

IN THE EASTERN CARIBBEAN SUPREME COURT

IN THE HIGH COURT OF JUSTICE

IN THE FEDERATION OF ST CHRISTOPHER & NEVIS

IN THE ST CHRISTOPHER CIRCUIT

CASE SKBHCR 2023/0045

REX

V

ELRETHA JEFFERS

APPEARANCES

Mr Teshuan Vasquez for the Crown.

Mr Vaughan Henderson for the defendant.

2025: JULY 18

SENTENCE

For large clever fraud as trusted accountant

- 1 **Morley J:** Eretha Jeffers aged 40 (dob 15.08.84) following guilty plea falls to be sentenced for 'money laundering' contrary to **s4(2)(b) Proceeds of Crime Act** cap 4.28, in that between 22.12.16 and 14.06.19 in 111 dishonest transactions, each valued at between \$1700-2750us, at a rate of about 3-4 such transactions per month, she stole in total \$559992ec ('\$560k') while working as the lone accountant for IIC Management, incorporated on 18.06.16.

The facts

- 2 IIC manages condominiums known locally as the 'Marriott Residences' in Frigate Bay, where owners rent out their premises, often to university students on island, and IIC collects the income. From 18.06.16, Jeffers was the sole accountant in control of a software called '*propertyware*' where tenants would usually pay rent by bankcard. On 01.10.18, Shari Greaves was appointed Chief Financial Officer and became aware of complaints from owners they were not receiving monies. Investigation took time, during which on 13.06.19 Jeffers resigned. Greaves then discovered clear irregularities in the propertyware accounts, leading to police report on 23.12.19, and Jeffers was arrested on 31.07.20, making no comment to police.
- 3 What Jeffers had been doing is as follows.
 - a. On occasion, a refund of rent would be due to a tenant, which was to be paid onto the tenant bankcard.
 - b. However, Jeffers would substitute into the computer record of the tenant propertyware account her own bankcard details so the refund would go to her.
 - c. She would disguise the 'name' of the bankcard as input into the account by the tenant, usually by copying the name but changing a letter from upper to lower case, or vice versa, which was designed to be a small edit so the tenant would not notice if inspecting the account online that, although the bankcard appeared to have the expected name, they would then not notice a changed bankcard number. An example would be, if there was a tenant named Smith, changing the online reference to the bankcard from, let us say, 'Smith's MasterCard' to 'Smith's MasterCard', (bold and underline added for emphasis) where the capital 'C' would be a reference in the computer record to Jeffers own card.
 - d. The refund being received by her, there would then be occasions where she would delete reference to her card on the account, so there would be no trace of to which bankcard the money had gone.
 - e. Further, there were occasions where Jeffers also manipulated the accounting records to delete a charge of rent within propertyware, where rent had been properly due and paid, but which would then create a reason within the software for there to be a refund, which she would use the software to pay to her own card as above, creating the false impression to

owners no rent had been received as it had not been charged, the charge having been deleted, even though the rent had been debited from the tenant's card.

- f. This activity amounts in a sense to stealing directly from the tenant as a refund due to the tenant, or directly from the owner by siphoning rent paid.
 - g. Across the 111 transactions, through 30 months, she used 3 credit cards and 3 debit cards registered to herself, to Scotiabank and the SKNA national bank.
 - h. At one point, Greaves calculated there had been 124 dishonest transactions stealing the supposed refunds from 72 tenants amounting to \$683000ec, of which 69.7% had been recovered from IIC to the losers, though this figure was lowered to \$560k on analysis while the case made its way through the High Court.
 - i. Jeffers' last theft was on the day she resigned, 13.06.19, of \$1775us, stealing noticed finally by Greaves in October 2019, as it had been a refund to a tenant still in occupation, which made no sense, at which point the fraud and its method was unmasked.
- 4 This was sustained clever criminality in breach of a high degree of trust, and there is evidence the money was spent on luxury, like a trip to Dubai and an expensive Lexus car. Jeffers was the sole accountant, and singlehanded greatly damaged the reputation of IIC, as reported in the June 2024 impact statement from Greaves explaining how maligned locally IIC had become for seeming to lose or not account for money, unfairly building a poor reputation, which has taken time and effort to overcome, to rebuild confidence with the universities who provide many of the tenants at the Marriott Residences.

The proceedings

- 5 Plea of guilty was entered 16.02.24.
- a. The plea had been to Count 2, on a two count indictment, being a single count of 'money laundering', contrary to **Proceeds of Crime Act**, adding the 111 amounts together to \$560k, with a maximum sentence of 20 years, being pleaded as:

Elretha Jeffers between 22.11.16 and 14.06.19....disposed of credit balances to the value of [\$560k] knowing that the said credit balances were obtained directly from the serious offence of fraudulent conversion.

