

IN THE EASTERN CARIBBEAN SUPREME COURT

IN THE HIGH COURT OF JUSTICE

ON MONTSERRAT

CASE MNIHCR 2022/0011 & MNIHCR 2021/0001

REX

V

ELVIS AYMER

APPEARANCES

The DPP Oris Sullivan and Senior Crown Counsel Andrew Horton for the Crown.

The defendant was unrepresented.

2022: NOVEMBER 22

SENTENCE

For multiple burglaries, in including resentence for breach of probation

- 1 **Morley J:** Elvis Aymer, aged 21 (dob 12.12.00), falls to be sentenced on indictment 11/22 on six counts of home burglaries arising between March and August 2022, to which he had made full admissions to police on 21.08.22, and to which he pleaded guilty on 15.11.22.
 - a. On 15.11.22, he also accepted committing these offences place him in breach of a two-year probation order passed on 13.05.21, on indictment 01/21 containing six counts, being pleas to two burglaries (one a home, one a shop), and four of criminal damage (being damage done in an apparent attempt to break into premises), for which he now falls to be re-sentenced, there also being a review by Probation Officer Stanford Kelly filed on 14.11.22 of the extent to which he ever properly cooperated with the probation

order of 13.05.21 arising from the then pre-sentence probation report offered on 30.04.21.

- b. In addition, on 03.12.19, on indictments 19/19 and 20/19, inter alia he received 14 months on pleas to two offences of home burglary, during which taken into consideration were other burglaries, including in June 2019 of two homes, which on indictment 11/22 he had burgled again, being on counts 2 and 3 the homes of Austin Daly and John Weekes.
- c. In sum, Aymer falls to be sentenced on two indictments for a total of 12 counts, containing 8 burglaries, where two were of premises he had burgled before in June 2019.

2 By way of background, of further interest is:

- a. Concerning count 1 on indictment 11/22, burglary of the home of Bessie Gerald on 18.03.22, originally this was a separate allegation as indictment 08/22, to which Aymer pleaded not guilty on 28.07.22, and was then the subject of Nolle Prosequi on 05.08.22 owing to weakness in the evidence, but to which on 21.08.22 he made admissions, so that it was recharged on 29.08.22, as allowed under **s18(1) Criminal Procedure Code**.
- b. On an indictment 15/21 Aymer had been charged with criminal damage and burglary jointly with a co-defendant Shill Blaize, who at trial commencement on 22.11.21 pleaded guilty, so that the prosecution did not pursue Aymer, said to have been a look-out, so that he was discharged, and I make it plain I put this allegation out of mind.

3 This court wishes to commend the work of the ODPP¹ and Probation Department, as to the quality of their presentation of materials in this case, which amid so many offences might otherwise be confusing, set out an annex, in the hope others through the nine-island jurisdiction of the ECSC² will follow their example as the regional benchmark.

- a. Note first at **Annex A**, the sentencing note prepared on 04.11.22 by SC Andrew Horton, led by DPP Oris Sullivan, which draws together all the offences, setting out the facts, the full antecedents, and the breach of the probation order, and then further goes on to offer assistance as to the approach to take to the sentencing guidelines.
- b. Note then at **Annex B**, the full review by PO Stanford Kelly filed on 14.11.22 of how Aymer performed under the probation order of 13.05.21, obviating further need for a fresh social inquiry report for this sentencing exercise.

¹ Office of the Director of Public Prosecutions.

² Eastern Caribbean Supreme Court.

- c. Note finally at **Annex C**, the fulsome social inquiry report by PO Kelly dated 30.04.21 which gave rise to the probation order.
- 4 During mitigation on 18.11.22, senior probation officer Nicole Hixon gave evidence. Though Aymer's circumstances and probation failings are fully set in **Annexes B and C**, she reported he had been 'unsuccessful' during his probation order passed on 13.05.21, he needs guidance, though she agreed it was difficult to see what assistance could be further given at this stage. She observed, fairly, he lacks stable accommodation, and 'can't find his feet'. He hopes to go back to St Kitts from where he came to Montserrat as a boy. While probation would never wish to give up on him, he needs guidance, he has made a lot of mistakes, he drinks too much alcohol and smokes too much marijuana, and while the sentence lies wholly in the discretion of the court, it should note he is a young man not sure of his direction in life.
- 5 Speaking for himself to the court, with striking sincerity, Aymer explained he was smoking too much marijuana, some local, some stronger grown in the UK, he could smoke up to an ounce in a day, his twin sister Elvisia was in court to support him, though not his mother, who was on island and aware of proceedings. His offending had begun after he left home at 18 with no settled direction, recalled by the court when he was sentenced on 03.12.19. He did not consider himself a 'bad man', he had only ever taken what he needed 'to survive', like food and drink, sometimes shoes, and coins, and had made admissions on 21.08.22 to clear up his behaviour having resolved never to do this again. He wished henceforth to pursue 'virtue' in the style of the Greek philosophers, and hoped to study the subject and become a lecturer to help others.
- 6 As to the offending, fully set out and adopted at **Annex A**, the court notes the burglaries on indictment 11/22 were all locked homes, with no one present, targeted by him, where he entered by breaking in, and if he stole anything it was indeed food, drink, some coins, shoes, rather than tvs and jewellery. He was treating the homes of others as sources of supplies rather than riches. However, what is troubling is:
 - a. On count 1, he used the toilet, left a stool, and did not flush it, which will have been most distressing to the female owner as a reminder of his invasive presence;
 - b. On count 2, he returned on 21.04.22 to burgle the home of Austin Daly, having done so in June 2019;

- c. On count 3, he returned on 30.04.22 to burgle the home of John Weekes, having done so in June 2019;
- d. On count 5, he returned on 17.08.22 to burgle the home of Grethlyn West, having entered with intent to steal on 15.05.22 as per count 4.
- e. Counts 2, 3 and 4 were offences while on bail for the offence of 18.03.22 on count 1, being then under separate indictment 08/22, not discharged until 05.08.22.
- f. Counts 5 and 6, being on 17.08.22, were within only 12 days of being the subject of the Nolle Prosequi of 05.08.22 under indictment 08/22 (resurrected on 29.08.22 as count 1).

7 What seems to have happened is this: Aymer was prolific at causal burglary, on and off bail, and was then caught on cctv on 17.08.22 burgling the home of Kenneth Silcott, so that on 21.08.22 made a clean breast of his crimes, which is to his credit, believing he will now put burglaries behind him. What has motivated these break-ins has been an unstable lifestyle, where Aymer has no income, nor settled home, and while smoking strong marijuana, becoming so intoxicated so he does not care he is doing wrong, he steals in a minor fashion, though breaking in, causing damage and distress, and his stealing includes alcohol for his pleasure rather than need. I do query if he would not be burglar if he had a job and did not smoke so much.

