

COMMONWEALTH OF THE BAHAMAS

CRI/VBI NO.155/08/2019

IN THE SUPREME COURT

Criminal Division

B E T W E E N

DIRECTOR OF PUBLIC PROSECUTIONS

AND

JEFFERY MUSGROVE & DELVANDRE BUTLER

BEFORE: Mr. Justice Andrew Forbes

APPEARANCES: Mrs. Ashley Carroll, on behalf of the Director of Public
Prosecutions

Mr. K. Brian Hanna, on behalf of Delvandre Butler

Mr. Kendal Knowles, on behalf of Jeffery Musgrove

HEARING DATE: 29^h January, 2026

SENTENCING DATE: 2nd April, 2026

SENTENCING

FORBES, J

BACKGROUND

[1.] On the 25th May 2019, at Grand Bahama, the Convicts Jeffery Musgrove and Delvandre Butler, being concerned together, did attempt to Murder John Lightbourne. These facts were established from the evidence of multiple witnesses called by the Crown in this case.

[2.] The Convicts were subsequently charged and arraigned for one (1) count of attempted murder contrary to section 292 of the Penal Code. The Convicts were then arraigned before Madam Justice Estelle Gray-Evans (Retired), pleaded not guilty to the charge, and the matter was adjourned for trial to the 11th May 2022. At that time, the Convicts were represented by different Counsel. The matter proceeded to trial; however, during the trial, an incident occurred, and the Court declared a mistrial and ordered a new trial.

[3.] That the new The trial occurred on the 15th September 2025 and lasted for at least two (2) weeks, where the Convicts again pleaded not guilty to the charge of attempted murder. On the 1st October 2025, the Convicts were found guilty by the Jury of one count of attempted murder. The Court convicted the Convicts and requested a probation report be prepared to aid in the sentencing proceedings.

[4.] The Convicts are represented by Mr. K. Brian Hanna and Mr. Kendal Knowles, appearing for Delvandre Butler and Jeffery Musgrove, respectively, and Mrs. Ashely Carroll represented the Crown. The Counsel on behalf of each Convict made oral arguments as mitigation, whereas the Crown laid out arguments which this Court will refer to. A Probation Report was, in fact, prepared by Chief Probation Officer, Ms. Wynelle Goodridge, and Mr. Laish Boyd Jr. as a Trainee Probation Officer, dated 20th January 2026.

[5.] The report was based on information provided by the Convict – Jeffery Musgrove; his wife – Mrs. Shantira Musgrove; his daughter – Ms. Shantanique Musgrove; an anonymous individual; and the virtual complainant – Mr. John Lightbourne. The report also sought to rely upon information received from the Criminal Records Office.

[6.] In respect of convict Delvandre Butler, the report was prepared based on information obtained from the Convict – Delvandre Butler, his girlfriend – Ms. Kayanna Outten, an anonymous individual & the virtual complainant – Mr. John Lightbourne. The report also sought to rely upon information received from the Criminal Records Office.

[7.] Counsel for the DPP made recommendations as to an appropriate sentence, and interestingly, Counsel for the Convicts also offered a sentence and made pleas in mitigation.

FACTS

[8.] The facts of this case are not in dispute, except as to who is responsible for firing the firearm. The evidence from the virtual complainant, Mr. John Lightbourne, indicates that while at a bar located in Lewis Yard, Eight Mile Rock, Grand Bahama, on or about May 11, 2019, he got into an argument with a male known as Jeffery, who goes by the name ‘Dog’. During the argument, he states Jeffery punched him in the face, he pulled out a pocket knife and stabbed Jeffery. He is unsure where he stabbed him. On the 25th May 2019, he left his residence in a Chevy Lumina to visit his grandchildren in the Lewis Yard area. That upon leaving, he observed a Ford Fusion, which pulled up alongside his vehicle, and a dark-skinned male with a low haircut, about 5’6” and 5’7”, wearing a red long-sleeve pullover or jacket, came from the passenger side of the vehicle and fired 4 to 5 gunshots from a chromed colored handgun.