- b. Count 1 had been 'fraudulent conversion', contrary to **s19(1)(c) Larceny Act** cap 4.16, maximum sentence 7 years, to lie on the file, pleaded as:

Elretha Jeffers between 22.12.16 and 14.06.19...being entrusted with property, to wit the credit balances of property owners who were clients of ...IIC, in order that she may apply the said credit balances to the purposes of ...IIC..., fraudulently converted to her own use or benefit credit balances to the value of [\$560k].

- c. During negotiation between the Crown and defence, the Crown had held out for the more serious count in light of the sophistication of the fraud and the multiplicity of offences over so long, it being noted the plea to count 2 accepts committing count 1.

6 First appearance in the High Court was on 22.09.23, there was plea on 16.02.24, with today sentence on 18.07.25, being hearings spread over 22 months.

- a. The case has had a protracted history.
- b. Fraud prosecutions are rare on St Kitts & Nevis, and it is hoped this will change, to become more frequent, so that the government will finance expansion of the hard-working white collar crime unit, led by Inspector Jerry Watts, with a tiny team, and who are all to be commended here for their investigation efforts.
- c. With more such cases to come through over time, the nature of the work will become more familiar to counsel, so that it can proceed quicker.
- d. Following first appearance on 22.09.23, leading to plea on 16.02.24, there were 8 listings on the following dates: 27.10, 10.11, 04.12, and 15.12.23; and 19.01, 26.01, 02.02, and 09.02.24.
- e. Following plea on 16.02.24, leading to the sentencing hearing split between 03 and 14.07.25, there were 15 listings on the following dates: 14.06, 27.06, 18.07, 26.07, 01.08, 07.10, 14.10, and 18.11.24; and 15.01, 12.02, 19.03, 15.04, 09.05, 19.05, and 23.05.25.
- f. Up to plea on 16.02.24, the arguments were on how much money could be proven stolen, and then on whether the prosecution would accept count 1 conversion instead of count 2 money laundering.
- g. Then up to sentence hearing on 03 and 14.07.25 (with 2 adjourned hearings on 07 and 09.07.25):

- i. First, there was delay in money being gathered to be paid back to IIC, with finally on 15.01.25 there was \$360000ec (\$360k) available in Counsel Henderson's escrow account, while efforts were being made to find purchasers for two plots of land (5192ftsq as lot 75 at Pine Gardens on St Kitts, and 12950ftsq at Fountain Village on Nevis) and a Lexus car (model ZS250) to recover the remaining \$200000ec (\$200k) to make up the \$560k; and
- ii. Then complications arose over baby Liam Carey, born to Jeffers on 14.04.24, where
 1. argument evolved Jeffers should not be jailed as it would mean separation from Liam which would be unfair to him, and
 2. his being ill or examined by doctors, led to Jeffers' absence from court and discussions about Liam needing possible surgery for an undescended left testicle, for which Jeffers asked at one point to be allowed to leave the jurisdiction to bring Liam to a Barbados doctor.
- h. In part the proceedings have been exhausting for Jeffers, about which the court has some sympathy, and indeed for her family and the lawyers so long in the proceedings, though equally the delay has been created by the defence raising so very many complications.
- i. Listing today for sentence remarks to be in writing will be the 30th appearance.

The mitigation

- 7 Argument evolved as the case progressed toward sentence that Jeffers should not be jailed because:
 - a. She will pay all the money back;
 - b. To separate Liam as a nursing infant from his mother risks damaging him, when there is no prison provision to accommodate his being with her in jail, reported by the prison to the court by letter on 07.02.24, so that to jail her will unfairly harm an innocent child; and
 - c. Liam may need surgery which as his mother she should best oversee and so should not be jailed.
- 8 Concerning her personal circumstances, she is of good character and in her social inquiry report dated 21.06.24, probation officer Lauston Percival reported she has a close family support, with

2 older children and baby Liam. It is in particular a tribute to her strong family support they have helped raise \$360k toward what she stole and are helping with sale of remaining assets to raise the remainder \$200k.

- a. Of her education, he said at Secondary School from 1996 to 2001 she attained subject passes in Math, English, Literature, Geography, Music, History, Social Studies, Computer, Accounts, Principal of Business and after graduating she then went on to the Lavity Stoutt Community College where she attained an Associate Degree in Business Administration; I conclude from this she is highly intelligent.
- b. Of her employment record, he said she started working in 2013 with Pinnacle International which is a Real Estate Firm, then at the Marriott Residences, then Caribbean Gaming and Entertainment, the Ramada Hotel, and at present is employed at the ICDS Taiwanese Technical Mission with the Department of Environment.
- c. Her present employer the Taiwan Technical Mission has provided a strong letter of support dated 04.02.25, stating:

I am pleased to provide this character reference for Mrs. Elretha Jeffers, who was employed as a Recycling Promotion Technician under the Taiwan Technical Mission recycling project from August 2023 to December 2024. During her tenure, she demonstrated professionalism, dedication, and a responsible approach to her work.

