

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

DIRECTOR OF PUBLIC PROSECUTIONS

V

TREVERN EDWARDS

**APPEARANCES**

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

Mr Tim Prudhoe, Mr Craig Tuckett and Ms Iasha Usher for the defendant, with others assisting overseas.

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**2026: JANUARY 20**

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**SENTENCE**

**For two separate gangland executions**

- 1 **Morley J** (on Nevis): On 29.04.25, Trevern Edwards aka Scar aged 34 (dob 10.11.91) was convicted by judge-alone following trial during 20.02-14.04.25, of two separate murders<sup>1</sup>, being gangland executions by deliberate shots to the head, of Jesse Lee, aka BJ, aged 29 (dob 14.06.92) on 18.11.21, and Arthur Ezekiel Henry, aka Karateman, aged 67 (dob 09.03.55) on 24.03.22.

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<sup>1</sup> See for the written verdict and earlier rulings: <https://eccourts.org/judgment/rex-v-trevern-edwards>

- 2 Following conviction, the Crown sought the death penalty, having during pre-trial proceedings long warned it would, formally filed on 28.07.25, which led to fixing a 4-day hearing from 10.11.25 to consider its legality under the **St Kitts & Nevis Constitution**, with attorneys from the Chambers of the Attorney General, and various interested parties from London and elsewhere as amici, being granted audience to argue, the matter attracting Commonwealth attention far beyond the island shores. However, on 25.09.25, withdrawing the application, DPP Smith wrote on email to the parties as below:

Dear Mme Registrar, and Counsel on the Record,

I write on behalf of the Crown in the captioned matter. After careful review of the public interest and in the exercise of my independent prosecutorial discretion, the Crown hereby withdraws its application and any notice previously filed to seek the death penalty in this case. The prosecution will invite the Court at the appropriate stage to impose a sentence that is lawful and proportionate to the gravity of the offence.

This decision follows recent and continuing engagements with our international and bilateral partners that are materially supporting justice-sector reform in Saint Kitts and Nevis. Over the past year the Federation has received significant technical and financial assistance from the United Nations Development Programme through the PACE Justice Project and the Justice Action Coalition Restorative Justice Programme, the United Nations Office on Drugs and Crime in support of rule of law reforms, the Office of the High Commissioner for Human Rights through training of justice officials on human rights, the UN Women Caribbean Multi-Country Office for gender-responsive legislative reform, and the British High Commission through legislative assistance. Each of these partners is formally committed to the global movement against capital punishment. We have been informed and do verily believe that continued pursuit of the death penalty risks undermining goodwill, jeopardising funding, and constraining the technical cooperation that our justice system presently benefits from and expects to continue receiving.

I have consulted the Honourable Attorney-General on the potential diplomatic and cooperation risks that would arise were the Crown to persist in seeking the death penalty in this matter. Having considered his view that it would be imprudent for the State to assume those risks at this time, and balancing that view against the needs of ongoing reforms, I have determined that it is not in the wider public interest to maintain the capital designation.

I would hasten to add that the withdrawal does not minimise the seriousness of the alleged conduct, nor does it affect the Crown's intention to present all relevant aggravating and mitigating factors at sentence within the applicable statutory and common law framework as well as the Sentencing Guidelines.

Accordingly, the Crown respectfully requests that the record reflect the withdrawal of the application to seek the death penalty, that any post-verdict case-management directions premised on a capital designation be vacated as necessary, and that the matter proceed to sentence as a non-capital case.

- 3 As such, the status of the legality of the death penalty here remains unresolved, where the Crown opines it remains available, but will not presently argue for it. On the one hand, there has been enactment of the **St Kitts & Nevis Constitution** on 19.09.1983 recognizing various rights, which allows a court to strike down legislation incompatible with these, while on the other there is the death penalty legislated as mandatory for murder enacted as long ago as 10.04.1873, 110 years before the Constitution, under **s2 Offences against the Person Act** cap 4.21, where it is said, '*A person convicted of murder shall suffer death as a felon*', widely so expressed through other Caribbean islands, though then subject of much intervening case law, particularly since 1980s in the Privy Council, Caribbean Court of Justice, and regional Courts of Appeal.
- 4 *Obiter*, this case has presented a ripe opportunity to examine legality under the indictment prior to the final sentence hearing, there having been five earlier court orders<sup>2</sup> to set it up for 10.11.25, with arguments against being filed by the defence and various amici<sup>3</sup>, though none filed for by the Prosecution, and it is regrettable the issue remains moot, having been so thoroughly poised for ruling, anticipating the argument may yet be filed separately by Counsel Prudhoe before a constitutional court in the jurisdiction.
- 5 It follows the sentence options are limited to imprisonment, where under the ECSC sentencing guidelines for murder, and **Practice Direction 3 of 2021** (PD3/21), both republished on 06.01.25, the issue is whether Edwards will receive a whole life term or a determinate term.
- 6 The legality hearing for 10.11.25 being abandoned, there was full consideration of the sentence on 16.12.25, with adjournment for remarks to be in writing, to today, 20.01.26.

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<sup>2</sup> Following conviction on 29.04.25, there were court orders in preparation for the legality hearing, scheduled for 10.11.25, on 20.05.25, 10.06.25, 04.07.25, 04.08.25 and 05.08.25.

<sup>3</sup> Written argument against the legality of the death penalty was filed, dated as follows: on 16.09.25, by Professor Carolyn Hoyle of Oxford University; on 23.09.25 by Mandi Mudarikwa, head of strategic litigation at Amnesty International; and on 24.09.25 by the Commonwealth Lawyers Association and International Bar Association Human Rights Institute, led by Phillip Rule KC and Baroness Helena Kennedy KC.

7 The facts are, as set out in paras 23 and 19 of the verdict:

23 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, Jesse Lee, Skadeaj Dickenson, Alandre Williams, and David 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.

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a. 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.

b. 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 Janayah 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.

8 In sum, the murder of Lee was calculated with subterfuge, luring him to a place to execute him, thinking Lee would otherwise kill him; and the murder of Henry, an elderly man, was in punishment for making a police statement.

9 Concerning victim impact:

- a. There was a 4-page statement dated 13.09.25 from Leshana Lee, Jesse's sister, who had given evidence at trial, and who spoke of her profound sense of loss personally, and for their mother, and her son, for whom Jesse had been a favorite uncle, that while Jesse 'was no angel, he was somebody', railing against the subterfuge of being misled in the search for Jesse during November 2021 by Edwards, and his gang cohort Skadeaj Dickenson, who had been a prosecution witness, commenting finally:

I does try to forgive everybody, I don't hold malice because I don't like my peace of mind bothered. And it's safe to say, hate is a strong word but I literally, hate, HATE, Scar. That's how I feel about him. I hate him. Maybe in the future, I might be able to forgive him, but as of right now I don't see it happening. And that's how I feel.

- b. There was a 3-page statement dated 01.09.25 from Floyd Lee, in which he described the awful feeling when he could not find his son Jesse, despite the community gathering to look for him after he had gone missing on 18.11.21, and when remains were found on 01.04.22, there then being difficulty recovering these from the authorities so he could be buried, not completed until after the verdict as the bones were kept as possible trial exhibits, both of

which experiences along with knowledge Jesse was shot in the head have deeply traumatized him. He is adamant Edwards should be put to death, pointing out the horror of his deliberate acts, the damage to his family, to the family also of Arthur Henry, and the cost to the taxpayer to keep Edwards long in custody, where he would be a taxpayer too, having to support the wellbeing of his son's murderer, commenting:

...that person needs capital punishment by death. This serial killer guy the reason why I said that when it comes to them level of crime to someone or someone family, should be punished by capital punishment which is death, is because to send a clear message to the public that it will not be tolerated. I'm in a situation, serial killer kill my son. I got to go feed his children, I have to go back into work, I was supposed to go into retirement in the next year. If he gets imprisonment, I got to pay tax to maintain that serial killer in prison and it is unfair. It is unfair to everyone inside the society. It is time enough, the only way we could control crime in such way is to impose the capital punishment on certain class of crime, like where a man want to be a serial killer, should be punished by capital punishment to send a clear message to the public that it will not be tolerated.