[9.] He observed Jeffery driving the vehicle with a male passenger in the passenger seat. Neither man was wearing a mask at the time, as it was broad daylight, around 1 pm. He was shot in the right shoulder and sped away, zig-zagging as they remained behind him, firing shots. He exceeded the speed limit, causing his vehicle to spin out and break an axle. He left the car and ran through a track road to his home, where he called the Police, who arrived within a few minutes. The ambulance came, and he was taken to the Hospital and seen by the Doctor. That sometime later that day, Officers came and spoke to him regarding the incident, and he described Jeffery as a dark male with burn marks under each cheek.

[10.] Upon being released on 28 May 2019, he was invited to Central Police Station, where he observed a beige Ford Fusion, and he recognized it as the car involved in the shooting. He was also shown a photo lineup containing the faces of several males and was advised that the person may or may not be present in the lineup. He recognized the male who shot him at photograph number 3 and was advised to circle and initial it. That also, on 28th May 2019 at about 1 pm, a confrontation took place between him and Jeffery Musgrove, during which Sergeant Ramando Russell and Corporal Curtiss were present. Mr. Lightbourne states what he had said occurred. However, Mr. Musgrove offered no reply. Officer Russell noted that Musgrove was unwilling to participate in an Identification parade, and the photo lineup proved challenging due to the marks on his face, so they opted for the confrontation. Counsel for Musgrove suggested it was his right to remain silent. The Officer agreed it was Mr. Musgrove's right to remain silent.

[11.] The Statement of Ms. Deandre Major was stipulated by Counsel for the Convict and the Crown and was admitted into evidence. Ms. Major recalls Mr. Lightbourne coming to visit her children, his grandchildren, and after leaving, she recalls hearing gunshots and a car speeding off.

[12.] The Court also heard from Anthony Newry of T's car rental, who indicated that he had rented a Beige Ford Fusion to Jeffery Musgrove and that he returned it later on the 25th May 2019. He received a call from the Police regarding the vehicle and, along with the car rental documents, took it to the Central Police Station, where he left it.

[13.] The Court heard from Assistant Superintendent Campbell, who indicated that he had spoken with Delvandre Butler under caution about his intention to conduct an Identification Parade or group Identification. That Mr. Butler elected not to participate in either.

[14.] Officer Hamilton indicated that while on patrol, he received information regarding a shooting and a champagne colored vehicle being involved. They headed to an area of Hawksbill along West Sunrise Highway when he observed a car with two male occupants. They were stopped and asked to exit the vehicle. The Vehicle and each male were searched with negative results.

[15.] The Court also heard from Officer McPhee, who provided Photographs which were exhibited. Officer McPhee noted he had collected one (1) brass 9mm shell casing.

[16.] The Court also heard from the Medical Doctor Latoya Storr, who gave evidence as to her former colleague, who had conducted a medical evaluation of John Lightbourne, who was admitted to the Rand Memorial Hospital on the 25th May 2019 at about 2 pm, suffering from a gunshot wound to the right upper shoulder. Mr. Lightbourne was referred for surgery. After surgery, he was admitted for a few days but was later discharged. She was questioned by both Counsel for Butler and Musgrove whether any projectile was recovered or whether there was an exit wound. She responded that the notes don't indicate that a projectile was found, that he was x-rayed, or that anything was discovered. As for the nature of the existing wound, one could say which of the wounds the entrance wound is.

[17.] Officer Gaichelle Russell states that after receiving instructions from Officer Campbell, she prepared a 12-person photo lineup that included the image of Delvandre Butler. Questions from Butler's counsel sought to ascertain the origin of the photos. The Court sustained the Crown's objection as the question was potentially prejudicial. Counsel sought to suggest that the height and weights weren't included and sought to suggest further that the complexion of a number of the individuals appeared not similar. Officer Russell disagreed with that characterization. Noting that she sourced individuals of similar height, weight, and complexion to the Accused. She attempted to identify individuals for Musgrove but was unsuccessful because he had burns on each cheek, which made it challenging to locate eleven other suitable persons.

