

COMMONWEALTH OF THE BAHAMAS

IN THE SUPREME COURT

CRI/VBI/ 140/5/2022

Criminal Division

BETWEEN:

DIRECTOR OF PUBLIC PROSECUTIONS

VS

ALTANEASE ROLLE

Before: The Hon. Mr. Justice Gregory Hilton

**Appearances: Cashena Thompson along with Betty Wilson
for the Crown**

Bjorn Ferguson for the Convict

Hearing Date: 27th June, 2023

SENTENCING JUDGMENT

**Criminal – Vehicular Manslaughter – Dangerous Driving –
Sentencing – Guilty Plea – Reduction in sentence – Custodial
sentence**

HILTON, J.

INTRODUCTION

1. **The Convict, ALTANEASE ROLLE** was charged on Indictment No. 140/5/2022 with the following offence:
 - (i) ***Vehicular Manslaughter by Dangerous Driving, contrary to Section 44A(1) of the Road Traffic (Amendment) (No.2) Act, 2020.***
2. On Monday the 14th February, 2022, the Convict was driving a motor vehicle west along John F. Kennedy Drive, in a dangerous manner when she struck and killed Sandy Rolle.
3. The Convict pleaded guilty to the offence outlined at paragraph 1 above.
4. On Tuesday 27th June, 2023, the Court heard submissions with regard to the sentencing of the Convict. During the hearing, probation officer Andrea Saunders from the Department of Rehabilitative/Welfare Services gave evidence in relation to a report she prepared on the 20th June, 2023. The Probation Report was tendered as Exhibit "AR-1".

FACTUAL BACKGROUND

5. On 17th February, 2022, the Convict, Altanease Rolle gave a statement to the police with reference to this matter. The Convict said that on Sunday the 13th February, 2022 around 8:30p.m. she went out to watch the Super Bowl at Cacique Sporting Bar located West Bay Street. She admitted that while there she had two cups of Tito's and lemonade before leaving to visit another sporting bar on Flemming Street. While there, she had another alcoholic beverage and left that bar around 1:15 a.m. in her light blue 2009 Toyota Passo. Further, that after the outing she was going by a guy friend named Leonardis in Victoria Gardens off Gladstone Road.

6. The Convict further indicated that while driving, she received a text message from a friend whom she told to give her a call to assist with keeping her awake as she was becoming sleepy while driving. Unfortunately, she fell asleep behind the wheel and recalled her car swerving to the right side of the road hitting something and that is when she realized that her windshield was completely smashed. At that time, she realized that her phone had fallen on the floor so she picked it up and told her friend who remained on the line what occurred while in the area of Lake View. She also called Leonardis and her mother to inform them of the incident.
7. When the Convict arrived at Leonardis' residence, they both assessed the damage which was done to the windshield, right front bumper, right front fender and hood of the car.
8. Later that morning, the Convict towed her vehicle to her residence situate Sir. Lynden Pindling Estates.
9. At the time of the incident, the vehicle was not licenced nor insured and the Convict is not the holder of a Bahamian Driver's Licence or Leaner's Permit.

The Law

10. Section 44A of the Road Traffic (Amendment) (No.2) Act, 2020 reads:

“(1) *Any person who causes the death of another person by driving a motor vehicle on a road or in a public place dangerously, commits an offence and is liable on conviction on indictment to imprisonment not exceeding ten years.*”

(2) *For the purpose of subsection (1), a person drives dangerously is (and subject to subsection (3), only if), having regard to the nature, condition and use of the road, the amount of traffic which is actually*

at the time or which might be expected to be on the road, and the speed and manner in which the motor vehicle was driven –