Constructing the sentence

- 8 Turning to sentencing, the maximum on Montserrat for burglary is 14 years.
- 9 On indictment 11/22, concerning step 1, being an assessment of the offending, I agree with the prosecution assessment the starting point within the ECSC sentencing guidelines is at category 2B, namely at 40%, with a range of 25-55%, because of causing some psychological harm, undermining home enjoyment, and targeting of premises. However, I then increase the starting point to 50% for the sheer number of burglaries, being 6 offences, making it 7 years, or 84 months.
- 10 Concerning Counts 2 and 3, these are more serious than the other counts, because Aymer has burgled these houses before in June 2019, and so I take the view I step slightly outside the guidelines, beyond 55%, to 60%, to a starting point of 8.5 years, or 102 months.

- 11 The sentences are then reduced 12 months owing to his fulsome admissions, such that he would not have been prosecuted for counts 1-5 without them, so that on counts 1, 4, 5, 6 the sentence is reduced 12 months to 72 months and on counts 2 and 3 to 90 months.
- 12 Concerning step 2, being an assessment of the offender, it is aggravating he has previous convictions for burglary, but I will not increase the sentence as it would be double counting, given I have taken into account the earlier burglaries of June 2019, and I will have yet to deal with the probation breach. However, it is mitigating the offending is for supplies, not riches, while in unstable circumstances, and the court notes the sincerity of his wishing to go straight, meaning the sentences can reduce about a further 17/18 months, to 57 months and 72 months respectively.
- 13 Concerning step 3, he gets full credit for plea, meaning a discount of one-third, reducing the sentences to 38 months and 56 months. These sentences will run concurrently with each other.
- 14 Concerning breach of the probation order on indictment 01/21, the earlier offences fall for resentencing. At the time I recall I said I was giving him a chance, now squandered. On 13.05.21 I conducted an analysis under the sentencing guidelines, concluding a jail sentence overall would be 2 years, but opting for probation. I adopt my earlier analysis - knowing Aymer previously had a sentence of 14 months for two home burglaries, to which he pleaded, and recalling he also pleaded to indictment 01/21 – so that I will pass a sentence of 2 years, or 24 months, on the home burglary, 18 months on the commercial burglary, and 6 months on each count of criminal damage, all to run concurrently.
- 15 However, the sentence of 24 months on indictment 01/21 shall be consecutive to the sentence of 56 months on indictment 11/22, as these were each a separate series of offending, making in total 80 months.
- 16 The total being longer than 2 years, there can be no question of suspending the sentence or of some other non-custodial disposal.
- 17 Turning to step 4, concerning totality, I consider 80 months overall to be too long, for a man of 21, trying 'to find his feet', hoping to go straight, and who cooperated so fully, and will reduce the sentence by 8 months to 72 months, being 6 years.

- 18 To reflect this adjustment, I will take the 8 months off the 56 months on counts 2 and 3 on indictment 11/22, making 48 months. This means 48 months on indictment 11/22 will be added to 24 months on indictment 01/21, making the 72 months total.
- 19 Time on remand will count, to include time on remand for indictment 01/21, as well as separately for indictment 11/22, to be calculated by the prison, while Aymer will be entitled to remission of one-third of his sentence if of good behaviour, meaning he may be released after serving 48 months, or 4 years.
- 20 This is the least sentence I can pass consistent with my public duty to deal with prolific casual burglary in this small largely crimeless Montserrat community, while weighing Aymer, still young, wishes to put his offending behind him. This court does not wish to crush him, he should be out before being 26, and hopes he will find while in custody time to do study of the Greeks.
- 21 There shall be no order for compensation as he is indigent, and any items recovered by police are to be returned to the owners.
- 22 *Elivs Aymer, please stand up.* For the reasons given, concerning 12 counts, including 8 burglaries, on indictment 11/22, on counts 2 and 3 the sentence shall be each 48 months imprisonment, and on counts 1, 4, 5, and 6, shall be 38 months imprisonment, all being concurrent to each other on that indictment; and consecutively on indictment 01/21, there shall be 24 months imprisonment on resentence for the breach of the probation order passed on 13.05.21, created by committing the offences on indictment 11/22, being 24 months on the home burglary on count 1, 18 months on the shop burglary on count 2, 6 months on each count of criminal damage on counts 3, 4, 5, and 6, all being concurrent to each other on that indictment. The total sentence is therefore 48 months plus 24 months, making 72 months, or 6 years. This is the least sentence I can pass consistent with my public duty. Time on remand on both indictments shall count, and you shall be eligible for remission of one-third of the sentence if of good behaviour. You may go with the gaoler.

The Hon. Mr. Justice Iain Morley KC

High Court Judge

22 November 2022

ANNEX A

MONTSERRAT
IN THE HIGH COURT OF JUSTICE
(Criminal)

Case No. MNIHCR2022/0011

R. v Elvis AYMER

PROSECUTION SENTENCING NOTE

*[this note is only to assist the court / defence and
may be subject to change at any time]*

BRIEF OVERVIEW

1. The defendant Elvis AYMER is 21 years of age (DOB: 12.12.2000) with a record of antecedents. He has been remanded in custody on these matters since 22nd August 2022 and was sent on 5th September 2022 from the Magistrate's Court to the High Court for Sufficiency Hearing.
2. The case before the court relates to a series of domestic / dwelling burglaries in 2022. They were committed whilst subject to a 2 year Probation Order made by the High Court in May 2021 and some of the offences were committed while on court bail (counts 2, 3 and 4) albeit for a matter that was later discontinued. The draft Indictment contains six counts of burglary. The maximum penalty for burglary, per s.240(4) of the Penal Code, is 14 years imprisonment.
3. The police finally caught up with the defendant because of CCTV inside the premises dealt with in count 6 (the last offence in time). The

defendant was clearly seen on that CCTV, identified and arrested. The defendant then became co-operative and admitted the series of offences across several police caution statements.

INDICTMENT

4. The counts are as follows:

COUNT ONE

STATEMENT OF OFFENCE

BURGLARY: Contrary to section 240(1)(b) of the Penal Code, Cap 04:02.

