

THE EASTERN CARIBBEAN SUPREME COURT

ANTIGUA AND BARBUDA

IN THE HIGH COURT OF JUSTICE

CASE NO. ANUHCR2024/1013

BETWEEN:

THE KING

-and-

RICKADO BUSSWAN

Appearances:

Mr. Paulio Williams for the Crown

Mr. Wendel Alexander for the Defendant.

2025: May 12th

SENTENCING RULING FOR AGGRAVATED ROBBERY

- [1] **BAKRE, J.:** The convict, a 31 year old man had pled guilty to the offence of aggravated robbery on the 8th day of April 2025. He was charged by an indictment filed on the 4th of March 2025.
- [2] The fact leading to this case as presented is that the accused had gone to the home of an elderly widow, Patricia Ann Biss who at this point was 78 years old at Jolly Harbour.
- [3] The convict lied that he was one of the gardeners that the VC was expecting and tricked her to give him some water while waiting for the head gardener.
- [4] The convict held the VC in the neck with a knife and demanded that she should hand over her money to him. He held the VC at her throat, forced her to give the money in her purse which was around EC \$300 and subsequently took the sum of USD \$6,093.79 and another EC \$1,065.35 which she had kept to pay for her surgery.

- [5] The Virtual complainant was later locked up in the bathroom of her house while the accused made away with the money.
- [6] Upon being able to open the toilet door, the VC called the Jolly Harbour securities who in turn called the police at Jolly Harbour.
- [7] The convict was later arrested while trying to leave Jolly harbor in a public van and when confronted by the police, he tried to run away but was caught by the officer.
- [8] As at the time of committing this crime in May 2022, the Virtual Complainant was 78 while the convict was 27 years old. It is also important to note that this offence was committed while the convict was on bail for similar offence.
- [9] It is to this offence that convict pled guilty on the 8th of April 2025 and was convicted. As at the time the convict was convicted for this offence, he was already serving a prison term of eight years and six months for 3 counts of aggravated robbery which were running concurrently.
- [10] The prosecution and the defence counsel agreed to go on with the sentencing without a social inquiry report and agreed that counsel shall plea in mitigation on behalf of the defendant.

THE LAW

- [11] The convict was charged pursuant to Section 33(1) (a) of the Larceny Act Cap 241 Laws of Antigua and Barbuda. The law prescribes a sentence not exceeding fifteen years for the offence.

SENTENCING GUIDELINES

- [12] In respect of this exercise, the court is guided by the provision of the Sentencing guidelines of the Eastern Caribbean Supreme Court for offences of dishonesty re issued on the 6th of January 2025.

- [13] By the guidelines the court is to assess at this first stage the seriousness of the offence and its consequences by considering the harm. The court will also consider the culpability of the offender.
- [14] The peculiarity of this offence based on the fact that it was a home invasion which left the victim physically injured and psychologically traumatized is considered. The victim was choked by the convict at her neck where she just had a surgery and was left with a swollen tongue necessitating another medical treatment. She was left completely traumatized leading to her being fearful thereafter. Based on this severe harm, it is clear that this offence shall be considered as Category 1 Highest.
- [15] On the seriousness of this offence, this court considers the fact that the convict was the sole planner and solely carried out the crime, he used knife to threaten the VC who at the time was vulnerable because of her age. It is my view that this stage should be seriousness level A (High).
- [16] Having determined the consequences and the level of seriousness and based on the grid, the punishment will be 75% of the 15 years with a range between 60% and 90%. This will be 135 months or 11 years and 3 months imprisonment as the starting point.
- [17] This court will now consider the aggravating and mitigating factors to adjust the sentence either up or down.
- [18] I have stated that after committing the offence, the vulnerable virtual complainant was locked up in her bathroom to prevent her from raising an alarm. Also when accosted the convict attempted to escape from the police. These are regarded as aggravating factors to the offence and I increase the sentence to 12 years imprisonment. I do not see any factor relating to the offence to mitigate this sentence.
- [19] With respect to the offender, I have stated that this offence was committed while the convict was on bail for a similar offence and he is now currently serving a term for another offence. It is clear that this offender is not remorseful and has actually become a danger to the society. There is clearly nothing to mitigate to be considered on his behalf. It is my respectful view that the sentence should be increased to 12 years and 6 months.

[20] The accused did not waste the time of the court, he pleaded guilty at the earliest opportunity and thus would be considered for a one third credit. This would bring the sentence down to Eight years and four months. (8 years and 4 months).

[21] It is written that the accused was in detention for two years three months and twenty days before his conviction and this would deducted from his term.

SENTENCE

[22] In view of the foregoing, the convict is hereby sentenced to a term of 8 years of 4 months minus 2 years and 3 months and 20 days spent in custody.

Tunde A. Bakre
High Court Judge

By the Court



Registrar