- (a) his driving falls far below what would be expected of a competent careful driver, and it would be obvious to a competent and careful driver that driving in that way would be dangerous.*
- (b) it would be obvious to a competent and careful driver that driving in that way would be dangerous.*
- (3) A person is also to be regarded as driving dangerously for the purposes of subsection (1), if it would be obvious to a competent and careful driver that driving the vehicle in its current state would be dangerous.*
- (4) In subsection (2) and (3) “dangerous” refers to the danger either of injury to any person or serious damage to property; and in determining for the purpose of the provisions of subsection (1) what would be expected of, or obvious to, a competent and careful driver in a particular case, regard shall be had not only to the circumstances of which he would be expected to be aware but also to any circumstances shown to have been within his peculiar knowledge.*

11. **Section 122 (1) of the Penal Code, Chapter 84** reads:

“Any person who is convicted of an indictable offence may on application of the person aggrieved be adjudged by the court to make reasonable compensation for the injury suffered through the crime.”

PLEA IN MITIGATION

- 12. Counsel for the Convict made oral submissions before the Court.
- 13. It was submitted and accepted by Counsel that the offence is one serious in nature however there are some mitigating factors that the Court must take into consideration when determining the appropriate sentence for the Convict.
- 14. In submissions to the court, Counsel highlighted the following mitigating factors in favour of the Convict:
 - (i) 25 years old;*
 - (ii) pleaded guilty at the earliest opportunity;*
 - (iii) accepted full responsibility for actions;*

- (iv) saved judicial time by the avoidance of a trial;*
- (v) breadwinner;*
- (vi) business owner; and*
- (vii) remorseful.*

15. Counsel further submitted that subsequent to the incident, the Convict attends therapy sessions due to the severe impact of the event which transpired on 14th February, 2012.
16. During cross examination the Probation Officer testified that in her opinion Ms. Altanease Rolle was very remorseful for her actions. She confirmed that the Convict contributes towards her household as an established nail technician who was reared in a home with strong Christian values and principles.
17. In closing, Counsel invited the Court to consider the case of DPP vs Travis Sawyer Cri/Vbi/249/11/2018. Travis Sawyer was convicted of manslaughter by negligence and negligently causing harm. He was sentenced to twelve (12) months for each of the four (4) counts of manslaughter by negligence, and three (3) months for each of the eight counts of negligently causing harm, both sentences to run concurrently.
18. Furthermore, Counsel pleaded with the Court to consider, in the exercise of its discretion, a sentence of six (6) months imprisonment and Twenty Thousand Dollars (\$20,000.00) fine.

CROWN'S SUBMISSION

19. Crown Counsel submitted that the Court must consider the following aggravating and mitigating factors concerning the Convict. Their submissions read as follows:

“Mitigating Factors:

- I. *The convict is currently 25 years old. She was 24 years old at the time of the offence was committed.*
- II. *The convict has no criminal antecedents.*
- III. *The convict pleaded guilty prior to the commencement of trial.*
- IV. *The convict is remorseful.*

Aggravating Factors:

- I. *The seriousness of the offence*
- II. *The convict because of her actions caused the death of Mr. Sandy Rolle.*
- III. *The convict admitted to drinking and was therefore under the influence of alcohol*
- IV. *The convict was on the cell phone with a friend while driving.*
- V. *The vehicle was unlicensed and uninsured.*
- VI. *The convict was not the holder of a Bahamian Driver’s licence nor a Bahamian Learner’s permit.*
- VII. *The convict failed to pull over; call for assistance or alert officers of the offence, but instead continued driving and called a male friend.*
- VIII. *The convict was aware that she had hit something but failed to stop.*
- IX. *The convict drove her vehicle on a flat tire to her male friend’s home where she assessed the damages. While there, instead of calling police officials to inform them of what had happened, she took a shower.*
- X. *The following morning, she contacted tow truck services and had the vehicle removed from her friend’s home and sent it to her father’s residence.*
- XI. *Mental suffering inflicted on the victim’s family.*
- XII. *The manner in which the offence was committed.”*

