

IN THE EASTERN CARIBBEN SUPREME COURT

IN THE HIGH COURT OF JUSTICE

SAINT CHRISTOPHER & NEVIS

SAINT CHRISTOPHER CIRCUIT

CASE SKBHCR 2024/1001

REX

V

TAJ FREDERICK

APPEARANCES

Ms Greatess Gordon Hazel for the Crown.

Mr Jason Hamilton for the defendant.

2025: MAY 26

SENTENCE

For possession of firearm and ammunition under new legislation

- 1 **Morley J:** Taj Frederick, aged 27 (dob 27.11.97) falls to be sentenced for illegal possession of a Luger pistol with five 9mm rounds on 05.08.24, following early plea of guilty on 28.03.25, being charged under **s20(1)(b) Firearms Act** cap 19.05 as amended.
- 2 Of likely public interest is:
 - a. This is a first sentence in the High Court for illegal firearm possession following increase on 10.05.24 by **s6 Act 4 of 2024** of the maximum sentencing powers under **s20(4)(d)(ii) Firearms Act** from 15 years to 30 years. This doubling means it has been the intention of parliament last year greatly to increase jail time for illicit gun-carrying in a context there have been too many gun crimes and murders on St Kitts & Nevis in 2023 and 2024 when the

number of murders approached 30 in each year in a population of only 50000, making technically a highest murder rate per capita globally.

- b. Moreover, **s9 Act 4 of 2024** gives the DPP power to decide under what is added as a new section of the *Firearms Act*, being **s53 Firearms Act**, whether a case shall go to the High Court, meaning a defendant can no longer argue, if the DPP decides against, to keep a case in the magistrates court where the sentencing powers are lower.
 - c. Further, from 20.09.24 under **s3(1)(d)(i) Voluntary Bill of Indictment Act**, as **Act 19 of 2024**, the DPP has the option of sending a firearms case straight to the High Court, so that the case does not get held up in the magistrates court awaiting committal for what in the past sometimes has been years, with the specific purpose of processing criminal proceedings faster than previously.
- 3 In sum, this a first case as the product of 2024 changes in legislation, which will mean illegal firearm possession can now be expected to go to the High Court and attract longer sentences quicker.
- 4 The facts are on 05.08.24, at 08.27hrs, officers stopped on the Kennedy Symmonds highway heading to the south of St Kitts a gold Nissan Sentra PB2754 in which Frederick as passenger was traveling with two others to Nevis for the Culturama festival. Under the driver's seat was found a black satchel with the Lugar, where the magazine with 5 rounds was in the pistol, though it was not cocked, so there was no round in the breach. Counsel Hamilton explained the gun was to stay in the car, not travel to the fete, not gainsaid by the Crown. Frederick immediately admitted the gun was his and later in police interview said he had it for personal protection, though not for any specific threat.
- 5 In his social enquiry report by Probation Officer Terance Dasent James dated 22.05.25, it is plain Frederick is a quiet, sensible, reliable personality, with no previous convictions, in a close family, who trust him fully, his mother attending the High Court on each occasion the matter has been listed. He is evidently remorseful.

- 6 In mitigation, Counsel Hamilton made the persuasive point Frederick was not habitual in criminal company, and the Crown accepted specifically in his case it is genuine he did not have the item to draw attention to himself and behave as a gangster.
- 7 The further delicate point was made by Counsel Hamilton the climate of violence in 2024 created an understandable wariness on the part of ordinary young men they may need to protect themselves from violence as so many malefactors seemed armed, while Frederick hails from Sandy Point which is in apparently constant aggressive competition with St Pauls, being 3 miles apart, and it has been agreed by the Crown through the generations there is and has been an irrational hostility between the villages, such that law abiding citizens fear unprovoked belligerence.
- 8 However, the counterpoint arises the more ordinary folk think they should arm themselves illegally, even if misguidedly to protect themselves, this will only encourage malefactors to be armed too, all contributing to the plethora of guns on the streets, making agitated interaction more easily evolve into gun violence. It is precisely to persuade folk not to carry guns the changes to the legislation have been introduced, with amnesties for gun surrender publicly promoted, including one in May 2024, and as such, though it is regrettable as the defendant here is accepted not a malefactor, this first case must carry a deterrent effect to be publicised widely.
- 9 There are ECSC sentencing guidelines for carrying an illicit firearm and ammunition, and it was agreed by the parties the circumstances of this case fall within category 3A, the weapon being concealed with more than 2 rounds, creating a starting point of 50% the maximum of now 30 years, meaning 15 years. The gun not being cocked, not on his person but under a car seat, plus given his immediate full cooperation, it falls to the lower end of the range to 13 years. Concerning circumstances of the offender, his positive good character can reduce the sentence further by 2 years to 11 years, and further still that not being a malefactor in the crime climate at the time he did feel an unfeigned need for self-protection can reduce the sentence a further 2 years to 9 years. Full credit for early plea attracts a discount of one-third, meaning a sentence of 6 years.

- 10 Though there is a count of firearm possession, and separately of ammunition possession, being both pleas of guilty, the sentences will be the same and concurrent as being two offences arising inseparably together, particularly as there was no round in the breach. As an ancillary order, the Lugar and the ammunition will be confiscated to be used by the police as needed.
- 11 Time on remand will count, which I declare to be 9m18d, to be factored by the prison as to the earliest date of release¹.
- 12 Of note, under this new legislation this case has been processed from commission to sentence in less than a year, being 9 months, from 05.08.24 to today 26.05.25². Of further note, the rate of homicide on St Kitts & Nevis has been in striking decline since 24.10.24, and about which this Court expresses deep appreciation to the Police Commissioner and Constabulary.
- 13 *Taj Frederick, please stand up.* For the offence of possession of an illicit Lugar, and of 5 rounds of 9mm ammunition in it, the gun not being cocked with a round in the breach, to which you pleaded guilty, cooperating fully, and though the court accepts you are a quiet, reliable personality, of positive good character, only in possession of these items for what you unwisely thought was necessary self-protection, under new legislation will mean imprisonment for 6 years on each count concurrently. Time on remand will count, and 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

26 May 2025

¹ See para 12 of **R v Anthony Adams 2025** at www.eccourts.org/judgments.

² Following plea on 28.03.25, then being adjourned for social enquiry report, the case was opened and mitigated on 22.05.25, with adjournment for sentence remarks to be in writing on 26.05.25.