PARTICULARS OF OFFENCE

ELVIS AYMER on the 18th day of March 2022 at Mongo Hill, in the Overseas Territory of Montserrat, entered as a trespasser the dwelling house of Bessie Gerald and stole therein shoes, alcoholic drinks, a key and a knife.

COUNT TWO

STATEMENT OF OFFENCE

BURGLARY: Contrary to section 240(1)(b) of the Penal Code, Cap 04:02.

PARTICULARS OF OFFENCE

ELVIS AYMER between the 21st day of April 2022 and the 25th day of April 2022 at Dick Hill, in the Overseas Territory of Montserrat, entered as a trespasser the dwelling house of Austin Daly and stole therein a quantity of alcohol, a soft drink and a quantity of coins.

COUNT THREE

STATEMENT OF OFFENCE

BURGLARY: Contrary to section 240(1)(b) of the Penal Code, Cap 04:02.

PARTICULARS OF OFFENCE

ELVIS AYMER between the 30th day of April 2022 and the 5th day of May 2022 at Dick Hill, in the Overseas Territory of Montserrat, entered as a trespasser the dwelling house of John Weeks and stole therein a soft drink, a car key and a quantity of coins.

COUNT FOUR

STATEMENT OF OFFENCE

BURGLARY: Contrary to section 240(1)(a) of the Penal Code, Cap 04:02.

PARTICULARS OF OFFENCE

ELVIS AYMER between the 15th day of May 2022 and the 18th day of May 2022 at Dick Hill, in the Overseas Territory of Montserrat, entered as a trespasser the dwelling house of Grethlyn West with intent to steal therein.

COUNT FIVE

STATEMENT OF OFFENCE

BURGLARY: Contrary to section 240(1)(b) of the Penal Code, Cap 04:02.

PARTICULARS OF OFFENCE

ELVIS AYMER on the 17th day of August 2022 at Dick Hill, in the Overseas Territory of Montserrat, entered as a trespasser the dwelling house of Grethlyn West and stole therein food, a plate, wine, toilet paper, a charging cable, gloves, a quantity of soap products and a bag.

COUNT SIX

STATEMENT OF OFFENCE

BURGLARY: Contrary to section 240(1)(b) of the Penal Code, Cap 04:02.

PARTICULARS OF OFFENCE

ELVIS AYMER on the 17th day of August 2022 at Dick Hill, in the Overseas Territory of Montserrat, entered as a trespasser the dwelling house of Kenneth Silcott and stole therein slippers, shoes, clothing, a watch, bottles of vitamins, alcoholic drinks, a money pouch and a quantity of coins.

FACTS

5. The prosecution submits that the precise details of the burglaries are perhaps not as important as would usually be the case, because of the sheer volume of offences committed whilst on a court order for the same. Unfortunately, no hard copy scene photographs are available due to an issue with the police printer.

The probation order of May 2021

6. Taking matters chronologically, on 13th May 2021 the defendant was placed on a 2 year Probation Order for a series of offences as follows:-
- 1) s.240(1)(b) Burglary of the premises of Daniel and Mary Sweeney between 23rd and 24th October 2020 at St.Johns, stole \$85 cash and one cider;
 - 2) s.240(1)(b) Burglary of Victor's Garage between 8th and 9th November 2020, stole \$150 and a cash register valued at \$1,000;
 - 3) s.293 Criminal Damage at Daniel and Mary Sweeney's residence between 23rd and 24th October 2020, damaged a window valued at \$735;
 - 4) s.293 Criminal Damage at Ah Wee Shopping Centre between 16th and 17th November 2020, damaged a glass door valued at \$1,219;
 - 5) s.293 Criminal Damage at Victor's Garage between 8th and 9th November 2020, damaged a cash register and window valued at \$667.50;
 - 6) s.293 Criminal Damage at Galloway's Wayside Store between 16th and 17th November 2020, damaged a window valued at \$863.

Count 1 - burglary on 18th day of March 2022 at Mongo Hill

7. The first offence for sentence (count 1) is the daytime burglary of the premises/dwelling of Bessie Gerald on 18th day of March 2022 at Mongo Hill. Items stolen were shoes, alcoholic drinks, a key and a knife. Ms Gerald was absent from around 8am to 7pm and returned home to find

her kitchen door windows open, they had been closed when she had left. She found an empty bottle of beer that had moved from the fridge and upon checking around found that her toilets had been used and not flushed ("stool" in one, urine in another). She was missing two bottles of beer, a key for the kitchen door and a pair of size 11 black shoes from under her bed. She did not notice but a large knife had also been taken from the bottom drawer of her dresser, the defendant admitted to that eventually and the knife was recovered in a search on 18th August 2022. Ms Gerald was shown the knife and confirmed it was hers.

8. Police attended and Sgt. Samuel found that clips securing mesh to a window in a door were broken and the screen appeared to have been removed and replaced inside out. A louver pane on the window appeared prised up and dented. The kitchen door window was the point of entry.
9. The defendant was seen the next morning after 10am at the Grand Phoenix restaurant and arrested. He appeared to be under the influence of drink or drugs and was wearing shoes matching the description of those stolen. Ms Gerald was shown the shoes by police and identified them as hers on 21st March 2022.
10. The defendant initially denied matters, and stated the shoes were his, in a caution Statement of 20th March 2022 and by Question & Answer on 21st March 2022. However, when good quality CCTV proved he had committed a burglary on 17th August 2022 (count 6) he became co-operative and made admissions to several earlier burglaries including the one at Ms Gerald's. On 21st August 2022 he gave answers by Question & Answer where he admitted to the burglary at count 1, committed around 5pm by putting his hand through a window and unlocking the door. He accepted taking the shoes, two bottles of beer, a key and a knife. He denied using the toilets. He accepted that the

shoes he was arrested in the day after were Ms Gerald's. He stated that he knew Ms Gerald ("me work for her already") and knew she would be out at her shop in the daytime.

11. The defendant was previously prosecuted for this matter and was on court bail from 29th March to 5th August 2022. On 23rd March 2022 the defendant appeared in the Magistrate's Court on a complaint of burglary as at count 1. Initially remanded he was bailed on 29th March 2022 and then sent for Sufficiency Hearing on 5th July 2022. The prosecution passed through Sufficiency (but only after careful questioning by the court) and an Indictment was filed for burglary and handling stolen goods (the shoes).

