picture Ex 1.1, who left his family at 20.00hrs only 5 hours earlier, has lied to Lee's family and police, with Dickenson connected to knowing about the body,

begging am I sure Edwards shot Lee, which will require assessment of the civilians, particularly Rhyner, Selkridge, Dickenson and Williams.

*Arthur Henry – preliminary findings*

- 29 Concerning the murder of Arthur Henry, knowing it is agreed he is dead<sup>4</sup>, I am sure of the following:
- a. Dickenson has been connected to the body of Henry as he correctly pointed out on 05.04.22 where to find the remains.
  - b. Henry was shot in the head dead, per pathologist Nunez, agreed to have occurred on 24.03.22<sup>5</sup>, who recovered a bullet from the skull, now lost, and a bullet was found in the body bag at the mortuary, Ex 17.
  - c. Henry made a report to police about being assaulted with intent to rob, on 14.03.22, including that Williams had been present with a gun<sup>6</sup>.
  - d. Williams was arrested on 15.03.22, per Ex 14.
- 30 At this point, I know there was an incident involving Williams with Henry on 11.03.22 who made a report on 14.03.22, Williams was arrested on 15.03.22, Henry was shot in the head on 24.03.22, and Dickenson knew where to find the body on 05.04.22, begging what will Williams and Dickenson, and anyone else, say happened to Henry.

*The pivotal civilian witnesses*

- 31 In this judgement, I will not recite every detail of the evidence given, as there is a trial transcript to scrutinize if so needed. Instead, I will identify what was said of importance where I can be sure it is correct, and where I am not, and why.

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<sup>4</sup> See AFpr51.

<sup>5</sup> See AFpr44-45.

<sup>6</sup> See AFpr57-58.

32 Before review, it will I think now be helpful to set out the impression the pivotal civilian witnesses made upon me, being Dickenson, Williams, Joseph, Rhyner, and Selkridge.

- a. Dickenson gave live evidence in court. I am sure Dickenson was lying about his own role in the death of Henry, minimizing it, but also I am sure he was present when he was murdered, as he revealed the body to police which corroborated his presence. I am also sure he was lying about what he knew of who was the body he moved concerning the death of Lee, not revealing truthfully what was said, but also I am sure he was present to move it, as his participation was corroborated by Williams and Selkridge, and he revealed the body to police on 01.04.22, which again corroborated his presence. I found Dickenson to be deeply dishonest, and not to be trusted, unless anything he said could be independently confirmed. More, were it not for the prosecution tactic of using him as a witness to implicate Edwards, he could and should have been charged jointly with Henry's murder, and on the evidence I have observed, if a judge-alone trial, I would likely convict him as jointly participating in the execution. As to whether he was the shooter, which he denies, or who was the shooter, who he says was Edwards, I will not rely on him without striking corroboration.
- b. Williams gave live evidence in court. I am sure Williams was lying about his role in the assault on Henry on 11.03.22, minimizing it, but also I am sure he was present to move the body of Lee, as his participation was corroborated by Dickenson, while he brought police on 04.04.22 to the correct general area on Bayford mountain where the body was recovered on 01.04.22. Further, from the straightforward manner of his evidence, I am sure what he said Edwards said is true, that Edwards confessed to him he had shot Lee, begging whether I am sure what Edwards said was true.
- c. Joseph gave evidence on zoom. I am sure Joseph was telling the truth that Edwards wanted him to help deal with Henry, he declined, and later that day, 24.03.22, Edwards confessed to killing Henry by shooting him in the head, offering a detail that the effect of the bullet entering the skull had been to make the entry wound smoke, which I have found to be a compelling detail, ringing with truth, not made up, that this description was uttered by Edwards, begging whether I am sure what Edwards said was true.

- d. Rhyner gave evidence on zoom out of fear of being in the court, owing to discomfort she would be in close proximity to Edwards. From her demeanour, which was attentive and measured, quiet and discerning, I am sure she was telling the truth, and of all the civilian witnesses, she was the most commendable.
  
- e. Selkridge gave evidence in court. I am sure she was lying when she denied the truth of her statement, where Edwards had confessed to killing Lee, from everything about her demeanour, which was truculent and sullen, recalling in any event she said in court her statement was mostly true, yet under threat of being kept in the police station for 72hrs this was said to the court by her sufficient to cause her to lie in the statement and implicate Edwards in murder, which I find to be ludicrous. Moreover, as she left court she gave a 'peace-up' victory sign, saying '*bye bye baby*' to Edwards, blowing him a kiss, I am sure showing she still liked him, is sorry to have had to give evidence against him, yet she has had to, she had not been lying to police, realizing this was goodbye, and she now did not expect ever to see him again. I found there was something dark and profoundly disturbing and disturbed about her, who did not care what Edwards had done, she had lived in the moment, enjoying sexual relations with him after his confession, and finding him funny and attractive in the context of admitting murder.
  
- f. In a sense the 'goodbye peace-up' defined the trial, as it showed, although the witnesses Dickenson, Williams, Joseph, Rhyner and Selkridge appeared still to like Edwards, and had been in his thrall, yet all Edwards' friends had now turned on him, and through giving evidence were saying farewell.

33 In more detail, I will deal with the evidence in the following order: the girlfriends Rhyner and Selkridge, then gang members Williams and Joseph, and finally with Dickenson who I assess was Edwards most trusted lieutenant.

*Janayah Rhyner*

- 34 Janayah Rhyner (dob 30.10.04) gave evidence on zoom on 21 and 25.02.25, and is not in formal witness protection.
- 35 As background evidence, I am sure of the following:
- a. She was in a sexual relationship with Edwards.
  - b. At one point, she had a confrontation with Selkridge at Bird Rock nightclub over sharing sexual interest in Edwards, though I am sure this did not cause her in jealousy and pique to make up lies to implicate Edwards in murder.
  - c. She had seen Edwards with two firearms before, with bullets, one at his home, and one in his car, both of which she was allowed to hold, and he fired one in his yard to show how it worked.
  - d. She turned 17 on 30.10.21 and celebrated overnight with him and other friends at the Sugar Bay Club, where she was present when he was photographed with a gun in his pocket, Ex 3.5 and Ex 3.6.
- 36 As evidence concerning Lee, I am sure of the following:
- a. In late 2021, Edwards called her to tell her he believed someone would try to kill him at the mountain, but he would 'catch back' the person, meaning act first.
  - b. Then, some days later, which by inference is after 18.11.21, Edwards saw her in his car, where he showed her Ex 1.1 on his phone with a cracked screen, Ex 5, being the picture of the dead Lee, indicating this was the person who he had 'caught back'.
  - c. Further, though in evidence she said he had also shown the picture to Rodelle Nicholls, who had got into the car with her, I am sure she is mistaken he was there, as Nicholls gave evidence on 01.04.25, and was wholly persuasive he had not been present, though had been a good friend of Rhyner, often in her company, and had met Edwards, not often, and in my judgement it would make no sense for Edwards to show a picture of a dead body to a person he does not know well, recklessly implicating himself to a relative stranger, meaning I am sure this was a good faith mistaken memory by Rhyner, and not an example of deliberate lying by her so undermining her credibility.

- d. The reason I am sure she was shown the picture is she described it fully, and the phone, with its cracked screen, which if seen from my lived experience is an image not likely to be forgotten, and so I accept she saw it because he showed it to her.
  - e. Further I am sure he showed her the picture to impress her, that he had done as he had warned, in a sense as a boast, that he was a leader, not a victim, as the impression during trial was strongly he was very much fond of Rhyner, who at 17 was the youngest of his associates, and he wanted her to think well of him.
  - f. Then, after the police flyer Ex 15 was published, though she had not known the name of the person in the picture, Rhyner asked him if police had found 'the boy', meaning Lee as in the flyer, at which point Edwards then told her he had lied to police, that someone had shot at him and Lee and they had separated, which I am sure it is true that he had said this to Rhyner, as he had said as much to Tilano Archibald and Leshana Lee as recorded in the phone conversation of 19.11.21, being Ex 8, though what is of weight is Edwards was now saying to Rhyner the story of there being a gunman was a lie.
  - g. In sum, I am sure Edwards confessed to Rhyner he had killed Lee as catch back, to prove it showed her Ex 1.1, and confessed that to say to Lee's family there had been another gunman was lie.
- 37 As evidence concerning Henry, I am sure of the following:
- a. In March 2022, Rhyner went to Miami to renew her US passport. While there, Edwards left whasapp or other voicenotes she later deleted as she did not want her friends to play them when going through her phone as happens among her age group, and the deletions were not for more sinister reason like manipulating police or to hide innocent explanation by Edwards.
  - b. Edwards told her, though she cannot now remember if on voicenote or in conversation, that he would 'deal' with an old man for making a statement about a robbery, which by inference in light of all the other evidence was the report dated 14.03.22 of robbery on Henry on 11.03.22, saying further he had gone to the home of the old man, where they had fought, adding Edwards companion who by inference was Dickenson, had knocked out the man with a block, while Edwards was seen shortly after on Rhyner's return to have a swollen face consistent with having been in a fight with Henry as described.

- c. In sum, I am sure Edwards confessed to Rhyner to 'dealing' with Henry for making a police statement, begging what was meant by 'dealing' with him, or might he be making this up as bravado.

38 Concerning pressure put on Rhyner to assist police, explored in cross-examination, from her evidence I am sure of the following:

- a. Rhyner had present when making her police statement lawyer Marissa Hobson Newman.
- b. She was not audio interviewed as a suspect.
- c. She was worried she might be in trouble with police as at the time of making her statement on 05.04.22 she was aware she had been in conversation with Edwards concerning two murders.
- d. However, overall, I am satisfied so I am sure no improper pressure was brought to bear on Rhyner, then aged 17, to make her police statement, and which was therefore true, as has been her evidence, and has not been fabrication to wrongly implicate Edwards, either at police insistence, or to keep out of police trouble, or in jealousy.

*Chelsea Selkridge*

39 Chelsea Selkridge (dob 18.11.00) gave evidence on 17.03.25, and is not in formal witness protection.

40 The night of the murder of Lee was her 21<sup>st</sup> birthday, and she had since April 2022 maintained much contact with Edwards, visiting him in prison, where she had apologized to him she had become a prosecution witness.

41 She was unhappy to be at court, saying,

This is not safe at all....I don't believe I am here. I don't want to be here. It is not safe. I am not comfortable, I don't want to talk about it..., fast forward please I just want to be out of here... I am finding being court stressful... I am miserable.... I just want to be outta here, my child is hungry.

42 Asked what had happened with Edwards on the night of her 21<sup>st</sup> birthday being 18.11.21, though she said her statement was mostly true, she gave evidence she had lied to police as they had

threatened her, telling her they wanted her to implicate Edwards or she would be locked up for 2hrs, and maybe 72hrs, though also offering her witness protection.

- 43 Leave was given, prosecution and defence counsel being in agreement, that she could be treated by the prosecution as a hostile witness, under **s43 Evidence Act**, cap 3.12 as amended, which reads:

**Hostile witnesses.**

**43.** (1) Where a witness appears to the court to be a hostile witness, the party who called the witness may, with the leave of the court request the court to have the witness declared hostile.

(2) Where the witness is declared a hostile witness, the party who called the witness may—

- (a) question the witness about his or her evidence as though the party were cross-examining the witness;
- (b) contradict the witness by other evidence;
- (c) ...prove that the witness has made, at other times, a statement inconsistent with his or her testimony;
- (d) prove that the witness has made, at other times, a statement inconsistent with his or her testimony by leading other evidence to the contrary.

(3) Where in criminal proceedings—

- (a) a witness gives evidence and he or she admits making a previous inconsistent statement;
- (b) a witness gives evidence and a previous inconsistent statement made by him or her is proven by virtue of subsection (2)(c); or
- (c) a witness gives evidence and the witness is declared a hostile witness pursuant to subsection (1),

an inconsistent statement made by the witness is admissible as evidence in the proceedings.

(4) A party who is questioning a witness referred to in subsection (1) may also, with the leave of the court, question the witness about matters relevant to the credibility of the witness, and such questioning shall be taken to be cross-examination for the purposes of this Act.

(5) The matters that the court shall take into account in determining whether to have the witness declared hostile, under this section, include—

- (a) whether the witness appears to the court, not to be making a genuine attempt to give evidence about a matter of which the witness may reasonably be supposed to have knowledge; or
- (b) the matters on which, and the extent to which, the witness has been, or is likely to be, questioned by some other party.



44 A section of her statement of 30.03.22 was put to her as true, and which I will set out in full below, (though creating paragraph spacing for ease of reading, which does not appear in police statements, which otherwise are always written confusingly as one long paragraph over several pages).

On the evening of my birthday, Scar [Edwards] came home by me for some clothes and said he going on a mission. He told me the mission was to go and theft some weed in the mountains. He did not tell me which side of the mountain. The clothes I spoke about were all black. When he came he was driving a rental vehicle but it was gray in colour and was a 4-door car. When he told me he was going on the mission I just told him hurry up and come back, remember we have dinner. It was around after 8pm when he came.

I then went and to ready and I tried calling Scar to let him know I was ready but I could not get any answer, his phone was going straight to voicemail. After I could not get him, I called Candy and told her to come for me. I then told Marsha come let us walk and we left the club walking out on the main road. While walking in the area of Hobson Enterprise, Scar came in the rental and asked me where I going and I must wait for him. He was still wearing the same clothes when he left to go on the mission. He then drove off and went by the strip club and came back and picked us up. He did not stay long at the club. The three of us then left and went to Boozies over Frigate Bay, where we met with the rest girls and had dinner. Scar was having dinner with us, but after he finished eating he just left. He did not say where he was going. He had seem afraid.

After everyone was finished eating the girls and I then left and went by the strip club in Bird Rock, I do not remember what time it was, but when we left Frigate Bay the kitchen was already close. While at the club, dancing and enjoying, I stopped and check my phone and saw a whatsapp message from Scar saying 'go ahead and enjoy yourself'. The message killed my vybz and I went and sit down in a corner inside the club and that is when I know Scar was somewhere around the club.

I did not see him until after the club was closed and I went outside the club and saw the car parked all the way down where the trailers does park. I then went to the vehicle and saw Scar on the driver's side of the vehicle lying down. He was fast asleep. I woke him and said 'come let us go inside the club in my room', but he ask me if I don't want to go to the beach in Frigate Bay, come let us go, which I reply and told him to come let us go. While we were going over to the beach I was more focused on my phone so we didn't talk. We took the Frigate Bay road and travel over to Frigate Bay strip and parked by Inon's bar. I then went and bought him a Guinness and we were there chilling.

