



# In The Supreme Court of Bermuda

## CRIMINAL JURISDICTION

2022 No: 7

### **BETWEEN:**

THE KING

And

CHRISTOPHER PERINCHIEF

## **RULING ON SENTENCE**

*Section 3(1)(a) of the Firearms Act 1973 (possession of ammunition without a valid licence)*

Sentencing Hearing Dates: Tuesday 4 October 2022

Date of Ruling on Sentence: Tuesday 4 October 2022

Counsel for the Crown: Mrs. Shaunte Simons-Fox for the Director of Public Prosecutions

Counsel for the Accused: Mr. Saul Fromkin KC, Christopher E. Swan & Co.

RULING of Shade Subair Williams J

## **Introduction**

1. The Accused, Mr. Christopher Perinchief, appears before the Court for sentence, upon his guilty plea entered on 21 June 2022, to the single Count on Indictment No. 7 of 2022 charging him with possession of 32 rounds of ammunition without holding a valid licence, contrary to section 3 (1)(a) of the Firearms Act 1973.

## **Summary of the Facts**

2. The facts of this case were outlined in the Summary of Evidence read to the Court.

## **Analysis:**

### *Maximum Penalty*

3. The offence of possession of ammunition carries a maximum penalty of seventeen (17) years of imprisonment. There is also a minimum penalty of 12 years stated in the 1973 Act.
4. That said, section 54 of the Criminal Code provides that a sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender.

### *Part IV (Sections 53-55) of the Criminal Code*

5. Part IV of the Criminal Code requires this Court to have regard to the purpose and principles of sentencing. I have considered the objectives of sentencing under section 53 and the fundamental principle of proportionality under section 54.
6. One of the principles of sentence of particular relevance in this case is the need to deter other potential offenders who are minded to commit similar offences. In Bermuda firearm offences are a serious community problem, one which has terrorized numerous families. Gun crime has, many would say, destroyed the fabric of Bermudian culture.
7. Those who would agree or seek to assist others in carrying out firearm offences should be made to feel the fullness of the consequences for doing so. Otherwise, firearm offenders will have the ease of securing assistance in furthering their own criminal activity.
8. In this case, I have taken into account the Defendant's early guilty plea and his previous good character in that he has no previous convictions and the fact that he is a loving and active father to a young girl of nearly 4 years in age. This makes this case a most heartbreaking one. The Defendant, a 31 year old Bermudian male, is also an educated man who is engaged in gainful employment. Plainly put, this is not the kind of person one would expect to see before the

Court, which is perhaps the very reason he was selected and invited by the offender (not before this Court) to take and keep possession of the ammunition.

**Conclusion**

9. In my judgment, I see no reason to impose a sentence lower than the mark which Parliament has set as a minimum sentence. Accepting that a sentence of 14-15 years would have been imposed if this matter had been tried and in the exercise of this Court's full sentencing powers (including its powers to determine a proportionate sentence under section 54) I hereby pass a sentence of 12 years imprisonment.

Dated this 4<sup>th</sup> day of October 2022

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**THE HON. MRS JUSTICE SHADE SUBAIR WILLIAMS**  
**PUISNE JUDGE**