

IN THE EASTERN CARIBBEAN SUPREME COURT

IN THE HIGH COURT OF JUSTICE

ON MONTSERRAT

CASE MNIHCR 2022/0001

REGINA

V

SHILL BLAIZE & KHADIJE IRISH

APPEARANCES

Mr Andrew Horton for the Crown.

Shill Blaize represented himself.

Mr Kenroy Hyman for Khadije Irish.

2022: JULY 25

SENTENCE

For planned robbery of an elderly taxi driver

who by both was choked and punched severally in the head

- 1 **Morley J:** Shill Blaize now 26 (dob 14.03.96) and Khadije Irish now 22 (dob 09.12.99) face sentence for together robbing Lennard Greenaway, aged 74, on 01.02.22, who they had called to them as a taxi, where, with premeditation, in his car Irish choked him from the seat behind and Blaize outside the driver's door punched him several times in the head, causing injury, then reaching into his pocket to extract his wallet. Both ran off and divided \$470 and one US dollar. Arrested later, they eventually made full admissions, though blamed each other as to whose idea was the robbery. Both pleaded guilty at the earliest opportunity on 24.03.22.

2 For further details and antecedents, relying on the helpful prosecution opening note prepared by Counsel Horton dated 08.07.22, not disputed:

1. On Tuesday 01.02.22 at about 9.35am, Mr Greenaway, received a telephone call at home requesting a lift in his motor vehicle. The caller said *"uncle Len, I want you to take me north"*. Mr Greenaway recognised the voice as someone he knew, not by name but as the son/grandson of people he knows. That caller was Irish.
2. Pickup was agreed around 10.30am at the *"second house in Happy Hill"*. Mr Greenaway arrived and there saw the two defendants, who were outside the house. He recognised the person who called him, Irish. He also recognised the second male as a person he had seen selling coconuts who would say "hello" when that male passed his house, but he did not know his name; it was Blaize.
3. Mr Greenaway drove past the defendants and turned the car. He noticed that Blaize was wearing a face mask for covid. Irish got in the car, in the rear seat directly behind Mr Greenaway as the driver. Blaize got in the front passenger seat next to Mr Greenaway. However, Irish said that he had forgotten something and left for a short time before getting back in the same seat, directly behind Mr Greenaway.
4. As Mr Greenaway went to start the car, Irish grabbed him from behind *"around my neck, I got frightened and started screaming "oh oh oh" because he was choking me"*. Blaize got out of the car, walked round to the driver's side and started punching Mr Greenaway, *"at least five solid punches"* over his eyes. Irish kept hold of Mr Greenaway from behind and called out encouragement to Blaize by stating *"hit him again, hit him again"*. Blood was coming down Mr Greenaway's face, face mask and shirt. Blaize then opened the driver's door, put his hand into Mr Greenaway pants pocket and removed his wallet. Only then did Irish release his grip from behind. Both defendants left, taking the wallet. The wallet contained ID documents along with cash in varied currencies and around \$470ec.
5. Mr Greenaway could see, despite a wound over his eye, and drove to the police station. Police sent him to get medical treatment. Mr Greenaway was seen but did not require any sutures. However, he did experience "severe pain" in the area he was punched so he later returned for further medical attention. He was given pain killers. The medical form refers to swelling and a superficial wound above the left eye of 0.5 x 0.1cm.
6. Mr Greenaway gave a statement some 3 weeks later, on 24.02.22, where he stated that his injuries were not *"fully healed"* and he was still *"feeling pain"* in his neck. He later gave a victim impact statement on 21.06.22, where he stated that he was not running his taxi service any longer save for *"close friends and family"*, and also that he would not offer his services to young people. He stated that he was *"traumatized...I get flashbacks from time to time and even dreams...I was afraid for my life..."*. When he gets a headache, it is in the exact area he was hit.
7. Police located Blaize quickly. He was arrested the same day as the offence and cautioned, and denied matters. \$225ec was recovered from his home. Irish was also located quickly the

same day and arrested. He denied matters and produced money that he stated was from working, being \$293ec.