While chilling I noticed Scar was very afraid and wasn't himself, so I asked him what happen. He then told me 'he just kill a boy', but I took it for a joke. When he told me, I started to smile and laugh. Scar then hold his phone towards me and shown me a picture of a dead

body. The picture look like it was taken in the night and I saw blood coming form the back of the person head. After he shown me the picture, I told him to come let us go home because I started to feel paranoid. While on our way back, I did not say anything, I just kept my peace.

When we got home I asked Scar again if he is serous and he said 'yeh, just don't tell nobody and if he hear it or the police get involved he know is me it come from', and if I talk he would send people to kill me. I then asked him where the body be, and he told me 'in the mountain close to a tree that does rotten body quick'. He did not tell me where in the mountain and I did not ask him who the person was. I ask him why he kill the boy and he told me, 'the boy was planning to kill him and the boy was given an order because somebody given him a heads up about it'. He told me he did not want to go on the mission but the boy kept calling him and he just decided to go. He then told me he had pick up the boy. Scar then told me after he had kill the boy, he searched boy bag and saw a white sheet, tape and a gun inside the bag. He then told me the tape is what you does tape up the body with and he did not describe the gun to me. He told me he shoot the boy when he went under the fence and he shot him somewhere behind his head. After Scar told me so we then went to fuck.

- 45     Though in closing Counsel Smith has asked me to take into account her whole statement, I have declined, as only what has been quoted above was put, and so I ignore what else is there.
- 46     However, of what was put, I am sure it is the truth, and so I admit it into evidence under **s43(3) Evidence Act**, and find it is a reliable report made by Selkridge to police on 30.03.22, which she now regrets making, lying on oath in court in an attempt to unseat it, of what were Edwards' movements and what he told her during the night of 18.11.21 into the early hours of 19.11.21.
- 47     Specifically, as said above, I find it ludicrous for her to have said she made up murder allegations about Edwards to avoid being kept in the police station up to 72hrs.
- 48     In addition, as hostile to the prosecution, she was carefully cross-examined in order to get her to agree she had been threatened by police to make her tell lies: I reject this, and find instead the lie was to say her police statement is untrue.
- 49     Further, finding the statement true, as a matter of inference the statement then creates the following narrative:
- a. On 18.11.21, Edwards was with Selkridge around 20.00hrs, being 'meeting 1', prior to collecting Lee to go on a mission about marijuana, who was then last seen by Tilano

Archibald collected by Edwards at 20.00hrs on 18.11.21, being therefore 'break 1' from Selkridge that night.

- b. This means that when Edwards next saw Selkridge later by Hobson Enterprise, being 'meeting 2', he had already killed Lee, leaving him in bush up Bayford mountain, which explains why he '*seem afraid*' during dinner at Boozies, and then left Selkridge once again, being 'break 2', which would be around 22.00hrs in keeping with general restaurant timing.
- c. Leaving Selkridge again at around 10pm, or at least late evening, fits then with evidence from Dickenson and Williams as being about the time Edwards asked them to help move the body of Lee, so that as a matter of inference, this was when the movement occurred, namely during break 2.
- d. Selkridge next saw Edwards after the Bird Rock strip club closed, being 'meeting 3', which in keeping with what is to be expected of nightclubs, including this being the era of covid sensitivity, would be in the early hours of 19.11.21, at which point he showed her the picture, which would fit with a timing of 00.59 as recorded on Ex 1.1 in the phone Ex 5 as likely reflecting when the 'pictures' file was opened to access the picture, thereby creating Ex 1.1 as reflected in the cyber-record at Ex 4.
- e. It remains to an extent moot exactly how the timing arose, as to when the picture was first taken or shown, it being probable the timing is from when it was first shown during meeting 3, meaning it was likely taken during break 1, as neither Dickenson nor Williams saw Edwards take the picture at the mountain during break 2, but in my judgment the meaning of the timing does not need definitive resolution: what is important is the picture shows Edwards took a photograph of Lee dead on the evening he was killed.

50 It follows I am sure from Selkridge of the following:

- a. In the early hours of 19.11.21, during meeting 3, Edwards confessed to her to killing a boy;
- b. He showed her the picture of the dead Lee, Ex 1.1 on his phone, Ex 5; and
- c. He did this to prove he had killed him,
- d. Begging am I sure Edwards had killed Lee, or might he be making this up as bravado.

*Alandre Williams*

- 51      Alandre Williams (dob 30.09.02, aka JJ) gave evidence on 17 and 18.03.25, and is not in formal witness protection.
- 52      He was only 19 during the events concerning Lee and Henry. He was a good friend of Edwards. He had been arrested on 15.03.22 for the assault on 11.03.22 on Henry, and was then interviewed to make statements on 02 and 04.04.22. He was put under considerable police pressure, being warned he could be hanged if implicated in the murders, and said he was mischievously told lies by police that Edwards had said Williams had shot Lee to encourage him to implicate Edwards in defence of himself.
- 53      Of the Lee murder, he said he had been at the home of Dickenson when both were collected by Edwards in his car, and driven to the Bayford mountain, thinking he would be collecting marijuana. Edwards took him to the body of Lee, who Edwards said was BJ, Williams knowing who he meant, and they had all three then moved the body, confirmed to be in Ex 1.1, and hidden it under foliage. Next day, Edwards had confessed to Williams he had shot Lee twice in the head while crawling under a fence.
- 54      Notwithstanding Williams reports police had lied to him to put him under pressure to implicate Edwards, on which he was cross-examined with skill to suggest this implication was a lie created by that pressure, I am sure what he has said is true, as he said so, denying the pressure made him lie, but instead it made him talk truthfully, that he assisted moving the body of Lee and that Edwards confessed to him he had shot Lee twice in the head. The reason I am sure this is true is Selkridge and Rhyner both separately report Edwards had confessed to killing Lee, the picture of Lee dead as Ex 1.1 shows two injuries to the head, Dickenson reports he had moved the body with assistance from Williams, while on 04.04.22 Williams took the police to the correct area where Lee's body had been recovered on 01.04.22, meaning what he has said is corroborated by others, and so I can rely on it.
- 55      Of the Henry murder, he said he had on 11.03.22 gone to the home of Henry with Edwards to rob him of a crocus bag, being armed with an unloaded 'one-pop' handgun (apparently which can only hold one round loaded directly into the chamber), while Edwards had been armed with

- a Intratec submachine pistol (smg) with a banana clip, (from discussion with counsel likely a Tec 22). There was confrontation, during which Edwards ordered Henry to lie on the ground, giving Williams custody of the smg, whereupon Henry remonstrated he knew Edwards' mother and him since a boy, which then culminated in Williams and Edwards becoming friendly with Henry and helping him plant tomatoes. Williams had then been arrested on 15.03.22.
- 56 While I am sure Williams was present, with a gun, corroborated by the agreed facts, Edwards too with an smg, yet I am sure it is a lie to say the confrontation was about merely wanting an empty crocus bag, which is a request that self-evidently does not require two armed men. Instead, though I cannot be sure, I surmise knowing Henry was a farmer the confrontation had something to do with marijuana being grown locally.
- 57 Moreover, where Williams said he had only helped Edwards to move the body of Lee and gone to the home of Henry all out of fear of Edwards, I reject this as another lie: instead I am sure he was a willing participant in action directed by Edwards as his gang leader.
- 58 In sum, on consideration of Williams evidence, despite his telling some lies to minimize his role, I am sure:
- a. Edwards took Williams and Dickenson to the body of Lee, showing Edwards knew where it was, and to hide it;
  - b. Edwards confessed to Williams to shooting Lee twice in the head;
  - c. Edwards was party to armed attack on Henry on 11.03.22, which gave rise to police report, arrest of Williams, Edwards being wanted, and so to motive for Edwards to be upset with Henry; and
  - d. Police pressure did not make Williams tell lies on Edwards, but rather made him tell the truth, nor did being an accomplice mean he has told lies on Edwards as accomplices sometimes do, and I can be sure because all of what he has said is corroborated.

*David Joseph*

- 59 David Joseph (dob 24.10.99, aka DJ and Alka) gave evidence on 24.03.25, and is in formal witness protection.

60 He was 22 when Henry was murdered. He told the court Edwards had confessed to him to killing Henry, and that the day before he had asked for help from Joseph to deal with Henry as he had made a police statement, meaning Edwards was now wanted and would end up in custody, as was Williams already. On Thursday morning, by inference 24.03.22, Edwards had called him on his phone, but he had not taken the call, as he had a 'bad feeling'. Later in the day, he met Edwards, who had a facial injury, saying to the court, variously, per my 63-page trial note:

I was by the alley. By Neville house. Scar had a cut on his face. Not sure where, between his eyes. He said how he got it. He was battling the Karateman, he box him in the face. He did not like it, he mash him up bad, he deal with him savage. He said he bang him three boxes in his face and start to kick him up. He said he went him somewhere. He said he killed the man, he shoot him in the head. He does not know where he walked him... He tell me he shoot him once. He said he bury him at Black mountain.... Scar had said something about the head smoking when shot.... Based on what he told me he kill him. He shoot him in the head, his head start to smoke. ...He shot him so he would not testify so he would not get lock up. We had talked about this numerous times without saying Karateman. With Scar during robbery had been JJ [Williams]. I have seen Scar with a gun, I cannot say when, at his home...Idk what gun, it was a black handgun. Scar had asked me on the Wednesday to help deal with Karateman. ...I thought he meant he would kidnap Karateman, when we talked on the Wednesday. So he would not get a long sentence when he get lock up, it was to prevent him from testifying against him. I am telling the truth, I have had enough, Scar is my boy, I know he be, the reason you can believe me is number 1 I don't tell lie, on a serious occasion like this, I've nothing to lie for, nothing to lose.

61 He went on to say on being arrested on 04.04.22, and kept in custody until 06.04.22, police had warned him he could face a long time in jail if he did not cooperate, and mischievously said Edwards had said Joseph had shot Henry, Joseph then showing Edwards where Henry had been buried, to put pressure on Joseph to implicate Edwards in defence of himself. On this, he was carefully cross-examined at length, in order to suggest what he said about Edwards was a lie to extricate himself from police accusation, which he denied.

62 Joseph's evidence did not implicate himself in the criminal activity and so it may be possible to argue he was not an accomplice to whom the accomplice warning thus ought not apply. However, I take the view in fairness to Edwards he should be treated as a gang member, who described a particularly close friendship, saying of Edwards *'that's my boy, my real good boy'*, and being in witness protection, along with the prosecution evidence being Edwards had first

asked him ahead of Dickenson to accompany him to the home of Henry, showing trust in Joseph, and to whom he later made graphic confession, in my judgment he ought to be treated as an accomplice with special warning.

- 63 Due warning being given, also taking account of the cross-examination he was lying under police pressure, nevertheless I am sure what Joseph has said is true, namely:
- a. Edwards wanted to 'deal' with Henry for making a police statement against him, as this is corroborated by Rhyner;
  - b. Edwards confessed to shooting Henry in the head, as this corroborated as the cause of death by the pathologist, and by Dickenson (to be discussed below);
  - c. Police pressure did not make Joseph tell lies on Edwards, but rather made him tell the truth, nor did being accomplice, if he was, mean he has told lies on Edwards as accomplices sometimes do, here reinforced as he was not a participant, and I can be sure he told the truth because all of what Joseph has said is corroborated; and
  - d. I find the report by Edwards to Joseph of the detail of the head wound smoking to be compelling, not made up, and ringing of truth,
  - e. Begging am I sure Edwards killed Henry.

#### *Skadeaj Dickenson*

- 64 Skadeaj Dickenson (dob 26.03.99, aka DJ) gave evidence on 25, 26, and 27.02.25, and was in formal witness protection, being brought from off-island to St Kitts to give live evidence in court, and again during the visit to the locus on 27.03.25.
- 65 Concerning the Lee murder, being a good friend of Edwards, he said he had been collected by him around 22.00hrs in late November 2021, around a full moon, by inference 18.11.21, where 19.11.21 had been the full moon, noted the time by having looked at it when leaving, and with Williams they had gone to Bayford mountain, where Edwards brought them to a body, who Edwards said was 'BJ', though Dickenson said he knew three 'BJs' and so did not know which one this was, who as Jesse Lee would be 'horse BJ'. The body was cold, having been dead he thought maybe 2hrs, confirmed in court as likely the body in Ex 1.1. Edwards wrapped the head in plastic, sealed with tape, and in the jansport bag belonging to Lee had been a gun, tape and

sheet. Dickenson said he was too frightened of Edwards to run away. Together the three had moved the body to a near tree and buried it under foliage, then returning home. In the coming days, he had helped the community look for Lee, though not letting on where the body really was. On 27.03.25, during the locus visit Dickenson took us to where he had pointed out Lee's body parts to police on 01.04.22.

66 Concerning the Henry murder, on by inference 24.03.22, he said Edwards had rung him for help, and met him at about 08.20hrs, gave Dickenson a hoodie, and together they walked to the home of Henry, where there was an argument and fight over Williams having been arrested. Henry damaged Edwards' face, and Edwards pulled a gun on him, from his waist, unknown by Dickenson to have been carried, which had a banana clip, being by inference the same smg as seen on 11.03.22 by Williams. Edwards made Henry lie on his front, while he put the gun to one side, taping his hands, and bringing a bedsheet from Henry's house, with Dickenson crying but too frightened to run away, marched Henry past the Fountain Estate building, Dickenson following, to a location down a steep drop in the bush. There, while Dickenson stood watching by a tree at a distance of about 10ft, Edwards pointing his gun at Henry's head, he shot twice, killing Henry, who fell to the left, and using a hoe or shovel found nearby Edwards then buried him during 15mins without assistance from Dickenson. Walking home, Dickenson returned the hoodie. On 05.04.22, Dickenson had shown police where to find Henry's body, and had shown the same to the court during the locus visit of 27.03.25.

67 I am sure Dickenson is lying about the following, to minimize his culpability:

- a. Not knowing the dead BJ was 'horse BJ', being Jesse Lee - because there was a full moon, Edwards also had used his phone to illuminate, he knew Lee, Williams knew who it was, and it is ludicrous to pretend he did not find out;
- b. Being frightened of Edwards, to explain why he did not run away from the events concerning both Lee and Henry - because they were friends, Edwards trusted him as he sought him to help with Lee and Henry, and having helped with Lee, he then helped with Henry, accepting the hoodie, and he stuck with Edwards through the killing; and
- c. Crying and being a non-participant in the attack on Henry, not knowing Edwards had an smg suddenly produced from his waist - when instead I find he was a supporter of Edwards,



present to provide back-up, by willingly accompanying Edwards marching Henry to his execution, it is ludicrous to say the bulky smg could be hidden unnoticed in Edwards' waist, and though not sure, I think it highly probable Dickenson was armed, had struck Henry on the head with a block as Edwards had reported to Rhyner, and carried a shovel into the bush for Edwards, which would then explain how a shovel just happened to be to hand.