12. On 5th August 2022 the prosecution entered a Nolle Prosequi at the High Court and the defendant was free to go. The prosecution is permitted to re-prosecute the matter because s.18(1) of the Criminal Procedure Code means a Nolle Pros is not "*a bar to any subsequent proceedings...*". Further evidence and admissions were obtained well after that Nolle Pros was entered; hence there is no prejudice to the defendant or abuse of process in re-prosecuting. A new complaint was filed on 29th August 2022 at the Magistrate's Court and the defendant was sent on 5th September 2022 from the Magistrate's to the High Court for Sufficiency Hearing.

Count 2 - burglary between the 21st day of April 2022 and the 25th day of April 2022 at Dick Hill

13. The second offence for sentence (count 2) is the burglary of the premises/dwelling of Austin Daly sometime between the 21st day of April 2022 and the 25th day of April 2022 at Dick Hill. The defendant having been bailed at the Magistrate's Court the previous month, on 29th March 2022.

14. It is not the first time the defendant had committed burglary at this address, a previous burglary committed in June 2019 was Taken into Consideration upon sentence in 2019 (see below).
15. Mr Daly lives abroad some of the year and a caretaker, Sydney Galloway, left the house secured on 22nd April 2022. On 24th April 2022 around 2pm Mr Galloway attended again and found a window pane open (that had been closed) and a hurricane shutter open on a bedroom window. Upon entering he noticed items had been moved, a closet was open and a kitchen window lock no longer worked properly. Rum and ginger ale appeared to have been consumed.
16. The point of entry was the kitchen window. On 19th August 2022 the defendant admitted the offence in Question & Answers with the police. He stated that he entered the same way as he had done previously, forcing a kitchen window. He stated that he stole food, cleaning products, coins and “plugged out” the cameras. He accepted drinking alcohol inside.

Count 3 - burglary between the 30th day of April 2022 and the 5th day of May 2022 at Dick Hill

17. The third offence for sentence (count 3) is the burglary of the premises/dwelling of John and Mary Weeks sometime between the 30th day of April 2022 and the 5th day of May 2022 at Dick Hill.
18. Again, it is not the first time the defendant had committed burglary at this address, a previous burglary committed in June 2019 was Taken into Consideration upon sentence in 2019 (see below).

19. The owners live abroad some of the year and a caretaker, Ivan Piper, left the house secured on Sunday 1st May 2022 when he attended to water some plants. On 4th May 2022 around 7am he returned and found a blue barrel had moved and placed under a bathroom window. He did not enter but called the police and the owners. Police attended and when Mr Piper went inside he saw an empty malt bottle on the kitchen counter and that a coin jar had been moved from under a bed and some coins scattered on the bed. Mr Weeks later confirmed that coins were missing but the amount was unknown. Closets had been opened and clothes and shoes were described as “rumpled” in a bedroom that was usually tidy. A car key had been taken from a cupboard drawer and was found in the door of the car outside on the drive.
20. The point of entry was the bathroom window where police found a glass panel pushed up and the wire mesh removed. A black t-shirt was found on top of the barrel, under the under.
21. On 19th August 2022 the defendant admitted the offence in Question & Answers with the police. He admitted entry via the bathroom window using a blue “drum” and that the black t-shirt left behind was his (he having worn two so one could be a mask). He also admitted he drank one malt then he took the car key and looked inside the car before returning to the house, at which point the alarm went off and he left in a hurry.

Count 4 - burglary with intent to steal between the 15th day of May 2022 and the 18th day of May 2022 at Dick Hill

22. The fourth offence for sentence (count 4) is the burglary with intent (nothing taken) at the premises/dwelling of Grethlyn West between the 15th day of May 2022 and the 18th day of May 2022 at Dick Hill.

23. Grethlyn West went to bed on 16th May and in the morning of 17th May she found that glass louvres were missing from an upstairs balcony window and the curtains had shifted. The louvres were on a table outside on the balcony. Nothing was noted as missing.
24. Police attended and the Crime Scene Unit officer Antoine noted three glass louvre panels had been removed from the base of a panel window frame to the left of the door on an upstairs balcony. The officer noted a tree nearby could be climbed to access the balcony.
25. On 19th August 2022, in Question & Answers with the police, the defendant admitted to entering the premises “sometime this year” in addition to on 17th August 2022 (see below) but he was unsure of the date. He said he entered about “12 or 1” in the afternoon, that he “use to enter through a window on the porch” and had looked around but taken nothing. He knew when she was out at work as her white Rav4 would be absent.
26. The prosecution has taken the admissions and matched them to the report of Ms West to frame count 4. Ms West appeared to think that the panels were moved overnight but the defendant only accepts a daytime entry when the house was empty. The prosecution accepts the defendant will be sentenced on his admissions.

Counts 5 and 6 – two burglaries on 17th day of August 2022 at Dick Hill

27. On 5th August 2022 the prosecution entered a Nolle Prosequi at the High Court and the defendant was free to go, in relation to the first attempt to prosecute the burglary at Bessie Gerald’s (count 1). Counts 5 and 6 were committed less than 2 weeks after the defendant left court a free man.

28. Essentially, the defendant's luck ran out and he was caught on CCTV inside the premises of Kenneth Silcott, count 6. That strong evidence appears to have meant the defendant then became co-operative about assisting in clearing up other unsolved burglaries.
29. On 17th August 2022 Grethlyn West went to work around 7am and returned home about 7-7.30pm. She found the top lock on the front door was not engaged, as it had been when she left that morning. She used her keys to open the bottom lock and went inside. She immediately noticed that her bedroom door was open, she has specifically closed it that morning after spraying for mosquitos. Another bedroom door was closed when it was always left open. In her personal bedroom she noticed clothing has been moved on the bed and the window screen had been removed and the curtains moved. In another bedroom a mattress had been moved. Upon checking the kitchen she noticed a spaghetti meal had been removed from the refrigerator and had disappeared. The food pot was on the side and the microwave had been moved. Other items had been taken from inside a gift box, but Ms West did not initially realise. The items were "hotel soaps and a massaging bar". A single toilet roll was also taken.
30. A neighbour came round to help and a blue barrel was found outside underneath her bedroom window. A different neighbour's name was written on the barrel.
31. Police attended and the point of entry was considered to be the bedroom window, using the barrel to gain height (window was 9 feet from the ground) before pulling aluminium clips to remove three glass louvres panes to create a 12 inch gap.
32. On the same day (17th August 2022), in his admissions he stated after the burglary at Ms West's, he also committed burglary at Kenneth

Silcott's home in Dick Hill. He tried to get in downstairs using scissors on a lock, unsuccessfully, before using a chair to climb onto a balcony and entering an unlocked door.

