

SAINT LUCIA

THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
(CRIMINAL)

CRIMINAL CASE NO.: SLUCRD2013/1011

BETWEEN:

THE QUEEN

Claimant

and

RYAN LANGELLIER

Defendant

Appearances:

Ms. Nardia Morgan for the Claimant

Mr. David Moyston for the Defendant

2017: February 7.

ORAL JUDGMENT ON SENTENCING

[1] **CUMBERBATCH, J.:** By an indictment filed of the 8th August 2014, the Defendant was indicted by the Director of Public Prosecutions for the following offences to wit:

- Count 1: Causing a Main to Jason Nathaniel (the Virtual Complainant) contrary to Section 99(1) of the Criminal Code 2008;
- Count 2: Using a cutlass to cause Grievous Harm to the Virtual Complainant contrary to Section 101(1) (b) of the Criminal Code 2008;
- Count 3: Causing Grievous Harm contrary to Section 98(1) of the Criminal Code 2008.

[2] The Defendant entered a plea of guilty to the second count and the Crown offered no evidence against him on counts one and three. The Defendant was allocuted and the Court ordered a Pre-Sentence Report be produced as is required by law.

THE FACTS

- [3] There are differing versions as to the facts leading up to the commission of this offence. Be that as it may however it is common ground that at or around 4:00 a.m. on the morning of the 25th May 2013 the Defendant inflicted chop wounds with a cutlass to the Virtual Complainant. This incident occurred at a bar at Blanchard Derusisseeux.

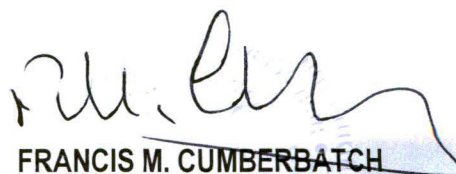
THE PRE-SENTENCE REPORT

- [4] The Defendant is an issue of a visiting relationship between his parents. He was eventually raised by his maternal grandmother in a home equipped with all conveniences for a comfortable living.
- [5] The Defendant is described by community residents as a quiet and respectful person who is not known for violence. They further disclose that as a result of him being an inactive worker he is prone to the consumption of alcohol excessively. The general consensus about the Defendant is that he is good citizen and is not considered to be a danger to the society. He is also a first offender and has evinced the intention to redeem himself at the conclusion of this matter.
- [6] The Virtual Complainant however is described a violent, aggressive and a known troublemaker. He is currently on remand for an offence of violence at the Bordelais Correctional Facility hence the views are expressed that the community is a better place without him. The Defendant has expressed remorse for his actions.
- [7] I have considered the submissions of counsel for the Crown and defence and their views on the aggravating and mitigating factors. The Defendant is a first offender and is well spoken of by his peers save and except for his predilection for alcohol abuse. Moreover he has made an offer to pay compensation to the Virtual Complainant in the sum of \$15,000.00 for the injuries inflicted on him.

SENTENCE

[8] Accordingly the Court has considered both versions of the facts and the favourable comments made of the Defendant in the Pre-Sentence Report and in the exercise of its discretion makes the following orders:

- a. The Defendant shall pay compensation to the Virtual Complainant in the sum of \$15,000.00 on or before March 1, 2018 failing which he shall serve a period of imprisonment of 3 years.
- b. The Defendant is placed on probation for 1 year during which time he shall perform 60 hours community service at times and locations determined by his probation officer.
- c. The Defendant shall receive counselling for anger management and alcohol abuse.
- d. The Defendant shall not leave the jurisdiction without the leave of the High Court until the compensation is paid in full at which time his travel documents shall be returned to him.
- e. The Defendant shall not apply for and obtain travel documents without leave of the High Court.



FRANCIS M. CUMBERBATCH
HIGH COURT JUDGE

