

THE EASTERN CARIBBEAN SUPREME COURT
SAINT CHRISTOPHER AND NEVIS

IN THE HIGH COURT OF JUSTICE
SAINT CHRISTOPHER CIRCUIT

(Criminal)

SKBHCR2012/0060

DIRECTOR OF PUBLIC PROSECUTIONS

V

SHAWEED TOBIN WILLIAMS

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

2013 January 15

2013 February 13

JUDGMENT ON SENTENCE

[1] **Thomas J. (Ag)** The prisoner, Shaweed Tobin Williams, is before the Court for sentencing having pleaded guilty to the charge of possession of house breaking implements without lawful excuse.

[2] The facts of the case have been given to the Court by learned counsel for the Prosecutions.

[3] The Court ordered a Social Inquiry Report on the prisoner which was prepared by Ms Khisma Huggins. And her assessment reads in part as follows:

“Shaweed has been in trouble with the law a great many a times since he was a teenager. He admitted that his father maintained him and was always there for him so one has to wonder what has been Shaweed’s motivation over the years for these series of convictions. Shaweed’s string of convictions seems to have evolved over the years increasing in

magnitude of the crime. These have ranged from battery to house breaking and larceny. Shaweed does not seem to be learning from his past mistakes and continues to make the same mistakes over and over again. This is evident as this is his third conviction of possession of house breaking implements.

In consideration of his last three (3) convictions, it was of utmost importance that Shaweed not be found in public with the kind of equipment he had in his possession and at such a time. He should have been constantly thinking of ways to stay out of trouble and develop ways to get back to living a positive life.

Mr Taylor tried as it seemed to steer Shaweed towards a positive and honest way of making a living and he seemed to be showing interest. This was Shaweed's opportunity to maybe start afresh and try something constructive in his life".

[4] What the Probation Officer said flows naturally from the prisoner's conduct and the projections thereon. The Court agrees.

[5] The following factors must now be considered in determining the appropriate sentence to be imposed.

1. The nature of the offence – possession of house breaking implements without lawful excuse.
2. Manner of execution. He was found with implements.
3. The penalty under the law is 10.
4. Prisoner's age: 32, 33 in December 2013.
5. Principles of sentencing: deterrence, prevention, retribution and rehabilitation. These principles are aimed at guiding the Court, in the context of facts and circumstances and at the same time protecting the society.
6. Previous convictions – 10: assault, battery, carrying abroad an offensive weapon, throwing missiles, malicious damage, possession of house breaking implements; 2004 January and June 2004 and house breaking and larceny.

[6] As correctly observed by the Probation Officer, the prisoner has not learnt from his past mistakes. This is aptly illustrated by the fact that he was found guilty of

possession of house breaking implements in January 2004. He was placed on a bond in the sum of One Thousand Dollars (\$1000.00) for 1 year or in default to be brought back for sentencing. On 1st June 2004 he was brought back to the High Court and sentenced to two years hard labour. This was followed by a conviction in May 2007 of housebreaking and larceny and sentenced to seven (7) years hard labour.

[7] In July 2012 the prisoner was arrested on the current charge.

[8] Seemingly this creates a dilemma for the Court in that the prisoner has pleaded guilty to the charge but on the other hand his convictions keep mounting having been dealt with leniently at first and in 2004 he was placed on a bond for the offence of possession of house breaking implements. He violated the bond. There is hardly room for leniency in terms of a custodial or non-custodial sentence.

Sentence

[9] The nominal sentence of the Court is seven (7) years and on account of your guilty plea it is reduced by one third (1/3) or two (2) years and four (4) months. You will therefore serve four (4) years and eight (8) months imprisonment.

[10] The Court hopes that this will mark a turning point in your life, but it is entirely up to you.

Errol L Thomas
High Court Judge (Ag)