

The Virgin Islands Consortium

Man Facing Mandatory Minimum Sentence Of 10 Years For Gun Possession

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ST. THOMAS -- Jurors empaneled to hear the trial of Akil Nibbs convicted him of weapons and assault charges in connection with an April 20, 2016 incident in the area of a Bovoni gas station, V.I. Department of Justice Public Media Officer Corliss Smithen announced this afternoon.

Following two days of testimony and almost five hours of deliberation, the 12 men and women returned a unanimous verdict Friday finding Nibbs, 30, of Estate Lovenlund guilty of three of the four counts he faced – third-degree assault, unauthorized possession of an unlicensed firearm during the commission of a third-degree assault and unauthorized possession of an unlicensed firearm. He was acquitted of the single count of

unauthorized possession of a firearm with obliterated identification marks.

V.I. Superior Court Judge Denise Francois has scheduled Nibbs' sentencing for July 6. Attorney General Claude Earl Walker said convictions like this should help to deter others from possessing illegal guns in the Virgin Islands.

"Having been found guilty of the charge of unauthorized gun possession, under a revised Virgin Islands law, the defendant will be sentenced to the minimum mandatory of 10 years' imprisonment, with no possibility of early release, which was why the Legislature imposed the mandatory minimum – to remove from the streets criminals with guns," Mr. Walker said. "In addition, these guns will be viewed as radioactive to possible offenders as they hear of the consequences of possession. They will likely conclude that the potential consequences outweigh the benefits, and then the mandatory minimum will serve as a real deterrent."

At trial, seven witnesses, including the victim, testified for the prosecution. Jurors also viewed footage from a video surveillance, which showed Nibbs pointing a gun in the victim's face.

Nibbs took the stand in his own defense and denied having a gun. He told jurors he was holding a wrench.

According to the evidence presented at trial, an off-duty police officer called police and reported that Nibbs pointed a gun at the victim in the area of Gas Works gas station in Bovoni. In their investigation, officers reviewed a surveillance video and observed Nibbs arguing, then pointing a handgun in the victim's face.

The victim said Nibbs entered the gas station and proceeded to curse at him. During the verbal confrontation, Nibbs took a handgun from his pants pocket and pointed the weapon at the victim's face. The victim got into his vehicle and left the area, according to testimony presented at trial.

Officer Kendelth Wharton, who was assigned to the case, responded to a call to go to the area of Lima's Grocery. When Wharton got there, he saw Nibbs and searched him for firearms, but Nibbs was not carrying any weapons at the time. However, when Wharton and other officers searched the grocery store, they recovered at least two firearms. Video footage from the store's surveillance cameras showed Nibbs hiding the firearms in the back of the store, according to evidence presented at trial.

Police arrested Nibbs on May 13, 2016, based on eyewitness accounts and video surveillance footage. Nibbs, who was on bail pending trial, was remanded to the Bureau of Corrections immediately after the jury rendered its verdict.

The case was prosecuted by Assistant Attorney General Natasha Baker