

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

SAINT LUCIA

CRIMINAL CASE NO. SLUCRD 2011/1815

BETWEEN:

THE QUEEN

Claimant

AND

JASON DUNCAN

Defendant

Appearances:

**Defendant in person
Mr. Giovanni James Crown Counsel for the Crown**

.....
2013: January 22
.....

JUDGMENT ON SENTENCING

- [1]. **CUMBERBATCH, J. :** On Saturday July 30, 2011 at around 9.00am Olson Arthur ('the virtual complainant') was at Leslie Land, Castries and was walking towards the Ciceron bus stand when he was approached by the defendant and another male person. The defendant asked the virtual complainant for money and the virtual complainant gave him \$5.00. The defendant thereupon pulled a knife and robbed the virtual complainant of his gold chain, Samsung cellular phone, black apple ipod and \$150.00 cash. The defendant was later arrested and charged with the offence of robbery. On August 15th 2012 the defendant was indicted by the Director of Public Prosecution for

the offence of robbery and at his arraignment on the 14th September, 2012, pleaded guilty as indicted.

- [2]. The court learnt that at the time of the commission of this offence the defendant was on probation. This was as a result of the defendant's conviction on the 28th September, 2010, for a similar offence at which time he was spared the hardship of a custodial sentence by Benjamin J who instead ordered that he be placed on probation for two (2) years.
- [3]. The pre-sentence report painted a bleak picture of the defendant's formative years. He was brought up by his mother and maintained by his father. His mother lived in several different communities hence each time she moved he had to be transferred to another school. As a result, his primary education suffered and his absentee rate from school was a high one. At age thirteen (13) he was remanded to the Boys' Training Centre for the offence of murder for which he was later acquitted.
- [4]. Upon his release from custody the defendant went to reside with his father. At that time he was fifteen (15) years old. However, he refused to continue working with his father doing maintenance work and instead chose a life of gambling, drinking, smoking marijuana and robbery. He left his father's home and resided at divers' places whilst he continued his chosen life of crime.
- [5]. Community residents have indicated that the defendant associated with persons much older than him who they categorized as "shady". Whilst in their company, he openly abused drugs and alcohol and displayed unruly behavior. On the other hand however, the view was expressed that when alone the defendant was generally quiet and when he resided with his father and stepmother he was always tidy and well groomed. An official at the Bordelais Correctional Facility echoes similar

sentiments saying that when he's alone the defendant is well behaved but is a totally different person when in the company of others.

[6]. **SENTENCE**

It is common ground that the defendant was acting in breach of the conditions of his probation at the time when he committed this offence. This court has already sentenced him for that infraction. For the reasons stated in the prior decision the court will impose a similar sentence of six (6) years imprisonment on the defendant. He shall benefit from all relevant educational programs available for inmates at the Bordelais Correctional Facility and shall be taught a skill of his choice to enable him to be lawfully employed upon his release from prison.

[7]. The defendant shall be credited for all time spent on remand awaiting his trial in this matter.


FRANCIS M. CUMBERBATCH
HIGH COURT JUDGE

