

**EASTERN CARIBBEAN SUPREME COURT
ANTIGUA AND BARBUDA**

**IN THE HIGH COURT OF JUSTICE
(CRIMINAL JURISDICTION)**

CASE NO. ANUHCR2024/1002

BETWEEN:

THE KING

-and-

DONTE HUNKINS

Appearances:

Mr. Curtis Cornelius for the Crown

Mr. Daniel Lawrence for the Defendant

2025: MAY 13TH, 14TH, 20TH
JUNE 17TH

SENTENCING RULING

[1] **BAKRE, J.:** The convict pled guilty to the offence of robbery and was convicted of same after a judge alone trial. He was originally charged on an indictment for Aggravated robbery contrary to Section 33 of the Larceny Act (amendment) Act 2017 Cap 241 Laws of Antigua and Barbuda and Section 33 (2) of the same Act.

[2] The prosecution refused the plea for robbery and insisted to go to trial for aggravated robbery. Thus trial was conducted for aggravated robbery but he was subsequently found guilty of robbery.

SUMMARY OF FACT

- [3] The basic fact is that on the 11th day of February 2023, the virtual complainant (herein subsequently referred to simply as VC), a 63 year old retiree had parked his car, a Honda CRV with registration number A 46685 at Ni Hao supermarket on Cassada Gardens road leading to Staples Night Club.
- [4] The VC came out of the supermarket into his car and just as he drove a few blocks, he noticed movement at the back seat and the defendant, who had hid there while he was in the supermarket jumped to the front seat beside him and according to the Virtual complainant, he pointed a chrome colored gun with a design on it towards him and asked him to get down from the car. It was held that this was not proved.
- [5] Police Officer Benta obtained a search warrant with which a search was carried out in the house of the accused. Several items including the original plate number of the car was found in the house of the accused.
- [6] The court received a probation report on this convict where in the officer described the convict as a man loved by his family and neighbors who all expressed surprise at his actions. In mitigation, the convict in person also pled with the court to be given another opportunity.

The Law

- [7] The offence of Robbery is governed by section 33(2) of the Larceny Act Cap. 241 It provides a maximum sentence of seven years' imprisonment.

SENTENCING GUIDELINES

- [8] The first step in constructing a sentence is to establish a starting point of the offence. In adherence with the Eastern Caribbean Supreme Court Sentencing Guidelines for Dishonesty Offences re-published on the 6th January 2025 to establish a starting point, a case of robbery requires an assessment of the seriousness of the offence

and its consequences by reference to the harm caused. In assessing seriousness, this will include reference to the culpability of the offender.

- [9] The first stage is to consider the consequences by assessing the harm caused by the offence. The matter falls into category 2- medium as there was some degree of psychological harm as the complainant in his evidence at trial stated he was shocked and scared as a result of the incident. He also stated that he no longer drives his vehicle since the incident as a result of his experience on that day.
- [10] The second stage is to consider the seriousness by assessing the culpability of the offender. This falls within Level C – Lesser as there was little to no planning as the defendant at trial stated that the act was spontaneous.
- [11] The third stage is to determine the starting point by consulting the grid. As stated, the consequences and Seriousness is Category 2 and Level C, the starting point will be 20% (one year and five months) with a range of 5%-35% (Four months and six days, two years and five months).
- [12] The next stage is to assess the aggravating and mitigating factors of the offence and adjust upwards or downwards.

AGGRAVATING FACTORS OF THE OFFENCE

- (a) Attempt to conceal the crime by removing the registration plates and attaching new ones to the vehicle.
- (b) Prevalence of the offence

MITIGATION OF THE OFFENCE

- (i) The car was eventually restored and given to the owner.

- [13] In view of the above aggravating and mitigating which cancels each other out, the sentence of One year and five months will remain

AGGRAVATING FACTORS OF OFFENDER

- (i) The defendant has a relevant prior conviction for a dishonesty offence, this shows that he is habitual and has not learnt any lesson.

MITIGATING FACTORS OF OFFENDER

- (i) The defendant was 18 years old at the time of the offence

In view of this position, the sentence is further increased to One year and six months.

- [14] In this instance, the defendant pleaded guilty to robbery at the earliest possible time and would be entitled to a 1/3 discount off this sentence. The sentence is thus reduced to one year imprisonment.

- [15] The time already spent in custody, if any will be taken into consideration.

- [16] In the circumstance, the accused is hereby sentenced to one year imprisonment. Time spent in custody shall be taken into consideration.

SENTENCE

- [17] Donte Hunkins, having been convicted for the offence of robbery, you are hereby sentenced to a term of one year imprisonment. The time spent in prison shall be taken into consideration.

Tunde A. Bakre
High Court Judge



By The Court

Registrar