

**COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT
CRIMINAL DIVISION**

**2024
CRI/vbi/135/9**

B E T W E E N

THE DIRECTOR OF PUBLIC PROSECUTIONS

The Respondent

v

**TAMEKO DORSETTE a.k.a “DEANGELO TAMEKO
DORSETTE” a.k.a “DEE-ANGELO TAMEKO THEO DORSETTE”**

The Convict

**Before: The Honourable Madam Senior Justice Mrs. Cheryl
Grant-Thompson**

**Appearances: Mr. Eucal Bonamy- Deputy Director of Public
Prosecutions**

The Convict- Pro Se

Hearing: 18th September, 2024; 30th October, 2024.

SENTENCING JUDGMENT

**Convicted for Manslaughter, contrary to Section 293 of the Penal, Code
Chapter 84 (1 count); Prior Convictions- Convict 35 years old- Guilty Plea**

GRANT-THOMPSON SNR. J

BACKGROUND

1. On Wednesday 13th September, 2024, the Convict was arraigned before this Honourable Court and pled Guilty to one (1 count) of **Murder, contrary to Section 291(1)(b) of the Penal, Code Chapter 84**. The matter was adjourned to the 18th September, 2024, the Convict agreed to pled Guilty to a lesser charge of **Manslaughter**, contrary to Section 293 of the Penal Code, Chapter 84 in open Court for the Crown to present the facts upon which they relied.
2. The Court asked the Defendant if he accepted those facts. The Defendant indicated that he did accept them. He was then formally convicted of the charge before the Court.

THE FACTS

3. The brief facts as posited by the Crown and accepted by the Convict read as follows:

On Friday 5th January, 2024, Mr. Darrell Ferguson accused the Convict Tameko Dorsette of stealing his car battery and they began to argue. This argument turned into a physical altercation and the deceased at the time was armed with a piece of plywood. However, the accused, Mr. Dorsette later disarmed the deceased and struck him in his head multiple times. The Convict then left the scene. Police were later dispatched to the scene where they summoned EMS who transported Mr. Ferguson to PMH, where he later succumbed to his injuries.

CIVILIAN WITNESS

Dion Sands in his statement to the police said that on Friday 5th January, 2024, around 12am, he heard a male approached his neighbors unit, Tino asking about a

car battery. The witness got up and went to his window. Whilst, at the window, he could see a male he was familiar with for the area and Tino in a grassy area by the streetlight. He heard them arguing about a car battery. The argument then turned into a physical fight. He said when they stopped, the male Tino fought was in a hunched position and tried to catch his breath. Next, the witness, saw Tino rant his unit and came back with an object and attacked the male with the object. The witness then, saw Tino start to kick and stomp the male in his head. After, he saw Tino ran off the park and left the male on the grass in a pool of blood moaning. So the witness walked to the Carmichael Road Police Station to seek police assistance. On the same day, he agreed to participate in an identification parade around 10:30am. He looked at the nine men in the lineup and pointed out the male in position number five (5) as the male known to him as Tino, that did the actions mentioned above.

4. THE LAW

MURDER

Section 291(1)(b) of the Penal Code, Chapter 84 provides as follows:

“Whoever intentionally causes the death of another person by an unlawful harm is guilty of Murder, unless his crime is reduced to Manslaughter by reason of such extreme provocation, or other matters of partial excuse...”

MANSLAUGHTER

Section 293 of the Penal Code, Chapter 84 provides as follows:

“Whoever causes the death of another person by any unlawful harm is guilty of manslaughter...”

AGGRAVATING FACTORS

5. The aggravating factors against the Convict namely **Tameko Dorsette**:

- i. He has one (1) previous conviction for Stealing whilst a juvenile and served his sentence;
- ii. The Convict stated that he is a drug addict since the age of 17. In 2023, he began using cocaine; and
- iii. He was seen hitting the deceased in the head with the wood and also stomping and kicking the deceased in a grassy area by a witness.

MITIGATING FACTORS

6. The Convict is a fairly young man, at the time of the committing this offence:

- He thirty-five (35) years old;
- He pled guilty at the first reasonable opportunity given to him during his arraignment on the 13th September, 2024;
- He has no previous or pending matters;
- He admitted to his guilt and the weapon used was a 2x4 wood that belonged to the deceased and was initially used to attacked him;
- He is remorseful, likelihood of rehabilitation; and
- He is a Bahamian citizen.

CROWN'S SUBMISSIONS ON SENTENCING

7. The Crown submitted that the range of sentence should be as follows:

Deputy Director of Public Prosecutions, Mr. Bonamy submitted to the Court that the Convict is liable by law to serve a twenty (20) year custodial sentence

in prison for this offence. The DPP accepted the now Convict pled guilty at the first opportunity during his arraignment and also having regard to the fact that he was homeless and a drug addict. The Convict described that his place of sleep was in the female restroom on the Millar's Heights Park. Since the age of seventeen (17), he was a drug addict and smoke at least four (4) marijuana joints a day. However, in 2023, he began using cocaine. His daily use of cocaine was as much as he can get. Further, he has served a sentence for Stealing as a juvenile. The Crown avers that the Convict has the propensity to commit an offence like this again. Moreover, the Convict has cause the death of the deceased excessively hitting him in the head with a 2x4 plywood and stomping and kicking him in the head. Additionally, to the sentence that this Court may impose upon him, Counsel suggested that the Convict should be psychologically evaluated with respect to his drug addictions.

