

SAINT LUCIA

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

CRIMINAL CASE NO. SLUCRD2009/1647

BETWEEN:

THE QUEEN

Claimant

and

LOUIS GAILLARD

Defendant

Appearances:

Mr. Leon France for the Claimant
Mr. Leslie Mondesir for the Defendant

2016: December 9.

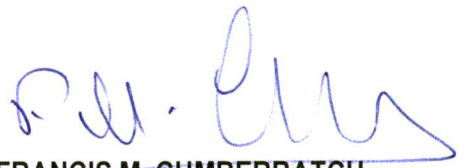
JUDGMENT ON SENTENCING

- [1] **CUMBERBATCH, J.:** The defendant was indicted by the Director of Public Prosecution for the offences of Causing Death by Dangerous Driving, and Dangerous Driving contrary to sections 73 (1) (a) & (b) of the Motor Vehicle and Road Traffic Act. On the 4th October 2016 he pleaded guilty to dangerous driving and the crown offered no evidence on the offence of Causing Death by Dangerous Driving.

THE FACTS

- [2] On Friday 27th June 2008 at around 3:30pm the Defendant was the driver of motor car PE6664 which was travelling along the Millennium Highway in the Quarter of Castries. The Defendant's vehicle was travelling at a high rate of speed.

- [3] One Rickson Charles, a school boy having crossed the road from left to right stood on the parapet. As the Defendant's vehicle was about to pass him he stretched out his right foot onto the road surface and the vehicle collided with him. He suffered injuries and later died.
- [4] The court received oral submissions from defence counsel on mitigation. Counsel submitted that the Defendant notwithstanding the withdrawal of the charge of Causing Death by Dangerous Driving he was still willing to pay the sum of \$2,250.00 by way of compensation to the family of Rickson Charles.
- [5] I have considered his hitherto clean criminal record and the inordinate delay of 8 years in bringing this matter to a stage of finality. It is clear that the injured child did contribute to the accident by sticking his foot in the path of the Defendant's moving vehicle.
- [6] Accordingly the Defendant is fined \$1,000.00 to be paid in one month's time or serve a period of imprisonment of 6 months.
- [7] The Defendant is also ordered to pay compensation in the sum of \$2,250.00 to the family of Rickson Charles (deceased) in one months' time failing which he shall serve a period of imprisonment of 6 months.



FRANCIS M. CUMBERBATCH
HIGH COURT JUDGE