33. Mr Silcott left home about 8.30am on 17th August 2022, CCTV cameras were operating inside and out. The monitor was on so the camera feeds were visible. He returned home about 8pm and noticed coins on the floor inside and that the CCTV monitor was off (but thought that may have been due to a regular power cut). Clothes in his bedroom were ransacked and drawers tampered with. He then noticed the CCTV monitor was actually unplugged. He checked the CCTV and logged as around 3pm it showed a male entering the house, a male he knew by sight but not by name. It was the defendant.

34. Items initially noticed as missing were - a money pouch, coins (around \$100ECD), Nike slippers, approximately five vitamin bottles (\$50 each).

35. On 18th August at 9.15am police attended and found a chair appeared to have been used to gain height to climb on a balcony. A downstairs apartment door lock had scratches upon it with what appeared to be the tip of a pair of scissors stuck between the lock face and the frame. They found black sneakers outside (it appears discarded by the defendant). Police were also shown the CCTV and immediately recognised the defendant, he also appeared to be wearing the discarded sneakers.

36. A search warrant was obtained and Police went to arrest the defendant at his home in Look Out on 18th August 2022. His reply to arrest was "Me nuh know bout dat". Police found a pair of scissors with a broken point and in a kennel outside they found a watch.

37. As described above admissions were then made Caution Statements and by Question & Answers and 18th and 19th August 2022.

38. The defendant admitted burglary at Ms West's premises in the afternoon of 17th August, which he described as the "lady house". He stated that he used a neighbour's "drum" and "tek out di window". He took several items and consumed food and drink. He used the microwave and threw the plate outside after use. He put the stolen items in a bag he found inside. He knew when she was out as she worked at the hospital. He said he had been there before but never taken anything. He offered to show police where some of the stolen items were and also where he disposed of the plate.
39. The defendant took police to his address and an apartment about 50 feet from his premises. Varied items stolen were recovered and the defendant co-operated by taking police twice to his address and by putting the items into two piles – one for each burglary committed on 17th August. He handed to police a duffle bag and said "this was taken from the lady house, that's what I used to carry the things". He also took police back to near Ms West's home and pointed out a fork and plate he had used to eat the food before throwing them in the bushes nearby.
40. Ms West was shown some recovered items on 20th August 2022 and identified a several items as hers including – a duffle bag, some plastic cups, a bottle of local wine, a hat, assorted soaps, shower gel, hand cream and perfume set, a bottle of febreze, a pair of gloves and an iPhone charger cable. She commented that she was still missing other items such as a towel, tights and two skirts.
41. The defendant also admitted the burglary at Mr Silcott's, whom he knew as "Rabo". He said that he went there after Ms West's. He jumped a railing and tried to open a door using scissors but they broke. He successfully got in through a balcony door. He consumed wine, Carib, Heineken and Guinness. He took some coins, some Adidas shoes and

some Nike slippers. He saw the cameras inside and unplugged them and plugged back into as that supposed to “erase um”. He tried to throw his shoes and wore the stolen Nike slippers. He said police came to his house and found the broken scissors but not the stolen items, until he later showed them.

42. Mr Silcott was shown a photograph of some recovered items and identified items stolen from his address – a money pouch, Nike slippers, Adidas sneakers, a t-shirt, pairs of socks, a bottle of white rum and a gold watch (which belonged to his brother, Citizen brand, worth about \$165USD).

43. Varied complaints were filed at the Magistrates’ Court and the defendant was sent to the High Court.

ANTECEDENTS

44. The defendant has served previous sentences of imprisonment, including for burglary.

45. The antecedents are as follows:

- 3rd December 2019 – 15 month sentence of imprisonment.

14 months for 2 counts burglary of residences. 1 month for escape from lawful custody consecutive. 3 months concurrent for cultivation of cannabis. By way of a schedule of matters taken into consideration were 2 matters of burglary of properties of Austin Daly and John / Mary Weeks in June 2019.

- 13th May 2021 - 2 year Probation Order for a series of offences as detailed above: 1 x dwelling burglary, 1 x commercial burglary, 4 x criminal damage.

- 19th July 2021 - fine for possession of cannabis.

46. It may be relevant to the sentencing exercise that:-

- i) he falls for re-sentence for breach of the 2021 Probation Order (offences of 2 x burglary and 4 x criminal damage);
- ii) three of the new matters were committed whilst on court bail;
- iii) previously accepted burglary of two of the same premises as on the current Indictment, by way of a schedule of admitted matters Taken Into Consideration (TiC) when sentenced in 2019. The TiC schedule included burglary at premises of Austin Daly and John Weekes (current counts 2 and 3).

SENTENCING

47. The relevant guideline from the Eastern Caribbean Supreme Court is the Dishonesty Offences Compendium <https://www.eccourts.org/wp-content/uploads/2021/11/Dishonesty-Offences-Compendium-guideline-November-2021-Re-Issue.pdf> .

Considering those, at page 19 onwards, along with the antecedents and aggravating features, it may be likely that the only realistic consideration is the overall length of an immediate custodial sentence.

48. At STEP 1, the first stage the relevant factors appear to be:

- Damage to property consequent on breaking in;
- Soiling, ransacking or vandalism of property;
- Offence involving home invasion.

49. The prosecution say – CONSEQUENCE - Category 2 – Medium due to:

- Some physical and/or psychological harm caused to the victim and/or some damage to the premises;
- Some detrimental effect on home enjoyment.

50. At the second stage the prosecution say - SERIOUSNESS – Level B – Medium due to:

- Some degree of planning involved (use of scissors carried, barrels used);
- Targeting to a degree as knew victim movements / who lived in premises etc;

But lacks the very serious level B factors such as weapons / force.

51. At the third stage a 2B offence has a starting point of 40% of the maximum (the maximum being 14 years), with a range of 25-55%.

52. At the fourth stage the aggravating or mitigating factors can allow and upward or downward adjustment. Here the relevant factors appear to be:

AGGRAVATING FACTORS of the offence

- Equipped for burglary (e.g. implements carried, albeit with a need to avoid double counting if considered above)
- Prevalence of the offence
- Community impact

MITIGATING FACTORS of the offence

- Property restored

The prosecution submits the relevant factors would normally place the individual burglaries near the bottom of cat 2B. However, in this case the number of burglaries pushes matters up the range.

53. At STEP 2, adjust the figure within the range for the aggravating and mitigating factors affecting the offender.

AGGRAVATING FACTORS of offender of relevance here the prosecution say are:

- Previous convictions for burglary offences (even the exact same premises TiC'd)
- Offence committed whilst on bail and on a probation order

MITIGATING FACTORS:

- Assistance given to the authorities (including showing police the location of stolen items).