68 As such, as said above, I will not rely on anything said by Dickenson unless strikingly corroborated. Further, I take account of the cross-examination he has lied to protect himself, as likely knowing he would face prosecution for moving Lee's body and being present for the murder of Henry, giving reason for him therefore to lie on Edwards to the fullest, though denied by him.

69 That said, though I find Dickenson is a liar about his own role, I am sure the following evidence from him is true, as there is such striking corroboration:

- a. He was present for the murder of Henry - because on 05.04.22 he showed police where the body could be recovered;
- b. He saw Henry shot in the head – because the pathologist confirms this is the cause of death;
- c. He was present for two shots – because two bullets were recovered during autopsy by the pathologist; and
- d. Dickenson is correct it was Edwards who was the shooter, not Dickenson or someone else - because Edwards confessed this to Joseph, and had told Rhyner he had dealt with Henry

#### *Lee family*

70 Other significant civilian evidence was given by:

- a. Lee's partner Tilano Archibald on 25.03.25 of last seeing him on 18.11.21 at about 20.00, reporting him missing on 19.11.21 after a recorded conversation with Edwards, Ex 8.1-4, who pretended with Lee there had been a gunman shooting at them, also positively identifying Ex 1.1 as a picture of Lee; and
- b. Lee's sister Leshana Lee on 20, and 24.03.25, and during the locus visit on 27.03.25, of being party to recording the 19.11.21 conversation, and where Edwards had misleadingly directed searching for Lee, also positively identifying Ex 1.1 as a picture of Lee.

*Police evidence*

- 71 The following gave evidence of the investigation: officers Greene, Audain, Wilkes, Boudeine, and Foster.
- a. Javier Greene analysed Edwards' phone on 13.12.21, as discussed above, giving evidence on 20 and 24.02.25.
  - b. Charmaine Audain gave evidence on 26.03.25, and described as desk Sergeant at Stapleton police station acting on the report of Lee being missing, made on 19.11.21, talking to Edwards on the phone, who told her he had dropped Lee off at Cedar Grove, and had then been with his girlfriend Chelsea Selkridge, being a lie, but upon coming in to the station changed his story, now saying together he and Lee had been shot at by a gunman, separating, and he did not know what had happened to him after, being a second lie. She took no notes of what Edwards had said, nor was there any entry made into the missing person report, ex 12, and explained this poor police record by wrongly suggesting she had not needed to make notes because officer Wilkes had taken over the investigation on 19.11.21, participating in searches, which I find is not correct, and blame shifting, as Wilkes did not become lead investigator until March 2022.
  - c. The officers who had primary contact with the pivotal civilian witnesses were Nelius Boudeine who gave evidence on 25.03.25, Xavique Wilkes on 26.03.25 and Kevin Foster on 27.03.25. Though denying wrongdoing, they were cross-examined with vigour and ability by Counsel Prudhoe that they had encouraged the civilians to help them 'get Edwards', which meant the civilians had lied on Edwards to avoid being in trouble, were offered protection and immunity without proper procedure, and no proper police notes had been taken of interaction prior to statements being taken, with a view to showing the civilian evidence was unreliable.
- 72 In fairness to Counsel Prudhoe, he has raised much intelligent criticism of the police interacting with Dickenson, Williams, Joseph, Selkridge and Rhyner. This was his forte. He sought with considerable skill to raise reasonable doubt from the absence of protocol and notes from interactions, plus pressures created by police on each witness to tell what they know creating possible reason to lie, so the court should hesitate to be sure the civilians were telling the truth.

But from my lived experience, and years in court, watching them carefully, from how they gave their evidence, I have believed them collectively on critical issues regarding Edwards, even though lies were told by some to minimize personal roles. If dealing with fewer than five witnesses, instead as one witness, or two, or perhaps even three, the dogged point being made by Counsel Prudhoe may well have struck home. However, I find the five have independently corroborated each other, so that notwithstanding questionable police practices, in the final analysis Counsel Prudhoe has failed to raise reasonable doubt, despite impressive effort, meaning I do not find in this case these poor police practices mean the above pivotal civilian witnesses should be collectively disbelieved: instead, I find I am sure they can and should be believed because of how they support each other.

## Overall

- 73 Gathering the materials as discussed above, and by cross-referencing them, I am sure:
- a. Edwards' confessions to murder of both Lee and Henry to Rhyner, Selkridge, Williams and Joseph were not bravado but true;
  - b. As such, concerning the murder of Lee, there being reliable confession evidence, analysis of circumstantial evidence does not arise;
  - c. Edwards killed Lee because he said he did to Williams, Selkridge and Rhyner, who separately corroborate confessions to each other, the motive being to catch back Lee, while having taken a picture on his phone of Lee dead, showing his presence at the scene; and
  - d. Edwards killed Henry because he was seen to kill him by Dickenson, which is corroborated by confessions by Edwards explicitly to Joseph and implicitly to Rhyner (when he said he had 'dealt' with Henry), the motive being because Henry had made a police statement leading to Williams being arrested and Edwards being wanted.
  - e. Further, I find each killing corroborates the other as each is a species of similar fact evidence, exhibiting the striking similarity of each killing being shots to the head, meaning if he did one, it is more likely correct he did the other, and vice versa.
  - f. Moreover, I am sure Edwards was telling lies to the family of Lee and to Sgt Audain on 19.11.21 he and Lee had been shot at by a gunman and separated, then leading a false search, repeating the lies in police interview on 10.05.22 when pretending he did not know

what had happened to Lee, being lies with no innocent explanation, but told to hide his guilt in the knowledge he had shot Lee, which he had confessed to others, so that I find his lies to police and the Lee family applying the *Lucas* direction support the prosecution case.

- g. It follows I am sure concerning Lee there was no gunman, other than Edwards, so that the failure of police to investigate Jovan James or any other, as appearing in the police missing person report at Ex 12, or any bullets found during searches for Lee, or to make any notes of what Edwards said on 19.11.21, is of no case consequence; however it is right to raise admonition, that a more thorough investigation, as should always arise in so serious a case as this, ought to have meant such enquiry.
- h. It follows further I am sure there is no defence possibly arising that someone else shot Lee, even though Edwards has not positively raised this by giving evidence.

### **Future police practice**

74 Finally, there should be mention of what has been police pressure, immunity, and witness protection in this case in order to improve future police practice.

- a. It is an unsatisfactory feature of these proceedings there was no formal protocol in place to process immunity deals for accomplices nor for general witness protection, though the court understands this is currently under welcome review led by DPP Smith. The impression has emerged in this case there was an informal decision by the previous DPP, then Counsel Valston Graham, to '*use a thief to catch a thief*', giving immunity to Williams and Dickenson, when Williams is likely guilty of being an accessory to murder after the fact in moving the body of Lee, and Dickenson of the same, while also guilty of the murder of Henry as a joint enterprise. Such decision making must be formally recorded, with reasons, to be inspectable by all trial parties, to examine what has led to immunity deals, under what terms, and whether undue incentive to lie may have arisen (which I find here did not).
- b. Moreover, witness protection is a most expensive scheme, usually involving relocation, a new identity, and government stipend, so that this needs formality too, to be potentially explored at trial as to whether it creates incentive to lie.

- c. There need to be more police notes taken of interaction with witnesses who receive immunity, and then protection, as to what they were told and what they said, when and where, prior to making statements, again to weigh whether pressure or incentive to lie has been created, noting there are no police notes:
- i. Concerning Dickenson, as to what he said before his statement recorded on 01.04.22 during 14.57-18.00hrs concerning Lee, having been arrested at 13.00hrs on 31.03.22, and per his custody record at Ex 7 then in the company of investigating officers Boudeine, Wilkes and Frederick during 10.30-11.43hrs at Cayon police station, (apart from a brief handwritten record by Wilkes, Ex 11 on page 2, recording Dickenson saying *'let me take you all for the body, is Scar kill the man'*), and again in their company from 11.51hrs to the time of making the statement commencing at 14.57hrs;
  - ii. Concerning Dickenson, having been released from police custody at 18.30hrs on 01.04.22, as to why he came back to police to make a further statement, now concerning Henry, on 05.04.22 during 18.20-21.55hrs, and what he said or was said to him prior to making it;
  - iii. Concerning Williams, who had been in custody from 06.05hrs on 15.03.22, per his custody record at Ex 14, as to what was said to him prior to his statement during 12.04-13.36 on 02.04.22, nor prior to his second statement during 09.30-09.40hrs on 04.04.22;
  - iv. Concerning Joseph, who had been in custody from 16.30hrs on 04.04.22, per his custody record, Ex 9, as to what was said to him and what he said on 04.04.22 during 17.20-19.50 with officers Wilkes, Jonny and Foster, and during 11.01-12.09 with officer Boudeine on 06.04.22 before making his statement during 12.55-14.25hrs;
  - v. Concerning Selkridge, as to what was said to and by her prior to her statement during 18.24-20.15hrs on 30.03.22; and
  - vi. Concerning Rhyner, as to what was said to and by her prior to her statement, and the role of her lawyer present, during 09.15-11.00hrs on 05.04.22.

- d. Finally, there should never be lies told by police to pressure a witness to give a truthful statement, as has been claimed here by Williams and Joseph, where Williams said he was told by police Edwards had said Williams had shot Lee, and Joseph said he was told by police Edwards had said Joseph had shot Henry, which I find weighing the evidence on balance is likely true. Though the point was never taken by the defence, this could possibly have been grounds to seek exclusion of their evidence under principles established by the UK **s76 Police and Criminal Evidence Act 1984**, though I assess here unlikely to have been successful, but which going forward to future cases does allow for evidence to be excluded if obtained unfairly, which may be by police lies, stating:

In any proceedings the court may refuse to allow evidence on which the prosecution proposes to rely to be given if it appears to the court that, having regard to all the circumstances, including the circumstances in which the evidence was obtained, the admission of the evidence would have such an adverse effect on the fairness of the proceedings that the court ought not to admit it.

- 75 This bears repeating: police must not tell lies to encourage a witness to make a statement, as this risks rendering the evidence inadmissible, even if true.

## Verdict

- 76 At this stage, I will now announce the verdict. For the foregoing reasons, weighing all the evidence,
- a. I am sure on 18.11.21 Edwards deliberately shot Lee in the head dead, intending to kill him, and so is guilty of the murder of Jesse Lee on count 1; and
  - b. I am sure on 24.03.22 Edwards deliberately shot Henry in the head dead, intending to kill him, and so is guilty of the murder of Arthur Henry on count 2.
- 77 There will next be adjournment of proceedings to a future date to consider carefully the correct sentence following trial for what is deliberate double murder, each in the style of execution, where the murder of Lee was to 'catch back' Lee who Edwards believed had been ordered to kill him, and where the murder of Henry was in anger he had made a police statement leading to Williams being arrested and Edwards wanted, and was in addition because he had injured Edwards' face during fighting prior to being murdered.

78 I thank all counsel for their hard work, both juniors and seniors, showing obvious ability, as to argument, witness examination, note taking, and trial management: this has been a trial run by counsel in a proper manner.

**The Hon. Mr. Justice Iain Morley KC**

**High Court Judge**

**28-29 April 2025**

**ANNEX 1**

**IN THE HIGH COURT OF JUSTICE  
SAINT CHRISTOPHER AND NEVIS  
SAINT CHRISTOPHER CIRCUIT  
(CRIMINAL JURISDICTION)  
AD. 2025**

**SKBHCR2023/0067  
SKBHCR2023/0071**

**DIRECTOR OF PUBLIC PROSECUTIONS**

**V.**

**TREVERN EDWARDS**

**STATEMENT OF AGREED FACTS**

This Statement of Agreed Facts is submitted jointly by the Prosecution and the Defence.

- I. The parties to this agreement are the Prosecution, represented by the Director of Public Prosecutions, Krystal Sukra, and Maaisha Liburd **AND** the Defence, represented by Tim Prudhoe, Craig Tuckett and Iasha Usher.
- II. Both parties have agreed to the following facts in relation to the two charges of murder against **TREVERN EDWARDS**, herein referred to as “the Accused”.

**Carmen Fyfield**

1. Carmen Fyfield (“Carmen”) is the mother of nine children: five boys and four girls. Her fifth child is Jesse Lee (nicknamed “BJ”). Jesse Lee was born on 14<sup>th</sup> June 1992.
2. Carmen was contacted in April 2022 by police officers who informed her they had found remains and needed a DNA sample for testing. She provided the requested DNA samples.



### **Albert Henry**

3. Albert Henry is the brother of Arthur Henry (“Arthur”) who lived at Fountain Estate until his murder.
4. He last saw Arthur on 23<sup>rd</sup> March 2022, when Arthur left for karate class.
5. On 8<sup>th</sup> April 2022, Albert gave a swab to police officers for identification purposes, as Arthur’s parents were deceased.

### **Mable Morton**

6. Mable Morton (“Mable”) has known Arthur since she was a child. She describes him as a male of medium build, dark in complexion, with grey braids who resided at Fountain Estate. Like Mable, he is a member of the St Peters Church of God.
7. On Wednesday, 23<sup>rd</sup> March 2022, at approximately 7:30 pm, Morton attended Bible study at the St Peters Church of God and observed Arthur present there. At approximately 9:00 pm, after Bible study concluded, Mable as per usual custom, gave Arthur a ride to his home at Fountain Estate.
8. On Thursday, 24<sup>th</sup> March 2022, between 8:00 am and 9:00 am, Mable went to Arthur’s residence to drop off cooked food, which was a regular weekly routine.
9. Upon arrival, Mable did not observe Arthur coming out to meet her as was his custom. Mable then proceeded to Arthur’s house on foot. She observed that the front door of the house was ajar, which was unusual to her. Mable then entered Arthur’s house, called out for him, searched each room, but did not locate him. She also searched the garden area of the property but did not locate him. Her subsequent attempts to call him via phone proved unsuccessful.