[18.] The Court also heard from Detective Sergeant Curtiss, who indicated that he conducted a Record of Interview with each of the Convicts. He first interviewed Delvandre Butler on 27 September 2019, in the presence of Corporal Rolle. He asked Butler a series of questions, and Butler answered them. He asked Butler whether he knew Jeffery Musgrove and his alias; he said he did, and he was known as 'Dog'. Butler indicated Jeffery picked him up from Hawksbill in a silver/grayish car. They went to chill with a friend named 'Benji'. He denied going to Lewis Yard. He also didn't know John Lightbourne. He also rejected shooting John Lightbourne or the vehicle driven by Lightbourne. Butler refused to sign the Record of Interview.

[19.] On the 27th May 2019, Officer Curtiss, along with Reserve Corporal Davis, interviewed Jeffery Musgrove. He indicated that, after speaking with his lawyer, he was instructed not to say anything. Therefore, after each question, he advised that he had no comment. He too elected not to sign the Record of interview.

[20.] Officer Curtiss indicated that he spoke with several of the residents of Lewis Yard, who gave him information. That also spoke to Anthony Newry, and he received certain rental documents. Thereafter, he elected to charge Mr. Musgrove and Mr. Butler with Attempted Murder.

Probation Report – Jeffery Musgrove

[21.] According to the information in the Probation Report, the Convict was born in New Providence on December 3rd, 1973. The Convict commenced his education at Uriah McPhee Primary School, where he completed his primary education. He transferred to L.W. Young Junior High School and subsequently to C.I. Gibson High School. He graduated in 1992. After graduating, he enrolled at Southern University to pursue a degree in Criminology. Unfortunately, due to financial constraints, he was unable to complete his studies. After returning to the Bahamas, he commenced work as a helper on various construction sites in 1994. He then relocated to Grand Bahama in 1997 and was employed by Waugh Construction. He then became self-employed and worked intermittently at Reef Construction. The Court would note a single conviction in 2002 for Possession of Dangerous Drugs, where the Convict was fined Three Thousand (\$3,000.00) Dollars or imprisoned for one (1) year at the Bahamas Department of Correctional Services (BDCOS), formerly Her Majesty's Prison (HMP).

[22.] The wife, Mrs. Musgrove, and the Convict were married in 2008, and she characterized the relationship as positive and supportive. However, the relationship deteriorated following her relocation to New Providence. Mrs. Musgrove reported that she considered the Convict a decent individual who was highly active in church and a doting husband and father. He was the primary caregiver for the children, but they, too, were eventually transferred to New Providence. At this time, his life appeared to take a negative turn, but he remained financially supportive of the children and maintained contact with them whenever he visited New Providence.

[23.] The Convict's daughter, Ms. Shantanique Musgrove, indicated that she and her father shared a loving bond during her youth. Following her relocation to New Providence, he continued to provide financial support and sent messages and gifts. She notes that they no longer share the close bond because of her father's interaction with law enforcement.

[24.] An anonymous individual spoke in glowing terms of the Convict's work ethic and deportment. Indicated that she was aware of his previous transgressions and hired the Convict despite them. He exceeded her expectations regarding the scope of his responsibilities and is willing to reemploy the Convict upon the Convict's release from incarceration.

[25.] The Convict indicated he was at the Honeycomb bar and had a verbal altercation with the virtual complainant and acknowledged that he was stabbed in the neck and stomach by the virtual complainant. He denied that he was present at the time of the incident, is confused as to how a conviction was obtained, and contends that he doesn't know the virtual complainant.

[26.] The virtual complainant, Mr. John Lightbourne, reported that while playing a dice game, he and the Convict engaged in a verbal exchange. He acknowledged that he stabbed the Convict after the Convict and several of his associates attacked him. He indicated that several days later, he observed the Convict and another individual, whom he identified as Mr. Butler, drive up, and the Convict Butler exited the vehicle and fired several gunshots, striking him in his upper shoulder. Mr. Lightbourne is of the view that the wider community will benefit from the incarceration of the Convicts.