20. Crown Counsel directed the court to a number of cases in support of their submission on sentencing. Firstly, inviting the court to consider the 4 principles of sentencing – retribution, deterrence, prevention and rehabilitation – and its purpose: **Michael Edwards v Regina SCCrApp No. 85 of 2010; [2016] 2 BHS J No. 56** and **Regina v Dwayne Benjamin DeCosta [2020] 1 BHS J. No 72**. Counsel further submitted that owing to the unique facts of this case, deterrence, followed by prevention and retribution are the 3 sentencing principles that ought to be applied.
21. Second and lastly, Counsel relied on the following cases which alluded to the principle that causing death by dangerous driving required a custodial sentence: **Rex v Balcazar Soto; Rex v Waite [2023] 2 WLR 23; Andre Pedro Valdes v Director of Public Prosecutions SCCrApp No. 183 of 2019; and R v Cooksley; R v Stride; R v Cook; A-G's Reference (No 152 of 2002) [2003] 3 All ER 40**.
22. Counsel for the Crown referenced the Road Traffic (Amendment) (No.2) Act, 2020 and highlighted that the increase in the term of imprisonment from four (4) years to ten (10) years is a reflection of Parliament's intention to ensure that convicts serve terms of imprisonment that are commensurate with the crime.
23. The victim's son, Sandzario Rolle gave brief remarks concerning the impact the death had on his family. Sandzario said that his father was the breadwinner of their family and since his death he has not returned to college because of depression. He added that the deceased mother has not yet recovered from the death of her son and some family members could not bear attending the funeral.
24. Those family members who were interviewed by the probation officer requested that the court impose the maximum penalty.
25. In closing, Sandzario said that he hopes justice is served.
26. Conclusively, Counsel submitted that an appropriate sentence for the Convict would range between 4 – 6 years imprisonment and compensation in the amount of Ten Thousand Dollars (\$10,000.00) to the victim's family.

PROBATION REPORT

27. Senior Probation Officer, Andrea Saunders prepared a Probation Report with regard to this matter and testified to its contents on the 27th June, 2023.
28. The Probation Officer would have interviewed a number of persons known to the Convict and also family and friends of the deceased victim, Sandy Rolle
29. The Probation Officer's Summation is as follows:

"The Concerned, Ms. Altanease Rolle was primarily reared in a single parent home environment, with her mother and three (3) siblings. Her biological father was not physically involved in her life and offered no financial assistance toward her welfare. Fortunately, her step-father became an active and very supportive paternal figure to her. Additionally, it appears that her mother, although financially strained provided adequately for her and her siblings. Hence, she continues to share a healthy relationship with them, which is evident by their mutual expressions of fondness towards each other.

The Concerned embraced the opportunity of obtaining a high school education. Realizing the importance and value of training, she enrolled at the Bahamas Technical and Vocational Institute (BTVI) for approximately three (3) years to pursue a course in Office Administration and Technology. Although she did not complete her studies to obtain certification, she became a self- taught and self- employed Nail Technician. As she is the proprietor of her own business, Nail Flirt.

Although the Concerned has been involved in intimate relationships in the past, she is presently single and without children. She was described as a hardworking, honest independent, quiet, responsible, intelligent and responsible individual. Some of the persons interviewed indicated that this

was a tragic and unintentional accident and would like for the Court to exercise leniency, when passing sentence.

On the other hand, family member of the deceased, Mr. Sandy Rolle remain emotionally devastated as a result of his untimely death. He was described as a loving, quiet, humble, kind, family oriented, hardworking and helpful person. To date, it is incomprehensible to them why his life was taken in such a manner. Therefore, they are hoping for the Concerned to receive the maximum sentence for her actions.

The Concerned admitted guilt and appears to be genuinely remorseful for her actions, which she acknowledged was irresponsible. According to her attached Criminal Records Antecedent Form, she has no previous convictions.

It is therefore respectfully recommended that all of above-mentioned information be taken into consideration when sentence is passed.”

