



## CARIBBEAN COURT OF JUSTICE

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### **MEDIA RELEASE**

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### **CCJ UPHOLDS CONVICTION AND SENTENCE IN BARBADIAN MANSLAUGHTER CASE**

**Port of Spain, Trinidad and Tobago.** On Thursday, 17 October 2024, the Caribbean Court of Justice (CCJ) in its Appellate Jurisdiction delivered judgment in the appeal *Shawn Andre Weekes v The State* [BBCR2023/003]. The CCJ dismissed the appeal and upheld the decision of the Court of Appeal of Barbados.

This was an appeal by Shawn Andre Weekes (Weekes) against his conviction and sentence for the murder of Leo Callender (Callender) in October 2001. Shortly after the incident, Weekes left Barbados, travelling first to Saint Lucia, then to Canada, and finally to the United States of America ('USA') where he remained until his return 11 years later on 20 October 2011. He was charged for murder two days after his return. Weekes was indicted on 21 July 2016 and convicted on 16 October 2020. On 28 May 2021, Weekes was sentenced to life imprisonment with no eligibility for release until he has served 19 years.

On 8 August 2023, the Court of Appeal of Barbados substituted the conviction of murder with manslaughter on the basis that the trial judge should have left the issue of provocation with the jury. The Court of Appeal also resentenced Weekes to nine years imprisonment to run from 28 May 2021.

Weekes was granted [special leave to appeal](#) to the CCJ and filed his appeal in December 2023. Weekes' appeal asserted that in the circumstances of this case, and in the light of (a) the unreasonable delay in bringing the case to trial and (b) the failure of the trial judge to embark on an inquiry to ascertain the impact of the delay on the defendant's ability to present his defence and to receive a fair trial, he had an unfair trial. Counsel for Weekes argued that the trial judge should have embarked on an enquiry to determine whether any prejudice was caused to Weekes by the delay.

In the lead judgment, the Honourable Mme. Justice Rajnauth-Lee (with whom CCJ President, the Honourable Mr Justice Saunders, and the Honourable Justices Anderson, Barrow, and Burgess agreed) noted that even though s 18(1) of the Barbados Constitution entitles a person to the right

to a fair hearing within a reasonable time (the reasonable time guarantee), s 13(3) clearly suggested that its breach does not necessarily prevent a valid trial being held. Whilst the CCJ acknowledged the serious delay experienced by Weekes, the Court balanced this delay against the fact that he was found guilty of an extremely serious crime committed in a most callous manner. In addition, the CCJ found that the approaches of the Court of Appeal and the trial judge could not be faulted. At no stage of the trial did defence counsel apply for a stay of the proceedings owing to delay, nor make any representation that Weekes had been prejudiced by the delay. As such, the CCJ did not agree that the trial judge ought to have embarked upon the enquiry as asserted by counsel for Weekes.

Furthermore, the CCJ agreed with the Court of Appeal that the trial judge's direction on circumstantial evidence was adequate, citing that the persuasiveness of evidence was based on the cumulative strength of the evidence.

On the issue of sentencing, the CCJ did not consider the mitigating factors submitted by counsel for Weekes to be of such weight as to require revisiting the sentence. The Court noted that the Court of Appeal considered the issue of provocation and substituted the conviction of murder with manslaughter. Therefore, the CCJ decided the Court of Appeal did not apply any wrong principles of law nor impose a sentence that was manifestly excessive.

The appeal was heard by CCJ President, the Honourable Mr Justice Saunders, and the Honourable Justices Anderson, Rajnauth-Lee, Barrow, and Burgess. Mr Andrew Owen Pilgrim, KC and Mr Martie Ramon Mohan Garnes appeared for Shawn Andre Weekes. Mr Neville Watson, Principal State Counsel, and Mr Romario Straker, Principal State Counsel (Acting), appeared for the State.

The CCJ's full decision is available via [www.ccj.org](http://www.ccj.org).

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#### About the Caribbean Court of Justice

The Caribbean Court of Justice (CCJ) was inaugurated in Port of Spain, Republic of Trinidad and Tobago on 16 April 2005 and presently has a Bench of six judges presided over by CCJ President, the Honourable Mr Justice Adrian Saunders. The CCJ has an Original and an Appellate Jurisdiction and is effectively, therefore, two courts in one. In its Original Jurisdiction, it is an international court with exclusive jurisdiction to interpret and apply the rules set out in the Revised Treaty of Chaguaramas (RTC) and to decide disputes arising under it. The RTC established the Caribbean Community (CARICOM) and the CARICOM Single Market and Economy (CSME). In its Original Jurisdiction, the CCJ is critical to the CSME and all 12 Member States which belong to the CSME (including their citizens, businesses, and governments) can access the Court's Original Jurisdiction to protect their rights under the RTC. In its Appellate Jurisdiction, the CCJ is the final court of appeal for criminal and civil matters for those countries in the Caribbean that alter their national Constitutions to enable the CCJ to perform that role. At present, five states access the Court in its Appellate Jurisdiction, these being Barbados, Belize, Dominica, Guyana, and Saint Lucia. However, by signing and ratifying the Agreement Establishing the Caribbean Court of Justice, Member States of the Community have demonstrated a commitment to making the CCJ their final court of appeal. The Court is the realisation of a vision of our ancestors, an expression of independence and a signal of the region's coming of age.

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