

COMMONWEALTH OF THE BAHAMAS

CRI/VBI NO.87/06/2020

IN THE SUPREME COURT

Criminal Side

BETWEEN

REX

AND

**DAMAINE STERLING**

BEFORE: Mr. Honourable Justice Andrew Forbes

APPEARANCES: Mrs. Shanda Cooper-Rolle & Mr. Sean Novell Smith on  
behalf of the Director of Public Prosecutions  
Mr. K. Brian Hanna on behalf of Mr. Sterling

HEARING DATE: 28<sup>th</sup> November 2023 & 30<sup>th</sup> January 2024

SENTENCING DATE: 13<sup>th</sup> February 2024

## SENTENCING

### BACKGROUND

1. On the 19th July 2023 the convict appeared to the Criminal Court and entered a guilty plea to the charge of Manslaughter and not guilty to the offence of Murder after Counsel for the convict and Counsel for the Office of Director of Public Prosecution had a discussion. The Plea was accepted and the convict was subsequently convicted on the 19<sup>th</sup> July 2023 for the Offence of Manslaughter contrary to section 293 of the Penal Code. That the convict who was represent by Counsel Mr. K. Brian Hanna represented that the Convict should be provided with a probation report to aid in sentencing. A probation report was, in fact, prepared by Chief Probation Officer Ms. Wynelle Goodridge and Mr. Laish Boyd Jr. as a Trainee Probation Officer and dated the 14<sup>th</sup> November 2023. The report sourced information from the convict's step father Mr. George Pinder, his younger sister Ms. Iyanna Pinder, the older brother the victim Mr. Carlton Russell, niece of the victim Ms. Cassandra Russell, and the convict himself. The report also sought to rely upon the Antecedents of the convict from the Criminal Records Office. Counsel for the DPP made recommendations as to an appropriate sentence and Counsel for Mr. K. Brian Hanna made pleas in mitigation.

### FACTS

2. The brief facts were extracted from the statements of the Officers conducting the investigations as well as the statements made by the convict to the Police when questioned. According to Officer Curtiss on the 14<sup>th</sup> February 2020, he reported received information form Ms. Cassandra Russell that she had not seen her uncle Jamaal Russell since the 12<sup>th</sup> February 2020. That he along with other Officers entered the residence of the deceased and commenced a search where they observed that the bedsheets had been removed. They also observed that the lights were off but the television was on but the screen was black. They further observed a gray bin resting beneath a southern window when opened they discovered the body of the deceased.

3. That during the investigation the Officers spoke to several individuals and received information. That as a result they retrieved a vehicle from a service road. They conducted further inquiries and later arrested the convict. That when questioned under caution the convict noted that he had a verbal altercation with the deceased which resulted in him strangulating the deceased. That when questioned he further conceded that he took personal effects of the deceased and burnt them through the service road and had driven in the deceased's vehicle and abandoned it in the service road.
4. There were also text messages (although not admitted into evidence as the convict elected to plead guilty most certainly would have been admissible) which appear to suggest that there was a previous interaction between the convict and the accused. During the record of interview and later a full statement of the convict, he stated that he and the deceased communicated via Facebook and WhatsApp. And that he was of the opinion the deceased was female. He then indicated that he visited the deceased, that they drank and smoked some weed as he put it. That he alleges that the deceased offered to perform oral sex. That he refused and that the deceased then started removing his clothing and the convict suggested that the deceased was moving like a man and implied that this observation appeared to have triggered the deceased and that they got into an altercation. At which point he retrieved a scarf and used it to strangle the deceased. According to the convict, he then proceeded to search the room of the deceased.
5. That he then removed several items and also took the deceased vehicle. When he couldn't start the vehicle, he proceeded to return to the room of the deceased and look up how to start the vehicle and thereafter left the area in the vehicle. It should be noted that in addition to several personal items the convict also removed the bedsheets and took several items with him into a service road where he proceeded to burn these items. He also took monies from the room of the deceased which was later recovered.

