

THE EASTERN CARIBBEAN SUPREME COURT
ANTIGUA AND BARBUDA

IN THE HIGH COURT OF JUSTICE
(CRIMINAL)

CASE NUMBER: ANUHCR 2023/0050

BETWEEN:

THE KING

-AND-

SHADESHA PHILLIP

Appearances:

Ms. Rashida Jonas Counsel for the Crown

Mr. Wendel Alexander Counsel for the Defendant

2025: SEPTEMBER, 24

SENTENCING RULING

[1] **BAKRE, J.:** The convict, Ms. Shadesha Phillip, a 27 year old young lady was brought to court by a two count charge of **Aggravated Robbery and Robbery**. On the 12th day of May 2025, the convict pled guilty to the second count of **Robbery** and the Prosecution accepted the plea and withdrew the first count of Aggravated Robbery.

[2] The convict is now before this court for sentencing.

THE FACT

- [3] The fact leading to this case is that Ms. Phillips and some other person had gone to Golden Grove service Station in the parish of St. Johns in Antigua and robbed Margaret Simon of the sum of EC\$200 in cash.
- [4] The fact related by the prosecution is that on the fateful day, Ms. Margaret Simon, who is a pump attendant, at the Golden Grove Service Station was at work. She had her money bag, which contained EC \$200.00 around her neck.
- [5] She sat outside the station on a plastic chair with her back turned to the ice machine when she heard a woman she knows as Cheryl, scream and then she felt a hard tug around her neck, immediately followed by a voice of a masked man saying; "gimmie the bag".
- [6] The masked man then started to wrestle with her to get the bag from around her neck. She said she observed two masked men (one of which was the Defendant), one taller than the other.
- [7] She said she heard a loud explosion and became even more frightened and at this point, the man she was wrestling with then pulled hard, spinning the chair around with her still on it, thereby causing her to fall on the ground on her knees.
- [8] The Defendant and the other assailant then ran off with the bag.
- [9] The police came on to the scene and chased them. While they were running, the defendant fell. The other assailant attempted to assist her momentarily but as the police approached, he ran off, leaving the Defendant on the ground.
- [10] The defendant was dressed in black long sleeve jacket, khaki long pants with a black shirt tied around her head. After the police told her that she was under arrest for suspicion of robbery, she identified herself as a girl.

- [11] This basically is how the offence was committed and the convict is here for sentencing.

SOCIAL INQUIRY REPORT

- [12] The court is in receipt of a social inquiry report dated the 1st of July 2025 and signed by the Director of family and social Services.
- [13] In the report, the convict was described as regular young lady who grew up under single parental care. She was described as a good girl who fell into wrong company by her family and community members.
- [14] The probation officer concluded about her that she is a young woman raised in a single parent household by her mother, with whom she maintains a close supportive relationship. She joined bad company in the course of her education.
- [15] She has become totally apprehensive to discuss her employment history because of her criminal background and the fear of victimization based on it.
- [16] She is said to express deep remorse for her past behavior and would be emotional when discussing the long term consequences of her action and the effect it has had on her previous employments. She is said to have shown a strong desire to improve her life and that she has learned from past mistakes.

MITIGATION

- [17] In mitigation, the counsel to the accused asked the court to note that the accused is a first offender and that she is now remorseful and now gainfully employed.
- [18] Counsel asked that the defendant a twenty seven year old lady should be considered for a non-custodial sentence in this regard. All these shall be taken to consideration in the course of this Ruling.

THE LAW

[19] The offence of **Robbery is contrary to Section 33(2) of the Larceny Act, cap 241 of the Laws of Antigua and Barbuda (1992)**. It says:-

“Every person who robs any person shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labor for any term not exceeding seven years.”

SENTENCING GUIDELINES

1. In this Ruling, the Court is to be guided by the Sentencing Guidelines of the Eastern Caribbean Supreme Court for Offences of Dishonesty which was republished on the 6th of January 2025.

First Stage

2. The first stage is to consider the consequence by assessing the harm caused by the offence. This should include an assessment of the evidence. The robbery would have affected the flow of business, stopping business for some time, this impact has its consequence of impact on the business. This therefore would have led to a consequential financial harm to the service station. The robbery also caused emotional distress to the victim who was 63 years old at the time and whom the defendant and her cohorts forcefully took the money from.
3. Consequently, this offence is placed in Category 2 Medium as there was some physical and/or psychological harm caused to the victim as well as some detrimental effect on the business activity of the Service Station.

Second Stage

4. The second stage is to consider the seriousness by assessing the culpability of the offender. In the present case, the offence falls within Seriousness Level B as the Defendant played a significant role in a group activity. Some degree of planning was also involved as evidenced by the fact that both the Defendant and her accomplice

had left their two bicycles in the middle of the pathway to serve as a getaway mode of transportation after the robbery.

Third Stage

5. Having determined the level of responsibility, the starting point is 40% (2 years and 8 months) of the maximum sentence, which according to **Section 33 (2) of the Larceny Act, Chapter 241 of the Revised Edition of the Laws of Antigua and Barbuda**, is for a term not exceeding seven years.
6. The range is 25% to 55% of the maximum sentence. This works out to be a range of 1 year and 9 months to 3 years and 10 months.

Fourth Stage

7. Consideration must be had to the various aggravating and mitigating factors for the offence and the offender;
8. On the offence, this court considers the following aggravating factors.

AGGRAVATING FACTORS

- i. Prevalence of the offence
- ii. Attempt to conceal identity
- iii. Offence motivated by greed

This brings the sentence up further to three years imprisonment (3 years)

MITIGATING FACTORS

- a) No immediate mitigating factors available.

There are no aggravating or mitigating factors in relation to the offender in this instance. The court does not have any record of an earlier infringement of the law by the offender.

Other Consideration

- a) In this instance, the offender took an early plea with respect to the charge. She would thus be entitled to a reduction of one-third of the sentence. This brings down the term to two years imprisonment. (2 years)

9. The offender will thus be sentenced to two years imprisonment. The number of days she would have spent in custody in relation to this offence shall be deducted from this term.

SENTENCE

- [20] Shadesha Phillips, having been convicted for robbery on the 12th of May 2025, you are hereby sentenced to two years imprisonment. The number of days you had served in custody shall be taken into consideration and deducted.

Hon. Justice Tunde Bakre
High Court Judge

By The Court

Registrar