

**EASTERN CARIBBEAN SUPREME COURT
ANTIGUA AND BARBUDA**

IN THE HIGH COURT OF JUSTICE

CASE NO. ANUHCR2023/0001

BETWEEN:

THE KING

-AND-

JAMIE TITTLE

Appearances:

Mr. Daniel Lattery for the Crown
The Defendant in Person

2024: April 12, 15;
April 18

SENTENCING

[1] **BAKRE, J.:** By an Indictment filed on 11th April 2024 the Defendant, Jamie Title was charged with the following offences:

FIRST COUNT

STATEMENT OF OFFENCE

BUILDING BREAKING AND LARCENY, Contrary to Section 30 (a) of the Larceny Act, Cap. 241 of the Revised Edition (1992) of the Laws of Antigua and Barbuda.

PARTICULARS OF OFFENCE

JAMIE TITTLE, between 12th day and the 15th day of October 2022 at Camp Site in the Parish of St. John's in Antigua and Barbuda, broke and entered **BAGS GALORE** and stole therein five (5) Army colour men's shoulder bags valued EC \$425.00, Seven (7) Plain square jeep men's cross bags valued EC \$840.00, fourteen (14) Jeep men's cross body bags valued EC \$1,330.00, twelve (12) School bag-packs valued EC \$1,800.00, six (6) Fani packs valued EC \$360.00, three (3) men's watches valued at EC \$450.00, ten (10) Headphones valued EC \$950.00, one (1) Black 2 TB external hard drive valued EC \$215.00, one (1) Casio cash register valued EC \$1,621.00 and EC\$8,950.00, all to the value of EC \$16,941.00, the property of **VERONIQUE HILL**.

SECOND COUNT

STATEMENT OF OFFENCE

RECEIVING, Contrary to Section 37(1) (a) of the Offences Against the Person Act, Cap 241 of the Revised Edition (1992) of the Laws of Antigua and Barbuda.

PARTICULARS OF OFFENCE

JAMIE TITTLE, between the 12th day and the 16th day of October 2022, at Clare Hall in the Parish of St. John, in Antigua and Barbuda, did receive One (1) Red headphone valued EC \$95.00, One (1) Black headphone valued EC \$95.00, One (1) Fanny Pack valued EC \$60.00, One (1) Green, Black and Pink Fanny Pack valued EC\$60.00, One (1) Brown Jeep Bag valued EC \$95.00 and One (1) Army coloured bag valued EC \$85.00 all to the value of EC \$490.00, the property of **VERONIQUE HILL**, knowing the same to have been stolen or unlawfully obtained.

[2] On 12th April 2024 the Defendant pled guilty to Count One on the Indictment. The plea was accepted by the Crown and the Defendant was subsequently convicted of the offence.

[3] The Court has had the benefit of the prosecution's submissions on sentencing.

Background to the Offence

[4] The Virtual Complainant (hereinafter referred to as the 'VC') in this matter is Veronique Hill, the owner of Bags Galore. This shop is in her yard, at Campsite.

[5] On 14th October 2022, the VC and her partner discovered that her shop had been broken into and observed that cash register was gone. The VC had a conversation with her partner, who then called the police and reported the matter.

[6] Later that day, the VC's son, Hilroy Andrew, came home and they both had a Conversation. Sometime in the night he left home and returned with a Spiderman bag and told her something. The VC opened the bag and saw that its contents, which she recognized, were stolen from her shop.

[7] According to the VC's son, after having the initial conversation with the VC, he as well as a friend, went to a car wash in Clare Hall. There, they saw the Defendant, who directed them to the back of the car wash and showed them three (3) bags. The VC's son noticed the bags looked like bags from his mother's store. The VC's son and his friend then held onto the Defendant and told him the bags were stolen from his mother's store

[8] The Defendant then knocked off a padlock from the door of the old house by the car wash. There, the VC's son saw more bags and headphones. The two men then told the Defendant that they were taking him to the police station, but the Defendant escaped.

[9] The Defendant was 32 years old at the time of the offence.

The Impact of the Offence on the Virtual Complainant

[10] Ms. Veronique Hill gave evidence of the impact the Defendant's actions have had on her. She explained that the day of the theft was an extremely bad day for her and that she was brought to tears when she discovered that the cash register from her shop was missing.

[11] She said that she had been facilitating some youngsters who asked her to assist them by managing a box hand whereby each of them would contribute \$50-\$100 weekly and take turns drawing on the collected funds each week.