[27.] The Court notes that the Probation Report states that Mr. Musgrove's comments indicate he sought to mentor young men in his community by teaching them a trade and allowing them to work alongside him. He is a member of the Seventh Day Adventist faith and has used both cigarettes and marijuana in the past. He drinks socially and has been diagnosed with High Blood Pressure. He reports two (2) strokes in his life and has issues with his heart that have led to various admissions to the hospital throughout his life and a daily regimen of medications.

[28.] The recommendation authored by Mr. Laish Boyd Jr. & Ms. Wynelle Goodridge suggested that, and I quote:

“This incident is unfortunate and seems unnecessary given the circumstances preceding the day in question. The concerned involvement in a petty argument led to two (2) separate violent incidents that could have potentially led to loss of life. Fortunately, in this instance, this was not the outcome. However, the actions of that day have adversely impacted the virtual complainant as he has become incapacitated as a result of the offense...”

[29.] Counsel for the Defendant Musgrove raised certain health concerns of the Defendant, namely that the Convict is hypertensive and had two minor strokes while on remand. For completeness of the Court’s process, it made inquiries. In a report dated 11 March, 2026, Dr. Providence, the Medical Officer at the Bahamas Department of Corrections, assessed him as “Well”. There was no evidence to support the Counsel’s assertions with relation to the alleged strokes while on remand.

Probation Report – Delvandre Butler

[30.] According to the Probation Report authored by Mr. Laish Boyd Jr. & Ms. Wynelle Goodridge, dated January 20th, 2026, the Convict, Delvandre Butler, was born on the 16 October 1995, in Grand Bahama. He was hospitalized several years ago after being shot in both legs. He commenced his education at Lewis Yard Primary School, where he completed grades 1-6. He then enrolled at Freeport Junior High School for grades 7 & 8, and thereafter attended St. George's until 10th Grade. He then enrolled at Total Education Center to study welding, but did not complete the program. He was first employed by a Landscaping Company as a Helper and then by a Resort as a contracted Mason. Further, employment history included work at Butler Food World, then at a hotel as a steward until its closure. He was employed as a contracted Mason, a skill learned from Mr. Musgrove.

[31.] Ms. Kayanna Outten, the girlfriend and the mother of two (2) children with the Convict, indicated that they have been together for five (5) years and that he is a good father and prioritizes the children. His demeanor was nonchalant and stoic. He spends most of his time outside working hours. She is of the view that he is still coping with his mother’s death. Ms. Outten takes issue with the proceedings, alleging a relationship between a juror and a witness. The virtual

complainant adjusted his testimony during the trial and is confused, given the relationship between the sons of the virtual complainant and the virtual complainant herself.

[32.] An anonymous individual states that she has known the Convict for at least ten (10) years and that he and his Co-Accused have performed several jobs at her residence. And had no issues with having the Convict at her residence, and hopes he can complete his sentence before his children are advanced in age.

[33.] The virtual complainant, Mr. Lightbourne, indicated he got into an altercation with Musgrove, and several days later, he observed a vehicle driven by Musgrove, in which the Convict Butler was a passenger, who emerged and shot at him, striking him in his shoulder.

[34.] Convict Butler, for his part, maintains that he was not present and is innocent. He indicated that he knows the virtual complainant well and is unsure why he named him as the perpetrator. He asserted that he was only named as the shooter after the virtual complainant was shown a lineup. He also said that the media coverage of his arrest and other legal proceedings painted him as guilty unfairly. He doesn't think the trial was fair.

LAW

[35.] The Penal Code prescribes as follows: ***“292. Whoever attempts to commit murder shall be liable to imprisonment for life.”***

[36.] In this case, the Convicts were found unanimously guilty by a Jury after a trial and were convicted of two (2) counts of Attempted Murder contrary to section 292 of the Penal Code.

