

THE EASTERN CARIBBEAN SUPREME COURT
ANTIGUA AND BARBUDA

IN THE HIGH COURT OF JUSTICE

CASE NO.: ANUHCR2022/0003

BETWEEN:

THE KING

-and-

JECONIAH CARBON

Appearances:

Mr. Paulio Williams for the Crown

Mr. Michael Archibald for the Defendant

2025: May, 16th

SENTENCING DECISION ON ATTEMPTED MURDER

- [1] **BAKRE, J.:** On an indictment filed on the 3rd of November 2000, the Defendant was charged with two counts of **attempted murder**, contrary to Section 17 of the offences Against the Person Act, CAP 300 of the Laws of Antigua and Barbuda and alternatively **Wounding with intent to cause grievous bodily harm**, contrary to Section 20 of the offences against persons Act CAP 300 of the Laws of Antigua and Barbuda.
- [2] The defendant was found guilty by a panel of jury for the count of attempted murder of Filson Huggins on the 12th of February 2025.
- [3] The particulars of the offence of charge against the convict was:-

“**Jeconiah Carbon** on the 6th of January 2020, at Five Islands in the Parish of Saint John in the state of Antigua and Barbuda, attempted to murder **FILSON HUGGINS**.”

Summary of Facts

- [4] The allegation against the defendant, who was 19 years old at the time, was that he made friends with the Virtual Complainant, who was 29 years old at the time, over a period of time. The two were chatting with each other and the Defendant had made financial requests from Filson Huggins.
- [5] The Mr. Huggins had initially given the Defendant some gifts including a goalkeeper's glove, which he eventually took back.
- [6] The accused sometime made a request of \$100 as loan from Filson Huggins which he obliged but the accused defaulted in paying back the money as promised but they continued to communicate via WhatsApp platform.
- [7] The tone of the communication between them shifted to sexual intercourse and they both willingly chatted about it and both agreed to meet up for an intercourse but never did for a long time.
- [8] Mr. Huggins repeatedly asked for the repayment of the loan given to the defendant but the defendant kept defaulting and at some point, they both agreed that the defendant would give Filson Huggins sexual pleasure as compensation for the loan.
- [9] On Monday 6th of January 2020, they both agreed to meet up and have sex, the Virtual complainant was unfortunately busy but the Defendant insisted on meeting up with him as agreed for the purpose of the sexual intercourse in repayment of his debt.
- [10] Filson Huggins eventually agreed to meet up with the defendant and they both drove in the night to a secluded place around Five Islands.
- [11] On getting to the agreed place, the defendant asked Mr. Huggins to come to the back seat of the car. Mr. Huggins knelt down on the back seat pulled his pants down while the defendant stood behind him.
- [12] The defendant had a knife on the side of his pants which Mr. Huggins said he noticed but did not think anything about it and thought it was for protection.
- [13] While in that kneeling position, the defendant held his hair and pulled his head back playfully as if he tried to give him pleasure but suddenly attempted to slaughter him with the knife by slashing his neck.

- [14] At this time, Mr. Huggins struggled and wrestled him out of the position while he struggled to take the knife from the defendant.
- [15] The defendant was subsequently over powered and Mr. Huggins escaped and made his way to the hospital where a surgical operation was performed on him.
- [16] This basically is the summary of the fact leading to this conviction of the defendant.

Family and Social Impact Report

- [17] A social impact report in respect of this case prepared by a Senior Probation Officer, Nikita Williams was submitted to the court.
- [18] The report included the interview of various members of the defendant's family and associates. The defendant and the virtual complainant were also interviewed.
- [19] In the report, the defendant who is currently being held at His Majesty's prison was said to have appeared well groomed for the interview. He narrated his life story and how he was properly brought up by his Christian parents and properly educated by them. He appeared to have been born into a good family with good orientation.
- [20] He spoke about the loss of his brother and most especially about his one year old son whose birth he said has changed his views and ways in life. Both events happened after this incident. He said his main concern is the child at the moment and the impact this event would have on his development.
- [21] The principal of his secondary school and his colleagues at Emergency Medical Technician office gave very positive reports about the convict. They all said the convict was very dedicated to his work and was actually aspiring to do further training in order to be able to contribute better to the society.
- [22] The probation officer also interviewed the parents of the Convict. They described him as a quiet and loving young man who is family oriented. They said they tried as parents to instill values in him so he would be a productive member of the society.

- [23] The parents also attested to the fact that being a father has actually changed the convict and that he has matured and now motivated to be a better person.
- [24] The mother of the child of the convict also spoke glowingly about him. She stated he has been a good father to his son and has been very supportive financially since she is currently unemployed. She described him as an emotional and affectionate person.
- [25] The victim, Filson Huggins, related his relationship to the probation officer. He narrated how he met the convict and believed they had developed friendship even though they did not particularly related physically but kept in contact through social media.
- [26] He said, on the day of the incident they were on good terms and that he was shocked how the defendant turned on him. He said he would wish that the defendant would give him closure by telling him exactly why he did what he did. He stated that he still bears the physical scar of the defendant's action which makes him generally paranoid and has become socially withdrawn. He said he would like to see the convict punished with a custodial sentence.