6. According to the information supplied in the Probation Report, the convict was the fourth of five siblings and was born in St. Thomas, Jamaica. That he migrated to the Bahamas at the age of five (5) along with his mother and older sister; that he was later enrolled at Maurice Moore Primary School where he completed his Elementary studies. He advanced to Jack Hayward Junior High School and completed grade Nine (9) after which he transferred to Jack Hayward Senior High School and was enrolled until grade eleven (11). He claimed he attained (7) seven Bahamas Junior Certificate (BJC) and two (2) Bahamas General Certificate of Secondary Education (BGCSE).
7. Upon leaving school the convict entered the employment arena where he commenced making natural juice for sale. That he then became a busboy at Zorba's Restaurant and prior to Dorian he worked on several construction sites.
8. The Step father of the convict, Mr. George Pinder, described his son as perfect. He doesn't recall having to discipline him as he was reluctant to do so; however, he would have conversations. Mr. Pinder expressed that Mr. Sterling was involved with negative company and elected to plead guilty to avoid wasting the time of the Court or implicating associates. Mr. Pinder expressed shock regarding the current circumstances and considered the behavior out of character for the convict and that he, himself, was strongly opposed to "gayness". The younger sister of the convict described their relationship as close and considered him to be quiet and a good person.
9. The Court notes that in the Probation report the victim's niece, Ms. Cassandra Russell, indicated that she shared a close bond with her uncle and that he was becoming deaf. That the family was aware that her uncle was gay since his youth and was infected with HIV and would occasionally wear women's clothing. She laments that she was asleep in the room next door and heard something but assumed her uncle was entering or leaving the house and only after not seeing him she became concerned.

10. Mr. Carlton Russell, the older brother of the deceased, also indicated that the family knew that the deceased was gay. He recalls an incident when he and his brother stopped at Cost Right and his brother went into store and retrieve some items and refused Mr. Russell's efforts to reimburse the deceased. That he was also aware that the convict worked at the store and assumed that the deceased got the items from the convict.
11. That upon the consultation for the Probation Report, the Convict is single and without any children. That the Convict acknowledged that he met the deceased via Facebook and communicated for about three weeks and was of the opinion that the deceased was a female. He further notes had he been sober at the time the incident with the deceased, the incident wouldn't have happen and regrets his actions. The convict indicates that he doesn't smoke cigarettes, but does smoke marijuana and occasionally consumes alcoholic beverages, namely, wine and Cuba libre. That he attended the Central Church of God weekly and in future intends to become a certified welder and eventually own his own architectural firm.

## LAW

12. The Penal Code prescribes as follows:

***“290. (1) Whoever intentionally causes the death of another person by any unlawful harm is guilty of murder, unless his crime is reduced to manslaughter by reason of such extreme provocation, or other matter of partial excuse, as in this Title hereafter mentioned.***

***291. (1) Notwithstanding any other law to the contrary--***

***(a) every person who is convicted of murder falling within section 290(2)(a) to (i) shall be sentenced to death or to imprisonment for life;***

***(b) every person convicted of murder to whom paragraph (a) does not apply-***

***(i) shall be sentenced to imprisonment for life; or***

***(ii) shall be sentenced to such other term given the circumstances of the offence or the offender as the court considers appropriate being within the range of thirty to sixty years imprisonment:***

***provided that where a person under eighteen years of age is convicted of murder he shall not be sentenced in accordance with this subsection but instead subsection (4) shall apply to the sentencing of such person....”***

13. In this case the convict accepted a plea of guilty of Manslaughter albeit he was charged with Murder and in this case the Penal Code section 293 states as follows: ***“293. Whoever commits manslaughter by negligence shall be liable to imprisonment for five years; and whoever commits manslaughter in any other case shall be liable to imprisonment for life...”***

14. In deciding the appropriate sentence consideration must be given to the general principles of sentencing Halbury’s Laws Third ed. Vol 11(2) at paragraphs 1188 notes:

***“The aims of sentencing are now considered to be retribution, deterrence and protection and modern sentencing policy reflects a combination of several of all of these aims. The retributive elements is intended to show a public revulsion of the offence and to punish the offender for his wrong conduct. Deterrent sentences are aimed at deterring not only the actual offender from further offences but also potential offenders from breaking the law. The importance of reformation of the offender is shown by growing emphasis laid upon it by much of modern legislation. However, the protection of society is often overriding consideration. In addition reparation is becoming an important objective in sentencing.”*** (Emphasis added).

Each case must depend on its own circumstances and various factors must be considered by the court in deciding which of the principles should predominate.

