

**THE EASTERN CARIBBEAN SUPREME COURT
ANTIGUA AND BARBUDA**

**IN THE HIGH COURT
(CRIMINAL)**

CASE NO. ANUHCR 2021/0040

BETWEEN:

THE QUEEN

-and-

JARED ROBINSON

Appearances:

Mr. Cedric Dyer for the Crown
Mr. Wendel Alexander for the Defendant

2023: October 30th, November 8th, December 12th

2024: January 19th

SENTENCING JUDGMENT

- [1] **BAKRE, J.:** By Indictment filed on 22nd September 2021 the Defendant was charged with three counts of Wounding with Intent to Murder, three counts of Wounding with Intent, and one count of Malicious Damage.
- [2] The issue of the Defendant's fitness to plea was raised and an order of the court dated 30th September 2021 was made for a psychiatric evaluation to be conducted on the Defendant. The report of the said evaluation was to be submitted by 10th November 2021.
- [3] The report ordered was finally prepared after a lengthy delay. By Psychiatric Report dated 31st March 2022 Dr. Griffin Benjamin of the Family Medical Clinic advised that the Defendant was "not mentally fit to plead and answer the charges against him...".

Dr. Benjamin also recommended that the Defendant continue treatment by way of medication.

- [4] Following this, on 8th April 2022 the court ordered another psychiatric evaluation to be conducted with the report to be produced in June 2022.
- [5] Again, there was a lengthy delay in the production of the report. A Follow Up Psychiatric Report dated 22nd July 2023 was delivered to the court in which Dr. Benjamin indicated that in his opinion the Defendant had “become mentally fit to plead and answer the charges against him...”
- [6] As a result the Defendant was arraigned and pled guilty to Counts 2, 4, 6 and 7 on the Indictment. The Crown in turn dropped Counts 1, 3 and 5.
- [7] The particulars of the offenses to which the Defendant pled guilty to as are follows:

*Count 2: **JARED ROBINSON** on the 11th day of April, 2020, at Swetes, in the Parish of Saint Paul in Antigua and Barbuda, unlawfully and maliciously wounded **T’JERNAE ROBINSON**, with intent to do her grievous bodily harm.*

*Count 4: **JARED ROBINSON** on the 11th day of April, 2020, at Swetes, in the Parish of Saint Paul in Antigua and Barbuda, unlawfully and maliciously wounded **TANISHA GREGORY**, with intent to do her grievous bodily harm.*

*Count 6: **JARED ROBINSON** on the 11th day of April, 2020, at Swetes, in the Parish of Saint Paul in Antigua and Barbuda, unlawfully and maliciously wounded **LAURI-ANN PATRICK**, with intent to do her grievous bodily harm.*

*Count 7: **JARED ROBINSON** on the 11th day of April, 2020, at Swetes, in the Parish of Saint Paul in Antigua and Barbuda, unlawfully and maliciously damaged one (1) 2006 Mazda Miata front windshield valued at \$2,600.00ECC and one (1) 2006 Mazda Miata Convertible Heath Glass Window valued at \$1,439.95ECC, all to the value of **\$4,039.00ECC**, the property of **DAVID PATRICK**.*

- [8] The Defendant is now before the court for sentencing.

FACTUAL BACKGROUND

- [9] On the afternoon of 11th April 2020, the Defendant attacked his brother's girlfriend, his 8-year-old niece and his 14-year-old cousin at the family home in Swetes Village with a cutlass.
- [10] During the incident the Defendant used the cutlass to damage a Mazda Miata motor car belonging to another cousin of his. The Defendant was carrying his infant son in his arms while damaging the car. The canvas roof and the front and rear windshield of the vehicle were damaged.
- [11] The attack was unprovoked. The Defendant's brother and his cousin intervened to restrain the Defendant who was later taken into custody by the police.

