

THE EASTERN CARIBBEAN SUPREME COURT
ANTIGUA AND BARBUDA

IN THE HIGH COURT OF JUSTICE
(CRIMINAL DIVISION)

CASE NO. ANUHCR2024/0002

BETWEEN:

THE KING

And

ROSHANE ADAMS

Appearances:

Mr. Cedric Dryer, Counsel for the Crown
Accused appears in person

2024: November 27th

SENTENCING JUDGMENT

- [1] **BAKRE, J.:** The accused pleaded guilty to the indictment dated the 23rd of April, 2024 for the offense of **aggravated assault with intent rob**, contrary to section 33(1) (a) of the **Larceny Act, Cap. 241 of Revised edition (1992) of the Laws of Antigua and Barbuda**.
- [2] The fact of this case as presented by the prosecution in the sentencing brief earlier filed and admitted by the accused are as stated below;-
- [3] The complainant in this matter, 82 year old Steve Lovence of New Street, Antigua, was approached on the 19th of September, 2022 at his tailor's shop by the defendant, Roshane Adams who was 25 years old at about 4pm requesting to make a phone call.
- [4] The Complainant facilitated his request, and the Defendant left the complainant's business place thereafter.
- [5] Later that evening, the Defendant returned to the Complainant's shop, with another male, who the Defendant identified only as Sponge Bob. The person, identified as Sponge Bob, enquired of the cost to have a pair of pants tailored and the

Complainant told him that he would have to see the pants before he could provide a cost.

- [6] Sponge Bob now retrieved a dark object from his backpack, and told the complainant not to move while the defendant produced a cutlass from his waist, and began searching the Complainant's pockets and asked for money. The Complainant told both men that he didn't have any money, and the Defendant responded by striking the Complainant with the cutlass to the left side of his torso.
- [7] Following the attack, the defendant demanded for money again from the Complainant, and the Complainant insisted that he did not have any money. The Defendant placed the cutlass back into his waist and both men rushed out of the tailor's shop, leaving behind the backpack that was previously in Sponge Bob's possession.
- [8] After their departure from the Complainant's store, he made a report to the police and the officers went to his tailor's shop to commence their investigations in to the incident.
- [9] The Complainant subsequently went to the MSJMC and was attended to by Dr. Mitchell James who observed that the Complainant had sustained a small abrasion to the left side of his chest.
- [10] Officer Reginald Joseph, who is a part of the investigative team, and attached to the Regional Cyber Lab, visited the Child's Play Store close to the Complainant's shop on the 21st day of September, 2022 and retrieved video surveillance which showed the Defendant and another person entering the Complainant's shop and later running from there a few moments later on the 19th day of September, 2022.
- [11] The Defendant participated in an interview with Constable Alonza Ollivierre on the 14th day of September, 2022. During the interview the Defendant admitted to being in the Complainant's shop with the persons he identified as Sponge Bob, but denied assaulting the complainant with the cutlass. He placed the blame on Sponge Bob.
- [12] During the interview, the Defendant informed the investigators that he does not know how to contact Sponge Bob.
- [13] These set of facts were not denied by the Defendant and having been convicted, the Defendant is now here for sentencing.

The Law

[14] The Defendant was charged with the offense of aggravated assault with intent rob, contrary to section 33(1) (a) of the **Larceny Act, Cap. 241 of Revised Edition (1992) of the Laws of Antigua and Barbuda.**

[15] The law states that:-

“Every person who being harmed with any offensive weapon or instrument, or being together with one other person or more, robs, or assaults with intent to rob, any person..... shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding fifteen years.” (My Emphasis)

Social Impact

[16] This Court is in receipt of a social investigation report on the Defendant dated the 13th day of November, 2024 and signed by the Director of Social Services and prepared by one Nakitia Williams (Probation officer).

[17] The Defendant is a 25 year old man that lived with his mother, Ms. Kelcia Adams, at Jennings prior to his detention at his majesty’s prison. He was partially educated until he was expelled from Jennings secondary school at age 17.

[18] The Defendant also once worked at different construction sites and later at Sir Lester Bird Medical Centre where he was again sent off for his bad attitude.

[19] He has had a little encounter with the law as he was charged for trespassing in 2016 and was placed on probation for two years to be of good behavior.

[20] Family members of the Defendant interviewed included the mother and his sister. Other members of the community were also interviewed. All those that were interviewed related that the defendant was originally a good person and was of good behavior until he started to take marijuana at 17 and started to keep bad company. They hope that the defendant would be given a second chance and that they will try to keep him reasonable.

[21] The probation officer concluded that the Defendant must have been affected with the lack of father figure in his life and was influenced by the company he kept. The report also noted that the Defendant pleads guilty and that this would mean he is remorseful and knows the consequences of his action. It was also noted that the Defendant cooperated through out the investigation.

Sentencing Guidelines

- [22] The Court is guided by the Eastern Caribbean Supreme Court Sentencing Guidelines 2019 Rules wherein it is required that an assessment of the seriousness of the offence and its consequence be done by reference of the harm caused. In assessing seriousness, this analysis should include a reference to the culpability of the offender.
- [23] The first stage is to consider the consequence by assessing the harm caused by the offence. By the facts of this case, this matter would fall into consequence – category 3 as there was minimal physical and psychological harm caused to the Complainant, and there was no detrimental effect on the activities of the complainant's business.
- [24] The Court must next consider the seriousness of the offence by assessing the culpability of the offender. The complainant indicated that the defendant produced and struck him with a cutlass to his torso. The production of this weapon places this matter within seriousness Level B.
- [25] Having determined the consequence and the level of seriousness, the third stage is for the Court to determine the starting point of the sentence. As such the starting point would be 20% of the maximum sentence, with the Court having the discretion to impose a sentencing range of 5% - 35% of the maximum sentence. The 20% of the maximum is thus fixed at thirty six (36) months in prison.
- [26] The starting point having been determined, the court should consider the aggravating and mitigating factors and adjust upwards or downwards if required.

Offence

- [27] Aggravating factors of the Offence:-
- a. The prevalence of this type of offence in certain communities within Antigua and Barbuda.
 - b. The offence was done against an elderly person.
 - c. A weapon was used to assist in committing the offence.
- [28] This would increase the punishment to a term of (48) forty eight months imprisonment.

Mitigating Factors of the Offence

- [29] There is no mitigating factors for the offence.

Offender

[30] Aggravating factors of the Offender

- (a) The defendant has not shown any remorse for committing the offence to date, he keeps denying that he assaulted the complainant despite the medical report.
- (b) The defendant has not identified Sponge Bob to the investigating officers.

[31] This will further increase the punishment with additional twelve months to sixty (60) months imprisonment.

Mitigating Factors of the Offender

[32] The Defendant has no relevant convictions before the Courts of Antigua and Barbuda.

[33] This will reduce the punishment by twelve months thus bringing the sentence to forty eight (48) months imprisonment.

[34] The Defendant did not waste the court's time, and took a guilty plea at the first opportunity. As such the Defendant is entitled to a 1/3 credit of the sentence which brings the punishment to thirty two (32) months imprisonment.

[35] The Defendant has been in custody while awaiting the determination of this matter, and thus time spent on remand for the offence would be deducted from the term as calculated.

Sentence

[36] In the circumstance, the accused Roshane Adams, for the offence of aggravated assault with intent to rob, you are hereby sentenced to a term of thirty two (32) months in prison. The time already spent in custody would be taken into account.

Tunde A. Bakre
High Court Judge



By the Court

Registrar