

THE EASTERN CARIBBEAN SUPREME COURT

**IN THE HIGH COURT OF JUSTICE
(CRIMINAL)**

SAINT LUCIA

CASE NO. 19 OF 2003

BETWEEN:

THE QUEEN

and

ALOYSIUS JOHN DUPLESSIS alias 'PETER'

Appearances:

Mrs. Racquel Willie Trotman for the Prosecution
Accused unrepresented

2003: November 17,18
November 19

DECISION

1. **HARIPRASHAD-CHARLES J:** The Accused, Aloysius John Duplessis stood before this court on two counts: the first count charges the Accused for rape and the second of indecent assault. He was alleged to have committed these offences on Saturday, 13th May 2000 at about 9.00 p.m. at Bexon on his former girlfriend and lover, Yolander Brisfere.
2. The trial lasted over a period of two days and a Jury comprising 8 women and one man returned a majority verdict (eight to one) of not guilty of rape but guilty of indecent assault upon Yolander Brisfere.
3. The Accused is now before the Court for sentencing. As I already indicated, the Accused was found guilty of indecently assaulting his former lover and girlfriend with whom he lived for approximately 6 months in a house at Labayee, Bexon. They had broken up a week

prior to the alleged incident. I will refrain from going further into the evidence. Without saying much, the facts surrounding this case is unfortunate to say the least.

4. Section 112(1) of our Criminal Code provides as follows:

“Whoever unlawfully is convicted of an unlawful assault of any of the following kinds, namely:

- (b) indecent assault upon any person, whether male or female –
- is liable indictably to imprisonment for two years.”

5. So, the maximum punishment that could be meted out to this Accused under our law is two years imprisonment.

6. The Accused puts in a plea in mitigation. He calls on the Court to be lenient given the fact that he is serving eight (8) years for offences of defrauding. His antecedents indicate that he does not have any convictions for any offence of a sexual nature. In 1998, he was sentenced to eight (8) months imprisonment for housebreaking and in 2001, he was sentenced by a Magistrate to 8 years imprisonment for defraud.

7. I have taken into consideration the guidelines laid down by the Court of Appeal in cases of a sexual nature. Having regard to all of the circumstances of the case, my sentence will be one year imprisonment to run consecutively with any other sentence that the Accused is now serving.

8. Given the fact that the virtual complainant is so afraid of this Accused, after his release, I will place him on a bond for three years to keep the peace. Should be breached the terms of that bond, he will face another year in prison.

INDRA HARIPRASHAD-CHARLES

High Court Judge