15. In the Court of Appeal case of **Prince Hepburn v. Regina SCCrApp. No. 79 of 2013**, Adderley JA (Retired) offered the following guidelines as to sentencing where he said at paragraph 36:-

***“In exercising his sentencing function judicially the sentencing Judge must individualize the crime to the particular victim so that he can, in accordance with his legal mandate identify and take steps into consideration the aggravating as well mitigating factors applicable***

*to the particular perpetrator in the particular case. This includes but not limited to considering the nature of the crime and the manner and circumstances in which it was carried out, the age of the convict, whether he has past convictions of a similar nature and his conduct before and after the crime was committed. He must ensure that having regard to the objects of sentencing, retribution, deterrence, prevention and rehabilitation that the tariff is reasonable and the sentence is fair and proportionate to the crime.”* (Emphasis added).

## **SUBMISSIONS**

16. Mr. Hanna on behalf of the convict, suggested that the convict is a relatively young man and still redeemable. That the convict plead guilty at the earliest opportunity. That the convict's actions were not premeditated and that he used no weapon to harm the deceased and that the convict lost his self-control. Mr. Hanna then interestingly sought to suggest that the deceased behavior was unacceptable and disgusting and that the sentence ought to reflect society's disgust towards men who parade themselves as women. He notes that the convict has expressed remorse and that the Court not engage in any punitive sentences towards the convict. In this regard, Mr. Hanna laid over the case of **The Attorney General v. Claude Lawson Gray SCCrApp. No. 115 of 2018**, borrowing the headnotes of the case which is as follows:

*“On 6 November 2007 the respondent visited the home of his friend TM. While there a verbal dispute arose and then escalated, resulting in the respondent stabbing TM with a screwdriver. TM died as a result of his injuries and the respondent was charged with his murder in November 2007. He was released on bail in December 2008. Ten years following the incident, in 2017, the respondent was tried for TM's murder; he was found not guilty of murder but guilty of manslaughter and sentenced to 7 years imprisonment. The appellant now appeals that sentence as being unduly lenient and further that there were no strong mitigating factors deserving of such degree of leniency. Held: appeal dismissed. Sentence affirmed. per Barnett, P: Undoubtedly the 7-year sentence may be considered lenient. The issue to be determined, however, is whether the sentence is so lenient that no*

*reasonable judge, applying the principles of sentencing could impose such a sentence in the circumstances. Having regard to the sentencing ruling, there was no error of principle disclosed, nor could it be said that the judge exercised her sentencing discretion unreasonably. 2 The only basis for the Crown's appeal is that the sentence falls outside the range of sentences set out in The Attorney General v Larry Raymond Jones et. al. and there was no reason to go below that range. However, the Court in Larry Raymond Jones had to determine the appropriate range of sentences for murder and in doing so indicated that that range must be proportionate with sentences imposed for manslaughter. The decision in Larry Raymond Jones does not, in fact, have authoritative effect as regards sentences for manslaughter. Even if Larry Raymond Jones was to be regarded as an authoritative "guideline" for manslaughter sentences, generally speaking it is settled law that a sentencing judge has the power to impose a sentence that is outside the range set out in the guidelines. When departing from the guidelines a sentencing judge should explain why a sentence outside the range is being departed from. The failure to so explain, however, does not automatically make the sentence unduly lenient. The appellate court must still determine whether the actual sentence passed is unduly lenient such that no reasonable judge could have imposed it."*

17. Mr. Hanna although not expressly saying so sought to imply that the Court ought to consider seven (7) years as reasonable in these circumstances and arguing, essentially from what can be discerned, that deceased brought his death upon himself as a result of his lifestyle. I can be mistaken to that being the expressed sentiments of Mr. Hanna; but it is extremely difficult not to draw that conclusion from words quoted here as: **"A strong message should be sent to the public that this type of behavior by the deceased is unacceptable and disturbing to right thinking decent people in society."**

18. Mrs. Cooper-Rolle on behalf of the Director of Public Prosecutions notes that the convict was previously convicted for multiple instances of shop



breaking all occurring in March 2022. He was sentenced by Senior Magistrate Smith to confinement for a period of two years to run concurrently which took effect from the 19th February 2020. This was in fact reflected in the Antecedents attached to the Probation Report.

19. The Crown noted that there are mitigating and aggravating factors. The mitigating factors noted by the Crown were that the convict was a young man, was employed at the time of his arrest, was said to attend Agape House, aspired to be a welder, wished to own an architectural firm and that he has expressed remorse. The aggravating factors noted were the previously noted antecedents and that he took the life of the deceased which in conflict to the principles of a God fearing man that the convict claimed himself to be.