Elretha Jeffers was responsible for developing and implementing recycling promotion strategies and initiatives to enhance community engagement. Her key contributions included conducting educational workshops, coordinating community events, and fostering collaborations with local stakeholders to promote sustainable waste management practices. Notably, she played an important role in organizing and managing the 2023 Recycling Competition, overseeing event logistics, and assisting in the preparation of the awards ceremony. Beyond her technical expertise, she demonstrated strong organizational and communication skills. She contributed to the design of educational materials and assisted in managing social media campaigns to promote awareness. Her ability to work collaboratively with diverse teams and maintain a professional demeanor was highly valued.

- d. Of her attitude to the offending, he said she told him:

On Friday 16.02.24, I pleaded guilty to the second count of money laundering while I was seven months pregnant. I was afraid, but I insisted to my lawyer Mr. Vaughn Henderson that I am willing to seek a plea deal agreement because of my guilt and did not want to waste the court's time.

During the years 2016 to 2019, while I was working with the International Investment Management Company. I had access to the company's accounts which I took advantage

of, I transferred funds from a few dormant accounts into my National and Republic Bank accounts to pay off my past debt. The funds were also used to pay my daughter's medical/ asthma bills, my son's college fees and a few pending bills that I simply could not afford.

Due to the four years with this matter pending, it has taken a toll on my life. From the day my baby was born to now. I sadly say that I have been having a difficult time concentrating and physically bonding with my little one. With my court case approaching it has been one of the most nerve wrecking, frustrating, emotional and heartbreaking periods of my life but I pray that the court will be lenient with me when it is time for my sentencing. I would like to say again that I am truly remorseful and have learned my lesson. I am a university graduate and I believe that I can use my education to engage in community service or other alternative sentencing as I believe that if I am incarcerated it will be very difficult to my immediate family, which includes my husband, my children in college and my newborn baby.

Lastly, I wish to reiterate how truly sorry I am to all the people who have been affected by my wrongdoing and I am asking them to find a place in their hearts to forgive me.

Medical material

- 9 Much effort has gone into medical material to provide reason not to imprison her.
 - a. There have been 12 medical reports as follows, from:
 - i. Dr Bichara Sahely, dated 17.02.24;
 - ii. Dr Mark Grant, dated 04.06.24;
 - iii. Dr Cherrilyn Crawford, dated 19.06.24 and 11.02.25;
 - iv. Dr Yannick Henry, undated, September 2024;
 - v. Dr Mark Hodge, dated 09.09.24;
 - vi. Dr Yren Clarke Baez, dated 02.04.25;
 - vii. Dr Joylette Woodley-Fassale, dated 25.04.25 and 15.05.25;
 - viii. Dr Patrick Martin, dated 11.02.25 and 28.04.25; and
 - ix. Dr Michelle Vincent, dated 21.05.25.
 - b. During 2024, following plea on 16.02.24, Dr Sahely reported Jeffers suffers asthma, being in hospital during September 2020 for 13 days, when then in icu on 14.09.20 suffered cardiac arrest; Liam arrived on 14.04.24, with Dr Grant reporting Jeffers had a breast condition associated with feeding Liam which required surgery on 16.05.24; on 19.06.24 Dr Crawford

reported Jeffers had a mild major depressive disorder with anxious distress fearing incarceration and separation from Liam, also receiving counselling for post-partum depression, with then further breast ultrasound on 21.06.24; then in September 2024, Dr Henry reported Liam had a cold and rash, while his mother suffered further asthma, and more breast mass was reported by Dr Hodge on 09.09.24, while Liam attended hospital on 07.10.24 for an unspecified condition.

- c. On 11.02.25, Dr Crawford produced a thorough report on the depression and infant bonding:

Depression, formally known as major depressive disorder (MDD), is a mental health condition characterized by a range of symptoms. To receive a diagnosis of MDD, an individual must exhibit five or more symptoms as outlined in the Diagnostic and Statistical Manual of Mental Disorders (DSM-5 Text Revision, 2022). These symptoms must include either a depressed mood or anhedonia, which is a reduced interest in pleasurable activities. MDD is diagnosed when a person experiences a persistently low or depressed mood, alongside anhedonia or decreased interest in activities they once enjoyed. Additionally, they must have at least four other symptoms from a set that includes feelings of guilt or worthlessness, lack of energy, poor concentration, changes in appetite, psychomotor retardation or agitation, sleep disturbances, or suicidal thoughts (DSM-5TR).

This mental health condition can respond well to treatment, regardless of its severity. Mild, moderate, and severe depression often present with the same symptoms; however, as the severity increases, the intensity of these symptoms typically rises as well, leading to more significant challenges and impairments for the individual. Mild depression may not significantly interfere with daily activities, even if the symptoms are distressing. Consequently, a person might feel "just tired" or think they're "having a bad day."