[37.] In deciding the appropriate sentence, consideration must be given to the general principles of sentencing, Halsbury's Laws, Third ed. Vol 11(2) at paragraph 1188 notes:

“The aims of sentencing are now considered to be retribution, deterrence, and protection, and modern sentencing policy reflects a combination of several or all of these aims. The retributive elements are intended to show public revulsion at the offense and to punish the offender for his wrongful conduct. Deterrent sentences are intended to deter not only the actual offender from further offenses but also potential offenders from committing offenses. The importance of reforming offenders is shown by the growing emphasis placed on it in much modern legislation. However, the

protection of society is often an overriding consideration. In addition, reparation is becoming an important objective in sentencing.”

Each case must turn on its own circumstances, and the Court must consider various factors in deciding which principle should predominate.

[38.] In the Court of Appeal case of **Prince Hepburn v. Regina SCCrApp. No. 79 of 2013**, *Adderley JA (Retired)* offered the following guidelines as to sentencing, where he said at paragraph 36:-

“In excising his sentencing function judicially, the sentencing Judge must individualize the crime to the particular victim so that he can, in accordance with his legal mandate, identify and consider steps the aggravating as well as mitigating factors applicable to the particular perpetrator in the particular case. This includes, but is not limited to, considering the nature of the crime and the manner and circumstances in which it was carried out, the age of the convict, whether he has past convictions of a similar nature, and his conduct before and after the crime was committed. He must ensure that, having regard to the objects of sentencing, retribution, deterrence, prevention and rehabilitation, the tariff is reasonable and the sentence is fair and proportionate to the crime.”

SUBMISSIONS

[39.] Counsel for Butler argued that he remains a relatively young man and is redeemable. That he maintains he was not responsible, but that the police instead encouraged him to accept responsibility. He notes that, were he in the position of the Court, he would sentence a person in similar circumstances to a term of ten (10) years.

[40.] Counsel for Musgrove argued that the Defendant is of ‘exemplary’ character, a devoted husband and father, and maintained lawful employment. The facts surrounding the matter point to a background of provocation, and Convict Musgrove suffers from severe hypertension. Counsel for Musgrove suggested a sentence for a term of seven (7) years.

[41.] The Crown notes the existence of both mitigating and aggravating factors. They also note there were no antecedents. The Crown relied upon the cases of **Emmanuel Rolle v. DPP SCCrApp. No. 195 of 2018**, where the Appellant was convicted for Manslaughter and Attempted Murder and appealed his sentence, asserting it was unduly harsh. The Court of Appeal upheld the conviction and sentence. The Appellant had been sentenced to twenty years (20), which was reduced to seventeen years for time spent on remand on the Attempted Murder charges—Ian **Mackey v. DPP SCCrApp. No. 53 of 2020**, here the appellants were convicted on Attempted

Murder and were sentenced to 20 years less five (5) on remand for Attempted Murder. The Court of Appeal upheld his convictions and sentences. Finally, the case of **Shakatoure Thompson v The Director of Public Prosecutions** SCCrApp. No. 144 of 2017 was offered, again a similar offence of Murder, Attempted Murder, and Armed Robbery where the Defendant was convicted and sentenced to Forty-two (42) years for the Murder, twenty-five (25) for Attempted Murder, and twenty years (20) for Armed Robbery; however, on appeal, the sentences were affirmed by the Court of Appeal.

ANYALSIS & DISCUSSION

[42.] In individualizing this case to the present convicts, Musgrove and Butler appeared not to have cooperated with the investigation. Butler participated in the Record of Interview; however, he elected not to sign it or join in a group identification parade. Convict Musgrove declined to participate in a group identification parade; however, given the unusual markings on his face, Officers utilized a confrontation between Convict Musgrove and the virtual complainant. Both Convicts elected to proceed to trial, which is their constitutional right, but were duly found guilty by a jury of their peers. Each convict, during their interview with the Probation Officer, expressed confusion regarding their conviction and stated that they were innocent of the Offence.