Constructing the Sentence – Wounding with Intent

- [12] The court will rely on the Eastern Caribbean Supreme Court Sentencing Guidelines for Violence Offences found in A Compendium of Sentencing Guideline of the Eastern Caribbean Supreme Court for Violence Offences Reissue 8th November 2021

Harm

- [13] The court has assessed the harm caused by the offence to be in the highest category (Category 1) as the attack was committed against children. All the victims received chops on their bodies which caused bleeding. In the case of Tanisha Gregory, she was bleeding from both hands when seen by Dr. Iwuanyanwu at the Mount Saint John's Medical Centre, she also had a deep laceration with bone exposure to one of her fingers. T'Jernae Robinson, who was 8 years of age at the time of the attack, lost consciousness at the scene, she also sustained a laceration and a depressed skull fracture. As for Lauri-Ann Patrick she had a wound and a fracture on her right hand.

Seriousness

- [14] As for the seriousness of the offence the court has assessed this as High (Level A) having regard to the fact that the victims involved were two minor girls and a woman

all of whom were vulnerable persons. Additionally, the court notes that a cutlass was used in the attack on all three of the victims.

The Starting Point

[15] **Section 20 of the Offences Against the Person Act, Cap 300 of the Revised Edition (1992) of the Laws of Antigua and Barbuda** states that the maximum sentence for the offence of wounding with intent is 15 years imprisonment. As this case falls into Category 1 for harm and Level A for seriousness that starting point is 75% of the maximum sentence which translates to 11 years and 3 months imprisonment for each count of wounding with intent.

Aggravating and Mitigating Factors of the Offence

[16] The court has determined that the aggravating factors of the offences are as follows:

- a). Presence of the partner of the victim and a child: the court notes that the Defendant's brother who is the partner of Tanisha Gregory was present during the attack on her. Additionally, the Defendant's own minor son was present during the attacks.
- b). Abuse of power: the Defendant is an adult and attacked children who were his niece and cousin. The nature of the relationship between the Defendant and the two minor victims demonstrates the abuse of power that occurred on the day of the attack.
- c). Domestic Violence: this incident occurred at the family home and victims were all members of the Defendant's family.

[17] There are no mitigating factors as it relates to the offence.

[18] In the circumstances the figure is adjusted upwards to 12 years for each count.

Aggravating and Mitigating Factors of the Offender

[19] There are no aggravating factors applicable to this Defendant.

[20] As for mitigating factors the court takes note of the Defendant's mental ill-health as documented in the Psychiatric Report of Dr. Benjamin of the Family Medical Clinic dated 31st March 2022 where he states that the Defendant was diagnosed as suffering with the comorbid psychiatric conditions of Schizophrenia and Substance Used Disorder. Dr. Benjamin also noted that the Defendant "presented with grossly disorganization of speech and behaviour, and intense paranoid delusions."

[21] The court also notes that the report of the Prosecution is that the Defendant has been very compliant with his treatment for his mental illness while in prison. It has also been reported that the Defendant appeared to be remorseful for his actions and that his behaviour in prison has been positive, he has developed positive relationships with some inmates and prison officer. Additionally, he has been described as being very respectful while in prison.

[22] He is a father and has spent a considerable length of time in custody because of the lengthy time within which the medical report was made.

[23] In the circumstances the figure is adjusted down to 10 years for each count.

Guilty Plea

[24] The Defendant having pled guilty to the offences will be given a reduction of one-third bringing his sentence down to 6 years and 8 months for each count.

Constructing the Sentence – Malicious Damage

[25] The court notes that there are no sentencing guidelines available for the offence of malicious damage.

The maximum penalty

[26] **Section 44 of the Malicious Damage Act, Cap 258 of the Revised Edition (1992) of the Laws of Antigua and Barbuda** states that the maximum sentence for the offence of malicious damage is two years imprisonment.

Guilty Plea

[27] The Defendant having pled guilty to the offence will be given a reduction of one-third bringing his sentence to 16 months imprisonment for the offence of malicious damage.

Totality and Time Spent in Remand

[28] The sentences for all four counts will run concurrently and time on remand is to be accounted for.

Sentence

[29] *Jared Robinson* for the three counts of wounding with intent you are sentenced to 6 years and 8 months imprisonment for each count. For the offence of malicious damage, you are sentenced to 16 months imprisonment.

Justice Tunde A. Bakre
High Court Judge

By the Court

Registrar