## **Tia Thompson**

10. Tia Thompson (“Tia”) knows the Accused as “Scar” or “Junior”. She had known him for about one month prior to giving her statement in April 2022. Tia indicated that she and the Accused had a brief sexual relationship.
11. On a Wednesday in March, the Accused came to Tia’s house in Stapleton Village and they spent the night together.
12. The following Friday or Saturday, the Accused came by her home. While there, she observed that the Accused had cuts on his nose and a dark area across his eye.
13. Tia said that those marks were not there when he left her home the said Thursday morning.
14. When Tia inquired from the Accused what had happened, he told her that he "went to deal with a man”.
15. Tia told him that he needed to see a lawyer and that he should go to the police station because he was wanted.
16. The Accused explained that he was waiting for money from family and friends before going in to the police station.
17. Later, when rumors circulated about an elderly man being robbed and going missing, Tia asked the Accused if he was involved, however the Accused denied that he was involved. He said that he had not robbed anyone and that “they don’t have nothing on him.”

## **Lajaune Yearwood**

18. Lajaune Yearwood is a Crime Scene Investigator and Forensic Laboratory Officer.

*Re Jesse Lee*

19. On 1<sup>st</sup> April 2022 while on duty, Yearwood was directed to Bayford’s Mountain area and where she conducted a search of an area pointed out to her by Constable Wilkers, and what appeared to be human skeletal remains were discovered.

20. The said remains were numbered with numerical markers and Yearwood took digital images of the scene.

21. The flash-drive containing the digital images of the scene to be tendered, admitted and marked Exhibit 16.1-16.23. The photographic index is admitted and marked exhibit 16.24.

*Re Arthur Henry*

22. On 22<sup>nd</sup> April 2022 while at the JNF Hospital Mortuary, Dr. Adrian Nunez, resident pathologist, handed over to him a plastic container containing a spent bullet recovered from the autopsy of Arthur Henry which he then placed in an exhibit bag. One of the spent bullets is agreed as an exhibit 17. The Pathologist report is agreed as exhibit 18.

**Nallie Joseph**

23. Nallie Joseph (“Officer Joseph”) is a Crime Scene Technician in the Forensic Unit, trained in Crime Scene Management and Investigations at the National Security Training Academy in Trinidad, earning a certification.

*Re Jesse Lee*

24. On 4<sup>th</sup> April 2022 Officer Joseph visited Ms Carmen Fyfield’s home and collected swabs from both sides of her mouth for comparison with the skeletal remains to assist in the investigation into a missing person’s report in respect of Jesse Lee; who is the son of Ms. Fyfield.

*Re Arthur Henry*

25. On the 8<sup>th</sup> April 2022 Officer Joseph along with Officer Challenger visited Albert Henry, brother of Arthur Henry. They requested and were given a DNA sample from Mr Henry for comparison for identification purposes against samples taken from the decomposed body.

## **Damien Challenger**

### *Re Jesse Lee*

26. On 1<sup>st</sup> April 2022 at or about 13:35 hrs, a call was received from Forensic Director Lake-Marshall. As a result, Constables Nallie Joseph, Lajeune Yearwood, Sylvester Roberts and Director Lake Marshall and himself journeyed to Bayford's Mountain equipped with PPE and cameras.
27. Upon arrival, they met with Inspector Smith, several constables from VCU, Sgt Audain, and other officers from Stapleton Police Station. They went to a forested area with tall trees and shrubs. Ten feet into the forest they conducted a search between the trees.
28. Challenger observed a large tree which appeared to be partially burnt with dead leaves all around the floor of the forest.
29. While searching amongst the dead vegetation with Constable Joseph, they discovered scattered bones which appeared to be human remains.
30. Challenger observed that the bones appeared to have been left in the open and had been left there for over an extended period of time.
31. The bones were collected by Constable Joseph. Not all of the remains were recovered; the skull was not recovered.

### *Re Arthur Henry*

32. On 5<sup>th</sup> April 2022 at or about 17:35 hrs, he received a call from Forensic Director Lake-Marshall to attend to a scene at Fountain Estate. The team, comprising Constable Joseph, Director Lake-Marshall, Technician Wilkinson and Challenger journeyed to the scene.
33. The scene was a shallow grave near a plastic bin labeled "Brute". Horizontal to the grave was a piece of galvanized metal. Opposite the plastic bin was a cliff.

34. Number 27 was placed on the grave and Constable Joseph took photographs before the exhumation of the body. He also took photos during the exhumation and after the body was removed. Said Photographs are marked as exhibit 19.1 to 19.3.

35. The exhumation commenced at 19:00 hrs and concluded at 19:39 hrs.

36. When the body was fully uncovered and still inside the grave he observed that body wrapped in an orange cloth (possibly a sheet or curtain), hands and feet bound with duct tape. The body was dressed in bluish plaid short pants and blue and white striped shirt.

### **La Toya Lake-Marshall**

37. La Toya S. Lake-Marshall is the Forensic Director & Forensic Crime Scene Expert for the Royal St Christopher & Nevis Police Force, based at Police Headquarters Basseterre and Tabernacle Laboratory for 3.5 years as of 2022.

38. Mrs. Lake Marshall arranged for the packaging and dispatching of exhibits of DNA materials relating to both Jesse Lee and Arthur Henry as well as buccal swab obtained by their respective relatives for comparison testing by Scientists at CellMark UK.

### **Dr. Caronette Frank**

39. Dr Frank is the District Medical Officer for the St Perter's area. She certified Arthur Henry's death at 8:25 pm.

### **Dr Adrian Quintana Nunez**

40. Dr Nunez is the resident Pathologist at the JNF General Hospital.

41. On the 8<sup>th</sup> April 2022 Dr Nunez performed an autopsy on the body presumed to be that of Arthur Henry.

42. During the autopsy, one deformed bullet was removed from the skull of Arthur Henry.

43. The manner of death was ruled a Homicide.

44. The direct cause of death was determined as severe brain injury and the basic cause of death was a single gunshot wound to head.

45. The date of death was stated as 24<sup>th</sup> March 2022.

**Michael Wallbank**

46. Michael Wallbank is a Doctor of Philosophy and he holds a Bachelor of Science Degree in Biological Sciences from Birmingham University. He has worked as a Forensic Scientist since 1997 and is experienced in the types of evidence involved this case.

47. He is an expert in the scientific matters addressed in his statement.

*Re Jesse Lee*

48. On 20<sup>th</sup> April 2022, items related to the case were received by Cellmark Forensic Services, including a reference DNA sample from Carmen Fyfield, Jesse Lee's mother, and four pieces of suspected spinal bone (three spinal and one ankle) from the scene. The purpose of the examination is to determine whether the human remains could be identified as Jesse Lee using DNA profiling techniques.

49. In the opinion of Mr. Wallbank, having tested and compared the DNA sample taken from Carmen Fyfield and the human remains using a technique called STR profiling, The DNA analysis results strongly support the idea that Carmen Fyfield is the biological mother of Male A, which aligns with the expectation if Male A is Jesse Lee who is understood to be her son. The strength of this evidence is described as "very strong" using a standard verbal scale ranging from "weak" to "very strong."

*Re Arthur Henry*

50. Mr. Walbank was asked to use DNA profiling in order to determine if the unidentified deceased male recovered from Fountain Estate on 5<sup>th</sup> April 2022 could be Arthur Henry who had been missing since 23<sup>rd</sup> March 2022.

51. After analysis, Mr. Wallbank concluded that the DNA analysis results obtained provide very strong support for the proposition that the said unidentified male is a brother of Albert Henry, rather than unrelated to him.

### **Existence of Immunity Agreements**

52. There are no formal written immunity agreements for the following witnesses: Skadeaj Dickenson, Alandre Williams and David Joseph.
53. Witness statements rather than Statements under Caution were taken by the Police from Skadeaj Dickenson, Alandre Williams and David Joseph.
54. Copies of any files or partial files passed to the DPP's Office for recommendation in respect of immunity agreement by police in respect of any of Skadeaj Dickinson, David Joseph or Alandre Williams have been requested by Defence counsel, as have the names of the person(s) who submitted said files and the names of those to whom said files were submitted. Based on enquiries made by the present DPP, matters concerning recommendations as to immunity are referred to the DPP for advice. No records of any correspondence relating to immunity have been found in relation to the Skadeaj Dickinson, David Joseph or Alandre Williams. From information received the former DPP Valston Graham cannot rule out that he approved immunity agreements in this matter.
55. Copies of any log kept by the DPP's Office of files or partial files received from the police for recommendation during the years 2021 and 2022 for immunity agreements have also been requested by Defence counsel. As the DPP Office at the time of said request is in the process of moving to a new location, the requested logs have not at the time of writing been found. An update to this particular agreed fact may be necessary.
56. In relation to David Joseph, the current DPP during witness briefing had informally explained to David Joseph that he would not be prosecuted as long he told the truth and gives a full and frank disclosure of the events referred to in his statement. There was no need to tell him that he would not be prosecuted for the previous joint housebreaking charge

with Trevern Edwards as that matter had already been withdrawn since February 14<sup>th</sup> 2022 against both accused.

### **Report made by Arthur Henry**

57. A report of robbery was made to the police by Arthur Henry on 14th March 2022.

58. The said report included the allegations that:

- (i) “JJ” (believed to be Alandre Williams) entered the property of Arthur Henry;
- (ii) “JJ” possessed a firearm at the time; and
- (iii) that at the end of the alleged incident the perpetrators assisted Arthur Henry with his tomato plants for a time of unknown duration.

### **Housebreaking and Larceny: David Joseph and Trevern Edwards**

59. David Joseph and Trevern Edwards were charged in respect of housebreaking and larceny on 19<sup>th</sup> April 2021.

60. However, the matter against David Joseph and Trevern Edwards was withdrawn on 14<sup>th</sup> February 2022.

### **Dates of statements of witnesses**

61. Dates of witness statements are taken to be the stated dates on the relevant witness statements.

### **Antecedent of Jovan James**

62. Following a criminal records check done on 26th March 2025, Jovan James was found to have no convictions.



## **Sgt Kashina Burke**

63. On an unknown date in 2022 the investigation into the missing person / murder investigation of Jessie Lee of Limekiln was transferred to the Violent Crimes Unit.
64. PC Wilkes was assigned by Sgt Kashina Burke to be the officer in charge of the said investigation in respect of Jessie Lee of Limekiln on an unknown later date in 2022.
65. Although there is no known date for the appointment in 2022 by Sgt Burke of PC Wilkes as officer in charge of the said investigation in respect of Jessie Lee of Limekiln, it was the first such appointment on that investigation.
66. No documented date is known for the transfer in after 24 March 2022 to the Violent Crimes Units of the investigation into the missing person / murder investigation of Arthur Henry of Fountain Estate.
67. PC Wilkes was assigned by Sgt Kashina Burke to be the officer in charge of the said investigation in respect of Arthur Henry of Fountain Estate on an unknown later date in 2022.
68. Although there is no known date for the appointment in 2022 by Sgt Burke of PC Wilkes as officer in charge of the said investigation in respect of Arthur Henry of Fountain Estate, it was the first such appointment on that investigation.
69. At an unknown later date following the said appointment to PC Wilkes in respect of the Jessie Lee of Limekiln investigation, PC Wilkes was replaced by PC Foster as officer in charge of that investigation.
70. There was no documented process of handover (Wilkes / Foster) from one officer in charge to another on the said Jessie Lee investigation. No requirement of procedure / practice existed at the relevant time for documenting same.
71. No documented reason exists for the said handover (Wilkes / Foster). No requirement of procedure / practice existed at the relevant time for documenting same. When asked by the DPP's officer for the purposes of providing a witness statement on or around 28 March

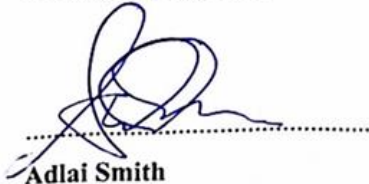
2025 the reason(s) for the said replacement (PC Foster for PC Wikes), Sgt Burke indicated that it was so as not to overburden PC Wilkes.

### **Visit to Locus in Quo**

72. On 27 March 2025, the court visited the *locus in quo*. The Crown and the Defence agreed to notes taken from that visit, titled 'Agreed Notes of The Crown and Defence'. The said notes are admitted as Exhibit 20.1. The said notes on page 26 refer to a video showing the distance between where Skadeaj Dickenson said he was to where the body of Arthur Henry was being buried. This video is admitted as Exhibit 20.2.

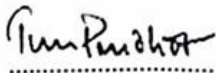
This Statement of Agreed Facts is signed this 31<sup>st</sup> day of March 2025.