In these circumstances, Deputy Director of Public Prosecutions respectfully recommended to the Court that the sentence should range between 10 to 20 years. If that sentence were imposed the Deputy Director submitted that would be more than half of the twenty (25) years. That would give the Convict an opportunity to be rehabilitated, to receive professional counseling, adequate psychiatric evaluation and care.

RECOMMENDATION FROM THE PROSECUTION & PLEA IN MITIGATION

8. It was humbly recommended that the Court sentence the Convict, **Tameko Dorsette** to serve a term of imprisonment of eighteen (18) years for the offence of **Manslaughter, contrary to Section 293 of the Penal code, Chapter 84.** The Convict in Mitigation expressed remorse. He asked the Court for leniency. He made

no comment on any sentence. He indicated he was on remand since January 5th, 2024 approximately nine (9) months and had no bail from the time the offence was committed. The Court under took the time the Convict has spent on remand into consideration.

SENTENCING PROVISIONS

9. Section 185 of the Criminal Procedure Code, Chapter 91 (“the CPC”), provides as follows:

“The court may, before passing sentence, receive such evidence as it thinks fit in order to inform itself as to the sentence proper to be passed and may hear counsel on any mitigating or other circumstances which may be relevant.”

SENTENCE OF THE OFFENDER

10. In determining the seriousness of the offence, the Crown submitted that the range of sentence should be as follows:

1. The **most serious** of offence are those in which a weapon is used resulting in serious injury;
 - (i) The offences which are of **medium seriousness** are those in which a weapon is used, however, there is either no injury or very minor injury; and
 - (ii) The **least serious** of offences are those in which no weapon is used, or despite there being a weapon, mere threat or minimal force it used.

11. The Crown respectfully, submitted that this offence fell within the **most serious** spectrum of the sentencing scale, i.e. of the most serious type of offence. The Court agrees. This is the most serious of offences.

PURPOSE OF SENTENCING

12. Sentencing must always be proportionate to the gravity of the offence and promote a sense of responsibility in the offender for the offence committed.

The object of sentencing is to promote a respect for the law and order, maintain a peaceful and safe society, and discourage crime by the imposition of sanctions. Sentencing should also be aimed at the rehabilitation of the offender so that he may reform his ways to become a contributing member of society. Such sanctions for breach of the law are provided by law for the means of sentencing.

13. The Court is guided by the four (4) classical principles of sentencing namely retribution, deterrence, prevention and rehabilitation.

- (i) **Retribution** - In recognition that punishment is intended to reflect society's and the legislative's abhorrence of the offence;
- (ii) **Deterrence** – to deter potential offenders and the offender himself from recidivism;
- (iii) **Prevention** – aimed at preventing the offender through incarceration from offending against the law and thus protection of the society; and
- (iv) **Rehabilitation** – aimed at assisting the offender to reform his ways so as to become a contributing member of society.

14. The Court is of the view that the Convict should be deterred from this type of offence - and other members of society who are like minded should also be deterred. However, having said that the Court believes that this Convict is capable of rehabilitation. He seeks help. The events of his drug abuse/addiction from a young age must be tragic. He explained in his ROI with police that, *“yeah we scuffle for a li bit. It wasn’t that easy cause when he tried to really attack him, it was hard to get the plywood out of the deceased hand, and he heard the deceased yelling for Kevin. So, he kneed the deceased in his head and he released the wood.”* It is obvious to the Court that he needs psychiatric care and counseling which he has never really received from the usage of drugs from the age of seventeen (17). The Court would like to see him get the help, care and support that he so desperately needs.

15. In these circumstances, applying the general principles of sentencing and the Court of Appeal guidelines as stated above along with balancing the mitigating and aggravating factors in the instant case, the Crown proposed that an eighteen (18) years sentence is appropriate.

16. The Court intends that the sentence will send a strong message to the community that justice is tempered with mercy. The Court will balance the need for society to have some retribution by the Convict serving some sentence for this serious indictable offence but yet ensuring that he receives the professional assistance he requires.

17. Mr. Tameko Dorsette, you are hereby sentenced to a term of Eighteen (18) years imprisonment for the offence of **Manslaughter, contrary to Section 293 of the Penal Code, Chapter 84**. This sentence is to run from the date of conviction which was the 18th day of September, 2024. He will commence service of sentence at the

B.D.O.C.S but to be assessed at the Sandilands Rehabilitation Centre in order to be evaluated and counseled.

The Court humbly request that:

- i. This Convict is to receive practical electrical training for the vocation of Electrical Services at B.D.O.C.S;
- ii. He be allowed to work along with the skilled labour crew on the internal construction projects at B.D.O.C.S; and
- iii. He receives psychiatric and drug counseling at the Sandilands Rehabilitation Centre;
- iv. He is hereby sentenced to Eighteen (18) years imprisonment, less his time on Remand.

18. The Court promised to put its reasons in writing, this the Court now does.

Dated the 30th day of October A.D., 2024.

The Honourable Madam Senior Justice Mrs. Cheryl Grant-Thompson