

**EASTERN CARIBBEAN SUPREME COURT
ANTIGUA AND BARBUDA**

**IN THE HIGH COURT OF JUSTICE
(CIVIL DIVISION)**

CASE NO. ANUHCR2024/0005

BETWEEN:

THE KING

-AND-

TREON GEORGE

Appearances:

Ms. Rashida Jones, Counsel for the Crown
Defendant in person

2024: 3rd July

SENTENCING JUDGMENT

[1] **BAKRE, J.:** By Indictment filed on the 18th April, 2024 the defendant, Treon George, was charged with Larceny and Aggravated Robbery. The Indictment reads as follows:

FIRST COUNT
STATEMENT OF OFFENCE

LARCENY, Contrary to section 4 of the Larceny Act, Cap 241 of the Revised Edition (1992) of the Laws of Antigua and Barbuda.

PARTICULARS OF OFFENCE

TREON GEORGE, on the 5th day of January 2023, at High Street, in the Parish of Saint John in Antigua and Barbuda, did steal **\$100.00 ECC** in cash, the property of **Ceco Pharmacy**.

SECOND COUNT
STATEMENT OF OFFENCE

AGGRAVATED ROBBERY, Contrary to Section 33(1)(a) of the Larceny Act, Cap 241 of the Revised Edition (1992) of the Laws of Antigua and Barbuda.

PARTICULARS OF OFFENCE

TREON GEORGE, on the 5th day of January, 2023, at East Bus Station, in the Parish of Saint John in Antigua and Barbuda, armed with an offensive weapon, to wit, a knife robbed **KEVIN KENTON** of **\$100.00 USD** and **\$55.00 ECC** in cash, the property of **Kevin Kenton**.

- [2] On the 31st June, 2024 the Defendant pled guilty to both offences. He is now before the Court for sentencing. I have had the benefit of the prosecution's sentencing brief and have heard the plea in mitigation for the Defendant.

Background

- [3] On 5th January, 2023 the Defendant entered Ceco Pharmacy on High Street and observed that the cash register was open and on top of it were two moneybags. The Defendant took a money bag which contained \$1 coins amounting to \$80.00 and a \$20.00 bill and ran out of the pharmacy. Mr. Kevin Kenton, the security guard at Ceco Pharmacy gave chase behind him.
- [4] Mr. Kenton caught up to the Defendant at the East Bus station and observed that he was armed with a knife. The Defendant then held on to Mr. Kenton and demanded everything out of his pockets. Out of fear Mr. Kenton threw his wallet on the ground and the Defendant removed USD\$100.00 and XCD\$55.00 and ran off.
- [5] The Defendant was later apprehended by force on the same day, and, on searching his person an aqua handle knife with a 3-inch blade was found. The Defendant co-operated with the police during the interview and when he was shown CCTV footage of Ceco Pharmacy, he positively identified himself and admitted to the offences.
- [6] At the time of the commission of these offences, Treon George was 27 years old and unknown to the Court.

Plea in Mitigation

- [7] In mitigation after the prosecution sentencing brief was read, the accused pleaded for leniency admitting that he was wrong in his actions.

Constructing the Sentence

- [8] In constructing the sentence, the court will be guided by the Sentencing Guidelines of the Eastern Caribbean Supreme Court Re-Issue 8th November, 2021 for Offences of Dishonesty, specifically the guidelines for the offences of theft and robbery.

Larceny

Harm

- [9] At this first stage the Court will assess the harm caused by the offence. This offence is assessed to be Lesser (Category 4) as the amount stolen is less than \$1,000.00.

Seriousness

- [10] At this stage the Court considers the seriousness of the offence by assessing the culpability of the offender. The offence is assessed to be Lesser (Level C) seriousness as the Defendant's actions were impulsive with no planning.

Starting Point

- [11] At this stage the Court must determine an appropriate starting point having regard to the harm and seriousness of the offence.
- [12] Section 4 of the **Larceny Act Cap. 241 of the Revised Edition (1992) of the Laws of Antigua and Barbuda** provides that the maximum sentence for the offence of larceny is three (3) years imprisonment. The starting point for this offence is a non-custodial sentence.

Aggravated Robbery

Harm

- [13] The first stage is to consider consequence by assessing the harm caused by the offence. The harm caused by this offence is assessed to be Lesser (Category 3) as there was no physical harm caused to the complainant.

Seriousness

- [14] At this stage, the seriousness of the offence is determined by assessing the culpability of the offender. The offence falls within Medium (Level B) seriousness which is demonstrated by the Defendant producing a weapon to threaten violence.

Starting Point

- [15] The Court must now determine an appropriate starting point having regard to the harm and seriousness of the offence. Section 33A of the **Larceny (Amendment) Act No. 29 of 2017** provides that the maximum penalty for the crime of aggravated robbery is a term of imprisonment not exceeding thirty-five years. The appropriate starting point for this offence is therefore 20% of the maximum sentence within a range of 5%-35%. This translates to a starting point of seven years imprisonment.

Aggravating and Mitigating Factors Offence

- [16] The aggravating factors in relation to the offence are as follows:-
- a. The prevalence of these types of offences in Antigua and Barbuda;
 - b. The robbery occurred in a public place.

- [17] There are no mitigating factors in relation to the offence.

Aggravating and Mitigating Factors of the Offender

- [18] There are no aggravating factors relevant for this Defendant. The mitigating factors in relation to the Defendant are that he has no previous convictions and co-operated with the police once he was apprehended.
- [19] Having considered the aggravating and mitigating factors I will make no adjustment to the sentences for the offences.

Credit for Guilty Plea

- [20] The Defendant having pled guilty at the earliest practicable opportunity will receive a one third discount on his sentence. The sentence for the offence of aggravated robbery is therefore reduced to 4 years and 8 months imprisonment and the sentence for larceny being a non-custodial sentence cannot be reduced.

Time spent on Remand

- [21] Credit is to be given for the time spent on remand for the offence of aggravated robbery.

Sentence

- [22] Treon George, for the offence of Larceny you are ordered to pay a compensation of \$100.00 to the Ceco Pharmacy.
- [23] For the offence of Aggravated Robbery, you are sentenced to 4 years and 8 months imprisonment.

Tunde A. Bakre
High Court Judge

By the Court



Registrar