

IN THE EASTERN CARIBBEAN SUPREME COURT

IN THE HIGH COURT OF JUSTICE

IN THE ST CHRISTOPHER & NEVIS CIRCUIT

IN ST CHRISTOPHER

CASE SKBHCR 2023/0017

REX

V

ANTHONY ADAMS

APPEARANCES

Mr Tessaun Vasquez & Ms Greatess Gordon Hazel for the Crown.

Mr Craig Tuckett for the defendant.

2025: APRIL 07

SENTENCE

For armed robbery and unlawful wounding as an absent accessory

- 1 **Morley J:** Anthony Adams (dob 31.07.92), aged 32, of good character, falls to be sentenced for armed robbery and unlawful wounding following conviction during trial by judge-alone, 18.11-02.12.24, with written verdict on 09.12.24, sentence to be on 31.03.25, arising from events on 18.06.19.
- 2 The basis of the conviction is he knowingly assisted an armed robbery of two Ross vet students in their car outside home 60m from the Chimney Bar in West Farm at 23.15hrs, where he had given the robber his blue coverall to wear, during which the robber attempted to murder Hannah

Adamson, pulling the trigger while the gun was pressed into her neck, though she wriggled, so the bullet grazed her and was shot into the foot of the driver Jasandeep Ghuman.

- 3 While Adams was probably the robber, the instant judge could not be sure, though am sure the robber was wearing Adams' coverall, with Jasandeep's blood on it, which Adams had been seen wearing at 17.00hrs, then interacting with Hannah and Jasandeep over a lamb while wearing the coverall around 20.00hrs, being at the Chimney Bar at 22.00hrs, thereby finding from his movements and associations that day, and the next, Adams was in on what happened, knowing he was assisting a robbery with a firearm of the two students he had earlier met, as reflected in the detailed reasoning of the verdict. This means he will be sentenced as absent from the robbery itself, but being an accessory for supplying the robber with the coverall to wear as anodyne uniform clothing, to make it more difficult to trace or identify him, the coverall being later abandoned, recovered on 21.06.19 by police at Sandy Point with the DNA of Adams and Jasandeep on it.
- 4 Specifically, as explained in the verdict, he falls to be sentenced for unlawful wounding, maximum 7 years, of Hannah, whose neck was grazed, plus unlawful wounding of Jasandeep whose foot was shot, and for the armed robbery, maximum 20 years, where the car was stolen, and its contents to the value of US\$2085, including phones and a computer.
- 5 With both now back in the US, Jasandeep gave evidence via zoom, though Hannah did not as she did not want to be involved. Neither gave impact statements. Both completed their studies. It is clear Jasandeep received a serious injury to his foot, and has recovered, but without impact statements there is no evidence of serious psychological injury, even though commonsense suggests may well have arisen where robbed and shot while in the car outside home.
- 6 In the social inquiry report by probation officer Lauston Percival dated 17.03.25, Adams is described by friends and family as quiet and reliable, including by former school teachers, and it has come as a surprise to all he is in police trouble. He had a difficult upbringing, coming to the attention of the child protection services for neglect by his mother. Further, evidence was given by Darius Bedford on 31.03.25, who impressed the court as thoughtful and measured, that Adams, a childhood friend, who he later supervised in 2018-19 as a security guard, was punctual,

always smiling, level-headed, hard-working, not a follower, not one to get into trouble, and who gave up his job two weeks before the robbery to plan going to Anguilla to be with his father. Of the offence, Adams said to the probation officer: *'I am depressed because I am not supposed to be in here [in custody]...a lot of men out there giving false information for money.'* It will not be held against Adams he does not admit the offence.

- 7 Constructing the sentence, there are ECSC sentencing guidelines for armed robbery and unlawful wounding, republished on 06.01.25 at www.eccourts.org.
- 8 Concerning the armed robbery, I find it falls within category 1A, not because serious psychological harm has been shown, given there are no impact statements, but because there was serious physical harm to Ghuman whose foot was shot, with there being the use of a weapon to inflict serious injury. As such the starting point is 75%, meaning 15 years. Given Adams was absent there are no aggravating features to the offence, though nor mitigating features, as giving the robber non-descript clothing to wear was more than a minor role. Concerning features affecting the offender, with good character, a positive report, the offence being out of character, supported by the modest witness Bedford, in my judgement the sentence can be reduced further by 3 years, to 12 years. There is no credit available for plea.
- 9 Concerning the unlawful wounding, on the basis knowing there was a gun involved and therefore as an accessory, though absent, yet contemplating some harm may arise, I find the offence falls within category 2A, there being serious physical harm to Jasandeep, by the use of a weapon, meaning a starting point of 60%, being 4 years. Concerning the offender, good character as above will reduce the sentence by 1 year to 3 years. I will settle the same sentence in respect of Hannah, who though grazed, should be commensurate with Jasandeep as the gunman was trying to murder her, and it would seem asinine to pass a lesser sentence for her being shot at in the neck. As both unlawful woundings were part of the same moment, these 3 year sentences will run concurrently.
- 10 I turn now to whether the sentences for unlawful wounding and the armed robbery should be consecutive. In my judgement not, instead concurrent, as the injury and shooting have both already been contemplated as why the armed robbery is in category 1A, meaning it may be

double counting to add more where in addition Adams is being sentenced as not having been there, so having no control over what the gunman did.