**For the Prosecution:**



**Adlai Smith**  
**Director of Public Prosecutions**

**For the Defence:**

 31.3.2025

**Tim Prudhoe**  
**Attorney at law for the Defence**

## **ANNEX 2**

**REX**

**V**

**TREVERN EDWARDS**

### **EXHIBITS ARISING DURING TRIAL**

- 1 Cyber-report of police phone expert Javier Greene re phone of Trevern Edwards, dated 13.12.21, with 4 photos, at page 65 of Committal Bundle 1, where bundle 1 concerns Jesse Lee (B1p65):
  1. Ex 1.1 – picture (pic) of body dated 19.11.21 at 00.59 - B1p68.
  2. Ex 1.2 – pic of man with gun with smiley head dated 24.09.21 - B1p69.
  3. Ex 1.3 – pic of two males dated 14.10.21 – B1p70.
4. Ex 1.4 – pic of two males dated moments later on 14.10.21 – B1p70.
- 2 Phone extraction report by Javier Greene re phone of Edwards, dated 13.12.21 – 5 pics.
- 3 Further phone extraction report by Javier Greene re phone of Edwards, dated 20.02.25, showing 11 pics, noting, within the 11 pics:
  - Pic 5. Ex 3.5 – pic of Edwards with a firearm with red tape in his left pocket
  - Pic 6. Ex 3.6 – pic of Edwards with same firearm in his right pocket.
- 4 Lift from further extraction report of 20.02.25 of 'rows 603 and 604' from the 6306 pics found on the phone of Edwards by Javier Greene, showing body pic at Ex 1.1 for comparison with the embedded digital record of a whatsapp pic.
- 5 The phone seized from Edwards for the 13.12.21 cyber-report as at Ex 1.
- 6 Further full cyber-report by Javier Greene dated 20.02.25.
- 7 Custody record for Skadeaj Dickenson, aka DJ, dob 26.03.99, arrested at 13.00 on 31.03.22 on for 'murder and kidnapping', released at 18.30 on 01.04.22.
- 8 Two recordings by Leshana Lee of phone conversation between Tilano Archibald and Edwards on 19.11.21:
  1. Ex 8.1 Recording 1

2. Ex 8.2 Transcript 1
  3. Ex 8.3 Recording 2
  4. Ex 8.4 Transcript 2.
- 9 Custody record for David Joseph, aka DJ or Alka, dob 24.10.99, arrested at 16.30 on 04.04.22 for 'kidnapping', released at 12.50 on 06.04.22.
  - 10 Police interview transcript of interview with Edwards re Arthur Henry, dated 13.04.22, being no comment, at page 53 of Committal Bundle 2, where bundle 2 concerns Arthur Henry – B2p53.
  - 11 Notes by Officer Xavique Wilkes re Skadeaj Dickenson made on 01 and 02.04.22.
  - 12 Police incident report concerning Jesse Lee reported missing by Tilano Archibald at 10.44 on 19.11.21, with entries up to 10.05.22 when Edwards was charged with the murder of Lee.
  - 13 Police interview transcript of interview with Edwards re Jesse Lee on 10.05.22 – being limited comment.
  - 14 Custody record for Alandre Williams, aka JJ, dob 30.09.22, arrested at 06.05 on 15.03.22 for 'assault with intent to rob', with charge on 17.03.22, and then remand to the prison.
  - 15 Missing person police flyer re Jesse Lee, to the public, reporting Lee missing from 8pm on 18.11.21.
  - 16 Pics of the scene of recovery of the bone remains of Jesse Lee, being 23 pics, Exs 16.1-23, with index as Ex 16.24.
  - 17 Bullet in-tact recovered from body bag at autopsy on 08.04.22 of Arthur Henry, marked AN4.
  - 18 Autopsy report dated 08.04.22 re Arthur Henry by pathologist Adrian Nunez - B2p45.
  - 19 Pics of recovery of recovery of remains of Arthur Henry, being 3 pics, Ex 19.1-3.
  - 20 Locus report, agreed by the parties:
    1. Ex 20.1 – 28-page report by Crown Counsel Krystal Sukra, as exhibited to the agreed facts at para 72.
    2. Ex 20.2 - Video by Crown Counsel Krystal Sukra of location of tree by which during the locus visit Skadeaj Dickenson said he stood when Arthur Henry was said shot dead, as exhibited to the agreed facts at para 72.

**ANNEX 3**

**IN THE EASTERN CARIBBEAN SUPREME COURT**

**IN THE HIGH COURT OF JUSTICE**

**IN THE FEDERATION OF ST CHRISTOPHER & NEVIS**

**IN ST CHRISTOPHER CIRCUIT**

**CASE SKNHCR 2023/0067 & 0071 - joined**

**REX**

**V**

**TREVERN EDWARDS**

**APPEARANCES**

The DPP Mr Adlai Smith and Mr Tashaun Vasquez for the Crown.

Mr Tim Prudhoe & Mr Craig Tuckett for the defendant.

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**2025: FEBRUARY 03**

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**RULING**

**On whether trial by judge alone**

- 1 **Morley J:** The Crown has made application for a trial without jury under the **Judge Alone Trials Act**, act 20 of 2024, (JATA), in force from 20.09.24 concerning Trevern Edwards aka 'Scar', aged 33 (dob 10.11.91). Edwards is facing allegations of two murders, joined by ruling on 24.05.24, being:
  - a. Originally indictment SKBHCR2023/0067, for the murder of Jesse 'BJ' Lee aged 29 (dob 14.06.92) on 18.11.21; and

- b. Originally indictment SKBHCR2023/0071, for the murder of Arthur Ezekiel Henry aged 67 (dob 09.03.55) on 24.03.22.
- 2 Coming to the High Court as paper committals from the Magistrates, the Henry murder first appeared in the list on 30.11.23 and the Lee murder on 19.01.24. Joinder was then granted as above and the trial is due to start on 17.02.25.
- 3 Application for judge-alone trial supported by argument was filed by the DPP on 09.12.24, and resisted by argument filed by counsel defending on 12.12.24. Oral argument was heard on 20.01.25, with written decision delivered today 03.02.25.
- 4 The alleged facts, and how seriously this case is viewed by the authorities, are set out in the joinder ruling of 24.05.24 at paras 2-4 and 6-9.
  - 2 Edwards is said a 'gangster', with access to at least two guns, and Lee had been an associate, while Henry had been the victim-witness in a prosecution of Edwards for armed robbery of him on 11.03.22: both were 'executed' with shots to the head.
  - 3 If convicted by jury of both murders, the Crown will likely seek the death penalty, still available on St Kitts & Nevis under **s2 and s3 of the Offences Against the Person Act** cap 4.21, first passed in 1873.
  - 4 Edwards has previous convictions for burglary, larceny, malicious damage, and being armed with an offensive weapon, for which he has been fined and received minor jail sentences.
  - 6 There are three civilian witnesses common to both cases:
    - a. Janayah Ryner, now 19 (dob 30.10.04) who made a statement common to both dated 05.04.22;
    - b. Skadeaj Dickenson now 25 (dob 26.03.99), who made a statement concerning Lee on 01.04.22 and concerning Henry on 05.04.22; and
    - c. Alandre Williams now 21 (dob 30.09.02), who made a statement on 02.04.22 mostly concerning Lee, but also reporting being with Edwards during the robbery of Henry on 11.03.22.
  - 7 Concerning the murder of Lee, the prosecution statements distill the essential evidence as follows:

- a. Tilano Archibald was Lee's girlfriend and mother of his two children. On 18.11.21 at 21.00, she saw Lee with a gun, dressed in black with black sneakers and a jansport pack, get into a rental car with Edwards together to steal marijuana. She never saw him again. Calling Edwards next day, he told her three gunmen had shot at them both and they had separated. Local searches by family, purportedly assisted by Edwards, did not find Lee.
- b. Janayah Rhyner was Edwards' girlfriend. In October 2021, he told her of a plot to kill him, but he would strike first, and in later days showed her a photo on his phone of a body not named by him face-down, wearing as described of Lee, implicitly him. He added days later during searches for Lee he had lied to police others had shot at them.
- c. Chelsea Selkridge was also Edwards' girlfriend. She spent time with him on her birthday 18.11.21, when he confessed he had just killed someone, who was 'BJ', he was serious, she was not to repeat this or he would send folk to kill her, showing the photo of the body face-down on his phone (as shown to Rhyner), adding the person killed had been planning to kill him and had a gun. He added later he and Skadeaj Dickenson had moved the body.
- d. Officer Charmaine Audain reported Edwards telling her on 19.11.21 he had been with Lee on 18.11.21 but dropped him at Cedar Grove, showing a path they had taken, and in formal interview later said he and Lee had been shot at by gunmen, (as above, said a lie to Rhyner).
- e. On the night of the killing, 18.11.21, Alandre Williams aka JJ was taken by Edwards with Skadeaj Dickenson to the body of BJ, dressed as described, to help move it, seen to have been shot twice in the head. Later Edwards said to him he had lied to police another had shot at him and BJ. At a further later time, Edwards then asked for help to move the body again, which in decomposition he had placed in a 'crocus' bag.
- f. On the night of the killing, 18.11.21, Skadeaj Dickenson aka DJ, per his statement of 01.04.22, was taken by Edwards with Williams to help move the body of BJ; then on 01.04.22, he pointed out to police where Lee's body was buried at Baysford mountain, bones being recovered, identified by dna.
- g. On 10.12.21, Edward's phone was seized, and on later analysis inter alia there is a photo timed at 00.59 on 19.11.21 of a body lying face-down dressed as Archibald described Lee, implicitly Lee, and shown to others as described.
- h. On 10.05.22, Edwards being already in custody on other matters (concerning Henry), he was formally interviewed and charged concerning the murder of Lee.

- 8 Concerning the murder of Henry, the prosecution statements distill the essential evidence as follows:
- a. Mabel Morton last saw Henry in church on 23.03.22 and did not answer on 24.03.22 when she called on him.
  - b. Henry had reported Edwards on 12.03.22, who he has known since a child, making police statements on 14 and 15.03.22, that on 06.03.22 Edwards had asked for a 'crocus' bag (which may link to hiding Lee, as above), and on 11.03.22 Edwards and Williams had threatened him with respectively an uzi and pistol, tying him up, warning he would be shot in the head, and ransacking his home for money.
  - c. Officer Nalie Joseph conducted a search for Edwards and guns on 12.03.22, finding neither.
  - d. Officer Shaun Straker arrested Williams on 15.03.22, charging him with assault on Henry with intent to rob on 16.03.22, but could not find Edwards, who surrendered to police on 31.03.22, then on 02.04.22 being similarly charged as Williams.
  - e. Janayah Rhyner received messages in March 2022 from Edwards on facebook he was wanted for robbing Henry, and would 'deal' with him for talking to police, later confirming he had 'dealt' with him, Henry had punched him, saying further he and Dickenson had hid his body, and when Rhyner next saw Edwards on 26.03.22, who she knew had two guns, he had a swollen face.
  - f. Skadeaj Dickenson, per his statement of 05.04.22, described being present when Edwards murdered Henry, together visiting Henry's home at 08.00 on implicitly 24.03.22. Edwards fought with Henry for talking to police, who bloodied his nose, angry he pulled out his gun, ordering him to the floor, tying his hands behind, then ordering him to walk through an abandoned estate to the forest by a big tree, where he shot him point blank in the face; Dickenson then refused to help with the body, later showing police on 05.04.22 where the shooting had occurred, leading to recovery of the body.
  - g. Dr Caronette Frank on 05.04.22 reported the decomposing body of Henry was recovered from a shallow grave at Fountain estate, later identified by DNA evidence.
  - h. David Joseph spoke with Edwards on 23.03.22 who wanted to see Henry to 'deal' with him, and around 14.00 on 24.03.22, Edwards said he had fought with Henry, known as 'karate-man', his nose had been damaged, he had shot Henry once in the head, watching smoke rise from the wound, killing him so he would not be a witness against him, and had moved his body to Black mountain.



- i. Tia Thompson is another girlfriend of Edwards who on about 25.03.22 saw he had a damaged nose and he explained he had 'dealt' with a man.
- j. Edwards surrendered to custody on 31.03.22 over the robbery of Henry, but as the investigation evolved, after Henry's body was found on 05.04.22 he was charged with his murder on 13.04.22.

9 Focusing, on the Crown's case:

- a. Lee was executed by Edwards with two shots to the back of the head on 18.11.21 because believed plotting to kill him, but not being found until 01.04.22 was merely missing.
- b. Edwards, with Williams, was later wanted for the armed robbery of Henry on 11.03.22, reported by Henry on 12.03.22.
- c. Williams was arrested on 15.03.22, but Edwards could not be found.
- d. Edwards executed Henry with a single shot to the front of his head on 24.03.22 for talking to police.
- e. Edwards confessed
  - i. to killing Lee to girlfriends Chelsea Selkridge and Janayah Ryner, and
  - ii. to killing Henry to David Joseph, and to girlfriends Tia Thompson and Janayah Rhyner.
- f. Edwards was seen by Skandaej Dickenson to execute Henry on 24.03.22, who had also helped on 18.11.21 move the body of Lee with Williams.
- g. The bodies, being concealed at Baysford mountain and the Fountain estate, were proximate.
- h. Edwards surrendered to police on 31.03.22 as wanted for the robbery of Henry, but then on 01.04.22 Dickenson pointed out the body of Lee, and on 05.04.22 pointed out the body of Henry, leading to Edwards being charged with the Henry murder on 13.04.22 and the Lee murder on 10.05.22, the detailed investigation into the two murders taking place after Edwards' arrest on 31.03.22 for robbing Henry, who may have thought on surrendering that he ought soon to be released as Henry could not be found, while Lee had not been, but under intense police work his associates Dickenson and Williams told on him, and three girlfriends plus Joseph to whom he had confessed.
- i. The heart of the Crown case is that Edwards, playing murderous gangster with an uzi and pistol, had built around him what he thought was a body of loyal criminals and supporters, but who then turned on him.

- 5 Decision on judge-alone trial requires:
  - a. Setting out the St Kitts context; and then
  - b. Setting out the legislation.

## Context

- 6 St Kitts & Nevis as a federation of two islands has a population of about 50000, with about 35000 on St Kitts. During 2023 and 2024, the number of murders approached 30 per year, so that notionally if projected against a population of 100000, the figure would be 55-60per100k, making it technically the likely highest per capita murder rate in the world<sup>7</sup>. There are many guns, and many listless young men without family structure, who join gangs to give them purpose and a sense of belonging. On 04.11.24, owing to the level of crime, there was a town hall gathering on Nevis, of ministers, academics and the public, this judge being present, in which it was reported that there are 15 gangs on St Kitts and 2 on Nevis. From casework in court, I am aware of the following gang names: the KMS (killer mafia soldiers), TNT (tek no talk), Tek Life, the ORs (the old road men), the Bad Seeds, the YKZ (young kings), TMF (take money fast), the Black Knights, the Gullygang, and the Monkey Hill Boys, while there are known also to be groups in Lodge and Conaree.
- 7 Illegal guns abound, likely brought onto the island with drug shipments making their way through the local waters, while they are then hidden, in homes, yards, maybe neighbours' yards, sometimes at rural locations, and sometimes in lobster pots, which provide easy import of guns via boats agreeing precise GPS coordinates on mobile phones in the pitch dark of sea night, thereby lifting pots and depositing contraband. The weapons are mostly automatic pistols, of mainly calibres 9mm, 0.38, and 0.40, though others are found too. Military rifles and machine pistols are also known to be used, there having been recovered known to this judge since 2022 two AK47 automatic assault rifles (on 16.08.22 and 19.01.24), an AR-15 automatic assault rifle (on 22.07.24), and a TEC-9 automatic machine pistol (on 20.11.24). The instant case involves

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<sup>7</sup> See <https://worldpopulationreview.com/country-rankings/murder-rate-by-country>, where Jamaica is reported with the highest murder rate at 53.3 per 100k.

an Uzi machine pistol in the murder of Henry, and a military M-16 assault rifle was used in the murder of Kishorn Edwards aka Duppy on 04.07.17, tried by this judge in 2022.