[43.] The Convicts are free to maintain their innocence, and nothing adverse can be presumed as a consequence. However, feigning confusion about how they were convicted of the Offense is palpably disingenuous. Each Convict was represented by Counsel who competently represented the Convicts and, additionally, called an Alibi witness. The jury rejected the defense's arguments and accepted the evidence presented by the Prosecution.

[44.] In this case, the question is what would be the appropriate sentence in the case of Attempted Murder? The Convict Butler was and remains a relatively young man with considerable prospects ahead. However, given the brutality and senseless nature of this crime, it is unacceptable in our society. Clearly, Parliament intended for perpetrators to serve significant sentences, subject to course, where exceptional circumstances exist. There are no extraordinary circumstances that exist in this case. The Court notes the case of **The Attorney General v. Vilner Desir & Delano Taylor** SCCrApp. No. 45 of 2015, in this case, both individuals were convicted of attempted

murder and were sentenced to ten (10) years by the Trial Judge. The Crown appealed the sentences as too lenient. The Court of Appeal agreed and amended the sentences to Twenty –Five (25) years, and the comments of Acting Justice of Appeal Evans (as he then was) when he made the following sentiments, this Court wholly adopts:

“In our view, the sentence imposed by the learned judge could not, on the evidence and the relevant legal principles, be said to reflect the seriousness of the offense. Further, in our view, the sentences imposed on the respondents were unduly lenient, and ignoring that fact would do nothing to maintain the public’s confidence in the criminal justice system. We were aware that the respondents are young men who have not previously been convicted of any offense, and this must inure to their benefit. However, we could not close our eyes to the fact that the majority of the violent crimes with which we have to adjudicate involve young men. We, as a court, must give effect to the intention of Parliament in prescribing the penalty for attempted murder, which is to reflect society’s intolerance of the violence that currently plagues our country. We can only do this by ensuring that the penalties imposed reflect the seriousness of the offenses and meet the particular circumstances of each case.”

[45.] The proposal offered by the Counsel for the Convicts does not, in this Court's opinion, fully take into account the circumstances of this case. However, it is understandable to seek leniency. The Crown's cases cite several cases upheld by the Court of Appeal; these cases provided some clarity as to the Court's thinking and were of assistance. The Court finds that the level of injuries suffered is life-changing, and the emotional trauma is still evident as Mr. Lightbourne testified and indicated to the probation officer. Mr. Musgrove and Mr. Butler’s attempts to whitewash the jury's findings are inconsistent with the evidence in Court. That this crime is said to have been committed with a firearm, the level of carnage being visited upon our primarily populous by young men should not and cannot be afforded any safe harbor in this society, nor our Courts.

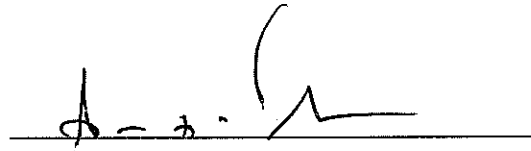
DISPOSITION

[46.] The Court hereby Convicts Mr. Delvandre Butler & Mr. Jeffery Musgrove of Attempted Murder contrary to section 292 of the Penal Code of the Statute Laws of the Bahamas. The Court imposes a custodial sentence of twenty years (20) with relation to Convict Musgrove and eighteen (18) years with relation to Convict Butler. The position of the Court is that the older of the two convicts was considered a mentor to the younger and, from all outward appearances, was the instigator of this event, and rather than set the right example, perhaps encouraged the younger convict to engage. In the circumstances, the Court will ascribe more custodial time to Mr. Musgrove. Time on remand to be taken into account and time from the 1st October, 2025. It is further recommended that the Convicts can enroll in any available trades. It is also necessary that

the Convicts be enrolled in Anger Management classes, if available, and in substance abuse classes.

[47.] The Convicts may appeal the sentence of this Court to the Court of Appeal within the statutory time

Dated this 7th April , A.D. 2026

A handwritten signature in black ink, appearing to read 'A. Forbes', is written over a horizontal line. The signature is stylized with a large, sweeping flourish on the right side.

The Honorable Justice Andrew Forbes