ANALYSIS/CONSIDERATION

30. It is settled law that the established sentencing principles that a judge must take into consideration are: retribution, deterrence, prevention, and rehabilitation.
31. Crown Counsel ably assisted the court with citing the case of ***Edwards v Regina [2016] 2 BHS J. No. 56*** where Jones JA at paragraph 17 of the judgment cited Lawton LJ in the case of ***R v Sargeant [1974] 60 Cr. App. R 74:***

“What ought the proper penalty to be? We have thought it necessary not only to analyse the facts, but to apply to those facts the classical principles of sentencing. Those classical principles are summed up in four words: retribution, deterrence, prevention and rehabilitation. Any judge who comes to sentence ought always to have those four classical principles in mind and to apply them.”
32. In addition, ***section 57 of the Sentencing Act 2020 (SA 2020) (UK)*** have recently incorporated those principles a court should consider when imposing sentence:

- (i) *“The punishment of the offenders*
- (ii) *The reduction in crime (including its reduction by deterrence)*
- (iii) *The reform and rehabilitation of offenders*
- (iv) *The protection of the public, and*
- (v) *The making of reparation by offenders to persons affected by their offences.”*

33. As it relates to our jurisdiction, we are guided by various legislations which are applicable to each individual case. Relevant case law also serve as a guide for the appropriate decisions to be made by judges. As an illustration, the Court of Appeal in the case of ***Director of Public Prosecutions and Andre Pedro Valdes SCCrApp. No. 183 of 2019*** considered the Road Traffic (Amendment) (No.2) Act, 2020, and highlighted that a custodial sentence was required for the offence of manslaughter by negligence.

34. I am of the opinion that although the terminology for accidents caused by motor vehicles have changed, the nature of the offence remains quite similar. In that regard, the effects also remains.

35. It is incumbent upon this court to follows its jurisdictional guidelines evident in its legislation and case law.

36. The law provides that sentencing remains a discretionary exercise. In ***Renaldo Anderson Alleyne v. The Queen [2019] CCJ 06 (AJ)*** at paragraph 58 of the judgment, the court affirmed that:

“Sentencing is quintessentially a judicial function and is first and foremost an exercise of judicial discretion. That discretion cannot properly be exercised by non-judicial bodies. Regard to established sentencing principles requires that the sentencing judge must consider punishment, deterrence, and rehabilitation in fashioning a just and appropriate sentence.”

37. In ***R v Ball 35 Cr. App. Rep. 154***, Hiberny J at page 165 observed that:

“In deciding the appropriate sentence a Court should always be guided by certain considerations. The first and foremost is the public

interest. The criminal law is publicly enforced, not only with the object of punishing crime, but also in the hope of preventing it. A proper sentence, passed in public, serves the public interest in two ways. It may deter others who might be tempted to try crime as seeming to offer easy money on the supposition, that if the offender is caught and brought to justice, the punishment will be negligible. Such a sentence may also deter the particular criminal from committing a crime again, or induce him to turn from a criminal to an honest life. The public interest is indeed served, and best served, if the offender is induced to turn from criminal ways to honest living. Our law does not, therefore, fix the sentence for a particular crime, but fixes a maximum sentence and leaves it to the Court to decide what is, within that maximum, the appropriate sentence for each criminal in the particular circumstances of each case. Not only in regard to each crime, but in regard to each criminal, the Court has the right and the duty to decide whether to be lenient or severe.”

