

IN THE EASTERN CARIBBEAN SUPREME COURT

IN THE HIGH COURT OF JUSTICE

SAINT CHRISTOPHER & NEVIS

SAINT CHRISTOPHER CIRCUIT

CASE SKBHCR 2022/0014

REX

V

VERON RICHARDSON

APPEARANCES

Mr Tessaun Vasquez for the Crown.

Mr Vaughan Henderson for the defendant.

2023: MAY 02

SENTENCE

For rape as burglar with gun

- 1 **Morley J:** Veron Richardson, aka Tommy, aged 38 (dob 05.11.84), falls to be sentenced for rape and burglary occurring on 07.12.19, to which he pleaded guilty at early opportunity on 06.02.23, with opening and mitigation on 28.04.23, adjourned to today for written sentence remarks. He has a previous rape conviction from 2013.
- 2 On 07.12.19, KD¹ then 21 was at home, and at 02.30 after speaking with her fiancé had checked her home secure and gone to bed. She was awakened by the sound of a person seeming to jump down perhaps from a window inside her home. On investigation, she saw

¹ KD will not be identified as she is entitled to anonymity.

a phone light in her second bedroom, and found Richardson there, wearing a mask over his nose and lower face, seeing his eyes. She began to scream for her neighbour, and was told to shut up, a gun was placed to her head, while with his other hand he choked her, warning her to be quiet, asking if she wanted to be dead. She recognized the voice, as Tommy, who would greet her, though she would not respond. He beat her about the head with the gun butt, and threw her to the floor, then starting to choke her with both his hands, making her dizzy, blurring her vision while throttling her, 'shaking her in her throat'. He pulled off her undergarment and took out his penis, forcing it into her vagina, she began screaming again, and he told her to shut up. She was praying she would not die. He inflicted sexual intercourse on her for five minutes, in a rough manner, causing pain, and after left her on the floor to collect his cellphone, and then rummage through her belongings in the main bedroom, taking his time, stealing her iphone valued at \$500us and \$350ec from her red purse. KD remained on the floor for a period, waiting for him to be gone, and at 04.30 raised the alarm with her neighbour, making immediate complaint. Richardson was arrested in his one-room house at 05.30 and recovered were the cash and the iphone showing KD's picture. Also recovered was a realistic imitation firearm. On arrest, he pretended someone else had given him the iphone, and that KD had wanted sex.

- 3 By way of moving victim impact statement, dated 07.02.23, KD described how the ordeal ruined her relationship, she lost her fiancé, it turned her from outgoing to introverted, she breaks down often, including at work, she is worried every morning at 03.00 springing from bed to check the doors and windows are locked, now lives with her grandfather for security, she lost weight, says she has become addicted to alcohol, and uses cannabis. The rape has shattered her.
- 4 There is a social inquiry report on Richardson dated 20.04.23 prepared by probation officer Khisma Huggins, which describes a significantly disadvantaged upbringing, his mother was an alcoholic, he did not much know his father, he has a son he does not much contact to avoid influencing him negatively, he left school without qualification, spending two years on remand from age 15, later acquitted, and has never been gainfully employed. His unfortunate background has meant he is an outsider, with no stake in society. Of the offence, he says: *'I'm sorry, I know my sorry cannot undo what was done but it is all I have to offer. I beg forgiveness and leniency'*.

- 5 Richardson has 17 previous convictions, beginning in 2004 when 19. They are a mix of dishonesty and some serious violence, in particular:
- a. On 24.01.08, for wounding with intent he received 5 years' imprisonment;
 - b. On 27.11.13, for rape he received 5 years and 4 months;
 - c. On 01.02.19, for larceny he received 9 months, which was a prison sentence in the same year he later committed this rape.
- 6 This offence is strikingly at the worst end, being the very nightmare worrying any woman, that a masked man might break in at night with a gun, throttle her, beat her, and rape her. It is considerably aggravated by there being a previous conviction for rape, as well as for wounding with intent, which under legislation in the UK would mean Richardson would receive automatically a life sentence with a minimum term to serve before possible parole, for earlier having such serious convictions, which by implication show such an offender to be dangerous.
- 7 The maximum sentence on St Kitts for rape is life imprisonment. Because he has pleaded guilty, I will not impose a discretionary life sentence, which on St Kitts does not connote a minimum term; if this had been a trial, I likely would.
- 8 A maximum of life under the ECSC 2021 sentencing guidelines is treated as a notional 30 years.
- a. Considering the starting point for the offence, step 1, counsel are agreed it falls within category 1A, meaning there has been extreme psychological harm, evident by the wholesale change in KD's character, with a gun present (believed real by KD and it matters not was an imitation), and with forced entry into the home. Category 1A means a starting point of 75%, of 30 years, which is 22.5 years.
 - b. I then consider the offence is aggravated by the burglary, showing self-control, noting how after the rape, leaving KD on the floor, Richardson retrieved his own phone, and then rummaged for money, also stealing KD's iPhone, so that I increase the starting point 2.5 years to 25 years.
 - c. Concerning the offender, as step 2, his serious previous convictions increase the sentence 5 years to the notional maximum, of 30 years, but I reduce the sentence 1.5 years for his later remorse and his plainly disadvantaged life, to 28.5 years, expressed through what he said and is reported generally in the social inquiry report.

- d. Taking a third off for early plea, as step 3, his sentence stands at 19 years.
- e. As step 4, turning to totality, given his many convictions, including for rape and wounding with intent, I consider he is dangerous, meaning there is a significant risk of serious harm to members of the public by the commission of further serious offences, meriting a protracted sentence as contemplated in **para 13 of Practice Direction 7A of 2019**, which has established overarching principles of sentencing. For this reason, I increase his sentence by 3 years to 22 years.
- f. Concerning the burglary, there will be a weighty sentence of 10 years, concurrently as reflecting it was part of a course of action alongside the rape, and of such length because he has many convictions for dishonesty, and further, because the context of the stealing was post-rape leaving his victim throttled on the ground.
- g. Concerning step 5, time on remand will count.
- h. As to ancillary features as step 6, any items belonging to KD still in police possession should be returned to her, eg her iphone and the \$350ec.

9 *Veron Richardson, please stand up.* For the offence of raping KD on 07.12.19, throttling her, beating her, which has shattered her spirit, putting a gun to her head she believed was real, it being a realistic imitation, after breaking into her home in the dead of night, with a previous conviction for rape, having pleaded guilty at the earliest opportunity, will be 22 years. Concurrently, there shall be 10 years for the burglary, stealing the iphone and money, committed in the context of having raped KD, to which you also pleaded guilty. Time spent on remand shall count, and you shall be eligible if of good behaviour to remission of one-third of your sentence.

The Hon. Mr. Justice IC Morley KC

High Court Judge

2 May 2023