

THE EASTERN CARIBBEAN SUPREME COURT
ANTIGUA AND BARBUDA

IN THE HIGH COURT OF JUSTICE
(CRIMINAL DIVISION)

CASE NO. ANUHCR 2023/0084

BETWEEN:

THE KING

-and-

DANE SAMUEL

Appearances:

Mr. Daniel Lattery for the Crown

Mr. Andrew O'Kola for the Defendant

2025: May 12;

June 19;

July 4.

SENTENCING RULING

- [1] **BAKRE, J.:** Dane Samuel was charged on an indictment with a single charge of Receiving contrary to Section 37(1) (a) of the Larceny Act on the 24th of January 2024. On the 27th day of May 2025, he pleaded guilty to the offence after his arraignment.
- [2] It is the Crown's case that on the 11th day of January 2021, the VC's house was broken into, and several items were stolen, which included one (1) white Motorola G-Plus cellular phone, valued at EC \$1,041.00.

- [3] On the 19th day of February 2021, the Police, acting on information, and after securing a search warrant, went to the convict's home. Upon arrival, they identified themselves, handed over a copy of the search warrant to the convict and in his presence, searched the home.
- [4] During the search, one (1) white Motorola G Plus cellular phone was found in a dressing table drawer. Both the phone and the convict were taken to the St. John's Police Station where the phone was kept.
- [5] The following day, on the 20th day of February 2021, the Police Officers contacted the VC to come to the Dockyard Police Station. She was shown the said Motorola G plus phone that was found at the convict's home. After examining the phone, entering her password, thereby unlocking the phone, she confirmed that it was her stolen phone.
- [6] She was then asked to place her signature and date on the said cellular phone for future identification purposes which she did.
- [7] The convict was formally arrested and charged on the 21st day of February 2021. He was granted bail on March 8, 2022, after spending 14 days on remand.
- [8] The convict is before the court for sentencing today. The sentencing exercise is guided by the Eastern Caribbean Supreme Court Sentencing Guidelines for Offences of Dishonesty (Amended) January 2025 and it is considered under theft.

The court has already listened to and considered the plea in mitigation by the counsel to the convict.

SENTENCING GUIDELINES

- [9] The consequences of the offence in this regard may be determined by several factors including but not limited to the value of the item stolen, the inconveniences caused to the victim, emotional distress and other factors. In the circumstance of this case, the consequence is put in **Category 4 (lesser)** based on the value of the stolen item.

- [10] In considering the seriousness, this court places the offence under **level C lesser** as this is a crime of receiving and thus the convict is somewhat limited in the commission of the theft itself.
- [11] These two categorization and going by the grid will be considered for a non-custodial sentence. In this regard a fine of \$1000 would be adequate punishment for this offence
- [12] In view of the foregoing, the sentence is now considered along with the aggravating and mitigating factors. The court does not see an aggravating or mitigating factor of the offence in this regard.
- [13] On aggravating and mitigating factor for the offender, the court acknowledges the fact that this offender has been convicted several times for sundry offences which also includes house breaking and larceny. This would be taken into consideration in the award of fine against the offender and I increase the fine to \$1500.
- [14] The court would ordinarily take into consideration a waiver of 1/3 of the sentence for an early plea. The prosecution proposed that this opportunity should not be extended to this accused in view of the fact that the accused had been in court since February 2023 and had earlier opportunity to plead guilty. In view of this while the 1/3 waiver may not be available, the fact that the convict plead guilty before trial would still attract some level reduction and thus I reduce the fine to \$1200. (One Thousand Two Hundred Dollars).
- [15] With respect to the issue of compensation raised by the prosecution in favour of the virtual complainant, this court awards the sum of \$300 against the convict and in favour of the virtual complainant taking into account that the stolen phone was recovered.

SENTENCE

- [16] Dane Samuel, having been convicted for the offence of Receiving contrary to Section 37 (1) (a) of the Larceny Act, you are hereby fined the sum of \$1200 to be paid within the next 30 days failing which you shall serve two months imprisonment.

You shall also pay the sum of \$300 (three Hundred Dollars) to the virtual complainant within the next 30 days failing which you shall serve another one month imprisonment.

Tunde A. Bakre
High Court Judge



By The Court

Registrar