38. Both Counsels pinpointed the aggravating and mitigating factors which they consider to be applicable to the present case.
39. Counsels also recognized the Road Traffic (Amendment) (No.2) Act, 2020 where parliament repealed and replaced the ‘fine of five thousand dollars but not exceeding ten thousand dollars or to imprisonment for a term of four years or to both the fine and imprisonment’ for killing in the course of reckless or dangerous driving to ‘imprisonment not exceeding ten years for vehicular manslaughter by dangerous driving.’
40. It is now the duty of this court to determine the appropriate sentence for Ms. Altanease Rolle based on the application of the classical sentencing principles with the facts presented and relevant cases.
41. Having reviewed the matter in its entirety, I find that the following aggravating factors relevant to the Convict:
 - (i) The victim’s death;
 - (ii) The seriousness of the offence;
 - (iii) The nature of the offence;
 - (iv) The circumstances in which the offence took place;
 - (v) Delay in reporting the incident;
 - (vi) Driving an unlicensed and uninsured vehicle; and

(vii) Driving without a licence or permit;

42. Unquestionably, the incident which occurred on the 14th February, 2022 gave rise to the death of the victim, Mr. Sandy Rolle. The Convict pleaded guilty to the offence of vehicular manslaughter by dangerous driving, accepting fault for the death of the victim.

43. The seriousness of the offence is reflected in the Road Traffic (Amendment) (No.2) Act, 2020 where parliament repealed and replaced the *'fine of Five Thousand Dollars (\$5,000.00) but not exceeding Ten Thousand Dollars (\$10,000.00) or to imprisonment for a term of four (4) years or to both the fine and imprisonment'* for killing in the course of reckless or dangerous driving to *'imprisonment not exceeding ten (10) years for vehicular manslaughter by dangerous driving.'* The statutory change validates parliament's intention to 'reform the law' as it relates to the various offences by providing for higher penalties as indicated in the preamble. In short, the increase in the term of imprisonment proves the seriousness of the offence. Both counsels drew the Court's attention to the Amendment and Parliament's intention as noted above.

44. Similarly, in ***R v Richardson; R v Robertson [2007] 2 All ER 601***, the Court at paragraph 4 of the judgment explained that:

"Statutory changes in sentencing levels are constant. In recent years, maximum sentences have been increased (for example, drug-related offences) or reduced (for example, theft). In general, changes like these provide clear indications to sentencing courts of the seriousness with which the criminal conduct addressed by the changes is viewed by contemporary society. In our parliamentary democracy, sentencing courts should not and do not ignore the results of the legislative process, and as a matter of constitutional principle, reflecting the careful balance between the separation of powers and judicial independence, and an appropriate interface between the judiciary and the legislature, judges are required to take such legislative changes into account when deciding the appropriate sentence in each individual case, or where guidance is being offered to sentencing courts, in the formulation of the guidance."

45. The Convict stated that she was uncertain of what her vehicle knocked when she fell asleep behind the wheel. The facts show that Ms. Altanease Rolle did not stop at the scene to ascertain the resulting cause of her smashed windshield as well as other damage to her

vehicle. Instead, she continued to her destination in Victoria Gardens. Moreover, Ms. Rolle never reported to the Traffic Police Station until the 17th February, 2022 which was three days after the incident. In my view, she was not immediately compelled by her conscience.

46. I accept the Crown's submission that the Convict fled the scene where the incident occurred and did not call for assistance nor did she immediately alert the relevant authorities of her suspicion. Instead, she carried on as though nothing happened.
47. The manner in which the incident took place was tragic. The circumstances were further aggravated for the reason that the victim was left on the road side without assistance, and therefore succumbed to his injuries. This Court is unable to speak to the physical state of the deceased after being struck but one can suggest the possibility of an attempt to save his life had he received immediate medical attention.
48. The Convict's conduct was egregious; she displayed lack of interest and concern for an individual's life. Her failure to stop and report the incident which caused the death of the victim, exacerbated the circumstances.
49. The reasonable person would stop to determine what occurred before proceeding to their destination; the Convict did not. Thus, the victim was deprived of his life, and his family lives to suffer the loss of their loved one with only precious memories.
50. Moreover, the Convict towed her vehicle from Leonardis' residence which suggests that it was not in good condition to be driven after the incident.
51. To make matters worse, the Convict's vehicle was unlicensed and uninsured. Moreover, as submitted by Crown Counsel the Convict was not the holder of a Bahamian driver's licence or permit during the time the offence was committed. As a result, she should not have been driving and worse driving an unlicensed and uninsured car. The Convict breached a number of violations stipulated in the Road Traffic Act.
52. On the aforementioned point, it is imperative to note that not only was a life taken due to the Convict's conduct, but that the victim's family are at a loss concerning fatal accident compensation because the vehicle was unlicensed and regrettably, uninsured.