54. At STEP 3 credit should be given for a guilty plea as appropriate. A reduction of one-third should be given for a guilty plea entered at the earliest practicable opportunity.

55. At STEP 4 consider totality. This may be the significant issue here given the number of offences for sentence. In reality, balancing all that has been said above about the offences and offender, the prosecution submits that the overall sentence after trial should be at the upper end of the cat 2B range, or higher. Credit for plea then to be applied to reduce any overall sentence.

56. At STEP 5 credit for time on remand.

57. At STEP 6, ancillary orders. Compensation for the victims appears impractical. The prosecution expects the police to return items identified as stolen without an order of the court.

Andrew Horton

Senior Crown Counsel, ODPP

4th November 2022

ANNEX B



Ministry of Health & Social Services

Social Services

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Brades

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Montserrat. W. I.

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Confidential

Mr Elvis Aymer was convicted of a number of burglaries and criminal damages and was placed on probation on 13th May 2021 by High Court Judge Hon. Iain Morley for two years. Following the Probation Order, Mr Aymer attended his first appointment on 17th May 2021 with the Probation Unit. On 18th May 2021, a referral was made to the Clinical Psychologist for Mr Aymer to attend counselling. On 19th May 2021, the Clinical Psychologist responded, giving the first scheduled appointment with Mr Aymer for 27th May 2021. On 27th May 2021, Mr Aymer was in court thus his appointment with the Clinical Psychologist was rescheduled. Later that day, Mr Aymer attended his probation appointment. Amelda Nelson, Manager of Aunt Madge Day Care Centre had requested someone to clean around the grounds of the Day Care. Mr Aymer was given the opportunity to take up the job which he agreed to. I contacted Ms Nelson and let her know that Mr Aymer had accepted the job and he will come on 28th May 2021.

Mr Aymer failed to show up for his scheduled appointment on 3rd June 2021 without an excuse. On 24th June I enquired of Miss Wendy Aymer, Elvis' mother who stated that he did not know where Elvis was. On the 1st July 2021 Miss Aymer called and reported that Elvis got into a fight with his brother over his brother's girlfriend.

When Mr Aymer was confronted about the incident, he reported that he and his brother's girlfriend got into an argument and his brother's girlfriend went and told his brother. His brother did not find out what the argument was about, he just came and assaulted him, which resulted in a fight. He was warned that fighting is a breach, which would result in him taken before the court.

On 15th July 2021, Mr Aymer did not attend his appointment. When he was asked about not attending his appointment, he stated that he went to the airport to see a friend off. On 29th July 2021 and 5th August 2021, Mr Aymer did not attend his appointments with the Probation Unit. On 6th August 2021, I enquired of Ricklette Aymer, sister of Mr Elvis Aymer to his whereabouts. Miss Aymer stated that Mr Aymer was arrested and has been remanded in Her Majesty's Prison.

On 31st August 2021, I visited Mr Aymer in Her Majesty's Prison. He stated that he was arrested for Burglarizing and damage a property in Olveston. He further reported that he was with Shill Blaze when

he burglarized and damaged a property in Olveston. On 22nd November 2021, in the high court, Mr Shill Blaze pleaded guilty to the burglary and damage to property charges and Mr Aymer was discharged.

An appointment was scheduled for Mr Aymer on 26th November 2021 but he did not show up. On 28th November 2021, I went to Mr Aymer's home where I met him and scheduled a meeting for the 29th November 2021. On 29th November 2021, Mr Aymer attended his appointment. He was warned of breach proceedings if he continued to deliberately not attend his probation appointments.

On 29th November 2022, Mr Billy Dauroux was called to find out if it was possible to get Mr Aymer on the Help Young People with Employment, (HYPE) Programme. The matter was referred to Mrs Helena Dorsette, the Youth and Development Worker at the Ministry of Youth Affairs, Community Services and Sports (MYACSS). Following a conversation between Mr Dauroux and Mrs Dorsette, Mr Aymer was invited to the MYACSS office to fill out the required forms, which he did. The Clinical Psychologist was called and an appointment was scheduled for 6th December 2021. Mr Aymer keep missing appointments and the COVID-19 situation on island also contributed to him not attending appointments.

On 15 February 2022, I have informed Wendy Aymer that I would like Mr Aymer to visit me at the office. She stated that she has not seen Mr Aymer for quite some time now. However, she said she will inform his sister who is in constant contact with him. On 3rd March 2022, Mr Aymer was met in Carrs Bay area. He was asked if he got a message that I wanted to see him. He reported yes, but he was working so he could not come to the appointment. He reported that he is now living in Cheap End, St Peters for over a month and he is working with Ken Allen of Ken Allen Construction earning \$130.00 per day. He was reminded of the Court order which stated that he must inform the Probation Officer of his change of address and change of employment. Failing to do so, can result in him being breached. He was given an appointment for 7th March 2022 which he did attend.

On 11th March 2022 Police Office, Sgt. Brade informed me that Mr Aymer was assisting the police into enquires involved some house breakings. Mr Aymer made a request to see me. I visited Mr Aymer later that day and he reported that he was not involved in any breaking. Later that day, he requested food and a sheet, which I provided for him. The next day Mr Aymer was released from police custody. Mr Aymer did not show up for his next appointment, which was scheduled for 14th March 2022.

On 19th March 2022 Miss Bessie Gerald of Mongo Hill reported to me that her house was broken into. I immediately went to her house and asked her to call the police. Upon the arrival of the police, I had a conversation with the police. On 21st March 2022, Sgt. Antoine reported that Mr Aymer was assisting the police in enquires into the breaking of Bessie Gerald's house in Mongo Hill. On 22nd March 2022, Mr Aymer was remanded in Her Majesty's Prison until 29th March 2022, when he was put on bail by the Magistrate. Thereafter, Mr Aymer failed to engage with the probation department while he was on bail.

On 11th May 2022, Mr Aymer walked into the office requesting to see the Probation Officer. When questioned, he reported that he is working with his brother Bradley Aymer in Woodlands, he also do farming and fishing on his own. He was told that this is not a valid excuse. Also, he failed to call to report his whereabouts. He was told he would be breached for failing to attend his appointments. He was given another appointment for 12th May 2022.