Living with MDD can complicate work life, creating additional stress and making responsibilities feel overwhelming. Factors such as hard work, tight deadlines, and an unfriendly work environment may be particularly challenging for someone with depression. However, work can also provide benefits that help manage some aspects of MDD. Having a routine, maintaining social contacts, and having supportive colleagues can aid in symptom management. It's important to note that everyone is different, and the impact of work on MDD can vary depending on the specific environment in which a person works.

Ms. Jeffers initially presented with mild depression. Clinically, she exhibited low interest and diminished pleasure in activities, along with persistent fatigue, sleep disturbances, and appetite issues several days a week. For most of the week, she felt down, depressed, and hopeless, often thinking she was a failure and that she had let herself and her family down. The years of uncertainty while waiting for her trial could have contributed to her depression. She reported appearing in court almost every three months from 2020 to 2023, only to see her case rescheduled each time. In early 2024, she appeared in court every Friday for a

while, but the case continued to be postponed. This frequent rescheduling likely took an emotional toll on her, leading to episodes of depression and anxiety before and during her antenatal and current postpartum period.

Adequate treatment for depression is crucial, as recent studies indicate that postpartum depression can persist for up to three years after childbirth (Diane L. Putnick et al., 2020). At her last screening on February 3, 2025, the severity of her depression had increased to moderately severe. There was a rise in both the symptoms' frequency and intensity, as well as an increase in anxious distress. These heightened levels of depression and anxiety may be linked to the impending consequences of her legal matters. Untreated depression, regardless of its severity, often leads to more severe symptoms. Ching-I Hung et al. (2017) posited that longer durations of untreated depression are significantly associated with greater severity and lower chances of improvement at follow-up. Ms Jeffers was encouraged to seek counselling through the government system, as she expressed financial difficulties in continuing therapy in the private sector. She was advised not to be discouraged by the waiting list in the government sector.

Stressful life events are recognized as triggers for Major Depressive Disorder (MDD), and incarceration is a significant stressor. Individuals who are incarcerated often experience heightened levels of general psychological distress, as their separation from loved ones can exacerbate pre-existing conditions such as MDD. Those in prison confront a range of emotions, including feelings of isolation and grief. They may also have difficulties communicating and arranging contact visits with their infants and family members, which can lead to increased sadness and anxiety. Additionally, incarceration creates forced separations between mothers and their children, disrupting attachments and contributing to greater psychological distress.

Attachment theory explains how emotional bonds form between individuals, particularly between a child and their mother or primary caregiver (Salcuni, 2015). This theory originated from the work of British psychologist John Bowlby in 1969. At the core of attachment theory is the idea that children seek comfort from caregivers during times of distress or uncertainty. Caregivers must be present and accessible so that children can form secure attachments (Bowlby, 1979; Harlow, 2019). Bowlby introduced the concept of the "secure base," where a child uses a caregiver as a stable point of safety from which to explore the world. When children feel secure in their attachment to a caregiver, they gain confidence in exploring their environment.

Bowlby's work also highlighted the paramount importance of early relationships, noting that disruptions in these bonds can lead to attachment issues later in life, such as anxiety or emotional insecurity. These findings have been supported and are continually being expanded upon (Connors, 2011). The emotional connections formed during these interactions lay the foundation for secure or insecure attachments. As children grow, these bonds significantly influence how they navigate future relationships and cope with stress.

Studies suggest that children develop attachment through four stages, ranging from infancy to early childhood (Bowlby, 2018).

The interaction between Ms. Jeffers and her son indicates a close connection. Her son was smiling, laughing, making good eye contact, and cuddling and clinging to her. Her son is nine months old and is currently in the clear-cut attachment stage. According to Bowlby (2018), infants aged 6 to 24 months in this stage develop a stronger attachment to their primary caregiver and may exhibit separation anxiety when the caregiver leaves. After 24 months, children become more independent and learn that their caregiver will return, which decreases anxiety during separations.

In a study analyzing the impact of attachment and family instability, Kimberly Howard et al. (2011) investigated the relationship between early mother-child separation and subsequent maternal parenting behaviours as well as children's outcomes. The findings indicated that a mother-child separation lasting a week or longer during the first two years of life was associated with increased levels of child negativity at age three and aggression at ages three and five. Furthermore, the influence of separation on child aggression at age five was mediated by levels of aggression at age three, suggesting that the effects of separation on aggressive behaviour are both early and lasting.

d. Also on 11.02.25, Dr Patrick Martin offered the following:

1. I am legally authorized to practice medicine in the Federation of St. Kitts and Nevis since 1989. My area of specialty is General Pediatrics (birth through adolescence).
2. I have attended to Ms. Elretha Jeffers' infant, Liam Casey. I am satisfied that the foundations of mother - infant bonding have been firmly established. Evidence includes, inter alia, the progress of breastfeeding, and the infant's attainment of expected growth and developmental milestones. At this time, the infant's prognosis for a healthy longevity appears good.
3. I assert, from the child-care literature, and from my practice experience, that consistent, loving care augers well for an infant's smooth and successful transition through childhood, adolescence to adulthood. I can also assert that separation of a mother from her infant is always potentially problematic. Complications include depression (detachment, mood swings, excessive crying, loss of appetite), and decelerations in the patterns of growth and development. Notwithstanding, history is replete with examples of children adjusting well to loss of their mothers when suitable replacements are found. Even in our small nation, the host of adept, replacement mothers (grandmother, aunts, cousins, foster mother, adoptive mother) is legion.
4. I conclude that Elretha Jeffers' incarceration hence separation from her infant, Liam Casey, will likely be emotionally traumatic for the infant with the risk of complications alluded to earlier.

- e. Following examination on 18.03.25 by Dr Woodley, there was ultrasound by Dr Baez of Liam's testicles on 02.04.25, which found the left not in the scrotal sac. After, Dr Woodley wrote for the court on 25.04.25:

I am writing to you with great respect and humility on behalf of Mrs. Jeffers, who is currently facing a period of incarceration. I wish to bring to your attention a matter of deep concern involving her young son Liam who made 1 year on the 14th April 2025, and who is in urgent need of surgical intervention for two serious medical conditions: undescended testicles and phimosis. Said surgical intervention is scheduled for the 15th of May 2025.

These are not minor issues; untreated, they may lead to long-term complications, including fertility problems, hormonal imbalances, and severe pain or infection. Mrs. Jeffers has been the primary caregiver and the one most involved in ensuring he receives the care he needs. Her presence is essential - not just for his emotional well-being, but to advocate for, coordinate, and support him through surgery and the recovery period which would take approximately 3 months.

I understand and respect the decisions of the court, but I kindly request that Your Honor take into account this child's immediate medical needs and the vital role his mother plays in his care. Whether through a delay in sentencing, a reduced sentence, or an alternative arrangement such as community service or house arrest, any allowance that would enable her to remain with her child during this critical time would make an immeasurable difference in his life and health.

We are not asking for leniency without reason - only for the opportunity for a mother to be present for her child when he needs her most. Thank you for your time, compassion, and for considering this request.

- f. On 28.04.25, Dr Martin then further wrote:

1. I am legally authorized to practice medicine in the Federation of St. Kitts and Nevis since 1989. My area of specialty is General Pediatrics (birth through adolescence).
2. On April 26, 2025, I saw Liam Carey, 12 months. His parents sought an opinion on a previous diagnosis of Undescended Left Testis (Cryptorchidism). An ultrasound report suggested the left testis was "retractile". They were told that surgery was indicated.
3. Upon examination, Liam's psychological and physical conditions were normal. He is attaining the expected developmental milestones. Specifically, I found both testes in the normal positions in normal scrota (see the diagram which was copied from the website of The Hospital for Sick Children, Toronto, Canada). Both parents were able to see and palpate both testes in their normal anatomic positions.
4. Accordingly, my advice was that corrective surgery was not indicated. In so doing, I sought to explain the normal descent of testes from the abdomen to the scrotal sacs. I added that testes are located at the end of a cord which may require time to achieve full extension. Additionally, retractile testis are best examined in a warm ambient environment which enables decent. During infancy (birth to 11 months), if descent is not perceptible or

impeded in positions above the scrotum, surgical referral is indicated without prior radiologic testing.

- g. Proceedings were adjourned for surgery to take place on 15.05.25 as scheduled by Dr Woodley, but instead on the court reconvening on 19.05.25, Jeffers was now seeking another opinion from Dr Vincent on Barbados, who required to see Liam, and so she was asking to leave the country, which was refused on 23.05.25 in expectation she would not return.
- h. With sentence listed on 03.07.25, and adjourned part heard to 14.07.25, evidence was received from Drs Martin, Crawford, and Woodley.
 - i. On 03.07.25, Dr Martin as a pediatrician since 1989 said Liam at 15 months no longer needs breastfeeding; Liam's separation from his mother would connote a high risk of psychological and physical malady, though restoration of attachment can be expected if not separated overlong; there is a good support structure with strong family ties, and fostering available, also through church groups, with expectation in his view there would be full recovery from the separation if apart for 2 years as not overlong; he found no difficulty in locating the left testicle and so does not think surgery warranted; the surgery is under general anesthetic and carries risks, though this is a common procedure on St Kitts without incident, so the risks are minimal, meaning he would not hesitate to allow this surgery on his own child on island; and he understands why as a mother Jeffers will be worried.
 - ii. On 03.07.25, Dr Crawford as a psychologist of 18 years said after 24 months children become more independent though Liam is currently only 15 months, and so within the range of serious risk of separation anxiety, where he would not be able to grasp her incarceration away from him; to raise an infant, there must be consistency of who shows up so there is development of a secure attachment, which then decreases the risk of psychological impact, while reconnection after separation with full recovery is possible, as there are many examples of a child being cared for by another in the wider family without distress, like where a death occurs, there being in her view a moderately strong likelihood Liam will develop normally if separated; however, children with an incarcerated parent are 3 times more likely to

have behavioral problems and 2 times more likely to have ADHD and anxiety issues, growing up not trusting others.