8 I am the sole High Court Judge on St Kitts sitting in serious crime, and since appointment in March 2021, among many other cases, there have been 6 gangster trials before me with a jury sworn and no murder convictions. The allegations were as follows:

- a. During 03-31.05.22, on indictment 2021/0017, there was the jury trial of *T'sean Hendricks, Jerod Stapleton and Ellister Thomas*, accused of the murder of Duppy, as above, where the main prosecution witness, who was a female accomplice to lure Duppy to his death, pre-trial put out a video on social media recanting her testimony, and a second witness, who had heard a next-day confession in casual conversation, became hostile, denying the truth of his police statement. The trial resulted in acquittals.
- b. During 18.04-04.05.23, on indictment 2021/0013, there was the jury trial of *Antonio Pascal*, in a feud between the TNT and Monkey Hill Boys, who on 30.05.18 burst into the yard of Cardie Stapleton and as one of two shooters shot anyone there, murdering Jamoie Stapleton, and wounding two others. The three primary prosecution witnesses, all Pascal's accomplices, did not attend court. They were in hiding despite a manhunt on both islands. However, when two witnesses learned that their statements had been read in court, they did in fact attend court in order to deny their truth to the jury. The trial resulted in a hung jury. Of note, his co-defendant shooter Eson Gaiton, then a juvenile, had his proceedings discontinued by the magistrate when the same three witnesses refused to attend his separate committal proceedings (whereas Pascal as an adult was able to be committed on the papers), while Leshan Henry, one of the missing witnesses was later shot dead on 19.07.24.
- c. During 07-20.03.24, on indictment 2023/0040, there was the jury trial of *Eson Gaiton* for the murder on 10.07.22 of Junior Mervyn Stephens by stabbing him in the neck during a fete, caught on video, with Stephens a member of the Black Knights and Gaiton a member of the TNT (having been at large after discontinuance of the Stapleton murder as above). In this

case, the three civilian prosecution witnesses each produced a video, handed in collated together on one USB to the ODPP casually by an unidentified Gaiton associate just before trial, each withdrawing their testimony and publicly apologizing for having made police statements. The trial resulted in a hung jury.

- d. During 18-19.04.24, on indictment 2023/0065, there was the trial of *Calbert Powell* for the murder of Javrell Alford during jouvert on 26.12.22, stabbing him, where Alford was in the YKZ and Powell in the ORs. The primary civilian prosecution witness became hostile, which on analysis, along with other weaknesses in the investigation, led to the prosecution discontinuing.
  - e. During 29.04-13.05.24, on indictment 2023/0028, there was the trial of *Tabari Roberts* for a shooting double-murder at his home on 11.01.21, being a resident of McKnight which is a stronghold of the KMS, with a gun supplied by police officer *Jelani Duncan*. Owing largely to witness reluctance, indeed terror at giving evidence, being tearful on voir dire asking not to be compelled, the prosecution settled on pleas to manslaughter. Of note, on 23.07.24, Roberts' aunt Sandra, who was present each day in court during the trial, was then shot dead on her doorstep.
  - f. During 03-26.06.24, on indictment 2023/0066, there was the jury trial of *Craig Richardson* for the murder of Kishaun Ritchie on 23.09.21, by sneaking up on him while eating a street burger and shooting him through the head, in a dispute over street-selling ganja, where Richardson was said a member of the Gullygang. There were complications in persuading the primary prosecution witness to give evidence for fear of reprisals and in need of formal witness protection. The jury acquitted.
- 9 In addition, on 20.07.24, *Akeem Archibald* who was my juror number 5 in the 2024 Trinity array, was murdered by an AR-15 on automatic firing 11 bullets, shooting him 7 times, while on his motorbike leaving the home of his girlfriend. He had been on a jury (in chair 8) convicting on 24.05.24 a member of the TMF on indictment 2023/0062 for armed robbery of a supermarket on 06.12.19.

- 10 The level of murder and lawlessness has produced much anxious public discussion. The perception has grown in law enforcement that jurors are fearful for their safety in such a small community as St Kitts, where their identity and home addresses are assumed to be known to malefactors. Court staff too are frightened because they are identifiable. It is now a predictable widespread belief that those who sit on juries fear a knock on the door from a gangster associate. After being sworn, they are only ever after daily referred to by number, rather than by name. Jury sensitivity about who is attending court, or outside the building as the jury leave at the close of the daily hearing, is often reported to the bailiffs, with twice a request by the jury in previous trials that a supporter of a defendant is excluded from sitting in court due to perceived staring at jurors.
- 11 Further, concerning the murder of Archibald, though it has not yet been shown to be because he was a juror, it has nevertheless not been shown to the contrary. It remains a plausible case theory he was murdered because he was a juror, and so a chill has run through the island concerning jury service, leading to the array being disbanded on 22.07.24 as its members were understandably disturbed to learn of their colleague's execution, raising island-wide the spectre of possibility that a jury, through fear, may well not convict gangsters.
- 12 It is against this background, of evident unreliability of witnesses, recanting testimony, suggestions of tampering, also of profound fear on the part of witnesses, and in addition predictable fear on the part of the jury, with abundant murders occurring, that the **JATA** legislation was introduced. At its core, inter alia it is designed to make trials of gun-toting gangsters by judge alone, in order to spare jurors the agony of self-interest, and to permit greater sensitivity and understanding on the part of the court as to the usually frightened or hostile witnesses, where a judge of experience may more readily discern the truth when a witness is reluctant.

## Legislation

- 13 For this application, the significant sections of **JATA** are:

### 3. Application of this Act.

(1) This Act shall apply to criminal proceedings pending on the commencement date of this Act and criminal proceedings instituted on or after the commencement of this Act.

### 5. Prosecution may apply for trial by Judge alone in certain circumstances.

(1) The prosecution may apply to the court for a trial to be conducted by a Judge without a jury on any one or more of the grounds set out in subsection (2).

(2) The grounds upon which an application may be made under subsection (1) are the following—

(a) that in view of the nature and circumstances of the case, there is a danger of jury tampering or intimidation of witnesses;

(b) that a material witness is afraid or unwilling to give evidence before a jury;

(c) that the case involves a criminal gang element and would be properly tried without a jury;

(d) that the complexity of the trial or the length of the trial, or both, is likely to make the trial so burdensome to the jury that the interests of justice require that the trial should be conducted without a jury; or

(e) that it is likely that, if a jury were selected, pre-trial publicity may influence its decision.

(3) An application under subsection (1) shall be heard and determined by a judge in the absence of a jury and both the prosecution and the accused person shall be given an opportunity to make representations with respect to the application.

(4) If the judge is satisfied that the relevant ground as specified in subsection (2) of this section, has been established, he shall make an order that the trial shall be conducted without a jury, including the preliminary issue (if raised) of fitness to plead or to stand trial, but if he is not so satisfied he shall refuse the application.

(5) No appeal shall lie against the order of the judge granting or refusing an application under this section for the trial to be conducted without a jury.

- 14 The Act permits at **s3 JATA** for Edwards' case to be considered for a judge-alone trial, even though it was committed to the High Court before **JATA** was in force. Here, the relevant sections to assess are **ss5(2)(a)-(c) JATA**, concerning the jury, witnesses and gangs. Representations have been made by both prosecution and defence, as to whether under **s5(4)** the judge is 'satisfied'... *the ground has been established*'. There is no appeal from this decision, per **s5(5) JATA**; though for completeness of analysis, it is possible that a challenge could be mounted to

a judge's decision to order a judge-alone trial by way of judicial review, if there are grounds to assert the decision was irrational on the basis that no reasonable tribunal would decide that the requirement in **s5(4)** was met; or procedurally flawed as being conducted in breach of the principles of natural justice, being without hearing; or where there are grounds to assert actual or perceived bias by the judge.

- 15 It follows that the significant issues to contemplate are:
- a. What gateway under **s5(2) JATA** is applicable;
  - b. What is the test to satisfy the judge; and
  - c. Is a decision ordering judge-alone trial unreasonable.

### **Gateways and the test to be applied**

- 16 The prosecution's application at para 2 of the submission filed on 09.12.24 is formally made under **s5(2)(a) JATA** – namely that there is a '*danger...of intimidation of witnesses*', though the body of the argument goes on at paras 15-17 to consider '*danger of jury tampering*', while during oral submissions on 20.01.25, there was consideration of whether the case '*involves a criminal gang element*', under **s 5(2)(c) JATA**. I will deal with each in turn.
- 17 Concerning **s5(2)(a) JATA** from this court's previous trial experience, there can be no doubt there is a '*danger of intimidation*' of witnesses. By '*danger*', I assess this to mean likelihood, with consequent need to avert the danger arising. By '*intimidation*', I find this to mean where persons or island circumstance create pressure on a witness to recant or refuse to give evidence. I am satisfied that it is likely that in this case witnesses will feel under pressure to resile from what they said to police, due to the murderous island circumstance, in which witnesses are in fear of giving evidence against others because they may be targeted by friends of Edwards resulting in death or serious injury. In this regard, the murder of Henry is relevant because the reason for his killing was said to be because he was a witness. Further, the witness Selkridge (a young girlfriend) actually states in her witness statement of 30.03.22 that she was warned not to talk to police on pain of being killed, saying '*if I talk he [Edwards] would send people to kill me*'. In

addition, there are two other girlfriends at risk, being Rhyner and Thompson, both of whom are young and vulnerable to threat, it being notable Rhyner specifically expressed fear of Edwards in her statement of 05.04.22. Two more witnesses are gangsters associated with Edwards, being Dickenson and Williams, who by informing on their gang leader, will be accused of 'ratting' among criminals, raising the real danger that each will recant their evidence rather than be seen to be disloyal to their gang leader and thereby at risk of retribution in the form of murder as happened to Henry. I find therefore that the nature and circumstances of this case are such that there is a danger of intimidation of witnesses and that the **s5(2)(a) JATA** criterion is satisfied.

- 18 As regards **s5(2)(a) JATA** in respect of the jury - from this court's previous trial experience, there can be no doubt that there is a '*danger of tampering*'. By '*tampering*', I assess this to mean interference, in the sense that there is a likelihood that persons or island circumstance will interfere with jury members' sense of safety and security with a view to influencing them to return a particular verdict. There are many ways in which this can be achieved. This may involve serious acts such as violence or threats of violence to them or their families or it may not necessarily require an overtly hostile act, it may be just a look from someone across a distance. In addition, as I have said, the island circumstance as described at para 10 above, is in itself sufficient to amount to 'tampering' in that I am satisfied that it creates a real risk that jurors will fear serious threats and reprisals. As a result, I am satisfied that in this small St Kitts community, a jury will be worried, even paranoid, that they may be monitored or threatened by associates of Edwards.
- 19 For all these reasons, I am satisfied that having regard to the nature and circumstances of this case, there is a real danger of jury tampering in the case and it follows that if so, then it is realistic to fear that the jury either in whole or in part may not be true to their oaths, namely to try Edwards on the evidence and to return verdicts according to the evidence without fear or favour. Instead, there is a danger that they will substitute what is in their personal interest, namely to acquit so they be unharmed, or refuse to agree and so be hung.
- 20 Of note, the courtroom is temporary and small. The 12 jury seats are open to the court, not behind a balustrade, and the court doors open straight to the outside where the public congregates. When the jury enter and leave the court, they walk past where the defendant is



seated at the back of the court, not in a marked off dock. The work of the jury in such a confined environment has an intimacy to it, which adds to them feeling exposed and vulnerable. As I have concluded at paras 10 and 18 above, actual threat by a malefactor is not needed for me to be satisfied that there is a danger of ‘tampering’ because the island circumstance itself is sufficient to tamper with their peace of mind and sense of safety. This is reinforced by the murder of the juror Archibald which sets a tangible precedent of the risk they face by serving on a jury. For all these reasons, I find that the criteria under **s5(2)(a) JATA** in respect of the danger of jury tampering is satisfied.

- 21 As regards **s5(2)(c) JATA**, there is no doubt that this case involves a criminal gang element. Executing rivals, and witnesses, and using reliable and loyal associates to bury bodies, toting a pistol and Uzi, taking pictures of a body to show off, and threatening to kill if someone talks, is the very essence of criminal gang behaviour. Being a member of a criminal gang involves a spoken or unspoken code of loyalty to gang members above all else. This code of behaviour expects them to put loyalty to each other above the law and to break the law and interfere with the proper administration of the criminal justice system by intimidating and threatening witnesses and tampering with jurors, as thought needed, always with the threat of even more serious repercussions such as death or serious injury. It is for this reason that **JATA** provides that cases involving a criminal gang element such as this would properly be tried without a jury. I am satisfied that this is such a case.
- 22 Counsel defending may argue that the application concerning gangs under **s5(2)(c) JATA** was not specifically raised in the prosecution submissions filed on 09.12.24. I find however that defence counsel had sufficient notice of the likelihood of this ground being raised given that it falls squarely within the facts and circumstances of this case. The ‘gang’ nature of this case is inescapable and integral to the allegations. Moreover, the cause of the intimidation and tampering under **s5(2)(a)** is precisely because the offender is in a gang, this being *‘in the nature and circumstance of the case’* as the section contemplates, and which is the reason why I am satisfied that there is a danger that jurors and witnesses will fear reprisals.

- 23 In coming to these conclusions, I have considered the requirement in **s5(4) of JATA** that I must be ‘*satisfied*’ that one of the grounds in **s5(2)** has been established. If I am so satisfied, then **s5(4)** states that I, “*shall make an order that the trial shall be conducted without a jury.*” The requirement therefore is mandatory, and I do not have a discretion. Whether I am ‘*satisfied*’ requires the exercise of a value judgment involving weighing up the evidence and surrounding circumstances, which I have done as above.
- 24 Given judge-alone trial is widely permissible and in theory capable of being fair, what is the test to apply?
- 25 There is no help in **JATA**, which simply says under **s5(4)** the judge must be ‘*satisfied*’ a ground has been ‘*established*’ for judge-alone trial under **s5(2)**.
- 26 A closer look at **s44 Criminal Justice Act 2003** (CJA) in the UK is of interest, which allows for non-jury trial where there is danger of jury tampering, as here:

**44 Application by prosecution for trial to be conducted without a jury where danger of jury tampering**

- (1) This section applies where one or more defendants are to be tried on indictment for one or more offences.
- (2) The prosecution may apply to a judge of the Crown Court for the trial to be conducted without a jury.
- (3) If an application under subsection (2) is made and the judge is satisfied that both of the following two conditions are fulfilled, he must make an order that the trial is to be conducted without a jury; but if he is not so satisfied he must refuse the application.
- (4) The first condition is that there is evidence of a real and present danger that jury tampering would take place.
- (5) The second condition is that, notwithstanding any steps (including the provision of police protection) which might reasonably be taken to prevent jury tampering, the likelihood that it would take place would be so substantial as to make it necessary in the interests of justice for the trial to be conducted without a jury.
- (6) The following are examples of cases where there may be evidence of a real and present danger that jury tampering would take place—
- (a) a case where the trial is a retrial and the jury in the previous trial was discharged because jury tampering had taken place,

- (b) a case where jury tampering has taken place in previous criminal proceedings involving the defendant or any of the defendants,
- (c) a case where there has been intimidation, or attempted intimidation, of any person who is likely to be a witness in the trial.