- c. There was a 2-page statement by Albert Henry dated 29.08.25, brother of Arthur, a law-abiding and much-liked man within the community, murdered for reporting Edwards to police, and it is appropriate here to set it all out:

My brother and I were very close. At least we were the last 2 of the brothers and sisters. So from going Sunday school from 5 years, we've been together until that day before he died. We also were in business together, so it really most impacted me up to this point. I'm still struggling with what happened. You know I still cry, sometimes, things flash, meaning like sometimes I could just be sitting down and memories of him flash back. Especially with my work, I mean I'm a self-employed carpenter and it impacted my business for at least two years, you know dealing with the loss of my brother. He was my little brother and I treated him like my little brother. Any short comings I'd look after him, make sure he was alright. I was the last person to see him. We spent a lot of time together. If I'm working I'd make sure I'm home by at least 3pm so when he comes we could sit and watch tv, laugh and eat, you know. It was a great loss to me and my family. Up to now we're still impacted by it. We'd have discussions about him because he was the kind of guy that was very instrumental in anything. He was an educated fellow so you know he was always up and about. Seeing where we could fit in. It was a big loss to our family. Real big loss. Never was my brother to get into anything with anyone. Unless he was helping someone. He was a community spirited guy, that if he just hear you talk about something, he'd try to help the person. Even going as far to invest his own money. He wasn't a trouble maker. Never been in trouble his whole life. He was a very humble person and he was a real good brother and family. People in the community looked up to him, you know, he was in martial arts for over 50 years. He even trained police recruits. He had his own class of teaching the youths martial arts, since 1974. He was a guy who was community minded. The Thursday morning I think the 21<sup>st</sup> [sic] March 2022, I got a call from my niece asking when last I had seen my brother, I told

her when and when she told me that they can't find him, I don't even know how to put it into words, just a sadness came over me. Reason being I knew what had happened to my brother like ten days before because he told me what some guys were trying to do to him. He told me that they came on the farm with guns and tied him up asking him for money, they went and search his house. Then they came back to untie him. So going by what he told me about what happened ten days before, and to get that call from my niece just made me feel as though something was really wrong. I was on the searches for my brother and I was just really hoping that we would find something that could help locate my brother. I wasn't there when my brother was found, but I got a call from my nephew. I felt good at least that you know we found him, but I still felt sorrow knowing that my brother was no longer alive. Up to this day. My brother did not deserve that. My brother used to feed Scar, and others in the St. Peters area. So to see that my brother used to help him, for him to turn around and do something like that to my brother, I just can't understand it. I still cry many days when I get my flashbacks. It impacted me very very much. For at least a year I had trouble sleeping. I lost a whole lot of thousands of dollars, I'm still trying to get back to where I used to be, but with the weight of all of this, and it's just really hard to do so. If my brother had died of natural causes I mean, it's something I'd have to accept but not with how it happened like this. If my brother was still alive he'd have been 70 years old. My brother was killed leaving two children behind, they would have been in their 30s but still, they lost a parent to something gruesome. My brother was a good man and he did not deserve that. He had a good heart, and a good mind to any human that he connected with.

Material within [...] added for clarity

- 10 Edwards has 5 minor previous convictions for burglary, larceny, malicious damage, and being armed with an offensive weapon, between 2007 and 2018, when aged 15-27, for which he has been fined and received minor jail sentences, and which, though arguably relevant as to violence and dishonesty, in my view will not increase his sentence in this case, as they are offences in a different league, though they do mean he does not have the mitigation of good character.
- 11 There is a social inquiry report dated 03.07.25 by probation officer Terence Dasent James, where Edwards is described well by his mother and sister, and a close female friend, though no others, not found as he could only remember first names, his being said to be reliable and kind, having grown up mostly with his mother, not attended high school, being supportive of his daughter aged 5, but did not make admissions concerning the offences to weigh as to meaningful remorse.
  - a. There was also mention of Edwards having been shot in 2017, when aged 16, with significant surgery following, including there being a bullet left lodged in his spine, and it has been reported to the court with regularity he has a weakened left kidney, with nephrectomy in 2023, which requires regular hospital attendance.

- b. Of interest, in the final assessment, the following was said:

Trevern Edwards is an individual who, despite facing personal struggles and a recent legal setback, has shown himself to be a person of strong moral character, immense generosity, and a deep sense of responsibility, particularly when it comes to his family and daughter. The testimonials provided by his mother, sister and members of the community highlight a young man who has consistently demonstrated compassion, helpfulness, and a willingness to support those around him...it is evident that Trevern is not defined by this one moment in his life, but rather the pattern of integrity, kindness, and service that he has exhibited throughout his life.

- c. This assessment is completely at odds with the impression formed by the evidence in court, which is that Edwards is a cold-blooded double-murderer, being an assessment by the probation officer based mistakenly on only one murder, then mischaracterized as merely a 'legal setback'. While this court greatly appreciates the hard work of probation officers, and the difficulty writing a social enquiry report presents, I do here *obiter* encourage more realistic assessment of defendants, making sure the full criminality is understood, as the conclusion of this report is embarrassing to the reality of what Edwards is.

- 12 Further, Edwards has been formally assessed to be a psychopath, following psychiatric evaluation by Dr Izben Williams in a thoughtful 20-page report dated 28.09.25, ordered by the court on 29.04.25 when the Crown had sought the death penalty, asking:

- a) What are the prospects of Edwards being rehabilitated,
- b) Whether Edwards would represent a danger to the public,
- c) Whether Edwards has any identifiable psychiatric or psychological issues [that may have influenced the committal of the crimes of which he has been convicted].

In sum, Dr Williams concluded Edwards is a 'violent homicidal psychopath', who presents a danger to the public, with no clear route to rehabilitation if contemplated. Below are significant extracts:

In response to issue 'c' above, the query as to whether Edwards has any identifiable psychiatric or psychological issues [that may have influenced the committal of the crimes of which he has been convicted], it is my opinion that he does. Having examined the data at my disposal and considered other reasonable clinical explanations for the behaviors revealed through exhaustive enquiry and psychological testing, I can state with reasonable clinical certainty that Edwards is afflicted with PSYCHOPATHY.



Psychopaths are people who have severe antisocial impulses. They act on these impulses without regard for the inevitable and devastating consequences these actions may bring to themselves and others. Many psychopaths are not criminals, but they are the predators among us, chronic parasites and exploiters of the people around them. Psychopaths use psychological cues and push buttons to manipulate the vulnerable for their own purposes. They are unable to put themselves in other people's shoes any more than a snake can feel empathy for its prey.

Psychopathic personality disorder is a personality construct characterized by impairment of empathy and remorse, persistent antisocial behavior, along with bold, disinhibited and egocentric traits and a propensity for violence. These traits are often masked by superficial charm and a muted response to stress. The psychopath therefore presents usually with an outward appearance of normalcy.

Having regard for the crimes of which Edwards was convicted he may be characterized as a Violent (Homicidal) Psychopath....

Eight psychiatric assessment interviews with Edwards were conducted on the following dates during 2025: June 23, 25, and 30; July 2, 7, 9, 11, and 14. These interviews were Zoom-facilitated and were done under conditions of strict confidentiality...

Throughout his multiple interview sessions Edwards maintained a charming, warm and affable demeanour and seemed to be fulfilling his commitment to be fully cooperative, after my role on behalf of the Court was explained. He was alert and also seemed to be responsive to questions to the extent that he could....