20. The Crown relied upon the cases of **Marvin Edgecombe v. The Director of Public Prosecutions SCCrApp. No. 145 of 2021** here the appellants were convicted of Manslaughter and Edgecombe was sentenced (25) Twenty Five years for manslaughter. His convictions and sentences being upheld by the Court of Appeal. And the case of **Lorenzo Pritchard v The Director of Public Prosecutions SCCrApp. No. 130 of 2020** again a similar offence of Manslaughter where the defendant was convicted of shooting the victim at a crowded nightclub establishment. He was acquitted of Murder but convicted of manslaughter and the defendant was sentenced to twenty (20) years. Also the Crown sought to rely upon the case of **Valentino Dorsette v. Regina SCCrApp. No. 224 of 2016**, where the defendant was engaged in a robbery when a person was killed. He was charged with Murder and Attempted Armed Robbery and was convicted of manslaughter and attempted armed robbery and sentenced to twenty five (25) years for manslaughter. The sentence and conviction was upheld. At the closure of its submissions the Crown recommended that the Convict should serve twenty five (25) years at BDOCS.

## ANYALSIS & DISCUSSION

21. In individualizing this case to the present convict, Mr. Damien Sterling, appeared to have cooperated with the investigation. He did participate in the Record of Interview and gave a full statement while also taking Officers to various locations. He also elected to plead guilty at the very earliest of opportunity. These certainly all inure to his credit.
22. The convict does appear to demonstrate remorse. The Court takes note of the learned authors of Halsbury where they note that the protection of society is an overriding consideration. In this case, the question is what would be the appropriate sentence in the case of manslaughter. It would be noted that there was considerable discussion most recently in the Court of Appeal regarding sentencing guidelines for manslaughter.
23. The Court of Appeal in **Marvin Edgecombe (supra)** specifically paragraphs 84 & 85 said the following:
- "84. It appears that by "reducing" the appellant's sentence by five years, the Judge had effectively sentenced the appellant to twenty-five years' imprisonment but took the time he had spent on remand into consideration. I note that the Judge made reference to this Court's decision in Larry Raymond Jones (Supra) where a range of eighteen years to thirty-five years' imprisonment was discussed as an appropriate range in manslaughter cases. Sawyer, P stated at paragraph 15: "15. On the other hand it must be noted that over the past 7 years this Court has set guidelines in respect of persons convicted of manslaughter. Sentences passed or upheld by this court during that period range from 18 years to 35 years imprisonment, bearing in mind the character of the convicted person, the circumstances in which the offences was committed and whether convicted person showed any remorse (e.g. By pleading guilty at the earliest opportunity) to name some of the usual considerations to be taken into account by the sentencing judge." 85. However, the Court,*

*differently constituted, has in subsequent decisions, thrown some doubt on the range suggested by Sawyer, P. for example, Claude Lawson Gray (Supra) at paragraphs 20 et seq; Ashley Hield v Regina SCCrApp. No. 172 of 2019 at paragraphs 70 and 83; and Lorenzo Pritchard v Regina SCCrApp. No. 130 of 2020 at paragraph 28..."*

24. The Court also takes notes of the Court of Appeal in **Lorenzo Pritchard (supra)** from paragraphs 25 to 33 as instructive:

*"25. The respondent places great reliance on Sawyer, P's decision in Larry Raymond Jones (Supra) when suggesting that that case provides a guideline for judges when sentencing a convict for manslaughter. However, doubt was thrown on that statement by a subsequent majority decision of this Court, differently constituted: Barnett, P Moree, CJ and Crane-Scott, JA. Moree, CJ dissenting on that discrete issue. In Claude Lawson Gray (Supra) Barnett, P stated at paragraphs 21 through 23: "21. **Although in paragraph 15 the Court said "it must be noted that over the past 7 years, this court has set guidelines in respect of persons convicted of manslaughter", I have not seen any judgment of this Court prior to the decision in that case which sets or purports to set guidelines for sentences for manslaughter. None were cited in that paragraph or in that judgment. There is nothing in that paragraph or in that judgment which indicates how the guidelines should be applied by a sentencing judge. For example, should a homicide arising out of a domestic dispute or drug abuse be treated in the same manner as a homicide arising out of a criminal act such as robbery where in the former cases there was no intention to kill? Should a conviction for manslaughter by way of provocation have a minimum of 18 years unless there are exceptional circumstances? Should a manslaughter conviction arising out of the use of a gun or knife be treated in the same way as a homicide caused by an otherwise non-lethal weapon? 10 22. **No such guidance as one may expect from a court setting authoritative sentencing guidelines to be followed by lower courts or even itself is to be found in that paragraph or in the judgment. 23. In my judgment, it is unlikely that the Court was intending by that paragraph to impose a range which was intending*****