- iii. On 14.07.25, Dr Woodley as the resident surgeon in the JNF Hospital of 12 years said she is more authoritative than Dr Martin as to whether Liam requires surgery, though she has not seen Liam since 06.05.25, when again the left scrotal sac was empty; Jeffers had not followed through with the scheduled surgery and did not say why; Dr Woodley had not talked with Drs Martin, Crawford or Vincent about Liam; she had not been asked to give an opinion against incarceration, though had written such, which was instead her own idea to do so, emphasizing the need for bonding of the infant with the mother, though she had no idea of the allegation; lack of funds would not prevent surgery on St Kitts and would not be good reason the surgery had not occurred on 15.05.25; as to Liam's left testicle being not of concern, per Drs Baez and Martin, she did not agree, opining they had pushed the testicle into place, which did not mean it would descend; overall, Liam needed circumcision, and as to his left testicle, though this is routine, with low risk and good recovery expected if in a loving circumstance with father and aunts.

10 To distill the medical material:

- a. Jeffers is suffering asthma and depression;
- b. She is anxious Liam will need surgery concerning his left testicle;
- c. There is a danger of impact on Liam leading to malady if separated from his mother;
- d. However, with good support there is moderately strong likelihood Liam will develop normally if supported in a consistent family structure;
- e. Reconnection can be expected if separation is not overlong, up to 2 years;
- f. If surgery is required it is routine, of low risk on St Kitts; and
- g. It is evident to the court the family do not consider Liam's testicle urgent as he has not gone to Barbados, and there had been no further interaction with Dr Vincent, nor with Dr Woodley though surgery was available on 15.05.25, while Drs Baez and Martin think him alright.

Paying back

- 11 Concerning paying back the \$560k:
- a. There is \$360k available paid into Counsel Henderson's escrow account;
 - b. There are three assets:
 - i. The St Kitts plot was valued at \$62304ec by Dwight Francis of Geoinformatics on 29.11.23 and is worth \$100000ec to a prospective purchaser named Amorelle Finch who on 20.02.25 has attested to an intention to buy the plot for this sum;
 - ii. The Nevis plot was valued at \$64754ec by architect James Buchanan on 30.01.19 and is worth \$75000ec to a prospective purchaser named Carla Daniel who on 21.02.25 has attested to an intention to buy the plot for this sum; and
 - iii. The Lexus car is worth \$90000ec per a valuation on 22.11.23 by S N Hanley of Hanley's Automotive Engineering in Bird Rock, with a letter of intent dated 24.02.25 from Anthony Henry to buy it for \$40000ec.
 - c. The combined value of the three assets as at February 2025 is apparently \$215000ec, pledged by the purchasers, which would cover the outstanding \$200k.

Constructing the sentence

- 12 Extensive discussion in the case has led, unusually, to the Crown making submissions, given the cleverness, scale and length of the fraud, there needs to be a deterrent sentence, for promulgation to the wider public, that it cannot be expected paying money back will avoid jail, merely reducing it, meaning any prison sentence here should not be suspended if 3 or less years.
- 13 The materials above have been fully set out as the sentencing exercise is complicated. It must assess the complexity of the fraud, the mitigation of paying money back, and the impact of possible incarceration on Jeffers, and in particular her son Liam.
- 14 Before assessing the punishment, the first consideration in this sentence is to seize back the criminal benefit of \$560k.
- a. I order the \$360k in the escrow account of Counsel Henderson to be paid by him within 14 days as compensation by Jeffers to IIC, under **s33 Alternative Sentencing Powers Act** cap 3.20, to be settled between his office and Shari Greaves; this is not the full amount of

IIC loss, which at 69.7% of \$560k would be \$390320ec, (or of \$683k would be \$476051ec, though this is not the figure on which the indictment settled), but such a sum will mark at least some measure of restitution. If not paid, in default there shall be 12 months imprisonment under **s97 Criminal Procedure Act** cap 4.06, with separate requirement for Counsel Henderson to answer to why the money has not been paid out from his escrow account, noting it must be understood the money on escrow cannot now be recovered from him by Jeffers and her family, after sentence is passed and before distribution, or directed by them as to how it is spent, which instead is as ordered above.