8. On 04.02.22, the defendants finally agreed to show the police where the wallet and its contents had been dumped.
9. The defendants gave the following accounts to police:-

BLAIZE -

- 01.02.22 – in a caution statement – no admission was made;
- 04.02.22 – in Q&A interviews – he admitted guilt to robbery but made little other comment;
- 03.03.22 - in a caution statement – he stated Irish had planned to rob and kill Mr Greenaway. He admitted punching Mr Greenaway but that was to “save his life by knocking him out” while Irish was applying pressure to the neck/throat area. His share was \$225ec and one US dollar.

IRISH –

- 03.02.22 – in a caution statement – he admitted the offence. He called Mr Greenaway using his mother’s phone. He grabbed Mr Greenaway from behind but was 4ft away when Blaize aka Trigga was “thumping the man”. He blamed Blaize for “coming up” with the plan “on the spot”. He said he got no share of the money.
- 03.02.22 – in a Q&A interview – he denied encouraging Blaize to punch Mr Greenaway. He denied the money seized from him was from the robbery.

10. Blaize has the following antecedents:-

- 20.07.17 – indecent assault, 10 months suspended for 12 months;
- 16.11.18 – resisting arrest, 12 months’ probation;
- 18.01.21 – possession cannabis seeds and possession with intent to supply cannabis, fined;
- 22.11.21 – burglary, 16 months imprisonment suspended for 16 months with \$3000ec compensation (meaning this offence was during the period of suspension so that the prison sentence is liable to be activated).

11. Irish has the following antecedents:-

- March 2016 – handling stolen goods, when 16, namely drinks burgled from Fishnet bar, two years imprisonment, suspended for 18 months;
- April 2020 – breach of curfew, fined \$400ec.

- 3 The case came on for sentence on 22.07.22, adjourned to today 25.07.22, for remarks to be reduced to writing.

- 4 Concerning mitigation for Blaise:

- a. There was a social enquiry report by veteran probation officer Stanford Kelly, dated 30.06.22, reporting:
 - i. Before the offence Blaize said he and Irish had been drinking over-proof rum and smoking marijuana;
 - ii. Irish had made the call and both agreed on robbery, waiting;
 - iii. The robbery was to get money to pay his court fines and for 'personal stuff';
 - iv. He admitted punching Greenaway several times to his face;
 - v. He had dropped out of school;
 - vi. He had been smoking marijuana daily;
 - vii. He has lacked a father figure as his father died in 2004;
 - viii. Pastor McFarlane, his mother Joan Daniel, and his sister Nina Lindsey speak well of him;
 - ix. In Officer Kelly's view Blaize has thrice had opportunity before the court to improve and failed, did not cooperate with a probation order, is in breach of the burglary suspended sentence which should be activated, the robbery was premeditated, and he is at high risk of reoffending.
- b. Addressing the court, Blaize explained his usual occupation was to sell coconuts or do irregular construction work, expressed remorse, and could offer no explanation for why he had felt it necessary repeatedly to hit Lennard Greenaway.

5 Concerning mitigation for Irish:

- a. There was a social enquiry report by Officer Kelly dated 29.06.22, reporting:
 - i. Irish said he had been drinking Campari and smoking, but cigarettes;
 - ii. He admitted grabbing Greenaway from behind and 'squeezing' and 'choking' him, while Blaize was punching;
 - iii. He did not finish schooling as he was expelled at 15;
 - iv. His work has been as a labourer, having \$25ec in the bank;
 - v. His father Jermain Riley, mother Junnette Larose, and employer Gary Morton, all expressed shock at his behaviour;
 - vi. In Officer Kelly's view, from body language Irish is not fully accepting responsibility for his actions, the robbery was premeditated, and he is at high risk of re-offending.
- b. Evidence was called before the court:

- i. From Gary Morton, on zoom in the US, a businessman, who explained Irish has a lot of potential, was trustworthy working for him in construction for much time, including in his house, alone, when Morton was away, can be productive and he wonders had he been on island whether the offence would have occurred;
- ii. From Junette Larose, his mother, in court, pointing to how Irish has always helped his family, has a particularly good relationship with his sister and grandmother, and the offence has come as a profound shock, as out of character.
- iii. From Khajelle Irish, his sister, in court, who emotionally explained Irish has always supported her, and the family, especially when she went to UK for medical reasons, the offence is out of character, she has visited him in prison, and she asks for leniency.
- c. Addressing the court, Counsel Hyman wondered if a suspended sentence might be possible, and was told plainly not, while the money had been robbed to help pay for repairs to a quad bike.

