

THE EASTERN CARIBBEAN SUPREME COURT
SAINT CHRISTOPHER AND NEVIS

IN THE HIGH COURT OF JUSTICE
SAINT CHRISTOPHER CIRCUIT

(Criminal)

SKBHCR2012/0061

DIRECTOR OF PUBLIC PROSECUTIONS

V

DENNIS JEFFERS

Appearances: Ms Rhonda Nisbett-Browne, Dr. Dennis Merchant and Ms Greatess
Gordon for the Director of Public Prosecutions
Convict in person

2013 January 16

2013 February 21

JUDGMENT ON SENTENCE

[1] **Thomas J. (Ag)** Dennis Jeffers was found guilty on 16th January 2013 for the offence of building breaking with intent contrary to section 29(b) of **the Larceny Act Cap 4.16** of the Laws of St Christopher and Nevis.

[2] The Social Inquiry Report ordered was prepared by Ms Khisma Huggins, Probation Officer reveals a troubled individual in terms of stability and attachment to parents. This is the Probation Officer's assessment:

"Dennis' childhood was one of inconsistency and instability. Every child should have the right to grow up living a healthy life. This includes the love of parents, a stable home etc. Dennis' parents failed him in this regard but he was still able to overcome this obstacle and grew up to be a positive citizen and for this he should be applauded. He does not have a criminal record and from information received, he is described as a mannerly person.

His definition of parenting or family might defer from someone who grew up with their parents in a stable environment. His failed relationships appear to open the wound of 'abandonment', making it difficult for him to be resilient in his life. His senior officer in the St. Kitts-Nevis Defence Force was able to recognize that the failed relationship with the young lady had a profound effect on his work performance and socialization. Nonetheless, he is able to profess love to his daughter and is adamant in not making the same mistakes his parents made by abandoning him. Dennis should always strive to be a positive role model for his daughter and this too is a way of showing his love for her.

During investigations, Dennis was not forthcoming with information about his family specifically his parents. However, this officer was able to gather information about Dennis but his resistance in relaying the information is an indication that he is displeased with the way he was brought up. Ms Alexis Wattley stated that Dennis always asked questions about his parents and it seems that Dennis is still trying to find out why his parents chose to abandon him.

However, this is a serious crime that has been committed and as such Dennis has to bear the consequences. Dennis should think on what he has done. He can still recover from this downfall. The way he has lived his life so far proves that he can live a productive life".

[3] It now falls on the Court to outline these matters to be taken into account in arising at the sentence. They are as follows:

1. The offence – building breaking with intent
2. The maximum penalty under the law – 5 years imprisonment
3. The manner of execution – some planning went into this offence and assistance was provided person or persons at the building prior to the event.
4. Age of the prisoner – 27
5. Previous convictions - none
6. The principles of sentencing – deterrence, prohibition, retribution and rehabilitation.

Sentence

[4] The fact of the breaking of the building is not in doubt but the offence relates to building breaking with intent. As indicated above, there was assistance provided to you in the execution of the crime but no other person was charged. The justice

of the case requires that the Court impose a sentence of one (1) year which is suspended for one (1) year from the date of the order, on condition that you do not commit another offence which carries a sentence of six (6) months or more. If this happens you are to be brought back to the Court so that the order may be made for the sentence to commence.

[5] A police officer in uniform is hereby authorized to arrest you and bring you back to the Court for an order to be made.

[6] You must be released on 22nd February 2013.

[7] **IT IS HEREBY ORDERED** as follows:-

1. A sentence of one (1) year is imposed on you Dennis Jeffers which is suspended for one (1) year on condition that during the said period of one year you do not commit an offence which carries a penalty exceeding six (6) months;
2. If such an offence is committed you must be brought back to the Court so that an order can be made for your sentence to commence;
3. A police officer in uniform is hereby authorized to arrest you and bring you back to this Court if the condition is breached;
4. The prisoner must be released on 22nd February 2013.

Errol L Thomas
High Court Judge (Ag)