- b. I order the two plots of land and Lexus shall be treated as 'tainted property' and therefore forfeit under **s44 Proceeds of Crime Act**, to result in an order under **s49** to pay \$200k to the Crown into the forfeiture fund; and in the alternative, as confiscated, if argument is later raised any such property is not tainted, with order under **s53** and **s56** to pay the same sum of \$200k to the forfeiture fund. If not paid within 12 months, there shall be 3 years imprisonment under **s50(a)(v) Proceeds of Crime Act**. This order means Jeffers and her family will have 12 months to sell the two plots and Lexus, as set up with the prospective purchasers, and so deposit the money with the fund.
- c. It should be noted if serving in default of making the payment as directed, this does not mean the requirement to pay is extinguished, but instead it can then become subject to other lawful means of enforcement.

15 Turning to the formal punishment for committing this fraud, pleaded as money laundering, where the maximum sentence is 20 years, there are ECSC sentencing guidelines republished in January 2025.

16 In sentencing procedure per **practice direction 8B of 2025**, as step 1, as to the circumstance of the offence, counsel agree it falls within category 2A, being between \$250000ec and \$1million ec, and in gross abuse of trust, so the starting point is 50%, while within the range in my judgment it should be adjusted upwards to 13 years, as 65%, to reflect the length of the fraud and the large number of dishonest transactions.

17 In step 2, as to the circumstance of the defendant, weighing good character, its effect is muted as her good character is why she had the job, meriting 6 month deduction, to 12.5 years. There

is then her asthma and depression to consider, meriting modest reduction, as asthma is not automatically harsher in prison, while the depression is not unexpected if facing jail and family separation, meriting deduction of 18 months to 11 years. I will consider Liam shortly.

18 In step 3, as to the benefit for plea, there will be a full one-third discount, as although not immediate, there had to be discussion between counsel about the value of the fraud, meaning the 11 years, or 132 months, is reduced to 88 months, which is 7y4m.

19 In **R v Latoya Rawlins 2025**¹, reported by this court, where \$185000ec had been stolen by over time by an employee, the fact she had paid it all back meant a further discount of 75%, reducing her sentence at step 3 from 3 years to 9 months (which was not suspended). In this case, a discount ought also to arise as Jeffers and her family have made impressive effort to recover the missing monies. I will assume the \$360K is recovered, as in the escrow account of Counsel Henderson, which is broadly two-thirds of the \$560k, begging deduction as two-thirds of the 75%. However, it is a fact not all the money is to hand, and there is risk never will be, as \$200k is outstanding, even though the court accepts it will have been difficult, yet not impossible, to sell the two plots and car over the long period of this case being in the court list, even though these had been subject earlier to restraining order leading up to indictment. In the circumstances, I will deduct a further two-thirds of 75%, being 50%, meaning 44 months from the 88 months, making 44 months, or 3y8m.

20 I have not yet factored Liam, but note 3y8m is longer than 3 years which is the most a sentence can be if it may be considered for suspension, per **s6 Alternative Sentencing Powers Act**.

21 The critical question in these proceedings, discussed over many hearings, reflected in the defence filing much of the medical material, has been whether separation from Liam merits suspending any sentence, on the ground incarceration of Jeffers may damage her innocent child, where Doctors have opined, notably Drs Woodley and Martin, that the court should not jail her. In a sense, Liam has been offered as her shield.

¹ See: <https://eccourts.org/judgment/rex-v-latoya-rawlins>

22 Reference has been made by counsel to **R v Petherick (Rosie Lee) (2012) [2012] EWCA Crim 2214**, where Hughes LJ set out 9 factors when considering sentence of a mother. Of note are paras 21-24:

21. Fifth, in a criminal sentencing exercise the legitimate aims of sentencing which have to be balanced against the effect of a sentence often inevitably has on the family life of others, include the need of society to punish serious crime, the interest of victims that punishment should constitute just desserts, the needs of society for appropriate deterrence...and the requirement that there ought not to be unjustified disparity between different defendants convicted of similar crimes....

22. Sixth, it will be especially where the case stands on the cusp of custody that the balance is likely to be a fine one. In that kind of case the interference with the family life of one or more entirely innocent children can sometimes tip the scales and means that a custodial sentence otherwise proportionate may become disproportionate.

23. Seventh, the likelihood, however, of the interference with family life which is inherent in a sentence of imprisonment being disproportionate is inevitably progressively reduced as the offence is the graver and **N v South Africa** [2007] ZACC 18 is...a good example. Even with the express Constitutional provision there mentioned, the South African Constitutional Court approved the result in which in one of the cases a sentence of four years was necessary upon a fraudulent mother, despite the fact that she was the sole carer for a number of children who were likely to have to be taken into care during her imprisonment...

24. Eighth, in a case where custody cannot proportionately be avoided, the effect on children or other family members might...afford grounds for mitigating the length of sentence, but it may not do so. If it does, it is quite clear that there can be no standard or normative adjustment or conventional reduction by way of percentage or otherwise. It is a factor which is infinitely variable in nature and must be trusted to the judgment of experienced judges.