His superficial, disarming charm and apparent warmth, however proved to belie deep and troubling characterological anomalies.

Of particular interest with respect to Edward's mental status over time, was revealed and observed significant emotional deficits such as shallow affect and impulsivity alongside manipulative and callous antisocial behaviours, characteristics often associated with Anti-Social Behaviour Disorder (ASPD).

Targeted history, psychological testing, and clinical exploration proved this suspicion to be valid.

Edwards exhibits an absence of emotional motivation for engaging in ethical behaviour.

There is no admission of guilt to either murders, and hence no expressed remorse or contrition, but rather he repeatedly alluded to aspects of the evidence that, if explored further, would absolve him or at least diminish his culpability. With regard to his feelings about the crimes of which he has been convicted, I've been able to elicit only circumlocutory and generally vague, illusive responses.

He harbours a strong preoccupation with the unfairness in his trial process. He would have preferred a trial by jury, he said, particularly after he came to hold the view, from which he could not be derailed, that the presiding judge was not 'in his corner'....

Aspects of Edwards' mental state and exhibited traits, which substantiate his diagnosis of psychopathy include the following:

- a) Superficial charm and charisma – Edwards fakes pro-social behaviours. Over time, his charm and charisma wore thin, unmasking an underlying coldness.
- b) Unnecessary cruelty and mean streak: Cruelty and meanness are hallmark signs of a psychopath and typically lead to a pattern of violating the rights of others. This trait of Edwards has been alluded to by many of the deponents.
- c) He displays a diminished sense of accountability and is a master at playing the blame game: He takes no responsibility for any of the heinous acts of which he has been convicted.
- d) Edwards displays pathological deception and is a skillful manipulator and prevaricator. This was noted across a range of self-promotion and self-preservation contexts.
- e) Edwards displays a need for power, control and dominance: He enjoys domination and control over others even during his current incarceration. This has constituted a management problem for him as an inmate.
- f) He derives sadistic enjoyment from pain and suffering he inflicts on others.
- g) He is easily bored and pursues thrill-seeking behaviours. Because psychopaths lack some of the normal emotional wirings that most individuals have, it takes a lot more to excite them, make them happy, or thrill them.
- h) He shows wanton disregard for Rules, Norms, and Laws: He does not follow the same code of ethics as most people in society, which is why he often behaves in immoral or illegal ways.
- i) He displays no concern about, and seems unfazed by, consequences: This may be partially explained by the fact that psychopaths are believed to have abnormalities in areas of the brain that are responsible for normal fear responses, and also those related to impulse-control and good long-term decision-making.
- j) He has displayed an unusually precocious propensity for criminal behaviour: ASPD usually develops by mid-adolescence. Edwards' signs and symptoms of ASPD were evident by age ten - earlier than usual. Some severe psychopaths may manifest signs and symptoms of ASPD before age 15. The most severe psychopaths may be able to trace their behavioural issues to before age 10.
- k) He has mastered exploiting the allegiance of others for personal gain: Psychopaths are master manipulators who readily use, abuse, and exploit others to achieve their goals, whether it's power, wealth, or recognition. Edwards' lack of empathy and remorse allows him to disregard the harm he causes. Psychopaths are unhesitant to betray or undermine even those who have supported them, seeing people as mere tools (or instruments) to advance their agenda.
- l) There is a lacuna in the space where Edwards' conscience should reside: Even when he harms others, he gloats about the damage he has done, shows no feeling of genuine remorse for his actions, and seems unfazed by any likely consequences of his actions, when trouble ensues. Psychopaths are also less likely to learn from their mistakes.

- m) He harbours violent tendencies and is prone to aggression and abuse: This tendency has been attested to by several of his 'partners'. This trait is one of the most dangerous signs of psychopathy. Edwards is alleged to even physically chastise his 'partners' when they make any perceived missteps, or to persuade them to accept his point of view during an argument. Psychopathy is one of the strongest predictors of violent behaviour – all forms of violence. Regrettably, many violent psychopaths will re-offend even after receiving treatment, rehabilitation, serving prison time, or having other legal consequences.
- n) Edwards has been characterised by his 'partners' as being 'Hostile' and 'Oppositional by Nature', although understandably none of this disposition was prominently evident during my interviews with him.

These are but some of the constellation of core psychopathic traits and enduring patterns of behaviour that can be ascribed to Edwards, and that support the diagnosis of psychopathy.

The combination of these representative traits, among others, creates a "socially devastating" disorder, often leading to significant negative impacts on individuals' lives, relationships, or worse, as is exemplified by this case.

In further responding to Edwards being mentally disordered therefore, it can be stated with a reasonable degree of medical certainty that Edwards does indeed present with a conglomeration of pervasive personality traits which, in my clinical judgement satisfies the diagnostic designation Homicidal Psychopathy...

...one should be careful not to pronounce on future dangerousness with any degree of medical certainty. And so, as to whether Edwards would represent a danger to the public (society), I can only state with a reasonable degree of medical probability (and not medical certainty) that having regard for, among other things:

- a. the generally poor response of this pervasive neuropsychiatric condition to conventional attempts at treatment – biological, psychological and social treatments;
- b. the highly socially disruptive nature of the disorder, and the guilefully predatory nature of those who suffer from it;
- c. Edwards' poverty of insight into the nature and implications of the disorder, and its associated, inherent impulsivity; and
- d. the inadequate social support structures available to meaningfully intervene with remedy (prevention and early response) to this problem.

Edwards could represent a greater risk to society than others in that society who are not similarly afflicted...

Whatever the sentence that may be imposed, a cautionary note may be in order. Psychopaths are masters of deception and may use distortions of truth, gaslighting, and other crafty tactics to emotionally manipulate others and falsely represent facts. Edwards exemplifies this trait. Unfortunately, psychopaths in treatment may use these deceptive

tactics to lure or mislead counsellors, treatment providers, and *mercy committee* panelists into thinking they have improved.

13 The concern expressed to Dr Williams the trial was unfair and the instant judge was 'not in his corner' will in no way affect the sentence. However, defence counsel are reminded that, where in a judge-alone trial a defendant asserts judicial bias, there is a written judgement it is counsels' duty to review with him to show the reasoning offered. The case against Edwards was overwhelming, given his close friends turned on him, in combination with the picture of the freshly executed Lee on his phone. While there may be proper appeal points, defence counsel as officers of the court must not ever encourage or ignore or endorse arguably wrong-headed personal animosity toward the judge, perhaps to deflect from defence errors in the trial, or as a convenient palliative to smooth the conviction, as to do so may be dangerous to officers under judicial oath trying to do their duty in the novel process of judge-alone trials, and who it is easy to identify and vilify, unlike a more anonymous jury. That said, it is not suggested defence counsel here have so acted, but the point needs emphasizing to all at the Bar.

14 A second psychiatric 30-page report, equally thoughtful, was put forward by the defence dated 07.12.25, to be supported by public funds as the death penalty was being sought, by Dr Richard Latham, renowned in the UK, who visited St Kitts to assess Edwards. He concluded Edwards was not a psychopath and carried remorse for not being able to assist his family more, though would make no admissions to offending. Among many interesting features, Dr Lathan noted:

40. [Edwards] did not really have any emotional response towards the death penalty...He said he never lost hope and was never suicidal in prison.

52. Mr Edwards spoke with me for approximately three hours and retained a calm and polite demeanour...

56. I did not find any evidence of psychosis or clear core criteria of PTSD.

57. I found no evidence that Mr Edwards has any significant intellectual impairment.

79. [Per Commissioner Issac] He is said to have not participated in the rehabilitative, educational or vocational programs in prison.

85. OPINIONS

Mr Edwards does not have a major mental illness (such as schizophrenia, depression or bipolar affective disorder). I did not find that he is likely to have a neurodevelopmental condition, such as attention deficit hyperactivity disorder (ADHD), autism or learning (intellectual) disability. He does however have evidence of some personality and behavioural characteristics which merit consideration of the diagnosis of personality disorder.

