

THE EASTERN CARIBBEAN SUPREME COURT
SAINT CHRISTOPHER AND NEVIS

IN THE HIGH COURT OF JUSTICE
SAINT CHRISTOPHER CIRCUIT

(Criminal)

SKBHCR2012/0064

DIRECTOR OF PUBLIC PROSECUTIONS

V

[1] STEVE PERCIVAL

[2] KEVON GASKIN

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

2013 January 15

2013 February 13

JUDGMENT ON SENTENCE

[1] **Thomas J. (Ag)** Steve Percival and Kevon Gaskin are before the Court for sentencing with respect to the offence of house breaking and larceny committed on 14th February 2012 at New Road. They both pleaded guilty.

[2] The Social Inquiry Report ordered on the two prisoners was authored by Mr Gerald Connor, Probation Officer. These are his assessments:

Percival: "From all the information gathered, one can say that Steve Percival is a young man with potential who were provided a stable

environment in his aunt's home, but may have been affected negatively with the lack of a relationship with his birth mother and father.

His maternal aunt tried her best to keep him on a straight and narrow path but unfortunately he detoured twice. Steve has tried his best to be gainfully employed, in spite of the minimal education he was able to grasp while in school.

His maternal uncle has tried his best to assist him, but it seems that he still is immature in his choices and behaviour. It is distressing for young men who choose to commit crimes to blame such behaviour on their inability to find work. It is evident that the adults in his life attempted to instill some basic values; therefore, in acknowledgment that "I feel bad, it's something wrong I have done", Mr Percival was aware of right and wrong. His choices are blatantly that of someone who does not respect the law or others property.

As mentioned by his aunt she is very much embarrassed about his action and Mr Percival should be ashamed for what he has done and suffer the consequences for his actions"

"**Kevon Gaskin** is a young man who has many opportunities to be productive in life. Being born a United States citizen, he has options that other young men of his age wish were open to them.

From my observation Kevon seem to be very mannerly which shows that he have a very positive background. But on the other hand his family seems to be pampering him. At the age of nineteen (19) Kevon need to start making the right decisions in his life. There is no excuse that he can possibly give for his actions other than that he made a foolish choice that day.

Having a more stable family who love and care for him deeply, from what was mentioned by his grandmother that he can be very loving than usual, when he needs something, this shows that he have options.

Kevon need take stock of his life and use all his positive options to make a better life for himself and his family in general. Once again I will state its very unfortunate when young people, such a Kevon cannot realize their full potential and would choose to break the law to satisfy their immediate needs than to work hard both physically and academically to achieve their lifelong goals of achievement".

[3] The Court must now consider the appropriate sentence to be imposed on both prisoners in keeping with the penalty under the law. The following must be taken into account:

1. The principles of sentencing being deterrence, prevention, retribution and rehabilitation;
2. The nature of the offence is house breaking and larceny;

3. Manner of execution – entry through the laundry room;
4. The maximum penalty under the law – 10 years
5. Age of the prisoners – Gaskin is 19, Percival is 25;
6. Previous convictions
 - a. Gaskin - None
 - b. Percival – Possession of Cannabis

- [4] Both prisoners are young men, and as noted before, Gaskin has no previous convictions while Percival has one conviction for possession of cannabis.
- [5] This brings into focus the principles of sentencing and in particular the principle of rehabilitation. The aim of this principle is to rehabilitate the offender so that he may reform his ways to become a contributing member of society.
- [6] The Court notes in the Social Inquiry Report that Gaskin never had a full time job and does odd jobs. On the other hand, Percival says he's a carpenter.
- [7] Contributing to society means *inter alia*, being productive, this does not include committing crime.
- [8] The sentence the Court will impose on both of you is aimed at making you productive in any manner so long as it is honest.

Sentence

- [9] Kevon Gaskin and Steve Percival you are both sentenced to 15 months imprisonment reduced by one third (1/3) or five (5) months. This brings the sentence to ten (10) months which is suspended for ten (10) months.
- [10] If any one of you commits an offence with the said ten (10) months punishable with imprisonment for a period exceeding six (6) months the sentence of ten (10) months takes effect from the date of such commission is the date when the offence is committed.
- [11] A police officer, in uniform, is hereby authorized to arrest you and deliver you to Her Majesty's Prison to serve the sentence on the authority of this Order.

[12] Prisoners are to be released on Thursday 14th February 2013.

[13] Restitution is hereby ordered.

Errol L Thomas
High Court Judge (Ag)