23 It needs to be understood by the wider public stealing from an employer, and here in gross abuse of a position of trust as an accountant, is serious offending. It strikes at national economic activity and the reliability of investment on island if folk think stealing is acceptable, to be negotiated after if caught, where paying back will mean no impactful consequence like an immediate jail term. Where the dishonesty has been multiple, creating a large sum over a long period, as here, only a custodial sentence is appropriate, weighing *Petherick* at paras 21 and 23 above, and considering **para 5a Practice Direction 8C of 2025**, and while paying back will have large mitigation effect, and is encouraged, it does not automatically mean custody will be avoided, but instead greatly reduced.

- 24 In principle, Jeffers, like in *Rawlins*, should serve an immediate term. I must now factor Liam. Without him her sentence lies above 3 years as unsuspendable. If I had factored him at step 2, he would have had less overall impact, and so will consider him at this point to give his situation maximum effect.
- a. First, I do consider Liam's circumstance merits further discount, consistent with para 24 in *Petherick*, so as to reduce time apart from his mother, which I assess here to be a reduction by half, of 22 months, reducing the sentence from 44 months to 22 months.
 - b. Second, I now consider if 22 months, which is a suspendable period, whether to suspend exclusively for his benefit. In considering this, though Drs Woodley and Martin have told the court in writing not to incarcerate her, in their reports of 25.04.25 and 11.02.25, supported by observations on the importance of child bonding from Drs Crawford and Henry, I go on to consider the following:
 - i. There is expectation Liam will receive excellent family care from his father and aunts, who have impressed the court with how as a family they have pulled together to gather money to assist Jeffers;
 - ii. Though anxiety may arise in Liam, it is expected he will fully reconnect if not separated overlong;
 - iii. Dr Martin has opined on 03.07.25 such full reconnection can be expected if separation is less than 2 years, being 24 months;
 - iv. Dr Crawford has opined on 03.07.25 there is a moderately strong likelihood of no damage to Liam if in a loving home; and
 - v. Dr Woodley has opined on 14.07.25 if there is to be surgery it is of low risk, Dr Martin said the same on 03.07.25, and the worry of surgery though understandable is evidently not pressing on the family as there was none undertaken on 15.05.25, and no further interaction with Dr Vincent on Barbados.
 - c. Therefore, overall, while the court hesitates to find Liam has been put forward exploitatively to warrant no jail time, then playing out as unresolved the question of surgery and the unknowable impact of separation, nevertheless on the material offered a term of less than 2 years ought likely raise little effect while Jeffers does not need to be at liberty to have conduct

of any possible surgery as its routine nature and convalescence is well within the capability of the wider family.

25 In light of this analysis, the sentence will not be suspended, which were it not for Liam it would not be and could not be anyway. Jeffers is therefore at this point poised to receive a jail term of 22 months.

26 There is in this case no recorded time on remand. However, I note in these marathon proceedings, Jeffers has had to attend the High Court 30 times, on each occasion surrendering her liberty as surrender to court under the terms of her bail. This surrender of liberty is not treated as any form of remand time, but in my judgement given the number of days attending court, this ought to be reflected in the sentence. For this reason, unusually in this particular case, given how long the proceedings have taken, and mindful there have been many adjournments to consider Liam, I will reduce the sentence further by a month, being notionally the 30 attendances, from 22 to 21 months.

27 If of good behaviour, Jeffers will serve two-thirds, meaning 14 months.

28 While in jail, I expect the prison to provide every opportunity within the prison rules for Liam to visit his mother.

29 As to ancillary orders, the default periods, of 12 months and then 3 years, will be served consecutively to the 21 month sentence, and to each other, if the monies are not paid as required (though realistically the court does not expect difficulty with the money on escrow being paid within 14 days to IIC).

The sentence

30 *Elretha Jeffers, please stand up.* For the offence of money laundering to the value of \$559992ec, which I round up to \$560k, to which you have pleaded guilty, cleverly stealing money during 30 months from tenants and landlords in multiple fraudulent transactions in the propertyware software which you controlled, while the sole accountant for IIC, in gross breach of trust, the sentence shall be 21 months imprisonment, not suspended in order to raise a deterrent effect

locally. The sentence has been reduced from 88 months to 44 months for paying much of the money back, though there is more to pay, then from 44 months to 22 months owing to the court being sensitive to the possible impact on your son Liam born on 14.04.24 of being separated from you, and then finally, unusually, given how long have been these proceedings, in part considering Liam, a further month to 21 months. However, for this level of offending, Liam cannot provide a complete shield from being jailed. Concerning the outstanding \$200kec you must pay this into the forfeiture fund within 12 months, and in default will serve consecutively 3 years. In addition, you will pay as compensation \$360kec through Counsel Henderson to IIC within 14 days, or serve 12 months in default, also consecutively, though which the court considers an improbable scenario as the money is already on escrow. You will be eligible for remission of one-third of your sentence if of good behaviour. You may go with the gaoler.

The Hon. Mr. Justice Iain Morley KC

High Court Judge

18 July 2025