53. In no way can compensation substitute for the life of the deceased. However, it may perhaps bring some level of comfort to the victim's family. In this regard, it is appropriate to compensate the victim's family with compensatory award particularly considering their inability to seek compensation from any insurer.
54. Undoubtedly, the egregiousness of the offence, the circumstances surrounding the aggravating factors, and the Convict's conduct impacts the length of sentence to be passed. In short, a reflection of these factors must be shown in the given sentence.
55. The law stipulates that when sentencing a Convict, the court must consider those mitigating factors which are in favour of the Convict. Those I find unique to the Convict are as follows:
- (i) *The Convict pleaded guilty;*
 - (ii) *The Convict is 25 years old (she was 24 yrs.' at the commission of the offence);*
 - (iii) *The Convict has no criminal antecedents;*
 - (iv) *The Convict is remorseful; and*
 - (v) *The Convict is a self-employed business-woman.*
56. Defence Counsel made much about the Convict being the bread-winner of her family, I must highlight that the Convict is a single woman with no dependents whom she is required by law to maintain.
57. Although the Convict waited three days to report the incident to the police, the fact remains that she pleaded guilty and saved the court time and resources by not proceeding to trial.
58. The law states that in usual circumstances, there is a reduction in sentence for guilty pleas. The court at paragraph 26 in ***Nero v State (2019) 98 WIR*** said this:
"In State v Sydney (2008) 74 WIR 290, it was noted that a guilty plea usually attracts a reduction in sentence. A discount of one third is usually given. There may however be some cases where the strength of the prosecution's case or nature and

gravity of the offence is so overwhelming that no reduction should be given. Needless to say, the circumstances of the case will determine whether a guilty plea may lead to a reduction of sentence.”

59. Equally, the COA in ***Christopher Joseph McQueen and Director of Public Prosecutions SCCrApp & CAIS No. 18 of 2021*** enunciated the need to encourage guilty pleas with the incentive of partial reduction in sentence.
60. The Convict has no criminal antecedents. In light of this, it can be said that the Convict is as described by her family and friends. She was described as hardworking, independent, quiet, non- troublesome, and honest.
61. During the commission of the offence, the Convict was twenty-four (24) years old. She is currently twenty-five (25) years old. This consideration is important for sentencing because it is necessary to consider rehabilitation for the Convict. The Convict’s Counsel highlighted that she has a lucrative business as a self- employed nail technician and also provides trainings in the craft. Moreover, Counsel added that she is the breadwinner of her family. It seems that the Convict is productive and capable of rehabilitation; therefore, she is still able to contribute greatly toward society particularly being of such young age.
62. During the hearing, the Convict read a letter to the family of the deceased. She expressed her regret for what occurred and noted that she is struggling daily with the effects of the incident. Her words were:

“I have come to understand the impact upon my community and the danger I have exposed myself and others to. I know it’s not much consolation and it may not be considered, I want to ask you the family of Sandy Rolle to accept my humblest apology for the sudden and unfortunate incident that occurred. It was truly an accident that should have never happened. I would like to ask you to forgive me and accept that this is a horrible mistake I wish I can take back... I regret my behaviour and understand that it is a serious offence that

caused harm. It is important for me to recognize the level of responsibility and consequences I may face.”