6 Before I turn to constructing the sentence, it bears noting this offence was very stupid, and cowardly, as well as nasty, to plan attack on an elderly man, as it was inevitable in such a small community as Montserrat, both would be caught, being known to Lennard Greenaway, so that I am quite satisfied some measure of intoxication of both was at large. It should also be noted robbery is happily rare on Montserrat, unlike elsewhere, and to keep it rare, the public will expect a firm response. Finally, though each is said to have acted out of character, each did what they did, namely premeditated they attacked an elderly man to rob him, for money to help their expenses, not in desperation.

Constructing the sentence

- 7 On Montserrat there are sentencing guidelines for robbery, published on 08.11.21. The maximum sentence is life, treated as a notional 30 years.
- 8 As first step, assessing the offence, this offence falls into category 2B, as suggested by the Crown without demur from the defence, for 'consequence' there being some physical harm caused and for 'seriousness' there being some degree of planning, targeting of Greenaway as an elderly taxi driver, with significant force used, including gratuitous blows, meaning a

starting point of 40% of the maximum, being 12 years. Adjusting downward within the range, I take away 18 months for cooperation with the police, showing where the wallet was, and making admissions and showing remorse. Though each blames the other for the idea, I do not separate them for the act, while I ignore suggestion from Blaize Irish planned on killing, and so they face the same starting point of 10.5 years, or 126 months.

- 9 As second step, assessing the offender:
 - a. Blaize has relevant previous convictions, particularly recently for burglary on 22.11.21, like robbery an offence of dishonesty, though none for violence, increasing his sentence by six months, to 132 months.
 - b. Irish has previous convictions, and though he has one for dishonesty, namely handling liquor, it was in 2016, while aged 16, and so I will ignore it; however he cannot be said to be of good character, his character cannot reduce his sentence, so his sentence remains at 126 months.
- 10 As third step, adjusting for plea, at the first opportunity, each is entitled to a reduction of one-third, so that Blaize reduces by 44 months to 88 months, and Irish by 42 months to 84 months, being 7 years.
- 11 Turning further to breach of the burglary suspended sentence by Blaize, passed on 22.11.21, being 16 months, I consider this should be activated, it being a like offence of dishonesty, but considering totality of sentence, it should be reduced to 8 months, to run consecutively, to be added to 88 months, making 96 months, or 8 years.
- 12 Time on remand shall count, and each shall be entitled to remission of one-third of their sentence if of good behaviour, so that their earliest date of release shall be calculated by the prison.
- 13 Money seized from the defendants totalling \$475^{ec} (to include the value of one US dollar) should be returned to Lennard Greenaway as restitution, and his recovered wallet and contents too. Neither defendant has any money to pay compensation.
- 14 *Shill Blaize and Khadije Irish, please stand up.* For the reasons explained, for the robbery of Lennard Greenaway in his taxi on 01.02.22, which was nasty and cowardly, premeditated, choking him and repeatedly hitting him, a targeted elderly man aged 74, the sentence of

imprisonment for you Shill Blaize will be 88 months, with 8 months consecutive for breach of a burglary suspended sentence, making 96 months, totalling 8 years; and for you Khadije Irish, will be 84 months, being 7 years. Time on remand will count, and you will be eligible for one-third remission if of good behaviour. The wallet and \$475ec shall be returned. You may go with the gaoler.

The Hon. Mr. Justice Iain Morley QC

High Court Judge

25 July 2022