27 Applying the UK test considering jury tampering, noting the examples at **s44(6) CJA** are not exhaustive, first under **s44(3)** there must be evidence of a real and present danger of it; I am sure this applies to St Kitts. Then second, under **s44(4)** the likelihood must be so substantial as to make judge-alone trial in the interests of justice; I am sure here the likelihood is indeed so substantial that truly it is in the interests of justice a jury is not sworn to try this case as I think, from the lawlessness on-island, generating fear of reprisal, with the Archibald murder expected at the forefront of local thinking, it is likely a jury, understandably, will put their own safety interests ahead of convicting.

28 Of further interest is the leading case of **Misick et al v Rex 2015** 1 WLR 3215 on appeal from the Turks & Caicos Islands (TCI) to the Privy Council.

29 The *Misick* case considers where a complicated fraud alleged by the former TCI premier, and others, has been tried for many years by judge alone, decided first by Harrison J, a former Court of Appeal President in Jamaica, as permitted by **s4 Trial without a Jury Ordinance 2010**:

(1) Notwithstanding anything to the contrary in any other law, a judge may order that a trial be conducted without a jury if he is satisfied that the interests of justice so require.

(2) An order under subsection (1) may be made on the application of any party to the trial or by the judge of his own volition.

(3) In making a determination as to whether the interests of justice require that the trial be conducted without a jury, the judge shall have regard to all the circumstances prevailing, including any or all of the following\_

(a) the nature of the charges;

(b) the complexity of the issues or matter to be determined, and any steps which might reasonably be taken to reduce the complexity of the trial;

(c) the length of the trial, and any steps which might reasonably be taken to reduce the length of the trial;

- (d) the likelihood that, if a jury were selected, pretrials publicity may influence its decision;
- (e) or if there is any information tending to suggest that jury tampering may arise.

30 The test is said to be the '*interests of justice*', taking into account at **s4(3)(a) TWAJO** the '*nature of the charges*', here being gangster murder, and at **s4(3)(e)** '*any information tending to suggest that jury tampering may arise*', where here the information is improbably no gangster has been convicted by a jury on St Kitts in nearly 4 years during 6 trials, while there has recently been the murder of a juror, all suggesting tampering, in the sense as above the island-wide circumstance has been placing pressure on jurors to put their safety ahead of convicting, which in combination mean I am sure judge-alone trial is in the interests of justice.

31 Reviewing the decision by Harrison J to proceed to judge-alone trial, Lord Hughes observed, *inter alia*:

51 In the present case, the test for departure from jury trial imposed by **section 4 TWAJO** is that the judge be 'satisfied that the interests of justice so require'. There is no statutory pre-condition of fact for such an order. The judge is required to have regard to all the circumstances, including, but not only, those listed....Some, such as the nature of the charges (factor (a)) will not be capable of dispute. Others, such as the complexity of the case and what might be done to reduce it (factor b), the length of the trial (factor (c) or the likelihood of publicity impacting on jurors so as to influence their decision (factor (d)) are themselves principally matters of degree, for evaluation, rather than matters of fact for proof. Factor (e), information tending to suggest a risk of jury tampering, might involve the determination of past fact, but will also boil down principally to questions of prediction, likelihood and the practicability of precautions, weighing each in the light of the other....The Board has no doubt, whatever may be the position in relation to other legislation in other jurisdictions, that the decision required by TWAJO is not susceptible of analysis in terms of proof or the standard of it. The judge and the Court of Appeal reached the correct conclusion....

53 It should be emphasised that the possibility of trial by judge alone, provided for by **TWAJO**, is an exceptional departure from the normal mode of trial for serious offences before the Supreme Court of the Islands which is, by **section 3(1) of the Criminal Procedure Ordinance**, trial by judge and jury. Just as under the differently

worded English and New Zealand legislation, departure must be justified. An order for trial by judge alone can be made only where the interests of justice require it, just as in England it can be made only where it is necessary. Under both statutory tests, the evaluative exercise mandated for departure from jury trial incorporates the considerable weight of the value of such trial. They incorporate the proposition that trial by jury for serious offences is a valuable right of both the defendant and the public and is, in common law countries, the norm on which criminal justice is based. Departure from it must be confined to whatever classes of case or circumstance for which the legislation provides, and must be plainly justified. Neither formulation permits an order to be made simply because it is more convenient, or marginally preferable.

54 The judge adopted this approach. He directed himself that jury trial was ‘the cornerstone of the assurance of fairness and justice in the criminal law system’ and reminded himself of Lord Devlin’s famous description of it.... Having done so, he approached his decision on the basis that ‘Trial by jury is undoubtedly the tried and tested means of achieving fairness in serious criminal trials, unless its efficacy is likely to be undermined.’ Having so directed himself the judge worked through the relevant factors *seriatim* and concluded that the interests of justice did indeed require, in this very unusual case, trial by judge alone. The Board has no doubt that he was entitled so to conclude.

- 32 Applying *Misick*, noting a judge-alone decision requires ‘*principally matters of degree, for evaluation, rather than matters of fact for proof*’, and ‘*questions of prediction, likelihood and the practicability of precautions, weighing each in the light of the other*’, I am wholly satisfied in the sense I am sure judge-alone trial is here required.
- 33 It is to be noted in the *Misick* case, referring also to the New Zealand case of **R v Ita 2011** NZCA, there is rumination the test seems whether a judge concludes on balance judge-alone trial is required.
- a. However, in this case of *Trevern Edwards*, to be transparently clear, I am not making a finding by applying an on-balance test, though I could.
  - b. Instead, on the facts in this case, and the island context, the finding I make is this, sureness, which may be more than needed: in sum, I am satisfied as being sure, not merely on balance, judge-alone trial is here required in the interests of justice, that as a matter of prediction and practicality per Lord Hughes, there is a likelihood of tampering with the jury, and intimidation

of witnesses, the case involving a criminal gang element, whether or not there is an overtly hostile act by a malefactor, and in my judgement this is a reasonable conclusion in all the circumstances of the tragic on-island lawlessness.

## Reasonableness

34 A jury trial has high regard in a democracy, as explored by Lysander Spooner in his famous 1852 *'Essay on the trial by jury'*, where in the trial all are equal, allowing a defendant to be judged by his peers, rather than a Judge who enjoys an elevated position within the criminal justice process. Juries can refuse to convict, even where legislation may expect it, where their sense of fairness is offended, and so are famously a bulwark against tyranny. Jurors are anonymous, coming from the community and returning to it, and should be without fear of reprisals for their decisions, passing judgement with the same care as they would want their own jury to take if under charge. In words well-read by lawyers in the book *Trial by Jury*, of Lord Devlin in 1956, *'Trial by jury is more than an instrument of justice and more than one wheel of the constitution: it is the lamp that shows that freedom lives.'* Whilst respecting this fundamental principle, a legislature is free to enact law which circumscribes the right to trial by jury in cases where otherwise there is a real danger of subversion of the jury system and the trial process. Given the background to the legislation summarised at paras 6 to 12 above, it is plain that the purpose of **s5 JATA** is to respond to these particular risks by prescribing particular circumstances in which a defendant might be deprived of trial by jury, each of which has been prescribed by a pressing social need on this island, to ensure that the criminal justice system is not subverted in cases where a judge is satisfied that the issues described in **ss5(2)(a)-(e)** are present – as I am satisfied that they are.

35 In addition, it is important to add that on St Kitts jury trial is not an absolute right. Notably it is not enshrined in the **St Kitts & Nevis Constitution**, where **Article 10** provides for a right to a 'fair hearing' in front of an impartial court established by law. Importantly, **Article 10** does not specify, nor require trial by jury:

10. **Provisions to secure protection of law.**

(1) If any person is charged with a criminal offence, then, unless the charge is withdrawn, the case shall be afforded a fair hearing within a reasonable time by an independent and impartial court established by law

- 36 Clearly, an *'independent and impartial court established by law'* includes the High Court, as it does the Magistrates Court, where already there are many offences which a magistrate decides alone. The independence and impartiality of the Judge is to be presumed unless, *'the fair-minded and informed observer having considered the facts, would conclude that there was a real possibility that the tribunal was biased'*, per dicta from Lord Hope at para 103 in **Porter v Magill 2001** UK HL 67.
- 37 Moreover, almost all civil trials have been judge-alone through much of Common Law history, without demur, pointing clearly to how a judge in complex and important matters is trusted to make a fair decision. There is no justifiable reason to consider that a judge in a criminal trial would do anything other than try the case fairly and according to the evidence.
- 38 Further, in the UK **ss 43-44 CJA** provide for prosecution application for non-jury trial in cases of fraud complexity, and where there is danger of jury tampering as discussed. Also, in Northern Ireland the Diplock Courts were set up in 1973, mostly abolished in 2007, though are still used in certain circumstances, under the **Northern Ireland (Emergency Provisions) Act 1973** to deal with offences of violence in the context of the 'Troubles', in which armed militias such as the IRA and UVF wrought local terror, leading to the assumption that juries could not function fairly in such an intimidating community. What this means is judge-alone murder trial is not unknown in the UK.
- 39 It is also relevant that during the covid pandemic 2020-22, some jurisdictions adopted judge-alone trials as a temporary measure because jury trials could not occur owing to the need for social distancing. This was in response to a pressing need to get trials done, given the many defendants languishing in custody. Antigua & Barbuda was an example of this in the Caribbean.
- 40 Moreover, in the Commonwealth, whether because favoured in principle or continuing post-covid, judge-alone trials are permitted where appropriate on prosecution application in Australia,

New Zealand, and South Africa, and also in Caribbean jurisdictions for example Jamaica, Antigua & Barbuda, Dominica, Belize, and TCI.

- 41 In the inquisitorial system established by the *Code Napoleon*, and exported through continental Europe, and to many other countries, including to the French, Dutch, Spanish and Portuguese Americas, Asia and Africa, judges try criminal cases alone, while the same is true in communist countries, meaning in fact judge-alone trials in criminal cases are more globally widespread than jury trial.
- 42 In international criminal law, the UN Tribunals do not have juries, but instead appoint a panel of three or more judges. This is the case at the International Criminal Court in the Hague, and also the UN ad hoc tribunals for Yugoslavia, Rwanda, Lebanon, Cambodia, Sierra Leone, and East Timor.
- 43 This all supports the fact that a criminal trial by judge-alone has significant international precedent and supports the proposition that judges are rightly regarded as being capable of faithfully trying a defendant and giving a true verdict according to the evidence.
- 44 In addition, there is academic literature which has found in a judge-alone trial there is a higher chance of acquittal and lower sentence<sup>8</sup>, so any sensitivity that a judge may favour the prosecution appears empirically misplaced.
- 45 The advantage that a judge has, consistent with the drafting of **s5 JATA**, is a judge is immune from intimidation and tampering of the types envisaged by **s5(2)** and is able to deal fairly and fearlessly with case management issues that arise in these sorts of cases, such as reluctant, intimidated witnesses. The purpose of the legislation is to ensure that the cases in which the judge is satisfied fall within the categories set out in **s5(2)**, proceed to trial, and that the trial is conducted without fear or favour so that a true verdict is reached.
- 46 Any judge has seen a lot. Each is recruited for their 'judgement', the very word being attached to their standing, being that ability with training, experience, sensitivity, and hopefully acute

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<sup>8</sup> See eg: <https://bocsar.nsw.gov.au/documents/publications/cjb/cjb251-300/CJB264-Report-Effect-of-judge-alone-trials.pdf>



- mental faculty, to seek out the truth, getting it more right than not, though making allowances for mistakes, reviewable on appeal, always alive to being in error, which does happen, but trying hard to guard against it, constantly self-reflecting, and resolutely applying the legal test as the burden and standard of proof, having spent a lifetime in courts as an advocate and later on the Bench, dealing daily with people, having taken an oath to decide cases without fear or favour, always in the interests of justice, not in self-interest.
- 47 Further in a judge-alone trial, written reasons must be given, convicting or acquitting, unlike in a jury trial, so a decision can be thoroughly examined by counsel and appeal judges to see if mistaken, where its flaws can be distilled as to assessment of the facts or application of law.
- 48 In all these circumstances, where a judge is experienced and a decision written, it is not unreasonable to suppose a defendant will receive a fair trial before an intelligent, honest judge.
- 49 I would like to thank counsel both prosecuting and defending, mentioning the DPP and Crown Counsel Vasquez, also Defence Counsel Prudoe in particular for his legal research, who hails from TCI which is the origin of the *Misick* case, and for their intelligent submissions on what is locally a novel point of law and procedure.

**The Hon. Mr. Justice Iain Morley KC**

**High Court Judge**

**3 February 2025**

**ANNEX 4**

**IN THE EASTERN CARIBBEAN SUPREME COURT**

**IN THE HIGH COURT OF JUSTICE**

**IN THE FEDERATION OF ST CHRISTOPHER & NEVIS**

**IN ST CHRISTOPHER CIRCUIT**

**CASE SKNHCR 2023/0067 & 0071**

**REX**

**V**

**TREVERN EDWARDS**

**APPEARANCES**

The DPP Mr Adlai Smith for the Crown.

Mr Tim Prudhoe & Mr Craig Tuckett for the defendant.

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**2024: MAY 24**

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**RULING**

**On joinder of two murders**

- 1 **Morley J:** The Crown has made application for joinder concerning Trevern Edwards aka 'Scar', aged 33 (dob 10.11.91) facing two indictments:
  - a. SKBHCR2023/0067 for the murder of Jesse 'BJ' Lee aged 29 (dob 14.06.92) on 18.11.21; and
  - b. SKBHCR2023/0071 for the murder of Arthur Ezekiel Henry aged 67 (dob 09.03.55) on 24.03.22.

