

THE EASTERN CARIBBEAN SUPREME COURT

ANTIGUA AND BARBUDA

IN THE HIGH COURT OF JUSTICE

CASE NO. ANUHCR2023/0052

BETWEEN:

THE KING

-and-

DEQUAN YEARWOOD

Appearances:

Ms. Rasheda Jonas for the Crown

Mr. Michael Archibald for the Defendant

2025: May 12th

SENTENCING JUDGMENT

- [1] **BAKRE, J.:** The victim in this case is a special need 17 year old girl simply referred to KR for the purpose of this exercise (She needs identity protection because of her age) while the accused is currently 25 years old having been born on the 29th day of January 2000.
- [2] The defendant was found guilty and convicted by a jury for the offence of having sexual intercourse with a female under the age of sixteen contrary to section 6 (1) of the sexual offences Act, No 9 of 1995 on the 14th day of November 2024.
- [3] The fact as made out at trial is that the complainant and defendant were neighbors residing in Golden Grove. The defendant lived in the lower apartment with his sister, while the KR resided in the upper apartment unit of the same building with her mother and younger siblings.
- [4] One day, between the 1st – 31st day of January, 2022, KR was playing with her siblings when the defendant called her to his apartment and beckoned her into his bedroom. She complied and once inside, the defendant locked the bedroom door, pushed her onto his bed, removed her pants, shifted her underwear and

proceeded to have sexual intercourse with her. The complainant cried and told him to stop while attempting to push him off, but was unsuccessful as the defendant continued.

- [5] KR's siblings noticed her absence, they searched for her and, they found the defendant's apartment open and entered. Upon entering the apartment, they heard the bed in the bedroom making sound and knocked on the door which was locked. The defendant immediately stopped, pulled on his clothes and opened the door. By this time, the complainant was still putting her clothes on and her siblings observed her in her state of half dressed. She left with them.
- [6] The defendant instructed KR not to say anything. However, sometime in February, the KR's younger brother informed their mother about what he had seen. The mother confronted KR, who hesitated but eventually confirmed her brother's account. As a result, a report was made and the defendant was subsequently arrested and charged.
- [7] It is important to note that the complainant is a girl with special needs because she has a learning disability, resulting in developmental delays.
- [8] This court is in receipt of a social inquiry Report dated the 3rd day of April 2025 prepared by Ms. Rickelle Alfred a probation officer who had extensive interviews with the victim, the defendant and people around them.
- [9] The report which reflected that the defendant was interviewed in his majesty's prison where he is currently being held pending sentence states that defendant is a very calm and responsible young man.
- [10] He was reported to have cooperated with the probation officer when he narrated his life history and educational background. He was said to have completed secondary school despite the family challenges and the impact of the hurricane that affected his early childhood abode in Barbuda.
- [11] He was said to have taken up several jobs after school to support his family and people around him. His mother, father, siblings and girl-friend all described him as a very responsible person and all promised to support him to resettle into the community if he has a second chance. He is said not to have any criminal record prior to this incident.
- [12] The victim, KR (who I have described to be a female with special need) was also interviewed along with her mother. The report stated that she had to

undergo session of counseling after the ordeal in order to stabilize her. She is said to be doing better now.

- [13] The court had the privilege of listening in the mitigation on behalf of the convict. Counsel referred the court to the positive report on the convict and particularly the conclusion of the probation report.

The Law

- [14] The offence of sexual intercourse with a female under the age of sixteen is governed by *Section 6 (1) of the Sexual Offences Act, 1995*. It provides a maximum sentence of ten (10) years imprisonment.

SENTENCING

- [15] The court is guided in this exercise by the **Sentencing Guidelines of the Eastern Caribbean Supreme Court, 2019 (republished on 6th January, 2025)**. It provides guidance for sentencing in sexual offences.
- [16] The first step is to establish the starting point for the offence and this is done by the assessment of the seriousness of the offence and its consequences.
- [17] It is clear that as a result of the incident, KR had suffered psychological harm based on the defendant's action. I consider this harm as significant and thus place this offence under category 2 at this first stage.
- [18] In considering the next stage, I consider the seriousness of the act based on the fact that there was an abuse of the position of trust between the victim and the defendant who were neighbors and thus in a somewhat familiar relationship. I further consider the fact that the defendant instructed the victim not to report the incident. Also the age disparity between the victim and the offender in this regard is considered. It is my view that the whole circumstance was abused by the defendant and thus I place the seriousness at level A (High).
- [19] Having done the above and in consideration of the grid, the starting point is 40% of 10 years imprisonment which translates to 4 years imprisonment with a consideration in the range between 2 years and six months to 5 years and 6 months.

AGGRAVATING AND MITIGATING FACTORS FOR THE OFFENCE AND OFFENDER

- [20] In the consideration of these factors particularly in relation to the offence, I have considered the vulnerability of the victim due to her special circumstance and believe that the sentence should be upwardly reviewed but having considered the mitigating factor that there was no violence, I leave the sentence at 4years.
- [21] With respect to the offender, I see no further aggravating factor. I however consider the social impact report and considers the fact that defendant is a first offender and was reported by the community to be a very good personality. These notwithstanding, I take cognizance of the prevalence of this type of offence within the society. It seems to me that the defendant acted stupidly without discretion and I believe that the full weight of the law should be placed on him. I consider the positive social inquiry report on the offender and the fact that he has no criminal record and I give him further rebate and thus review the sentence to 2 years imprisonment.
- [22] The defendant would not take advantage of a reduction as the matter went on to full trial without an admission of guilt.
- [23] The defendant as at today has spent One Hundred and Seventy Nine days in prison and this should be taken into consideration.

SENTENCE

- [24] Dequan Yearwood, having been convicted of the offence of sexual intercourse with a female under the age of sixteen, you are hereby sentenced to two years imprisonment less One hundred and seventy ninety days that has been spent in detention.

Tunde A. Bakre
High Court Judge

By the Court



Registrar