Sentencing Brief and Mitigation Address

- [27] Now this court is in receipt of the prosecution's Brief for the sentencing wherein the prosecution explained in details how the court should approach this sentence. The court also had the benefit of listening to the plea of the defendant's in mitigation and he was allowed to privately address the virtual complainant who had requested to know why the accused acted the way he acted in relation to this case. He had requested for this in order to have a closure to the whole incident. Unfortunately after the private address the virtual complaint said he has still not received the closure that he expected.
- [28] Counsel to the convict, Mr. Archibald also addressed the court on mitigation on the convict. He referred to the social inquiry report. He agreed that from all the circumstances there is not reasonable explanation for the action of the convict but that the event was out of character.
- [29] He referred to the statement of the mother of his child and state that the convict was reported to be a responsible father to his child. Also was regarded as a responsible member of the community. The action was regarded as an act of indiscretion on the part of the convict.

Sentencing Guidelines

[30] The court is guided by the Eastern Caribbean Supreme court Sentencing guidelines on Homicide re-issued in 2021.

[31] Section 49 of the interpretation Act states :-

“Where an enactment creates an offence, the enactment shall be deemed to provide also that an attempt to commit that offence is an offence under the enactment and punishable as if the offence itself had been committed. “

[32] The offence of attempted murder thus carries the same punishment as if the offence murder had been committed. The sentencing consideration shall thus be the same as provided for the offence of murder. By Section 17 of the offences against the persons Act cap 300, the offence carries a punishment of imprisonment not exceeding thirty five years with or without hard labour.

[33] The general directions of the guidelines are in these five steps. The first is to consider the seriousness of the offence by finding a starting point as set out in the grid. Secondly the figure would be adjusted with the consideration of any aggravating and mitigating factors of the offence and the offender. Thirdly adjust the figure based on the availability of a guilty plea and then to give credit for the amount of time spent in custody. And lastly to consider any necessary ancillary order.

[34] In determining the seriousness of this offence, this court considers that the convict is an adult of over 18 years of age and the court is guided by the guidelines in this regard thus the sentence would be either a whole life sentence or a determinate sentence.

[35] By the practice directions under determinate sentences, the introductory part creates the approach to be applied to determine the starting points in various circumstances. In this instance based on the circumstances, the court would consider a determinate sentence as the offence was committed by carrying a bladed weapon to the scene and used it as a weapon to commit the offence.

[36] The appropriate starting point in the guideline is a determinate sentence of 25 years with a range of 15 to 35 years. In my view, considering the whole circumstances of this case the court fixes the starting point for this offence at 20 years imprisonment.

Aggravating and Mitigating Factors for the Offence and the Offender

- [37] In considering the aggravating and mitigating factors for the offence, the court considers the following:-
- a. It is clear that there was a significant degree of planning that led to this crime.
 - b. The offence was totally unprovoked
 - c. There was an attempt at concealment

With these aggravating factors in mind, the sentence is hereby increased to 22 years and the court is unable to see any mitigating factor for the offence.

Aggravating and mitigating factor for the offender is now considered.

- [38] The court sees no aggravating factor for the offender in respect of this case.

On Mitigating Factor.

- [39] The court considers the fact that the accused has been of good character, he was also a young adult of only 19 years when he committed the offence and has good prospect of rehabilitation. In view of this, the sentence is reduced to 20 years imprisonment.
- [40] There was no plea of guilty in this case as the matter went on to full trial and neither was the convict in remand prior to the hearing of this case and thus the convict is not entitled to any credit in any of this regard.

Departure from the Guideline

- [41] The above notwithstanding, there may be instances where the court may be required to depart from the Guidelines. This will occur where there are cogent reasons and exceptional circumstances which warrant the same. The sentencing court ought to have regard to any special circumstances relative to the offender or the circumstances surrounding the commission of the offence which would justify a departure from the Guidelines. This notwithstanding, the sentencing court should not overlook the principle that the sentence imposed must reflect the seriousness of the offence having regard to the offender's degree of culpability and the consequences of the offence.

- [42] While doing this, the sentencing court should consider the age and circumstances of the offender while not losing sight of the objective of sentencing which includes deterrence and rehabilitation without a compromise to the protection of the society.
- [43] This court is particularly guided by the special circumstances of this case in relation to the offender. The court considers that accused was a young adult who was totally immature having committed the offence when he was only 19 years of age.
- [44] The court also considers the fact of the very favorable probation report and the fact that the accused had become more responsible to the society after the incident employed as an Emergency Medical Technician to help the society and with a promising career and has now been described as a responsible father by the mother of his child. The impact of this incident on the parents of the convict and also on his newly born child is considered.
- [45] All these put together, the court is inclined to further consider an opportunity for another chance in life for the convict. In view of this, this court further reduces the term of 20 years by half to 10 years imprisonment.
- [46] The number of days already spent in custody would be taken into consideration and be reduced from the 10 years term given.

Sentence

- [47] The accused, Jeconiah Carbon having been convicted for the offence of attempted murder contrary to Section 17 of the Offences against Person Act, Cap 300 of Laws of Antigua and Barbuda, you are hereby sentenced to (10) Ten years imprisonment number of days spent in custody to be taken into consideration.

Tunde A. Bakre
High Court Judge

By the Court

Registrar