On 12 May 2022, Mr Aymer came to his appointment. When he was asked about the arrest and remand in prison, he reported that he is not guilty and Miss Bessie never reported to the police that she missed any shoes. He reported that he had bought the shoes from a friend and has been wearing

the shoes for over a month. He was told that the police questioned the friend whom he reported that he bought the shoes from and he denied selling him that particular shoes. He was reminded that if he is convicted he would be in violation of the court order and he would be sentenced for the offence in which he was placed on probation for, also for burglarizing Miss Bessie's home.

Mr Aymer did not attend any more appointments with the Probation Department. On 22nd August 2022, I received information that that My Aymer was remanded in Her Majesty's Prison. On 29th August, I received Information from Prison Officer, Annester Weeks that My Aymer made a request to see me. On 31st August 2022, I visited Mr Aymer at Her Majesty's Prison. He confessed to Burglarizing Miss Bessie Gerald's home along with some other homes. He further reported that that the police found him with a knife that he had taken form Miss Bessie's house. He reported that he wanted to come clean and tell the truth because he believed that the truth would make him free.

On 20th October 2022, I have received information that My Aymer was involved in two altercations in Her Majesty's Prison. I made an appointment for 31st October 2022 to visit Mr Aymer in prison. On 31 October 2022 when I visited Mr Aymer in prison, He reported that the incident has already happened and he doesn't have anything else to say about it.

From sources within the prison, Mr Aymer was not the once who instigated the incident.

Regards

Stanford Kelly

Probation Officer.

Filed on 14 November 2022

ANNEX C



Ministry of Health & Social Services

Social Services Department

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Pre-Sentence Report

Confidential

Prepared for Hearing on 30th April 2021

Report Prepared by	Stanford Kelly
Position	Probation Officer
Report Completed on	30th April 2021
Court Case Reference Nos.	MNIHCR2021/0001

Court of Hearing	High Court
Before His Lordship	Hon. Iain Morley QC
Concerning	Elvis Aymer
Address	Mongo Hill
Date of Birth	12th December 2000
Age	20 Years
Offence	Two (2) counts of Burglary and four (4) counts of Criminal Damage.

1 Sources of Information

1.1 In order to prepare this report, I have collected and verified information from the following sources.

1.2 I have interviewed Mr. Elvis Aymer at Social Services Department on the 12th April 2021 at 10.30 a.m and on the 15th April 2021 at 6.38 p.m at his resident in Mongo Hill.

1.3. An interview was carried out with Ms Wendy Aymer, mother of Mr Aymer, at Social Services Department on the 14th April 2021 at Social Services Department at 08.00 a.m.

1.4 An interview was conducted with Mr Elvis Dore, father of Mr Aymer, via telephone on the 20th April 2021 at 10.05 a.m.

1.5 The Director of Public Prosecution Office was contacted for statements relating to the offences, these were provided on the 8th April 2021.

1.6 The Social Services Department was contacted to obtain information in relation to Mr Aymer. He is not known to the department.

1.7 Information was sort from the Superintendent of Prison, Mr Bennett Kirwan. This information was submitted via an email on 15th April 2021.

2 Offence Analysis

2.1 Mr Aymer pleaded guilty to the offences of two (2) counts of Burglary and four (4) counts of Criminal Damage.

2.2 During my interviews on the 12th April 2021 and on the 15th April 2021 with Mr Aymer, he provided a background as to how the incidents took place. He explained that he was sentenced to prison on October 20th 2019. He expressed that while in prison, he was engaged in work, which would include cleaning, assisting in the storeroom and labouring work within the compound. He reported that it was his expectation that upon leaving the prison he would be paid for all the work that he has done. Upon leaving the prison on the 20th August 2020, he was expecting to be paid shortly thereafter, but this was not the case.

2.3 Mr Aymer reported that he went around seeking employment but he was unsuccessful. He stated that his mother Wendy Aymer and himself planted crops around the home in Mongo Hill. These crops include: Kale, Tomatoes, Cucumbers, Season and Sweet Peppers, Lettuce, Pak Choi, Bread nuts, Coconuts, Five Fingers, Corn, Onions, Cauliflower, Selangor, Squash, Spinach, Okra, Broccoli, Pumpkin and Peas. He reported that these crops are short-term crops but they still take some time before they can be harvest and sold. He stated that while waiting for the crops to be ready, he went out seeking employment again but was unsuccessful. He reported that he got frustrated, by not being able to find a job and did not know when he would be paid his money from the Prison Department. He stated that he did not want to ask his mother for money because he felt that he should be contributing to the household expenses and not to leave all that responsibility on his mother. He also wanted his own money to spend.

2.4 He decided that he needs money, so he went to St. Johns to the home of Daniel and Mary Weekes about 12.00 a.m., the date he does not remember. He explained that the house is fenced with an iron gate, he climbed over the gate and went into the yard. He went to the side of the house where he saw a window with glass louvers. He broke a number of plane louvers, put in his hand and tore the wire mesh and climbed inside the house. While inside the house, he searched the house and found eighty-five (\$85.00) which he took, along with one (1) bottle of champagne. He left the house with them.

2.5 Mr Aymer reported that three days later about 12.00 a.m he left home and went by Victor's Garage in Sweeney's. He stated that he surveyed the area, before going to the eastern side of the building, where he saw an aluminium window with aluminium louvers. He claimed that he took his hand and widened the louvers until he was able to climb through. He went inside and saw video cameras, which is set up on the inside of the shop. He disconnects the main switch, which in his opinion would stop the cameras from working. He looked around and saw the cash register, took it up and exited the shop the way he came in. Once outside, he opened the cash register, took what money was inside and then threw the register in some grass. He then left for home and upon reaching home he went to bed. He didn't remember how much money was in the cash register, but believed it was about \$150.00.

2.6 About 2.30 a.m the same night, he went down by Galloways Hardware Store in Sweeney's, which is fenced with a big wooden gate. He climbed over the gate and went to the main entrance of the building. There are two aluminium windows, one on each side of the main door. He went to the window on the left of the main door, took his hands and widen the louvers until he was able to climb through the window. Inside he searched the offices for money, but did not find any so he exited the building the way he came in. On the outside, he climbed over the wooden gate and exited the compound.

2.7 He proceeded to the area of All Awe Supermarket, where he surveyed the area and the building. He did not see any place where he can gain entry into the building so he went to the main entrance, picked up a half of a four (4) inch block and throw it at the glass door, but nothing happened, therefore he left the area and headed towards A&F Service Station.

2.8 At A&F Services Station, he surveyed the area, went towards the main office, which is a wooden structure. There were some glass louvers windows, so he took out one (1) plane glass louver from the window and placed it on a wall nearby. He stated that he looked inside the building and saw nothing of interest so he left the area and went home.

