

THE EASTERN CARIBBEAN SUPREME COURT

ANTIGUA AND BARBUDA

IN THE HIGH COURT OF JUSTICE

CASE NUMBER: ANUHCR2024/1010

BETWEEN:

THE KING

V

DELARNO DAVIS

Appearances:

Ms. Rashida Jonas for the Crown.
Defendant in Person.

2025: May 30th
June 12th

SENTENCING RULING

- [1] **BAKRE, J.:** The defendant was indicted for the offences of Aggravated Robbery and in the alternative Unlawful use of a Firearm. On the 8th April, 2025 the defendant pled guilty to the offence of Aggravated Robbery. The prosecution accepted the plea and the second count of Unlawful use of a firearm was withdrawn. He is now here for sentencing.

BRIEF FACT

- [2] On the 4th February, 2022 at approximately 8:00 p.m., Lou-Jean Brown-Perry, a cashier at KOB2 Supermarket, observed a man entering the store. The man was of dark complexion, slim built and approximately 5'6" tall. He was wore a dark grey hoodie, grey and white shorts and a pink ski mask concealing his face.
- [3] The man brandished a black firearm, ordered Ms. Brown-Perry, to "shut the fuck up" and demanded she open the cash register. Throughout the encounter, he jammed the gun into her thigh, and warned her not to move, threatening to shoot her if she did.
- [4] She struggled to operate the register with one hand while the man kept the gun on her and forcibly removed the cash. After taking most of the contents from the cash register, he calmly exited the

premises. Ms. Brown-Perry immediately secured the store door, contacted the police and notified her superior.

- [5] The police extracted the CCTV footage from the Supermarket and the owner, Germelle Dickenson, verified that \$1,190.00 was stolen from the register.
- [6] Upon being apprehended, the defendant fully cooperated with the police and, during his police interview, admitted committing the robbery at the Supermarket. At the time of the offence, the defendant was eighteen (18) years old.
- [7] The prosecution Brief on sentencing was read out and the court also received a probation report dated 10th of June 2025 prepared by probation officer Nikita Williams.
- [8] The probation report on the convict is very moving and it tells a story of a young boy who happened to be a victim of his environment.
- [9] The convict was born in Jamaica and lived there till about age twelve when his mother had to relocate to the United States in search of a better life but still continued to support the convict from there financially.
- [10] He had to live with an uncle and unfortunately became involved with people of questionable characters which made him drop out of school and subsequently relocated to Antigua to live with his father who was reported not to be sensitive to his needs.
- [11] The exposure to harsh life from childhood drove the convict to several wrong decisions. Incidentally, despite that the convict had brushes with the child Justice Board on several charges of driving without license, driving without insurance and dangerous driving; he has no record of charges on offences of dishonesty until now.
- [12] All that were interviewed painted the picture of the convict as a good and quiet buy who is merely a victim of circumstances.

- [13] He was also described by a police officer as a youth who actually wanted to do better but without opportunities. He gave himself up in respect of this offence and helped the police authorities in the course of the investigation.
- [14] The probation officer concluded that the convict was cooperative and that incident must have been a result of indiscretion based on his life experiences.

The Law

- [15] Aggravated Robbery is governed by section 33(1) (a) of the Larceny Act Cap. 241 of the Revised Edition (1992) of the Laws of Antigua and Barbuda, as amended by Larceny (Amendment) Act, 2017. It provides a maximum sentence of thirty-five (35) years imprisonment.

SENTENCING GUIDELINES

- [16] The first step in constructing the sentence is to establish a starting point of the offence. In accordance with the Eastern Caribbean Supreme Court Sentencing Guidelines for Dishonesty republished on January 6th 2025, to establish a starting point, a case of aggravated robbery requires an assessment of the seriousness of the offence and its consequences by reference to the harm caused. In assessing seriousness, this should include reference to the culpability of the offender. There are four stages.
- [17] This offence falls within Category two (Medium) as the defendant's actions brandishing a firearm caused some psychological harm to Ms. Brown-Perry.

Second Stage

- [18] At this stage, the offence falls within Level A seriousness which is demonstrated by the defendant use of a firearm to threaten violence.
- [19] In consideration of the consequence and seriousness of the offence and based on the grid the starting point would be 60% of 35 years with a range of 45-75%. This will come to (21) Twenty One years imprisonment with a range from (14) Fourteen years to (26yrs and 3 months) Twenty Three years and three months.

Aggravating and Mitigating Factors.

- [20] The aggravating factors in relation to the offence:
- a. The defendant concealed his identity by wearing a mask;
 - b. The prevalence of these types of offences.

- [21] The court considers the fact that the property was restored by the cooperation of the convict as a mitigating factor for the offence.
- [22] In the circumstance, the aggravating and mitigating factors would cancel each other out and the sentence would remain at twenty One years imprisonment.
- [23] Aggravating factors for the offender
- a. Contrary to the position in the prosecution sentencing brief, the probation officer stated that the convict is not known to the courts apart from incidents of driving related offences dealt with by the Child Justice committee. I do not see this as an aggravating factor thus I hold that there is aggravating factor in relation to the offender.
- [24] Mitigating
- a. The defendant is a young offender;
 - b. The court considers the fact that the convict was particularly helpful to the police in their investigation.
 - c. The court also considers the life circumstances of the convict as projected in the probation report as a mitigating factor.
- [25] In view of the above, the sentence is further reduced to fifteen years imprisonment.
- [26] The defendant has entered a guilty plea at the earliest opportunity and would be entitled to one third credit on the sentence which would bring the term down to (10 years) Ten years imprisonment.
- [27] The (625) Six Hundred and twenty five days already spent in custody would be deducted from the said term.

DEPARTURE FROM THE GUIDELINES

- [28] The court has considered the favorable probation report especially the circumstances of life of the convict which eventually led to this incident. It is the view of this court that this case should be considered for a departure from the guidelines.
- [29] The report shows the trajectory of the life of the convict and reflects that he is a victim of societal decadence. He is a young boy of twenty years who committed this offence when he was just eighteen years old.
- [30] This court is not oblivious of the prevalence of this type of crime in the society, but the court is also taken into consideration the objectives of sentencing which includes deterrence and also

rehabilitation. The court considers the possibilities of an opportunity for the convict to redeemed his young life and make it meaningful.

- [31] It is in view of the above that this court considers a further review of the term of imprisonment by half to give a second lease of life to the convict who is basically a young adult and a first time offender. The sentence is thus reduced to five years imprisonment.

THE SENTENCE

- [32] In the circumstance, Delarno Davis, having been convicted for the offence of aggravated robbery, you are hereby sentenced to 5years imprisonment. The Six Hundred and twenty five days spent in custody would be deducted from the sentence.

Tunde A. Bakre
High Court Judge



By the Court

Registrar