

THE EASTERN CARIBBEAN SUPREME COURT
ANTIGUA AND BARBUDA

IN THE HIGH COURT OF JUSTICE
(CRIMINAL)

CASE NO. ANUHCR2022/0050

BETWEEN:

THE KING

-and-

HAKEEM JEFFREY

Appearances:

Mr. Paulio Williams for the Crown

Mr. Lawrence Daniels for the Defendant

2023: October 10th
October 18th

JUDGMENT

[1] **BAKRE, J.:** On 21st April 2023 (by amended indictment) the defendant, Mr. Hakeem Jeffrey, was indicted for the following offences:

- a) Aggravated Robbery contrary to section 33(1)(a) of the Larceny Act, Chapter 241 of the Revised Edition (1992) of the Laws of Antigua and Barbuda as amended by section 3 of the Larceny (Amendment) Act 2017.
- b) Robbery contrary to section 33(2) of the Larceny Act, Chapter 241 of the Revised Edition (1992) of the Law of Antigua and Barbuda.
- c) Unlawful Possession of Firearm contrary to section 6(1) of the Firearms Act, Chapter 171 of the Revised Edition (1992) of the Laws of Antigua and Barbuda as amended by section 4 of the Firearm (Amendment) Act 2017.

- d) Unlawful Possession of Ammunition contrary to section 6(1) of the Firearms Act, Chapter 171 of the Revised Edition (1992) of the Laws of Antigua and Barbuda section 4 of the Firearm (Amendment) Act, 2017.

- [2] The Defendant was first arraigned on 10th October 2023 and pled not guilty to all four counts. Trial was set to begin the following day on 11th October 2023.
- [3] On 11th October 2023, the Defendant opted to change his plea to Counts 3 and 4 to guilty. The prosecution in turn dropped Counts 1 and 2.
- [4] He was subsequently convicted on counts 3 and 4.
- [5] The Defendant now stands to be sentenced.
- [6] The Court has had the benefit of Crown Counsel's written submissions on sentencing and listened to the Defendant counsel.

Facts

- [7] The defendant, 25 years old at the time, on 8th May 2020, rented a motor vehicle which he used to transport a friend which he only knows as "Redlight". Redlight left a firearm in the vehicle as he told the defendant he did not want to look suspicious to the police. The defendant took possession of said firearm and hid it.
- [8] On 14th May 2020, the defendant then took the firearm and brought it to another friend by the name of Dawson Phillip and asked him to keep it for him, which Dawson did. On 19th May 2020, after being arrested on 15th May, 2020, the defendant took the police to Dawson Phillip's home to show them the firearm. The firearm was later found at the home of a person by the name of Sheldon Dias' as he had taken it from Dawson and hid it at his home. The defendant identified the firearm to the police as the same firearm that he initially received from Redlight. The police then made checks and confirmed that the defendant was not issued with a firearm user's licence.
- [9] The firearm was found to be a .38 spl. Titan Tiger 6 shooter snub nose Revolver bearing restored serial number 0068130 and containing 6 live .38 spl. F.M.J rounds in the chamber.

Constructing the Sentence

- [10] The Court will be following the Eastern Caribbean Supreme Court Sentencing Guidelines for Drugs and Firearms Offences¹.

Harm

- [11] The court assessed the degree of harm caused by the offence to be lesser (Category 3) as based on the facts available to the court the defendant did not use the firearm but merely had it in his possession.

Seriousness

- [12] The firearm when recovered contained more than two rounds of ammunition in the cylinder, as a result the court assesses the seriousness of the offense as high (Level A).

The Starting Point

- [13] At this point the court must determine the starting point having regard to its assessment of the degree of harm caused by the offense and the seriousness of the offenses. The maximum sentence which can be imposed for the offenses of unlawful possession of a firearm² and unlawful possession of ammunition³ is 10 years. As this case falls into Category 3 of Stage 1 and Level A of Stage 2 the starting point is 50% of the maximum sentence. The Court has therefore assessed the starting point for each of these offenses to be five years imprisonment.

Aggravating/Mitigating Factors for Offense

- [14] As for aggravating factors of the offenses the court notes that the defendant initially took steps to conceal the firearm, that is, he had the firearm from at least 8th May 2020, passed it on to a friend on 14th May 2020. This will increase the sentences to six years each. There are no mitigating factors as it relates to the offences.

Aggravating/Mitigating Factors for Offender

- [15] There are no aggravating factors in relation to the defendant. As for mitigating factors relating to the defendant the court has taken account of the fact that he cooperated with the police and assisted them in locating the weapon and ammunition on 19th May 2023 after he was arrested. Additionally, the defendant

¹ A Compendium Sentencing Guideline of The Eastern Caribbean Supreme Court: Drugs and Firearms Offences Re-Issue (8th November 2021).

² Section 6(1) of the Firearms Act, CAP 171 of the Revised Edition (1992) of the Laws of Antigua and Barbuda as amended by Section 4 of the Firearm (Amendment) Act, 2017.

³ Section 6(1) of the Firearms Act, CAP 171 of the Revised Edition of the Laws of Antigua and Barbuda as amended by Section 4 of Firearm (Amendment) Act, 2017

was a young man of 25 years when he committed the offences. He is a first time offender and a father of two young children. In view of these, the sentences are accordingly reduced by two year each, taking them to four years each.

Plea

- [16] The defendant having changed his plea to guilty on Counts 3 and 4 of the indictment before trial began has saved the court valuable time and resources in bringing this matter to a speedy conclusion. A reduction of one-third should be given for a guilty plea entered at the earliest practicable opportunity. The figure is therefore reduced to 2 years and 8 months for each offense.

Totality and Time on Remand

- [17] The sentences will run concurrently, and the time spent on remand will be considered accordingly.

Sentence

- [18] *Hakeem Jeffrey*. For the offenses of unlawful possession of a firearm and of unlawful possession of ammunition you are sentenced to 2 years and 8 months imprisonment.

Justice Tunde A. Bakre
High Court Judge

By the Court

Deputy Registrar