86. The personality characteristics that seem to be prominent are:
- 86.1. Some restriction of emotions with difficulty experiencing sadness.
  - 86.2. Mistrust and sensitivity to disrespect.
  - 86.3. Reactive anger in some situations.
  - 86.4. Antisocial behaviour beginning in early adolescence.
  - 86.5. Some rigidity around personal codes including a specific sense of loyalty.

87. Personality disorder should, on balance, be diagnosed in Mr Edwards. There is however some contradictory information with respect to personality disorder. The diagnosis is made, in the most up to date diagnostic system, by first considering general criteria and then considering the pattern of prominent traits.

- 87.1. The general criteria require evidence of enduring problems in the way someone sees themselves or in their relationships. He does acknowledge longstanding difficulties in some areas of the way he views himself. He does appear to have some secure long-term family relationships but there is also some evidence of difficulties in relationships, particularly with women.
- 87.2. There are acknowledged gaps in his history, in that any problems in work are not clearly understood or described anywhere. Much of what has been said about him suggests a relatively good level of functioning.
- 87.3. There is evidence of his function being affected with respect to emotional regulation – managing anger and tolerating disrespect.
- 87.4. His identity is shaped by rules around loyalty, strength and independence.

88. The degree of the impairment he has can, in my opinion, only be categorised as mild. Notwithstanding that the offences are of the most serious nature, this should not in itself determine the severity of personality disorder categorisation. He shows a very high level of empathy towards his family, he appears to have the capacity for sustained relationships, he has been able to plan and work and has a consistent sense of responsibility towards his daughter and mother. The prison reports such a capacity for cooperative behaviour.

89. The pattern of personality traits is primarily in the areas of negative affectivity (emotional overcontrol, mistrust, overthinking, self-doubt in relationships, difficulty accepting love) and dissociality (tolerance for violence within his moral framework, normalising retaliation difficulties with authority when there is not respect, longstanding involvement in antisocial behaviour and within groups, early adolescent offending). This pattern of dissociality is however conditional and sits alongside strong emotional bonds with

caretaking. His tolerance for violence is context specific, albeit based on some of his own rules rather than reflecting a generalised emotional deficit or sadistic tendency. Mr Edwards has some other symptoms that would be considered within the category low disinhibition and lead to impulsive reactions in the context of perceived threat or disrespect.

90. Remorse is sometimes emphasised in understanding personality and in his case, there have been different opinions about his degree of remorse. The main emphasis here should be on the difficulty in reliably defining and assessing remorse. I formed the opinion that he does have genuine remorse, but it is linked to his moral structure associated with being a father and being responsible. Remorse is also complex with respect to assessment, because he does not admit his guilt. Denial is not in and of itself an indication of lack of remorse. In his case any opinion I can give on remorse is inferred from my assessment of his mood state, in our discussions rather than from any admission of guilt.

91. Psychopathy is not in my opinion strongly endorsed....

91.1. I did not find that he has the interpersonal characteristics for psychopathy. He is not conclusively grandiose, manipulative or superficially charming. He does not engage in pervasive or instrumental deceit (there is obviously evidence of deceit associated with the offences, but this is not alone, sufficient for psychopathy). He communicated with me directly, without obvious signs of ingratiation or trying to manage my impression of him. He has been described as persuasive by others (and he himself acknowledges this) but there is no consistent evidence to support that he has these interpersonal characteristics at a high level indicating psychopathy.

91.2. Mr Edwards does not have clear evidence of affective features of psychopathy. He demonstrates a capacity for guilt, emotional concern and reflects on the patterns in his own life. He does have some evidence of restricted emotional expression but is not shallow or apparently callous (again the offences cannot be the only basis for concluding the presence of these items). He has apparently formed longstanding emotional bonds, and he does not show a callous unconcern for other people.

91.3. His lifestyle has been characterised by criminal behaviour, but he has not been someone who has engaged in a parasitic or highly impulsive, thrill-seeking pattern of behaviour. His behavioural problems seem to be primarily situational rather than pervasive. He has future goals which focus on distancing himself from any lifestyle patterns associated with criminality.

91.4. The antisocial behaviour is clearly seen in his history.

91.5. Overall, the assessment of psychopathy is always limited by the information available but on the information that I have gathered and seen, he would fall below any cut-off for psychopathy by some margin. A full structured assessment of psychopathy would likely lead to a psychopathy score in the range of 10-20 and therefore I did not find that he is psychopathic. I have assumed that this differs by a substantial margin from the assessment by Dr Williams, given his narrative description of psychopathy.

92. Psychological assessment at this stage is probably unnecessary....

93. I found that it was unlikely that Mr Edwards was malingering or feigning symptoms. He has not reported any symptoms that would support a diagnosis of mental illness. His presentation to me is consistent with prison reports and collateral interviews. He does not deny information which is against his own interests: drug use, violence and offending. He is not highlighted as being inherently untruthful or deceptive by any witnesses.

94. Mr Edwards did have some adversity during his development which is likely to have shaped his personality. His father's death appeared to remove a relationship which provided some stability. This is likely to have contributed to his anger, loss and emotional withdrawal. It may also have been associated with him seeking friendships with older boys and men. He was in an environment where criminal behaviour, including violence and retaliation was normalised. He was himself a victim of violence. He also has a chronic health condition. These factors are all relevant background factors but are not offered as causative explanations for either his personality or his behaviour.

95. Mr Edwards has several positive factors when considering his capacity for rehabilitation. He has clear attachment to family members; he has demonstrated empathy for them and can maintain these relationships. He has a clear capacity to reflect on his behaviour and describe some of his emotional difficulties. He has demonstrable capacity for cooperation and goal-setting and some of his history supports the fact that he can commit to something that will require work...

97. My opinions on Mr Edwards are based on all the evidence I have seen, and information I have gathered personally. I recognise there is a difference in my opinion and that of Dr Williams. I also acknowledge that family reports should be seen in the context of possible loyalty. The difference appears to be in the degree of psychopathic traits that have been found. Although there can be no minimising of the severity of the offences, serious violent offending does not in itself indicate psychopathy. My opinion on psychopathy is based on the evidence suggesting that any features of psychopathy are not pervasively seen or experienced (by family, by prison staff and by his account), as well as my experience of him when interviewed.

15 There is a conflict between the findings of Dr Williams and Dr Latham, where the first says there is psychopathy and the second not. While I am familiar with the work of Dr Latham from my experiences in practice in London, and have been much in awe of him there, I prefer here the assessment of Dr Williams, without intending disrespect.

- a. The primary reason is Dr Latham spent one assessment period of 3 hours with Edwards, whereas Dr Williams conducted 8 assessments.

- b. Moreover, I am uneasy Dr Latham may have taken too close to face value encouraging words from family and supporters, and also from Edwards himself, where in contrast Dr Williams will be more skeptical, having a different local cultural knowledge, including to what extent what is said can be locally relied upon, in a context where, irrespective of what Edwards and his family might say, all the evidence at trial showed Edwards to be a dangerous gun-toting gangster in charge of a gang of five.
- c. In addition, I sense Dr Latham may not have appreciated the fullness of the local scourge arising among poorly educated young men within the community, as here Edwards, from an overinflated sense of being 'disrespected', with then murderous consequences, where for a time in 2023 and 2024 St Kitts & Nevis has had the highest per capita global murder rate (much reduced in 2025, with great credit due to the current government). Dr Latham makes frequent reference to how Edwards has been sensitive to 'disrespect', but it may be he has not appreciated, unlike in the UK, how much this can be a not infrequent trigger on-island to being deliberately shot in the head dead, as murderous grievance for misconceived or exaggerated slights is a local lamentable bane.
- d. Finally, weighing the report, I sense if it is the better, nevertheless it finds not much wrong with Edwards, such that he has not been in fear of the death penalty, has a mild personality disorder, with developmental challenges, not unique, and means he is pretty normal, which is arguably not helpful as mitigation.

