



**CARIBBEAN COURT OF JUSTICE**

**134 HENRY STREET  
PORT OF SPAIN  
REPUBLIC OF TRINIDAD AND TOBAGO  
Phone: (868) 623-2225 Fax: (868) 624-4710  
Website: [www.caribbeancourtofjustice.org](http://www.caribbeancourtofjustice.org)**

## **MEDIA RELEASE**

(For immediate release)

No. 10:2014  
26 March 2014

### **CCJ DELIVERS JUDGMENT - JEFFREY RAY BURTON & KEMAR ANDERSON NURSE V THE QUEEN**

**CCJ, Port of Spain.** Today at the CCJ's Headquarters in Port of Spain at 10am, the Caribbean Court of Justice (CCJ) delivered its decision in the case of Jeffrey Ray Burton v R and its reasons in the case of Kemar Anderson Nurse v R. The cases were appeals against the decisions of the Court of Appeal of Barbados affirming sentences imposed by the trial judge.

On 6 October 2006 Burton, then fifteen years, and Nurse, then seventeen years, were involved in an incident which resulted in the stabbing death of fifteen year old Averrel Wright. They were both charged with murder but later pleaded guilty to manslaughter. On 21 January 2011 they were sentenced to seven and five years' imprisonment, respectively.

Burton and Nurse appealed their sentences to the Court of Appeal of Barbados on the basis that the sentences were excessive. The Court of Appeal dismissed their appeals. Consequently, they applied for and received special leave to appeal the Court of Appeal's decision before the Caribbean Court of Justice. They contended that the Court of Appeal was wrong to affirm the sentences imposed by the trial judge in light of the decision of the Court in Romeo Dacosta Hall and the principles outlined in judicial guidelines on sentencing.

The Court held that the Court of Appeal was correct in finding that there was no basis for disturbing the trial judge's sentences in relation to his adherence to judicial guidelines. However, the Court found that the trial judge did not adhere to the principle declared in Romeo Hall of granting full credit for time spent in pre-trial custody and so the Court of Appeal was wrong to affirm the sentences imposed. The Court of Appeal was obliged to follow the decision in Romeo Hall even though that decision had been given after the appellants have been sentenced.

The CCJ ordered that both sentences were to be lessened by the time spent on remand. It found that Burton's sentence should have been five years' imprisonment and Nurse's sentence should have been three years' imprisonment, both from the date of sentencing. The Court also indicated that at the hearing of the appeal it ordered Nurse's immediate release since at that time he would have already served the sentence of three years.

The Court was presided over by Justice Nelson along with Justices Saunders, Wit, Hayton and Anderson. The judgment was delivered by Justice Anderson. Mr Andrew Pilgrim QC, Ms

Kristin C A Turton, Ms Angella A Mitchell-Gittens and Ms Lesley T Cargill appeared for Mr Burton. Mr Ralph A Thorne QC and Ms Mechelle Forde appeared for Mr Nurse. Ms Donna Babb-Agard QC and Mr Alliston Seale appeared for The Queen.

The final judgment of the Court and an Executive Summary is available on the CCJ's website at [www.caribbeancourtjustice.org](http://www.caribbeancourtjustice.org).

**END**