63. The Convict seems to be quite remorseful for her actions which resulted in the death of Sandy Rolle. Nonetheless, the court has the duty of determining what the appropriate sentence is given all the circumstances of this matter.
64. I concur with Crown Counsel that the aggravating factors outweigh the mitigating factors. Taking this into account, it is necessary to impose a custodial sentence to reflect the seriousness of the offence while seeking to prevent others or the Convict from re-committing the offence. This position was affirmed in ***Director of Public Prosecutions and Andre Pedro Valdes SCCrApp. No. 183 of 2019*** where the court of appeal said “*A period of incarceration ought to have been imposed to reflect the seriousness of the offence and the need to act as a general deterrent to others.*”
65. Crown Counsel directed the court to a few English cases relative to killing in the course of dangerous driving. However, the COA in the case of ***Raphael Neymour v The Attorney General SCCrApp No. 172 of 2010*** have warned about the dangers of following the English courts on sentencing. John JA at paragraph 42 of the judgment said:

“...The Bahamas is culturally different from England and we must therefore be cautious not to slavishly follow the courts of England on sentencing issues. The court has a duty to send out a strong message to the community at large and particularly to those involved in disruptive behaviour that as society advances a higher measure of self-control is called for. The sentence in our view ought to serve as a deterrent to the appellant and those minded to act in a similar manner.”

66. The logic is that the English courts are guided by legislation and sentencing guidelines that balance the gravity of the offence and the convict’s culpability level with the term of imprisonment. Moreover, England’s maximum sentence for killing in the course of dangerous driving is life imprisonment. On the other hand, The Bahamas’ maximum sentence for vehicular manslaughter by dangerous driving

is ten years. Consequently, we still remain guided by the 4 classical principles and relevant case law to determine the appropriate sentence.

67. Isaacs JA in delivering the judgment in ***Ashley Hield and Regina SCCrApp. No. 172 of 2019*** observed the following:

"I hold the view that the principles of law abovementioned are applicable in our jurisdiction and remain the beacon by which the Court has approached appeals against the severity or leniency of sentences. I observe that the court in Sydney sounded a note of caution on reliance on English cases on sentencing. At page 298 the following appears: "An important distinction must be made as regards the recent English cases on sentencing. It must be borne in mind that most of the current English sentencing laws and practice have been changed or reshaped by various statutory intervention and the cases on sentencing are based on those guidelines..."

68. No doubt, sentencing is a balancing act that should always be aimed at protecting the public's interest. It entails safeguarding society through the enforcement of law and order and also consideration of rehabilitation for the Convict.
69. In balancing those relevant factors, I am reminded of the power to exercise leniency when passing sentence: ***DPP and Andre Pedro Valdes***.
70. In exercising my discretion on sentencing, I have considered the law and all relevant facts necessary to determine the appropriate sentence.
71. In passing sentence, the Convict as well as members of the public must be cognizant of their duty as road users to ensure the safety of other road users as well as themselves. Particularly as dangerous driving or recklessness can result in the death of another, as evidenced in this matter.
72. It is my expectation that the Convict learn from this experience and that other road users take heed to the effect of dangerous driving and the impact it can have on their lives as well as the lives of others.
73. Importantly, the sentence ought to reflect the seriousness of the offence which I indicated earlier is egregious.

74. Certainly, the Convict's mitigating factors allow for lower than maximum sentence to be imposed. Altanease Rolle is currently twenty (25) years old, a self-employed nail technician, and seeming a productive individual as noted earlier. Having assessed the Probation Report it appears she was reared to function well in society. I am of the view that the Convict can continue to be a contributing member of society.

DISPOSITION

75. For all of the reasons indicated above I find that a custodial sentence of five (5) years would be appropriate but given the reduction of one third (which I find is warranted this case) for her early guilty plea I **hereby sentence you Altanease Rolle to a term of three (3) years and six (6) months imprisonment.**
76. Additionally I also order that you pay compensation to the deceased's estate in the amount of **Twenty Thousand Dollars (\$20,000.00) to be paid on or before the 31st August, 2027.**

Dated the 2nd day of August, A. D., 2023

**Gregory Hilton
Justice of Supreme Court**