16 In short however, from all I have seen in this case, I am sure Dr Williams is right when he has diagnosed Edwards as violent homicidal psychopath.

17 Turning to constructing the sentence, and following the 6 steps set out in **Practice Direction 8B of 2019**, there are the following considerations:

- a. The **ECSC sentencing guidelines on murder**, republished on 06.01.25, being **Practice Direction 3 of 2021** (PD3/21); and
- b. The submissions of counsel, being
  - i. From Defence Counsel Prudhoe, 17 pages, filed on 11.12.25, with 940 pages of authorities, and then 719 further pages of supplemental authorities; and
  - ii. From DPP Adlai Smith, 22 pages in reply, filed on 15.12.25.



- 18 The approach to be taken by this court, notwithstanding including submissions 1676 pages of material offered by the defence, is to rely foremost on the sentencing guidelines, which here offer a choice between a whole life or determinate sentence.
- 19 To begin, Edwards faces sentence for two completely separate murders, in time and place, of persons unconnected, which ought to mean, if each sentence was to be considered determinate, unarguably for the second murder he should face consecutive sentencing, possibly adjusted for totality. An approach therefore is to consider what each murder might attract if determinate.
- 20 As step 1, considering the offence, for murder with a firearm, the starting point is 40 years, per **s6 PD3/21**.
- 21 Considering Jesse Lee, on 18.11.21, there are the following aggravating features, when considering the offence:
- a. The murder was premeditated, luring Lee in a position of trust to a location where his remains would not after be found;
  - b. It was a cold-blooded execution, without any exchange, or violent escalation, during a moment of inattention by Lee as he crawled under a fence, unaware of cunningly hidden hostility from Edwards;
  - c. The killing was profoundly deliberate as there were two shots to the head, the second being to make sure of death;
  - d. He boasted about it to girlfriends Chelsea Selkridge and Janayah Ryner, while also exercising control over them, putting them in fear, by showing them his actions;
  - e. He organized that other gangsters, Skadeaj Dickenson and Alandre Williams, help dispose the body, showing confidence in his criminality, adding to his brazenness;
  - f. He pretended to help search for Lee, leading family away from the truth, adding further to his brazenness; and
  - g. He left the body to rot, so it was in time decomposed and scattered by animals, so that family had no idea of what had befallen Lee, adding to the family agony, both by awaiting news, and then having little remains to bury.

- 22 In this context, the murder of Lee is very much more serious than where a firearm is discharged in an argument, perhaps not intending death, arising in the heat of an unplanned altercation, which would also attract a starting point of 40 years. As such, being so much more serious, in my view it is not unreasonable to increase the sentence upwards, by 26 years, to 66 years. This figure would be consistent with the deliberate killing in the case of **R v Shakeim Cranston 2025**<sup>4</sup>, reported on 15.12.25, attracting a step 1 sentence of 60 years, who executed Darnell Govia by chasing and then shooting him at the JNF hospital on 20.06.17, but not as here luring him there in a state of trust, which adds the 6 years.
- 23 Turning then to step 2, being consideration of the offender, Edwards being then an adult aged 29 at the time of the murder, there is no realistic mitigation as he is not of good character and has shown no remorse. While it may be said he was shot in 2017 and suffers a kidney condition in consequence, I do not consider this mitigation as it places Edwards into that part of the community associated with guns, as evidenced by his later behaviour, and might even be aggravating that having been shot he then murders, but I will not conclude this, and instead find there is neither mitigation nor aggravation.
- 24 Turning to step 3, there is no credit for plea.
- 25 As it stands, as a determinate sentence, Edwards at step 3 faces 66 years, just for the murder of Lee. I turn now to the murder of Henry.
- 26 Again, the starting point is 40 years as it is a murder with a firearm.
- 27 The following aggravating circumstances arise:
- a. Henry was murdered as punishment for reporting to police on 14.03.22 Edwards and Alandre Williams for armed robbery of him on 11.03.22, so that this was a murder striking directly at the heart of the administration of justice, and the important national need that a witness must have confidence a report can be made without violent repercussion;
  - b. Henry was vulnerable as an elderly man, aged 67;

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<sup>4</sup> See: <https://eccourts.org/judgment/rex-v-shakeim-cranston>.

- c. He was beaten and then abducted on 24.03.22 from his home at gunpoint, by Edwards acting with Skadeaj Dickenson, and marched off, with apparently an execution shroud to hand, several hundred meters into dense undergrowth, and down a steep embankment, with his hands tied behind his back, where he was then made to face Edwards in the presence of Dickenson, and shot through the head, being there and then buried by Edwards in a shallow grave; and
  - d. Edwards then boasted to David Joseph how the wound to the head had smoked, showing once again a brazen unconcern as to what he had done and who he told.
- 28 In the circumstances of this abduction and cold-blooded execution of a wholly innocent, law-abiding and inoffensive elderly man I consider, as a stand-alone murder, it would be reasonable if determinate to double the starting point to 80 years, as it is difficult to imagine a more serious killing.
- 29 Again at step 2, there is no mitigation as there is no good character and no remorse. Worse, there is the aggravation we know Edwards has killed before, namely Lee, so the sentence can logically be increased conservatively by at least 10 years to 90 years.
- 30 As step 3, there is no credit for plea.
- 31 As it stands, as a determinate sentence, Edwards at step 3 faces 90 years, just for the murder of Henry, in the knowledge he had also murdered Lee.
- 32 As consecutive sentences, these would total 156 years.
- 33 Considering step 4, as to totality and dangerousness:
- a. Given he has committed two murders, and has been diagnosed a violent homicidal psychopath, I consider he is indeed dangerous, meaning under **para 11 Practice Direction 8A of 2019**, which concerns the principles of sentencing, I find he presents '*a significant ongoing risk of serious harm to a member of the public by the commission of future similar offences*' - put simply, I find there is a significant risk Trevern Edwards could kill again.

- b. In light of this dangerousness, I would increase the sentence upwards, by a further 9 years to 165 years, adding the 9 years to the sentence concerning Henry, increasing it to 99 years, to be added to the 66 years for the murder of Lee.
- c. However, at this stage in the sentencing exercise, this notional sentence has become somewhat academic as it is already beyond a normal lifespan, where even if receiving one-third remission for good behavior, if receiving 165 years, Edwards would be expected to serve 110 years.
- d. Consideration of totality now begs whether I should reduce the term to a period he might serve within his life span, allowing some possibility of release long from now, and this then begs whether instead he should properly receive a 'whole life' term.
- 34 I turn therefore to whether a whole life term would be appropriate in any event for these two separate murders, having concluded as determinate sentences he could receive 165 years, being beyond his likely lifespan, before possible adjustment for totality.
- 35 By a 'whole life' term, I understand this to mean without possibility of release, the key to this concept being embraced by the adjective 'whole'; specifically I do not understand it to mean what in the UK is the lesser term of a 'life sentence' but with a minimum term to be served before being considered for parole, allowing for the possibility of later release on licence, but rather what is also meant in the UK by a 'whole life' term, meaning the sentence does not expect release on parole and the prisoner can expect to die in jail. There have been a number of such sentences there, notably for:
- Serial killers (eg Rose West, Myra Hindley);
  - Terrorists (eg Hashem Abedi for the Manchester Arena bombing);
  - Multiple murders (eg Kyle Clifford);
  - Murder of multiple children (eg Damien Bendall, Lucy Letby);
  - Murder of police officers or prison officers or soldiers (eg Fusilier Lee Rigby's killer, Michael Adebolajo); and
  - Murder with sexual or sadistic conduct (eg Wayne Couzens, David Fuller).
- 36 Passing a whole life term is governed by **s4** and **s5 PD3/21**:

#### **Whole life sentence**

- 4 (1) If:
- a. the court considers that the seriousness of the offence (or the combination of the offence and one or more offences associated with it) is exceptionally high; and
  - b. the offender was an adult when he committed the offence;
- the appropriate starting point is a whole life sentence.