**to bind judges. It is also unlikely that the Court was laying down as guidance to sentencing judges a minimum sentence of 18 years for the offence of manslaughter, save in exceptional circumstances. If the Court was seeking to establish an authoritative guideline for manslaughter it is unlikely that the Court would have limited itself to a review of only the immediate seven years prior to the judgment; nor in my judgment would it have ignored sentences passed by trial judges which have not been appealed to this Court."** 26. The president then made reference to a number of cases where the Court had not interfered with sentences that fell well below the purported guideline range of sentences. Crane-Scott, JA associated himself with the view of the President and provided observations in support of his opinion. At paragraphs 185 to 187 Crane-Scott, JA said as follows: "185. Understood in this way, it is very doubtful whether paragraph 15 of Larry Raymond Jones was ever intended to establish a comprehensive sentencing "guideline" for manslaughter offences. Indeed, the Court was adverting to the "guidelines" which had already been set in the preceding 7 years. I completely agree with Sir Michael who, at paragraph 21 (above) observed that there is no judgment of the Court prior to Larry Raymond Jones which purports to set guidelines for manslaughter. In my view, it is very likely that what the Court referred to as "guidelines" was a limited range of manslaughter sentences passed or upheld by this Court in appeals in the preceding (sic) 7 year period. 186. Moreover, the accuracy as a "guideline" of the 18 to 35 year range is questionable inasmuch as no mention is made of sentences passed or upheld in the preceding (sic) 7 years which fell well below the lower end of that range. See for example Christine Johnson Alcock v R Criminal Appeal No. 30 of 2001 and Tenelle Gullivan v R No. 5 of 2005 discussed in Sir 11 Michael's draft, where upheld" in manslaughter appeals decided within the preceding 7 years. 187. Again, apart from identifying the 18 to sentences of 15 and 6 years respectively were "passed or 35 year range, the socalled "guideline" judgment in Larry Raymond Jones provides no guidance whatsoever in relation to where along the suggested sentencing continuum certain categories of manslaughter offences might lie. Curiously,

*manslaughter by negligence which carries a statutory maximum of 5 years is obviously outside the "guideline". What is more, the so-called "guideline" makes no attempt to differentiate between for example, unintentional homicides, manslaughter by diminished responsibility or by provocation; or the special provisions of section 299 of the Penal Code, Ch. 84 governing the categories of intentional homicides which have been reduced to manslaughter which one might expect to see at the upper end of a properly constructed "guideline". Having regard to these deficiencies, if guidelines were indeed set in the preceding (sic) 7 years, it is hard to avoid the conclusion that they were not as comprehensive as they should have been and that the 18 to 35 year range is somewhat selectively drawn."* 27. At paragraph 75 in *Ashley Hield (Supra)*, I had said, *inter alia*: "75. There is no gainsaying that Larry Raymond Jones has been a "guide" to the courts - both Supreme Court and this Court - when sentencing in manslaughter cases since 2008. It can no longer be accorded such a status since the decision in *Gray*." 28. The brief facts in *Hield* were that the appellant had been charged with the murder of an elderly man but the jury acquitted him of murder and convicted him of manslaughter. The trial judge sentenced the appellant to thirty years' imprisonment notwithstanding that he was sentencing "a twenty-one-year-old man who had no previous convictions, who having lost his self-control, killed a man". On appeal, the Court found that the trial judge's "ritualistic reliance" on *Larry Raymond Jones (Supra)* "and his failure to duly observe and sentence in accordance with the verdict of the jury, given the circumstances of the case, strayed beyond the ambit of sentences appropriate for this offence and for this offender; and as a consequence, this Court ought to interfere with it.". 29. **Thus, it would appear that the Judge's reliance on Larry Raymond Jones is an error in her sentencing approach; but has she gone totally wrong with the sentence she did in fact impose 12 is the question we must answer.** As *Cummings, JA* said in the Guyanese case of *The State v Sydney (2008) 74 WIR 290*: "This court has to ask itself what is a proper sentence in all the circumstances of the case. The consideration here must be whether the sentence passed is manifestly excessive or wrong

