

SAINT LUCIA

THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
[CRIMINAL]

CASE NO. 63 of 2003

THE QUEEN

V

EUSTACE JAMES

Appearances:

Mrs. Victoria Charles-Clarke for the Prosecution.
Accused in person

2004: February 03
February 11

DECISION

1. **HARIPRASHAD-CHARLES J:** This is another case involving the proliferation of unlicensed firearms in Saint Lucia by youngsters. It concerns what seems like the uncaring shooting of Mitch Willie, a young man, aged 18 of Leslie Land, Castries.

The Facts

2. Briefly, the facts are that on Sunday, 14th July 2002 at about 8.55 p.m. Mitch Willie was at a drink up at Wilton's Yard, Castries with his girlfriend. A group of young men stopped by them. One Ritchie searched Mitch whilst the Accused, Eustace James used a gun and lashed him on the left side of the face near his eye. Mitch fell to the ground, turned away and began to run. He heard a loud bang which sounded like a gun shot. The group of young men ran after him as he ran to the home of his girlfriend at Leslie Land. On arrival there, he felt his right leg weakening. He saw a small hole to the back of his thigh and it was then that he realized that he had sustained a gunshot wound to the back of his right

thigh. He proceeded to Victoria Hospital for medical treatment where he was detained for 2 days. He was discharged on 16th July 2002.

3. Police Constable 443 Fabian Montoute investigated this matter. He subsequently formally arrested and charged the Accused for using a firearm with intent to cause a wound to Mitch Willie contrary to Section 151 (b) of the Criminal Code.
4. The Accused has pleaded guilty to the charge and he is before the court for sentencing.

Section 151 (b)

5. Section 151 (b) of the Criminal Code in effect states that whoever uses a firearm with intent to cause harm to any person is liable indictably to imprisonment for ten (10) years, and to flogging. Of course, I do not need to repeat that flogging is inhumane and degrading and unconstitutional.
6. In order to determine the appropriateness of the sentence, I have to look at all of the surrounding circumstances including the mitigating as well as the aggravating factors.

Mitigating Factors

7. The Accused has pleaded guilty to the offence and has saved the court a considerable lot of time. He is a young unemployed man about 22 years old with a clean record. He aimed for Mitch's leg and not for his head or a vital organ of the body. I know of no other factors which may enable me to mitigate the sentence as the Accused remained silent before this court.

Aggravating Factors

8. Mitch is a young man. At the time of the offence some 18 months ago, he was a student. It appeared from the evidence that there was no justifiable reason for this uncaring incident. In fact, there appeared to be no sensible reason at all except that Mitch's brother and two cousins may have had some problems with the said group of youngsters.

9. A medical report duly signed by Dr. Richardson St. Rose indicates that Mitch received a bullet wound to his right thigh. The entry wound was on the lateral aspect of the thigh and it was located in the muscle mass on the medial side. The bullet was removed.

10. I pause to observe that there is an upward surge in the number of firearm offences in Saint Lucia making this once peaceful society a dangerous place to live in. The perpetrators are notably young persons like the Accused. The court must send out a strong signal to potential perpetrators of violent crimes that they will receive the full force of the law.

11. Having taken into consideration all the circumstances of the case the sentence of this Court is that the Accused, Eustace James be incarcerated for a period of three (3) years.

INDRA HARIPRASHAD-CHARLES
High Court Judge