

The Virgin Islands Consortium

Drunk From Hennessy Consumption, Suspect Assaults Victim in Sudden Rage

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Mugshot of Demare Anthony Encarnacion. By. THE VIRGIN ISLANDS POLICE DEPARTMENT

ST. THOMAS — A St. Thomas native allegedly threw a half-filled bottle of Hennessy at a male victim, chased the victim through traffic, and caused a public disturbance for unknown reasons.

Demare Anthony Encarnacion, 28, appeared before Magistrate Judge Carolyn Hermon-Percell via teleconference from the Bureau of Corrections on Friday for his advisement hearing.

Encarnacion was charged with third-degree assault (use of a deadly weapon), simple assault, and disturbance of the peace.

On September 1 at about 2:23 pm, officers were dispatched to the Salvation Army in Market Square, St. Thomas in regard to a disturbance in progress. According to the probable cause fact sheet, Encarnacion, a known mental health patient, appeared to be under the influence of alcohol or an unknown substance and was behaving erratically.

The fact sheet said, according to a Salvation Army employee's statement, that Encarnacion was cursing profanity towards the victim and taunting him by making motions as if he wanted to strike him in the head with a half-filled Hennessy bottle. Eventually, Encarnacion threw the bottle towards the victim's head, hitting the victim on the hand as it was raised to protect his face. Encarnacion left the area and returned with another glass bottle, attempting to strike the victim once more.

At this point the victim ran away, and Encarnacion chased him through traffic. The suspect threw the glass bottle towards the victim but missed him, hitting a building. The fact sheet said that this caused Encarnacion to become even more irate, so he grabbed a nearby elderly citizen's umbrella during the chase and attempted to strike the victim. The victim then ran back to the Salvation Army and hid inside. Workers at the establishment barricaded the doorway to prevent Encarnacion from entering.

When officers arrived at the scene and spoke with Encarnacion, he was still behaving in a "belligerent manner," the fact sheet said. He admitted to police that he consumed an unknown amount of Hennessy prior to the incident. Contact was also made with witnesses who corroborated the statements of the Salvation Army employees.

"There doesn't appear to be a reason why he assaulted the victim in this case. He was yelling at him and throwing bottles at him," said prosecuting attorney John Barraco, who argued that these actions constitute a danger to the victim and the community as a whole. Barraco requested that the bail of \$25,000 remain as set with security provisions as the court deemed necessary.

On the other hand, defense attorney Mary Ann Matney of the Office of the Territorial Public Defender requested that Encarnacion post an unsecured bond as he did not have any cash to post for bail. Additionally, Attn. Matney stated that her client had no prior convictions although he had prior contact with the justice system.

Judge Hermon-Percell concurred with Barraco on Encarnacion being a danger to the victim and the community and considered both council's arguments in the setting of bail and release conditions. Therefore, Encarnacion's release conditions are as follows:

- Bail was reduced from \$25,000 to \$10,000 and Encarnacion was permitted to post an unsecured bond
- Prohibited from leaving the STT-STJ district without prior written permission from the court
- Not possess firearms, ammunition, or dangerous weapons
- Not abuse alcohol or possess any controlled substances
- Have no contact with the victim
- Have no unlawful contact with witnesses

- Maintain a minimum distance of 25 feet from the victim
- Receive a substance abuse or alcohol abuse evaluation from the Division of Mental Health at the Department of Health or a comparable agency prior to arraignment
- Follow treatment plans provided by the Division of Mental Health or comparable agency
- 6 pm to 5 am daily curfew

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