Mr Aymer explained that about three days later the police came to his house with a search warrant. They read the warrant to him, search his home and remove some clothing. He was arrested and taken to the Brades Police Station.

2.9 Mr Aymer claims he was frustrated and in need of work and money, he wanted his own independence. He went looking for employment and could not get work. He had work in prison and did not receive any money, the crops he planted was not ready for harvesting. He was afraid of asking his mother for money, because he knew that his mother was not able to give him the amount he wanted. His mother had the responsibility of taking care of the house, both with food and utility bills amongst others things and he was unable to contribute in anyway. After he was arrested, his mother informed him that the money from the prison was paid into his account on the 30th November 2020.

3. Attitude towards the offences

3.1 During the interview, Mr Aymer explained that he was frustrated not being able to find a job and it was becoming more and more difficult for him because he wanted money to spend. He reported that although he knew what he was doing was wrong he felt that he had to do it. He expressed regret for what he has done and vow to do what it takes to pay for the damages he has caused.

4 Previous Convictions

4.1 Mr Aymer is known to the Criminal Justice System when he was convicted on Two counts of Burglary, Two counts of Criminal Damage and One count of Taking a Conveyance prior to these offences.

5 Personal Circumstances

5.1 Mr Aymer's personal circumstance in relation to his education, health, family structure, finance and employment from the last report remains the same except that he is presently employed.

6. Views of Mr Aymer's Father

6. 1 Mr Dore who resides in St Kitts reported that he shares a healthy relationship with all his children and Elvis is no exception. He stated that while Mr Aymer lived with him before migrating to

Montserrat, he was brought up with strict rules. He would disciplined him when it was necessary to do so. He reported that upon hearing about the offences that he had committed, he was very disappointed. However, he realized that Mr Aymer is before the court for a second time with same offences as before and it is a likelihood that he may be imprisoned for quite some time. He would like the Judge to consider his age, and if he is going to sentence him to prison let it be a short time or if possible give him a second chance. If the Judge should consider imposing a fine, he would be willing to assist in paying the sum. Once he had served his time (Sentence), he would send for him to live and work with him in St Kitts.

Views of Mr Aymer's Mother

6.2 Ms Wendy Aymer reported that since Mr Aymer was released from prison, they both have engaged in farming in her back yard. She stated that at first it was a bit difficult getting him engaged in farming, however, after much persuasion he settled down and got involved in farming. She stated that since the crops would take some time before they can be harvested and sold, she encouraged him to try to find another job. However, he was not successful before he was arrested and charged for burglary and criminal damage. After the arrest, he was bailed which give both of them the time to harvest the crops they have planted earlier. After selling the crops, they made between \$100.00 to \$150.00 per day whenever they went out to sell. She would give him half of what was made and when he goes out on his own to sell he would return her half. He was always honest with the money made from the sales of crops.

She reported that Mr Aymer is now employed as an apprentice with Dean Woods of Drummonds, learning to be a mason. Whenever he is paid, he would make contribution to the upkeep of the house without being asked. Since his arrest and bail, she has seen changes in his general behaviour and his attitude to life. He has become more serious about his life, going forward with what he wants to do, as he has developd a love for reading.

Ms Aymer explained that she thought that while Mr Aymer was in prison he would have received counselling, but this was not the case. Therefore, he would not have received the necessary therapy,

which in her opinion, he needs. She is of the opinion that the Judge would send him back to prison; therefore, if that were the case, she would like to see his son given an opportunity to be counselled.

Ms Aymer believes that her son is in a position to work and pay for the damages he has caused; therefore, he should be given that opportunity. She also stated that Mr Aymer's father shared a good relationship with his children and he is willing to share in the cost of the damages his son has caused if the court passes such judgement. After his sentence, she would not object to Mr Aymer going to live with his father.

Report from Superintendent of Prison

6.3 A report from the Superintendent of prison, revealed that while Mr Aymer was serving time in Prison from 20th October 2019 to August 21st 2020, he had twelve (12) disciplinary charges adjudicated against him, for being aggressive and swearing at police officers, being in conflict with other inmates, swearing and fighting.

He was assigned a job/task for two months and he gained \$277.00. Additionally, he was paid \$159.00 as part of his mandatory aid on discharge.

His Mother visited him and he made calls to his mother. He attended church once as part of the Prison programme.

Mr Aymer was remanded in prison on the 20th November 2020 and released on bail on the 2nd December 2020. During that time, he followed the prison rules and complied with all instructions. No report of any misconduct was reported against him. He spent most of his time reading in his cell and watching TV on the wing. While on recreation, he tends to do more reading and occasionally he would recreate. He is generally of a quite disposition.

7. Risk Assessment

7.1 Mr Aymer is 20 years old; he is very ambitious and hard working. From the report from the Superintendent of Prison and his mother, he spends a lot of time reading. He has a very quiet deposition. My Aymer, pleads guilty to two counts of Burglary and four counts of criminal damage, this is cause for concern. Mr Aymer plan exactly what he was going to do. It was late in the night, no one was around, and he took the time to survey the areas. He was very determine to execute his plan

and nothing will stand in his way. He damage the aluminium windows, enter into these places, ram sack the buildings and took money and one champagne. This was within four days, this have left me to wonder if he was not caught on cameras at A&F Service Station, would he continue. With these factors in mind, I do consider My Aymer to be high risk of re-offending, low risk of harm to others and low risk to himself.

8. Conclusion

8.1 Mr Aymer is back before the court for same offences he had committed in 2019. He would reach the age of twenty-one (21) on the 12th December 2021. He has cooperated with the investigators in the onset of the investigation. He pleaded guilty to the offences at the earliest opportunity; his version of events is similar to what he stated to the police. Unlike the previous occasion, when he had accomplices, this time he acted alone in committing the offences and took only money and a bottle of champagne, unlike his previous Burglaries.

8.2 Mr Aymer apparently did not receive counselling or psychological intervention while he was in prison to aid with his rehabilitation. Therefore, in order to address Mr Aymer's forensic history, consideration should be given to allow Mr Aymer's to be placed on Probation for three years to give him the opportunity to access consistent psychological and rehabilitation interventions. In addition, for Mr Aymer to be monitored, assisted and supported in finding work to pay for the damages committed and to address any other social and financial issues. Mr Aymer executed his Burglaries late at night; a further consideration is to place him on curfew from 7pm to 6am.

Stanford Kelly

Teresena Fergus

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Probation Officer

Director of Social Services Department