- (2) In cases where a whole life sentence is appropriate, a guilty plea discount is not available.

5 Cases where the seriousness of the offence could be considered exceptionally high include:

- a. the murder of two or more persons;
- b. the murder is associated with a series of serious criminal acts;
- c. a substantial degree of premeditation or planning;
- d. the abduction of the victim;
- e. a murder involving sexual or sadistic conduct;
- f. a murder involving prolonged suffering or torture;
- g. a murder where the purpose is to interfere with the course of justice;...
- j. a murder relating to membership of a criminal gang;...
- o. where the offender is assessed as likely to commit further offences of serious violence and is therefore a substantial danger to the community;...

37 It is plain Edwards qualifies for a whole life term where here, the seriousness of the offences is exceptionally high, as there are two murders, fully deliberate, and these are wholly separate, when two at the same time qualifies without more, yet in addition there is no guilty plea, there is gang activity, associated with a series of criminal acts, like armed robbery of Henry, and possession of firearms, with substantial premeditation, abduction of Henry, arguably sadistic conduct marching him to his death, creating prolonged suffering, whose purpose was to interfere with the course of justice as he had made a police report, and being diagnosed a violent homicidal psychopath I assess Edwards as likely to commit further offences of serious violence and is therefore a substantial danger to the community.

38 In these circumstances, as he qualifies for a whole life term in any event, and separately a calculation of determinate sentencing would create incarceration well beyond his likely lifespan, in my view, applying the practice direction **PD3/21**, and the ECSC sentencing guidelines, in

principle the appropriate sentence for the murder of Jesse Lee on 18.11.21, and then the murder of Arthur Henry on 24.03.22, is that Trevern Edwards should be imprisoned for the rest of his natural life, until he dies, in jail, without any possibility of release.

39 I turn now to points raised by counsel in their excellent written submissions on sentence. Argument has been offered:

- a. By the defence, there should be no whole life term as there is no parole board, resisted by the Crown, who argue the appropriate sentence should indeed be a whole life term, being for offending which is the 'worst of the worst', in the context of **R v Daniel Trimmingham 2009** UKPC 25; and
- b. By the Crown, that if a determinate term, in sum it should be for not less than 75 years.

40 Turning to the last point first:

- a. During discussion in court on 16.12.25, DPP Smith changed his position on the determinate term, now expecting a longer term than 75 years, and inclining in the final analysis it must here be a whole life term. This is because he was reminded that during trial, on 19.03.25 Counsel Prudhoe had raised in Chambers, perfectly properly, the possibility of seeking a sentencing indication, though not yet formally seeking it, hoping for 40 years on a plea to a single murder, refused to be contemplated by the Crown, and then a minimum term of 40 years for the two murders, meaning an overall sentence of 60 years with remission of one-third for good behaviour; however, on 21.03.25, returning to the discussion, and after careful contemplation, the court had opined in Chambers the sentence on a plea to both murders could not realistically be less than 75 years, though not formally calculated, and could be more, at which point no formal sentence indication was then sought by Counsel Prudhoe. This means that the contemplated 75 years would have been a minimum on a plea, not after a trial, even if this had been the figure settled on after formal assessment, which may not have been so. If Edwards had received a full one-third discount for his late plea, which was what was sought by the defence, then absent such plea the minimum as a determinate term would have been 112.5 years, meaning he would serve 75 years with remission, after arrest in March 2022 aged 30, meaning release aged 105, again likely to be beyond his natural lifespan. It followed DPP Smith on reconsideration argued that realistically the only sentence which was appropriate was a whole life term.

- b. Further, during discussion on 16.12.25, Counsel Prudhoe made the realistic concession, consistent with being counsel of ability and judgment, that given the second murder, of Henry, in the UK Edwards would inevitably be facing a whole life term, in light of recent cases there, so that the only argument to estop a whole life term was the procedural one, namely that a whole life term should not be passed absent a parole board.

41 I turn now to the implications of there being no parole board on St Kitts & Nevis.

42 Counsel Prudhoe has offered on 11.12.25 intelligent argument in his 17 pages of submissions, supported by defence material of 1659 pages listed at annex, co-signed by further counsel, being stellar counsel Douglas Mendes SC in Trinidad and Edward Fitzgerald KC in London, along with juniors James Robottom and Jessica Sutton in Matrix Chambers in London, and Craig Tuckett and Iasha Usher on St Kitts & Nevis.

43 The nub of his argument is a whole life term is unconstitutional in the absence of a mechanism for review, being a parole board, denying a prisoner any hope of release which is cruel and unusual punishment, and denies protection of law, meaning a legal framework for review, contrary to **s3** and **s7 St Kitts & Nevis Constitution**, which state:

### **3. Fundamental rights and freedoms.**

Whereas every person in Saint Christopher and Nevis is entitled to the fundamental rights and freedoms, that is to say, the right, whatever his or her race, place of origin, birth, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely,

- (a) life, liberty, security of the person, equality before the law and the protection of the law;...

the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of those rights and freedoms by any person does not impair the rights and freedoms of others or the public interest.

### **7. Protection from inhuman treatment.**

A person shall not be subjected to torture or to inhuman degrading punishment or other like treatment.

- 44      However, at **s66-68 Constitution** there is the *Mercy Committee*, which may allow for early release:

**66. Prerogative of mercy.**

- (1) The Governor-General may
- (a) grant a pardon, either free or subject to lawful conditions, to any person convicted of any criminal offence under a law;
  - (b) grant to any person a respite, either indefinite or for a specified period, of the execution of any punishment imposed on that person for any such offence;
  - (c) substitute a less severe form of punishment for any punishment imposed on any person for any such offence; or
  - (d) remit the whole or any part of any punishment imposed on any person for any such offence or of any penalty or forfeiture otherwise due to the Crown on account of any such offence.
- (2) The powers of the Governor-General under this section shall be exercised by him or her in accordance with the advice of such Minister as may from time to time be designated by the Governor-General, acting in accordance with the advice of the Prime Minister.

**67. Committee on Prerogative of Mercy.**

- (1) There shall be for Saint Christopher and Nevis an Advisory Committee on the Prerogative of Mercy (hereinafter in this section referred to as the Committee) which shall consist of:
- (a) the Minister for the time being designated under section 66(2), who shall be chairperson;
  - (b) the Attorney-General; and
  - (c) not less than three nor more than four other members appointed by the Governor-General.
- (2) A member of the Committee appointed under subsection (1)(c) shall hold his or her seat thereon for such period as may be specified by the Governor-General at the time of his or her appointment:
- Provided that his or her seat shall become vacant
- (a) in the case of a person who was a Minister when he or she was appointed, if he or she ceases to be a Minister; or
  - (b) if the Governor-General so directs.
- (3) The Committee may act notwithstanding any vacancy in its membership or the absence of any member and its proceedings shall not be invalidated by the presence or participation of any person not entitled to be present at or to participate in those proceedings.
- (4) The Committee may regulate its own procedure.
- (5) In the exercise of his or her functions under this section, the Governor-General shall act in accordance with the advice of the Prime Minister.

**68. Functions of Committee.**

- (1) Where any person has been sentenced to death (otherwise than by a court-martial) for a criminal offence under any law, the Minister for the time being designated under section



66(2) shall cause a written report of the case from the trial judge (or the Chief Justice, if a report from the trial judge cannot be obtained) together with such other information derived from the record of the case or elsewhere as he or she may require, to be taken into consideration at a meeting of the Advisory Committee of the Prerogative of Mercy; and after obtaining the advice of the Committee he or she shall decide in his or her own deliberate judgment whether to advise the Governor-General to exercise any of his or her powers under section 66(1).