*in principle."* 30. Barnett, P in *Claude Lawson Gray* provided a survey of sentences in manslaughter cases that demonstrated a range of sentences that fell below the baseline of eighteen years mentioned in *Larry Raymond Jones*. The cases ranged from ten years' probation in *R v Fanel Joseph Criminal No. 43/2/2012* where the defendant had pleaded guilty to manslaughter to fifteen years' imprisonment in *Donnell Rolle v R [2011] 3 BHS J No 25* where the defendant had been charged with the murder of his wife but convicted of manslaughter by the jury. 31. In *Hilfrant Francois Joseph v The Attorney General SCCrApp. No. 88* the appellant was sentenced to twenty-five years' imprisonment less the five years and three months he had spent on remand. He had been convicted of murder and sentenced to thirty-five years in his trial; but on appeal the Court, differently constituted, substituted a conviction of manslaughter for the stabbing death of his girlfriend. 32. The Court, differently constituted, by a majority, in *Andy Francis v Regina SCCrApp No. 133 of 2009*, substituted a conviction for manslaughter where the appellant had been convicted of murder and sentenced to twenty-five years; but did not interfere with the sentence as they found "the same to be within the mid-range of the sentencing scale for manslaughter and appropriate in all the circumstances". 33. My reference to *Francis* does not disregard the disagreement by Barnett, P expressed in *Ashley Hield (Supra)* that that case "should be treated as peculiar to its own facts and not a precedent for a sentence on manslaughter".

25. In this case, the Attorney for the convict appear in the opinion of the Court to be making some rather disheartening comments regardless what everyone may think of the lifestyle of the deceased. First it was his choice and second he was always a human being and didn't deserve to be killed regardless of the perceived reasons. The Court notes although the convict may not have had the requisite intention at the time he killed the deceased, his subsequent actions demonstrated a consciousness of guilt. The destroying of the bedsheets and other personal items suggest more was on going between the convict and the deceased than he wants to acknowledge. Further, to that point the convict hid the body of the

deceased. To acknowledge the disappointment expressed by the younger sister of the convict suggesting that her brother ought to have called the police and that his actions that night appear to suggest as if he was trying to hide something.

26. This Court in fact agrees with the sentiments of the convict's younger sister that he was and perhaps continues to be less than frank as to what exactly occurred; however, that is a matter which he will have to assail his conscience with. Nevertheless the Court recognizes that the convict plead guilty at the earliest, he cooperated with the investigation. There are previous convictions, however, none for any similar type offences. The crime although not brutal as in other instances, it is nonetheless brutal as family members lost a brother and Uncle and the community lost another soul to useless/unnecessary violence. The failure of many young people, particularly young men, in being able to regulate their emotions continue to create a lot of grief being experienced in our societies.

27. It is this violence which should be rebuked and not someone's personal legal lifestyle choices, even if you find it disagreeable. The life of Mr. Russell still had value even if it wasn't valued by some. The proposal offered by Counsel for the convict doesn't appear in the opinion of this Court to be fully appreciative of the circumstances in this case. The cases advanced by the Crown merely cite the years upheld by the Court of Appeal but didn't seek to acknowledge the discussion in many of those cases. The Court notes that the convict has been on remand for Four (4) years, however, Two (2) of those years related to his serving a sentence for shop breaking. This Court will discount two (2) years.

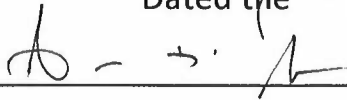
## **DISPOSITION**

28. The Court hereby convicts Mr. Damaine Sterling of Manslaughter contrary to section 293 of the Penal Code of the Statute Laws of the Bahamas and imposes an Eighteen (18) year sentence commencing from the 8<sup>th</sup> March 2022. The convict has expressed interest in attending Carpentry and Welding while at BDOCs if classes are available it is recommended that the

convict is so enrolled. It is perhaps also necessary that the convict is also enrolled in Anger Management classes if available and substance abuse classes.

29. The convict may appeal the sentence of this Court to the Court of Appeal within the statutory time.

Dated the 13<sup>2</sup> February, 2024



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**Andrew Forbes**  
**Justice of the Supreme Court**