[12] She had to seek the assistance of her two daughters who pooled their funds together so that they could meet the box hand payout on the day following the robbery when payment became due as she did not want to disappoint the youngsters by not paying the funds on time.

[13] Ms. Hill explained that the loss of the stolen money and goods have affected her in several ways. She also said that to date she has not recovered any of the items that were stolen from her.

Constructing the Sentence

- [14] The Court is guided by the Eastern Caribbean Supreme Court Sentencing Guidelines for Dishonesty Offences Re-Issue 8th November 2021. The Court will rely on the guidelines for burglary. In the guidelines it states, *"In the nine member states and territories of the ECSC there are different words used to describe entering premises with intent to commit an offence, (e.g. the words 'burglary' and 'housebreaking' are often used), and there are often different maximum sentences. For the purposes of this guideline, the word 'burglary' will be used generically to cover all non-aggravated types, and whether as conspiracy, attempt, or a substantive offence..."*

Harm

- [15] The first stage is to consider consequence by assessing the harm caused by the offence. This should include an assessment of the evidence. In the present case the court notes that the items stolen were of significant value to the virtual complainant, there was also a high level of inconvenience caused to the VC and her daughters and emotional distress caused to the VC who was brought to tears upon realizing that money was missing from her shop. The offence also impacted the VC's business, she explained that she put money into her business which she now cannot recover as a result of what the Defendant has done.
- [16] In light of the above-mentioned factors and considering that the value of the goods stolen amount to EC \$16,941.00 the court considers the harm caused to be Category 2 (Medium).

Seriousness

- [17] The court must now consider the seriousness of the offence by assessing the culpability of the offender. From the facts presented there appears to have been some degree of planning on the part of the Defendant, in the circumstances the court has assessed the level of seriousness to be Level B (Medium).

The Starting Point

- [18] Having assessed the harm caused and level of seriousness to both be Medium the court must now determine the starting point. Section 30(a) of the Larceny Act Cap 241 states that:

“Every person who-

(a) breaks and enters any dwelling-house, or any building within the curtilage thereof and occupied therewith, or any school-house, shop, warehouse, counting-house, office, store, garage, pavilion, factory, workshop, or other building, or any building belonging to Her Majesty, or to any Government department, or to any municipal or other public authority, and commits any felony therein;... shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding seven years...”

- [19] In the circumstances of this case the appropriate starting point is 40% of the maximum sentence with a range of 25%-55%. The starting point translates to 2 years, 9 months and 18 days imprisonment.

Aggravating and Mitigating Factors of the Offence

- [20] The aggravating factors as it relates to the offence is the prevalence of this offence in Antigua and the fact that the Defendant fled the scene when confronted by the son of the VC.

- [21] The court notes that some of the items were recovered by police but does not regard this as a mitigating factor as when compared to what was taken almost none of the VC's property was retrieved. The items recovered include:

a. One (1) black headphone

- b. One (1) red headphone
- c. One (1) black fannypack
- d. One (1) green, black and pink fannypack
- e. One (1) brown jeep bag
- f. One (1) army colored bag

[22] In the circumstances the sentence is adjusted upwards to 3 years, 1 month and 18 days imprisonment.

Aggravating and Mitigating Factors of the Offender

[23] The sole aggravating factor relevant to this Defendant is his long history of similar offences. The Court is in receipt of the Defendant's record of convictions which was produced by the Criminal Records Office. The record reveals that the Defendant has multiple convictions for offences such as housebreaking and larceny, larceny in a dwelling house and breaking with intent dating as far back as 2010 to as recently as 2021. This Defendant has been imprisoned and fined multiple times as a result of his many previous convictions.

[24] There are no relevant mitigating factors.

[25] In the circumstances the sentence is further adjusted upwards to 3 years and 10 months imprisonment.

Plea

[26] The Defendant having pled guilty at the earliest practicable opportunity will be given a one-third reduction in this sentence. The sentence is therefore reduced to 2 years, 6 months and 18 days. imprisonment.

Time on Remand

[27] The Defendant will be given credit for time spent on remand for this offence.

Sentence

[28] **Jamie Tittle** for the offence of Building Breaking and Larceny you are hereby sentenced to 2 years, 6 months and 18 days imprisonment.

Tunde A. Bakre
High Court Judge



By the Court

Registrar