

**EASTERN CARIBBEAN SUPREME COURT
(SENTENCING GUIDELINES) RULES 2019**

**PRACTICE DIRECTION 8B
NO. 2 OF 2019**

THE STEPS TO CONSTRUCTING A SENTENCE

This Practice Direction is made pursuant to rule 7(1) of the Eastern Caribbean Supreme Court (Sentencing Guidelines) Rules 2019 and supplements rule 8(3).

INTRODUCTION

This Practice Direction highlights the steps which it is expected that every court must follow, with each step being identified to the offender in public before the sentence is passed.

STEP 1

Consider the seriousness of the offence. Find the starting point by consulting the guideline and the grid at stage 3 of step 1. Then adjust the figure within the range for the aggravating and mitigating factors of the offence.

STEP 2

Adjust the figure within the range for the aggravating and mitigating factors affecting the offender.

STEP 3

Adjust the figure on assessing discount for any plea of guilty, if applicable.

STEP 4

Adjust the figure on assessing the totality if sentencing for more than one offence.

STEP 5

Give credit for time served on remand.

STEP 6

Finally, consider ancillary orders, confiscation, compensation, etc.

PASSING THE SENTENCE

Having followed the steps, the court must give reasons explaining the construction of the sentence in a way that can be readily understood by the defendant, in particular justifying any departure from the guideline.

EFFECTIVE DATE

This Practice Direction will come into effect on the 1st day of October, 2019.

Made this day of 2019.

Dame Janice M. Pereira, DBE

Chief Justice