

In the Supreme Court of St. Helena

Citation: SHSC 3/2022

Criminal

Sentence

Attorney General

-v-

Austin Hopkins

Sentence dated 7th October 2022

Duncan Cooke, sitting as an Acting Judge of the Supreme Court

1. Mr Hopkins you were found guilty after trial of offences of dwelling burglary and assault occasioning actual bodily harm.
2. On the night of the 2nd/3rd January 2022 Mr Bailey had been out and returned home at about 1.30am with Kylie Henry and went to bed
3. He was awoken at about 4.30am by a noise. He went to his bedroom door and opened it to see you there. You had a weapon, something akin to a tyre wrench, with which you hit him twice to the head before fleeing. He suffered two wounds to the head, one required stitches and the other gluing. Miss Henry witnessed this assault.
4. The premises burgled was Bertram's Cottage which is a large house with a restaurant downstairs and sleeping quarters above it.
5. Alcohol and food from the freezer was missing after you went into the house. Mr Bailey was a man providing a service to his community and who was trying to make a living during difficult financial times on the island. He was providing employment while running his business and stealing from him undermines his efforts at generating an income not just for himself but his staff. Mr Bailey deserved the support of his community instead of you stealing from him. As has been said by these courts before, theft from those resident on this island will almost inevitably involve a significant loss to the victim because of the low levels of income
6. This burglary was particularly serious as you had a weapon with you and you used that weapon. You hit a man to the head which was clearly deliberate. Hitting people to the head is particularly dangerous and you did this twice, these actions can cause life changing or even fatal injuries.
7. Applying the guidelines for burglary, culpability is high because of the carrying of the weapon and harm is high as violence was used against your victim. On the guidelines this provides a starting point of 3 years with a range of 2 to 6 years.
8. You have convictions for 19 offences starting when you were 17, you are now 39 years old. On 30th July 2020 you received 18 months imprisonment for offences whereby you forced your way into you ex partner's house with a knife and held it to her throat, threatened to kill her and punched her. You were drunk on that occasion

and it is clear you had been drinking before you attacked Mr Bailey. You were still subject to your licence for that sentence at the time of this offence. I am concerned at the escalation of your offending and willingness to use weapons on householders which to my mind demonstrates that you pose a risk of significant harm to members of the public.

9. This offence was a night time burglary and you put yourself in a part of the house where the bedrooms are. These aggravating factors and the extent and nature of the violence used put this offence at the top of the range for sentencing for this type of offence.
10. I have taken into account all that has been said on your behalf and your pre-sentence report.
11. For the burglary there is a sentence of 4½ years imprisonment. For the assault occasioning actual bodily harm this is a high end B2 offence and attracts a sentence of 18 months which will be served concurrently to the 4½ years. You spent some time on remand in these proceedings and that period will be credited against this sentence

Duncan Cooke, Acting Judge of the Supreme Court
7th October 2022