- 11 As such the sentence of the court will be 12 years imprisonment, for being an absent accessory to an armed robbery where someone was shot in the foot. If Adams had been convicted as the robber, of attempted murder and wounding with intent, he can expect to have received a sentence consecutive to the armed robbery, placing his incarceration into decades.
- 12 Time on remand shall count, which I declare is 3y11m23d, to be an arithmetical deduction per **Callachand et al v Mauritius 2008** UKPC 49. As I understand the ratio, this is to be credited by the Prison Superintendent, as a deduction from what the prison assesses will be Adams' first projected date of release (FPDR) when factoring 1/3 automatic remission (but not yet the time on remand), being here 8 years from the date of sentence, meaning the 3y11m23d will be a credit to be deducted from the FPDR of 8 years, not the sentence of 12 years.
 - a. I will not deduct 3y11m23d myself from the 12 years, being a week shy of 4 years, to make a new formal sentence of 8y7d because, aside from sentencing inelegance and creating public confusion, by deducting Adams will then have to serve circa 1y4m more than by declaring. This is because if the judge deducts time on remand from the sentence, creating a new sentence, and not the prison deducting from the FPDR, the effect is to deny 1/3 remission on that time on remand, which is arguably not fair as not taking 'full' account of the remand time, as required by *Callachand*, and also means a person sentenced on remand will always spend more time in jail than a person sentenced to the same term but on bail, being calculable as a matter of simple math as a remandee always having to serve 1/3 the time on remand extra than a bailee.
 - b. In other words, I expect the arithmetical deduction of the 3y11m23d will be by the prison from the FPDR so that as in *Callachand*, at para 9, '*time spent in custody is to be taken **fully** into account*', [emphasis added], where full account means allowing for remission on the time spent in custody.

- c. Of note, a recent decision of the Court of Appeal on 13.11.24 in **Omari Phillip v Rex 2024**, concerning Antigua, which re-calculated a sentence as 19 years for manslaughter, where Phillip had already served 12y7m7d (or 151m7d) ought to have meant, allowing for 1/3 remission, Phillip would be released in circa 23 days, being expected to serve 2/3 of 19 years (being 152m); but by deducting, the court thereby creating a new formal sentence of 6y6m23d, this appears will have the curious effect of making *Phillip* serve a further circa 4y4m (52m), being 2/3 of 6y6m23d. Nowhere does the judgement explain why he must serve this extra 52 months, while **s63A(2) Criminal Procedure Act** cap 117 of the revised laws of Antigua & Barbuda actually says crediting time on remand is to be by the Prison Superintendent, not a judge deduction, and so I incline that the *Phillip* case is in a rare category of turning uniquely on its own facts, maybe awaiting Privy Council assessment to examine whether it has correctly applied *Callachand*, which being a Privy Council decision as the most superior tribunal I respectfully reason instead binds this court.
- d. In sum, in receiving 12 years, I expect with remission Adams will serve 8 years, assuming no deductions under the prison rules for bad behaviour, where he has already served 3y11m23d, and so will likely have circa 4 years yet serve, the exact date of release to be calculated by the prison; and he will not serve 2/3 of 8y7d, which would be circa 5y4m, being 1y4m longer than I intend he deserves.

13 *Anthony Adams, please stand up.* I adjourned sentencing from 31.03.25 so these remarks can be in writing. Though you were probably the armed robber, for the reasons I have explained in my verdict I will sentence you as an accessory, as having supplied your coverall to assist what you knew was to be a robbery at gunpoint of two Ross students, though playing no actual part in the event that followed, where the robber attempted to murder Hannah Adamson, shooting the foot of Jasandeep Ghuman. The sentence as an accessory will be 12 years imprisonment on the robbery, with 3 years on each the unlawful wounding of Hannah and Jasandeep, both to be concurrent with each other, and to be concurrent with the robbery sentence, meaning the overall sentence is 12 years. Time on remand shall count, to be factored by the prison, and you will be eligible for one-third remission of your sentence if of good behaviour. You may go with the jailer.

The Hon. Mr. Justice Iain Morley KC

High Court Judge

7 April 2025