(2) The Minister for the time being designated under section 66(2) may consult with the Advisory Committee on the Prerogative of Mercy before tendering any advice to the Governor-General under that subsection in any case not falling within subsection (1) of this section but he or she shall not be obliged to act in accordance with the recommendation of the Committee.

45 Worthy of quote from the defence submissions are the following sections:

16. The Privy Council recognised in **Lendore v Attorney General of Trinidad and Tobago [2017]** UKPC 25 at [65] that “however grave the crime, to imprison someone without any prospect of ever being released, no matter what change of circumstances there may be, is punishment which is cruel and unusual”.

17. The Caribbean Court of Justice similarly stated in **August and Gabb v The Queen [2018]** CCJ 7 (AJ) (“August (CCJ)”) that the constitutionality of a life sentence “requires the existence of a mechanism which supports the reducibility of the life sentence” – at [88].

18. As demonstrated by the ECtHR jurisprudence, there must, both *de facto* and *de jure*, be a prospect of both review and release in order for a life sentence to be lawful:

18.1. First, whether a life sentence is imposed on a mandatory or discretionary basis, there must be prospect of release – **Vinter v United Kingdom (2016)** 63 EHRR 1 at [108]–[110]<sup>4</sup>. In the absence of a hope of release, a prisoner may “never atone for his offence...however exceptional his progress towards rehabilitation, his punishment remains fixed and unreviewable” – *Vinter* at [112]. As per the concurring opinion of Judge Power-Forde, to deny those convicted of abhorrent crimes “the experience of hope would be to deny a fundamental aspect of their humanity and, to do that, would be degrading” – *Vinter* at [54]...

18.2. Second, and relatedly, where domestic law does not provide for a review of a life sentence, it will amount to inhuman and degrading treatment or punishment – *Vinter* at [121]. Detention must be underpinned by legitimate penological grounds – **Makoni v Commissioner of Prison & Another [2016]** ZWCC at [8], citing *Vinter* at [111]–[114]. Review is essential to allow national authorities to ascertain whether those grounds persist, or whether a prisoner has “changed and progressed to such an extent that continued detention can no longer be justified on legitimate penological grounds” – **Trabelsi v Belgium 2014**, App No 140/10 (4

September 2014) at [137]. There is clear support in international law for a dedicated review mechanism providing a review after 25 years served and periodically thereafter – *Vinter* at [120]...

18.4. Fourth, there must be a procedure set out for review and release *which is determinable at the commencement of the sentence*. The ECtHR has held that a life sentence prisoner is entitled to “know, at the outset of his sentence, what he must do to be considered for release and under what conditions, including when a review of his sentence will take place or may be sought” *Vinter* – [122]; **Petukhov v Ukraine 2019** (No 2) App No 41216/13 (12 March 2019) at [174]. Accordingly, a “degree of specificity” as to the criteria and conditions for sentence review is required in order to satisfy legal certainty – *Hutchinson* at [59].

18.5. Fifth, mercy processes will be insufficient to render a sentencing system compliant with the prohibition on inhuman or degrading treatment, unless they are both capable of rendering life sentences reducible *de facto* and provide adequate procedural safeguards – **Harakchiev and Tolumov v Bulgaria 2014** App Nos 15018/11 and 61199/12 (8 July 2014) at [262]. Sentence reviews by the executive should either result in reasoned decisions or be subject to judicial review to avoid “*even the appearance of arbitrariness*” – *Petukhov* at [178]. In *Petukhov*, the ECtHR criticised an opaque clemency procedure, highlighting unclear criteria; lack of transparency about the activities and procedure of clemency authorities; and lack of reasoned decisions (aggravated by the absence of judicial review) – *Petukhov* at [173]; [175]; [177]–[178]; [179]. Similar principles have been applied in Caribbean jurisdictions. In **August v The Queen [2016]** Criminal Appeal No 22 of 2012 (CA) (“*August (CA)*”) the Court of Appeal of Belize deprecated the vague criteria and procedural failings of the prerogative of mercy process, concluding that the appellant did not have “*a real possibility of release*” – at [72]–[76]; [79].

19. Whole life sentence prisoners in the Federation have no prospect of release or system of sentence review, rendering any such sentence inconsistent with **Section 7**.

19.1. First, there is no effective system of parole in the Federation. There is no legislative basis (nor consistent judicial practice) with respect to ordering a tariff period for life sentences...

19.3. Third, the existence of the prerogative of mercy does not save a whole life sentence from breaching **Section 7**. The prerogative of mercy is enshrined in **Section 66 of the Constitution**. This allows the Governor-General, on the advice of the relevant Minister, to, *inter alia*, grant a pardon to a convicted person; or substitute a less severe form of punishment – **Section 66(1)**. The Constitution also provides for the *Mercy Committee*, comprising the relevant Minister as chairperson, Attorney-General, and 3-4 members appointed by the Governor-General – **Section 67**. However:

19.3.1. First, the Minister must consult with the *Mercy Committee* with respect to persons sentenced to death; but only *may*, in their discretion, consult with respect to other prisoners – **Section 68. Rules 35 and 40 of the Prison Rules** require information to be provided to the Minister about long sentence prisoners, but neither rule provides for a formal, guaranteed sentence review.

19.3.2. Second, the procedure of the *Mercy Committee* is entirely unregulated – **Section 67(4)**. Accordingly, there is no clear process to make representations, secure disclosure of relevant material, or be given reasons for a decision. There is no publicly available information about the criteria applied nor the procedure for decision-making with respect to mercy, either by the Governor General under **Section 66**, or the relevant Minister and *Mercy Committee* under **Sections 67 and 68**. It is notable that no reasons were provided for the three pardons granted collectively in 2022<sup>5</sup>, and it appears that no clemency actions have been taken by the Board since. It is no exaggeration to describe the prerogative of mercy as an entirely opaque process in the Federation.

19.3.3. Third, the requisite prospect of release and review must exist *de facto* as well as *de jure* - *Vinter*. That is not the case in the Federation. The Federation's *Mercy Committee* process is far removed from, for example, the four-year review process in Trinidad and Tobago approved in *Lendore* at [71], which entitled prisoners to copies of written reviews of their case. *The Mercy Committee* is instead analogous to the opaque clemency processes in *August (CA)* at [76]; and *Petukhov* at [173]: those subject to whole life sentences in the Federation do not have a sufficient degree of specificity as to the criteria, conditions, and procedure for sentence review.

20. In the absence of an effective system of review and early release, it is therefore clear that a whole life sentence in the Federation is an irreducible sentence. It therefore amounts to inhuman and degrading treatment or punishment contrary to **Section 7 Constitution**, and may not be imposed by the Court...

25. Imposing a whole life sentence in the Federation pursuant to this system would breach the right to protection of the law for the following reasons, taken individually or cumulatively:

25.1. First, the right to protection of the law requires life sentences to be subject to a system of review – *August (CCJ)* at [88]. The *Mercy Committee* system is entirely inadequate for this purpose for the reasons set out above: there is no clarity on the criteria, conditions, and process of the prerogative of mercy.

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<sup>5</sup> See 'Governor-General pardons three; Bertil Fox, Kemba Swanston and Patrice Matthew' *Winn Media SKN* <<https://www.winnmediaskn.com/governor-general-pardons-three-bertilfox-kemba-swanston-and-patrice-matthew/>>.

25.2. Second, the Privy Council held in **Lewis v Attorney General of Jamaica [2001] 2 AC 50** that protection of the law provisions may be violated by “*a breach of the rules of fairness, or natural justice*” – at [80B]... The Mercy Committee system breaches rules of natural justice: due to the absence of any transparency or guidelines as to procedure, there is no effective provision to ensure minimum due process guarantees...

