

THE EASTERN CARIBBEAN SUPREME COURT
SAINT CHRISTOPHER AND NEVIS

IN THE HIGH COURT OF JUSTICE
SAINT CHRISTOPHER CIRCUIT

(Criminal)

SKBHCR2012/0053

DIRECTOR OF PUBLIC PROSECUTIONS

V

QUINCY DAVIS

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

2013 January 24

2013 February 21

JUDGMENT ON SENTENCE

- [1] **Thomas J. (Ag)** On 24th January 2013 the prisoner Quincy Davis was found guilty of unlawful carnal knowledge of a girl under the age of fourteen (14) years to wit eleven (11) years and eight (8) months.
- [2] On the happening of the event the Court ordered a Social Inquiry Report which was prepared by Trevincia Clarke. It is dated 14th February 2013.
- [3] The report dwells on various aspects of the prisoner's life. It is a tale of a struggle for stability in his life. The assessment reads as follows:-

"It is important to note and consider that throughout the interview Quincy empathized with some who would be in that predicament. Quincy seemed very quiet, mild mannered and polite. From observing him he is an

individual who could be called upon when assistance is needed and his kindness was taken for weakness.

Quincy stated that he has a fourteen (14) year old son whom he has not established a relationship with; reflecting a likeness to his relationship with his father not taking an active role in his life. Could this be a cycle or will he break the cycle and make amends with his son.

Quincy has been living on his own since age eighteen (18) and he has held various jobs to make ends meet. He should be commended for being legally employed most of his adult life and earning an honest dollar. All parties spoken too commended his positive attitude towards the duties and responsibilities he volunteered for in the community; he received high praises because there was nothing too big or too small for him to do. They also mentioned their disbelief about Quincy getting himself involved in such negative behaviour.

This is a criminal act and should be dealt with according to the law. Victims of these crimes often times are scarred emotionally and socially; hence causing additional societal issues.

[4] The Court must now give consideration to certain matters in arriving at an appropriate sentence:

1. The nature of the offence - unlawful carnal knowledge
2. The maximum penalty under the law for the offence is life imprisonment
3. The principles of sentencing deterrence, prevention, retribution and rehabilitation.
4. Previous convictions 2005 and 2010. Possession of cannabis and 2005 for obstruction
5. The manner of execution. According to the evidence accepted by the jury you dragged an 11 year old child into some bushes on her back. And despite her scream you put on your condom and had sex with a child and when you are finished after "a long time" you threw two dollars for her.
6. Age of the prisoner - 35

[5] The turn in this direction is a surprise to most right thinking people in any society. You had a hard life as a child but you weathered the storm and always found a way to make an honest living. The reasons for this departure are unknown to the Court.

[6] What is clear to the Court is that there is rapid trend towards this kind of crime – sex with children, which no society can tolerate. It leads to children leaving school prematurely and perhaps more significant, the notion of children having children. The question must be - where are we heading with this ominous social problem?

- [7] The Court is limited in its protection of society to the powers it has mainly under statute and the common law. Beyond that it is powerless. But it seems that the time has come for the social groups to give serious thought to making recommendations to the relevant government agencies for further action. And there is a role for the journalists in this regard so that rather than merely highlighting the severity of any sentence they should try to educate the population about the problem and what the Caribbean and other societies have done to deal with the issue.
- [8] The sentences imposed by this Court over the last five (5) years show that the penalties imposed range from a fine of \$6000.00 up to imprisonment for up to sixteen (16) years bearing in mind that the maximum penalty is life imprisonment.
- [9] Ultimately the material facts determine the sentence. These have been alluded to above in that the prisoner had sex with an 11 year old child in the bush and when he was finished he threw down \$2 for her.
- [10] This is absolutely revolting. It amounts to payment to a child for the sex. This cannot prevail.

Sentence

- [11] The sentence of the Court is fifteen (15) years imprisonment for unlawful carnal knowledge which is sex with a child of eleven (11) years and eight (8) months at the time of the offence. Time on remand must count towards your sentence.
- [12] Today sex with children is rampant and the operative sentencing principles must be deterrence, prohibition to curb future acts of this nature.

Errol L Thomas
High Court Judge (Ag)