- 2 Edwards is said a 'gangster', with access to at least two guns, and Lee had been an associate, while Henry had been the victim-witness in a prosecution of Edwards for armed robbery of him on 11.03.22: both were 'executed' with shots to the head.
- 3 If convicted by jury of both murders, the Crown will likely seek the death penalty, still available on St Kitts & Nevis under **s2 and s3 of the Offences Against the Person Act** cap 4.21, first passed in 1873.
- 4 Edwards has previous convictions for burglary, larceny, malicious damage, and being armed with an offensive weapon, for which he has been fined and received minor jail sentences.
- 5 Coming up as paper committals from the Magistrates, in the High Court the Henry murder first appeared in the list on 30.11.23 and the Lee murder on 19.01.24. Prosecution and defence written submissions on joinder were filed on 01.05.24, with argument on 02.05.24, and adjournment to today 24.05.24 for the ruling to be in writing.
- 6 There are three civilian witnesses common to both cases:
  - a. Janayah Ryner, now 19 (dob 30.10.04) who made a statement common to both dated 05.04.22;
  - b. Skadeaj Dickenson now 25 (dob 26.03.99), who made a statement concerning Lee on 01.04.22 and concerning Henry on 05.04.22; and
  - c. Alandre Williams now 21 (dob 30.09.02), who made a statement on 02.04.22 mostly concerning Lee, but also reporting being with Edwards during the robbery of Henry on 11.03.22.
- 7 Concerning the murder of Lee, the prosecution statements distill the essential evidence as follows:
  - a. Tilano Archibald was Lee's girlfriend and mother of his two children. On 18.11.21 at 21.00, she saw Lee with a gun, dressed in black with black sneakers and a jansport pack, get into a rental car with Edwards together to steal marijuana. She never saw him again. Calling

Edwards next day, he told her three gunmen had shot at them both and they had separated. Local searches by family, purportedly assisted by Edwards, did not find Lee.

- b. Janayah Rhyner was Edwards' girlfriend. In October 2021, he told her of a plot to kill him, but he would strike first, and in later days showed her a photo on his phone of a body not named by him face-down, wearing as described of Lee, implicitly him. He added days later during searches for Lee he had lied to police others had shot at them.
- c. Chelsea Selkridge was also Edwards' girlfriend. She spent time with him on her birthday 18.11.21, when he confessed he had just killed someone, who was 'BJ', he was serious, she was not to repeat this or he would send folk to kill her, showing the photo of the body face-down on his phone (as shown to Rhyner), adding the person killed had been planning to kill him and had a gun. He added later he and Skadeaj Dickenson had moved the body.
- d. Officer Charmaine Audain reported Edwards telling her on 19.11.21 he had been with Lee on 18.11.21 but dropped him at Cedar Grove, showing a path they had taken, and in formal interview later said he and Lee had been shot at by gunmen, (as above, said a lie to Rhyner).
- e. On the night of the killing, 18.11.21, Alandre Williams aka JJ was taken by Edwards with Skadeaj Dickenson to the body of BJ, dressed as described, to help move it, seen to have been shot twice in the head. Later Edwards said to him he had lied to police another had shot at him and BJ. At a further later time, Edwards then asked for help to move the body again, which in decomposition he had placed in a 'crocus' bag.
- f. On the night of the killing, 18.11.21, Skadeaj Dickenson aka DJ, per his statement of 01.04.22, was taken by Edwards with Williams to help move the body of BJ; then on 01.04.22, he pointed out to police where Lee's body was buried at Baysford mountain, bones being recovered, identified by dna.
- g. On 10.12.21, Edward's phone was seized, and on later analysis inter alia there is a photo timed at 00.59 on 19.11.21 of a body lying face-down dressed as Archibald described Lee, implicitly Lee, and shown to others as described.
- h. On 10.05.22, Edwards being already in custody on other matters (concerning Henry), he was formally interviewed and charged concerning the murder of Lee.

- 8 Concerning the murder of Henry, the prosecution statements distill the essential evidence as follows:

- a. Mabel Morton last saw Henry in church on 23.03.22 and did not answer on 24.03.22 when she called on him.
- b. Henry had reported Edwards on 12.03.22, who he has known since a child, making police statements on 14 and 15.03.22, that on 06.03.22 Edwards had asked for a 'crocus' bag (which may link to hiding Lee, as above), and on 11.03.22 Edwards and Williams had threatened him with respectively an uzi and pistol, tying him up, warning he would be shot in the head, and ransacking his home for money.
- c. Officer Nalie Joseph conducted a search for Edwards and guns on 12.03.22, finding neither.
- d. Officer Shaun Straker arrested Williams on 15.03.22, charging him with assault on Henry with intent to rob on 16.03.22, but could not find Edwards, who surrendered to police on 31.03.22, then on 02.04.22 being similarly charged as Williams.
- e. Janayah Rhyner received messages in March 2022 from Edwards on facebook he was wanted for robbing Henry, and would 'deal' with him for talking to police, later confirming he had 'dealt' with him, Henry had punched him, saying further he and Dickenson had hid his body, and when Rhyner next saw Edwards on 26.03.22, who she knew had two guns, he had a swollen face.
- f. Skadeaj Dickenson, per his statement of 05.04.22, described being present when Edwards murdered Henry, together visiting Henry's home at 08.00 on implicitly 24.03.22. Edwards fought with Henry for talking to police, who bloodied his nose, angry he pulled out his gun, ordering him to the floor, tying his hands behind, then ordering him to walk through an abandoned estate to the forest by a big tree, where he shot him point blank in the face; Dickenson then refused to help with the body, later showing police on 05.04.22 where the shooting had occurred, leading to recovery of the body.
- g. Dr Caronette Frank on 05.04.22 reported the decomposing body of Henry was recovered from a shallow grave at Fountain estate, later identified by dna.
- h. David Joseph spoke with Edwards on 23.03.22 who wanted to see Henry to 'deal' with him, and around 14.00 on 24.03.22, Edwards said he had fought with Henry, known as 'karate-man', his nose had been damaged, he had shot Henry once in the head, watching smoke rise from the wound, killing him so he would not be a witness against him, and had moved his body to Black mountain.

- i. Tia Thompson is another girlfriend of Edwards who on about 25.03.22 saw he had a damaged nose and he explained he had 'dealt' with a man.
  - j. Edwards surrendered to custody on 31.03.22 over the robbery of Henry, but as the investigation evolved, after Henry's body was found on 05.04.22 he was charged with his murder on 13.04.22.
- 9 Focusing, on the Crown's case:
- a. Lee was executed by Edwards with two shots to the back of the head on 18.11.21 because believed plotting to kill him, but not being found until 01.04.22 was merely missing.
  - b. Edwards, with Williams, was later wanted for the armed robbery of Henry on 11.03.22, reported by Henry on 12.03.22.
  - c. Williams was arrested on 15.03.22, but Edwards could not be found.
  - d. Edwards executed Henry with a single shot to the front of his head on 24.03.22 for talking to police.
  - e. Edwards confessed
    - i. to killing Lee to girlfriends Chelsea Selkridge and Janayah Ryner, and
    - ii. to killing Henry to David Joseph, and to girlfriends Tia Thompson and Janayah Rhyner.
  - f. Edwards was seen by Skandearj Dickenson to execute Henry on 24.03.22, who had also helped on 18.11.21 move the body of Lee with Williams.
  - g. The bodies, being concealed at Baysford mountain and the Fountain estate, were proximate.
  - h. Edwards surrendered to police on 31.03.22 as wanted for the robbery of Henry, but then on 01.04.22 Dickenson pointed out the body of Lee, and on 05.04.22 pointed out the body of Henry, leading to Edwards being charged with the Henry murder on 13.04.22 and the Lee murder on 10.05.22, the detailed investigation into the two murders taking place after Edwards' arrest on 31.03.22 for robbing Henry, who may have thought on surrendering he ought soon to be released as Henry could not be found, while Lee had not been, but under intense police work his associates Dickenson and Williams told on him, and three girlfriends plus Joseph to whom he had confessed.

- i. The heart of the Crown case is Edwards, playing murderous gangster with an uzi and pistol, had built around him what he thought was a body of loyal criminals and supporters, but who turned.
- 10 In argument, Counsel Smith distils his argument for joinder at para 45:
- ...in the cases of Jesse Lee and Arthur Henry, the striking parallels in how the crimes were executed—ranging from the choice of firearms to the involvement of Skadeaj Dickenson in the disposal of each body, the burial of the bodies in relatively geographically proximate locations and the method of execution by shooting in the head—significantly diminish the objective improbability of these events occurring independently of one another. The evidence thus interlinks not merely by chance but forms a cohesive and coherent narrative that robustly supports the allegations of Edwards' consistent criminal modus operandi.
- 11 By strong reply, Counsel Prudhoe argues, taking each one point one at a time, none individually raise features of such similarity as to justify the prejudice created by trying two separate murders in one trial, noting the use of a gun, or proximate locations, or both victims being missing, or the involvement of Dickenson in both, each of themselves do not justify joinder, and therefore should not be tried together.
- 12 Of note, during discussion on 02.05.24, Counsel Prudhoe appeared to concede joinder was here permissible under the indictment rules, but argued the counts should then be severed in the court's discretion to preserve a fair trial.
- 13 Reviewing the purported facts, the following features between the murders of Lee and Henry are more than merely similar, but are of incrementally striking similarity:
- a. Each offence is of murder.
  - b. Each killing is with a gun.
  - c. Each shooting intends to kill.
  - d. Each shooting is to the head.
  - e. Each shooting is a cold-blooded 'execution' with no resistance being offered by the victim.
  - f. Each killing, being only five months apart, is in isolated forest area, proximate to each other.
  - g. Each body is concealed.

- h. Each body is then sought moved by others at the direction of Edwards, Dickenson being common to both.
  - i. Though a lesser feature, each murder is confessed by Edwards to two girlfriends, arguably to impress and intimidate, Rhyner being common to both.
- 14 Moreover, under the doctrine of similar fact evidence, the one murder is arguably permissible to prove the other, where the similarities strongly suggest the same person committed both, while the evidence comes from some of the same witnesses, linking the murders, making it more likely if guilty of one he is guilty of the other, so that they should be tried together.
- 15 The power on St Kitts & Nevis to join counts is found in the **Indictments Act** cap 4.14 at **sections 5, 6, and rule 4**:

**Joinder of charges in the same indictment.**

Section 5. Subject to the provisions of the Rules made under this Act, charges for more than one felony or for more than one misdemeanour, and charges for both felonies and misdemeanours, may be joined in the same indictment, but where a felony is tried together with any misdemeanour, the jury shall be sworn and the person accused shall have the same right of challenging jurors as if all the offences charged in the indictment were felonies.

**Orders for ...separate trial....**

Section 6. (3) Where, before trial, or at any stage of a trial, the Court is of opinion that a person accused may be prejudiced or embarrassed in his or her defence by reason of being charged with more than one offence in the same indictment, or that for any other reason it is desirable to direct that the person should be tried separately for any one or more offences charged in an indictment, the Court may order a separate trial of any count or counts of such indictment.

**Joining charges in one indictment.**

Rule 4. Charges for any offences, whether felonies or misdemeanours may be joined in the same indictment if those charges are founded on the same facts, or form, or are a part of a series of offences of the same or a similar character.

- 16 This legislation is practically identical to what has been the UK **Indictment Act 1915** on which there is much learning, where UK **s5** and **r3** are the same as here **s6** and **r4**.



- 17 As to **r4**, on reading its plain words, it is unarguable the two murders *'are a part of a series of offences of...a similar character'*. Here, there can be no hesitation in finding joinder legally permissible, noting a *'series'* can be two offences, per **R v Kray 1970** 1QB 125, and between the offences there is a *'nexus'*, as required by **Ludlow v MPC 1971** AC29, being a feature of such similarity [as above in para 13] which in all the circumstances of the case enable the offences to be described as a series, and are so connected that the evidence of one would be likely admissible to prove the commission of the other in accordance with the rules on similar fact evidence, though noting for joinder this is not essential, per **Blackstones 2023 para D11.70**.
- 18 The real question is, should there be discretionary severance under **s6**, because Edwards *'may be prejudiced or embarrassed in his defence...or that for any other reason it is desirable [he] should be tried separately'*?
- 19 The question of prejudice asks whether the prejudicial effect of the jury hearing two murder accusations would outweigh the probative value of the evidence to be offered Edwards was indeed involved in both; the answer is no, as the probative value of the evidence on each is strong and appears mutually supportive, as strikingly similar, and arising from within a close knit community, where three witnesses are common to both offences, making the probative value outweigh the prejudicial effect. While all probative evidence is prejudicial, it must be remembered a balancing act is required, to assess which outweighs which, and here on the face of the prosecution materials, the probative value weighs most.
- 20 The question of embarrassment asks whether to defend one murder Edwards must weaken his defence of the other. This can arise for example where a defendant on allegations of rape might argue consent on one and on the other it did not happen, possibly weakening the latter if admitting to sexual activity on the former; or where a defendant on burglaries might argue on one allegation he did not do it, and on another broke in to take items he already owned, weakening the former if admitting to break-in in the latter; or where a defendant on allegations of drug importation might say of one quantity of drugs he did not know they were in his bag, and on another he was acting under duress, weakening the former if admitting importing in the latter.

- a. Moreover, while such examples may show embarrassment, it does not follow severance must then occur;
- b. Further, in any event nothing of this nature emerges so far in the case as there is no obligation on St Kitts & Nevis for the defendant to sign a defence statement, as occurs in the UK which might set out if embarrassment arises;
- c. This may mean if there is clarity offered as to Edwards' defence in relation to each murder, so that the defences can be shown mutually exclusive, then the question of severance might be revisited, but as of now failing any positive defence case other than 'it wasn't me', the counts can be properly tried together.

21 As to whether there is any other reason it is '*desirable the counts are tried separately*':

- a. It is no answer to argue he has a better chance of acquittal if each murder is separately tried, though this may be desirable to Edwards: a trial is about presenting evidence permissibly, it is not a sport to make the contest more evenly balanced;
- b. Moreover, it might be argued there will be scandal raised in so small a community as St Kitts he faces two allegations, but direction from the judge will make clear each count is to be weighed separately, being a familiar feature of jury trials, and any scandal may equally apply in the opposite, namely once tried on one allegation it may be difficult to try him later on another owing to notoriety, meaning scandal arises either way, cancelling each other out.

22 Finally, if the counts can be joined permissibly, there is a presumption they should be jointly tried, not severed, where per **Blackstones 2023 para D11.88** it is stated, '*the authorities indicate that the decision whether to grant severance is one within the discretion of the trial judge and that the decision should be in favour of joint trial unless the risk of prejudice is unusually great*', which as above this court finds not so.

23 For the above reasons, I find the two counts of murder can be permissibly joined under the **Indictment Act** and in my discretion I will not sever the counts for separate trials: there will be one trial of both counts together.

**The Hon. Mr. Justice Iain Morley KC**

**High Court Judge**

**24 May 2024**