25.4. Fourth, life with no possibility in substance or review or release is an inherently arbitrary sentence: its length cannot be determined with certainty as it varies according to the lifespan of the prisoner. In *obiter* in **R (Ralston Wellington v SSHD [2007] EWHC 1109 (Admin)**, Lord Justice Laws criticised a life sentence without any prospect of release as “*a poor guarantee of proportionate punishment, for the whole-life tariff is arbitrary: it may be measured in days or decades according to how long the prisoner has to live. It is therefore liable to be disproportionate*” – at [39(iv)]. The Defendant respectfully invites the Court to adopt that criticism and recognise the inherent arbitrary nature of a whole life sentence with no prospect of review or release.

26. For these reasons, the imposition a whole life sentence is contrary to the right to protection of the law [under **section 3 Constitution**] and such sentence may not be imposed by the Court.

46 DPP Smith has for the Crown on 15.12.25 offered an incisive response in 22 pages of submissions, and worthy of quote is the following:

12. The Prosecution accepts: (a) that there is presently no comprehensive parole statute or parole board in the Federation; [and] (b) that punishment which is truly irreducible in law and in fact raises constitutional concerns...

17. The Privy Council has expressly rejected the proposition that parole machinery is a legal precondition to constitutionally compliant sentencing. In **Lendore v Attorney General of Trinidad and Tobago 2017** [as above], the Board stated in clear terms that “nor is a system of parole, or a separate Parole Board, a necessity”, (para 66). What matters constitutionally is not the presence or absence of a mechanism labelled “parole”, but whether there exists some lawful route by which continued detention may, in principle, be reconsidered.

18. As the Board emphasised in *Lendore*, the form of review is a matter for individual states and may include non-parole mechanisms...

32. In the Federation of Saint Christopher and Nevis, such a system plainly exists. **Section 66 of the Constitution** establishes the Prerogative of Mercy, exercisable by the Governor-General acting in accordance with the advice of the Advisory Committee on the Prerogative of Mercy, constituted under **section 67**. That Committee is empowered to consider, inter alia, petitions from persons convicted of criminal offences for pardon, commutation,

remission, or other forms of conditional or unconditional relief. The process is a structured constitutional mechanism, not an arbitrary or unguided discretion, and it permits consideration of factors such as the passage of time, conduct in custody, humanitarian circumstances, and any material change bearing on the continued justification for detention.

33. The existence of this constitutional mercy framework is directly responsive to the concern articulated in *Lendore*. It provides a lawful route by which continued detention may, in principle, be reconsidered on legitimate grounds, even in the absence of a statutory parole regime. The Privy Council has expressly recognised that review mechanisms need not take the form of parole boards, and that executive or constitutional processes of mercy may suffice. The Defence submission therefore errs in converting the concept of “hope” into an entitlement to an administratively defined parole system. *Lendore* makes clear that no such entitlement exists. What is required is the availability of a lawful mechanism of review, and the Constitution of Saint Christopher and Nevis expressly provides one [being the *Mercy Committee*]...

36. In summary, the Defence is correct to invoke the Privy Council’s principle that punishment cannot be truly irreducible “however grave the crime.” It is wrong, however, to convert that principle into a prohibition on severe life sentencing absent parole legislation. The Privy Council has stated in unequivocal terms that neither a tariff term nor a system of parole nor a separate parole board is required. What is required is some system of review [as on St Kitts & Nevis by the *Mercy Committee*] so that the prospect of release is not left to mere chance and continued detention is justified on legitimate grounds. Within that framework, this Court retains full sentencing power to impose the proportionate sentence demanded by culpability, harm, and the overriding need to protect the public.

47 To summarise, the Crown agrees there needs to be a review procedure but argues this is the very purpose of the *Mercy Committee* enshrined in the **St Kitts & Nevis Constitution**; the defence counter how the *Mercy Committee* works is vague and a defendant must know at the moment of sentence what to do to improve his chance for early release, absent which means there cannot ever be a whole life sentence.

48 To decide finally on the sentence:

- a. I hesitate to study every one of 1659 pages of defence materials to reach a conclusion, which, though an excellent gathering of jurisprudence worthy of circulation to the wider Bar for research purposes, otherwise may have the appearance of intimidating a judge into submission.
- b. I am sure the correct sentence for two separate executions should be a whole life term, both in principle and because determinate sentencing creates a period longer than lifespan.

- c. I agree with the Crown's position that while there ought to be a mechanism for review, to accommodate in coming years for example if Edwards makes extraordinary and presently unforeseeable improvements in his psychology, reducing his psychopathy, so he may no longer be a danger to the public, offering meaningful remorse, and accepts his guilt, that mechanism does not have to be a formal parole board, per para 66 of *Lendore*.
- d. The *Mercy Committee* is such a mechanism, specifically created to be such in the very language of the Constitution, and which in time under the Constitution Edwards will be able to petition, to review his circumstance.
- e. I do not agree the exact workings of the *Mercy Committee* in the coming years needs to be clear at the moment of sentence so that Edwards can know from the outset what he must do to position himself for application: it is trite to note the future is always uncertain, and any parole mechanism now may be changed later, while in any event, whatever the future may hold, he already knows that to make application for early release he will be expected to behave well, accept his guilt, show persuasive remorse, and that he has changed.
- f. However, I make it plain that the sentence I will pass expects he will never be released, and I am not encouraging the *Mercy Committee* to review my ruling, though I accept in time it may in its discretion, and I would expect any such review to give clear and persuasive reasoning, in public, and fully so to the public, while showing these remarks have been fully considered.
- g. *Obiter*, I make the observation it is desirable for there to be a parole board, as exists on other islands, the instant judge having ensured one sits on Montserrat for routine prison issues (where there is also a *Mercy Committee* at **s29 Montserrat Constitution**, alongside a **Parole of Prisoners Act** cap 10.15). A parole board could possibly be an adjunct to, or under the authority of, the *Mercy Committee*, expected to sit twice a year and review cases, and I would invite the St Kitts & Nevis government to consider relevant legislation, thereby regularizing the process of early release application.
- h. Further, if a parole board is created, the government might wish to consider adopting the approach to sentencing in murder cases as exists in the UK, consistent with observation in the recent case of **R v Shakeim Cranston 2025**, *supra*, at para 18:

*Obiter*, I do opine there is much merit in the UK approach, where for murder there is automatic life imprisonment, with usually a minimum term expressed before being considered for parole, which means on release a person can be recalled to prison if in

breach of their parole license, which is not a power on St Kitts & Nevis, as there is no parole board. To this end, the government may wish to reflect, leaving aside arguments about the death penalty being apparently still available in legislation, on creating a parole board, with new legislation requiring for any murder at least automatic life imprisonment with a minimum term, in a regimen successfully much established in the UK.

- 49 Time on remand since arrest on 29.03.22, being 3y9m21d, would count toward a determinate sentence, to be factored by the prison when calculating earliest date of release, if release ever arises, but in this case time on remand is academic bearing in mind the sentence I will pass will be a whole life term.
- 50 There are no other ancillary orders.
- 51 *Trevern Edwards, please stand up.* I consider you to be a violent homicidal psychopath who is dangerous to the public. For the reasons explained, you will receive a whole life term for each of the two murders you committed, of Jesse Lee on 18.11.21 and of Arthur Henry on 24.03.22, meaning as a formality in respect of each murder I sentence you to imprisonment for the rest of your natural life, with no possibility of release, so that I expect you to die in jail. You may go with the gaoler.

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

**High Court Judge**

**20 January 2026**

ANNEX – 1659 pages of defence material filed

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

B E T W E E N: -

DIRECTOR OF PUBLIC PROSECUTIONS

v

TREVERN EDWARDS

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