

IN THE COMMONWEALTH OF THE BAHAMAS

IN THE SUPREME COURT

Criminal Division

2022/CRI/VBI/205/07

BETWEEN

THE DIRECTOR OF PUBLIC PROSECUTIONS

AND

JOAQUEN AUGUSTINE A.K.A. "J"

Before: The Honourable Madam Justice Guillimina Archer-Minns

Appearances: Mr. Uel Johnson with Ms. Tennielle Bain for the Office of the Director of Public Prosecutions

Ms. Brendalee Rae (of the Office of the Public Defender) for the Convict

Hearing Date: 19 June 2025

DECISION ON SENTENCING

CRIMINAL LAW – SENTENCING – ATTEMPTED MURDER – AGGRAVATING FACTORS – MITIGATING FACTORS – PRINCIPLES OF SENTENCING – PRINCIPLE OF PROPORTIONALITY – PSYCHOLOGICAL EVALUATION REPORT – PROBATION REPORT – SECTION 292 OF THE PENAL CODE, CHAPTER 84 – WHAT IS THE APPROPRIATE SENTENCE TO BE IMPOSED UPON THE CONVICT HAVING REGARD TO ALL OF THE CIRCUMSTANCES OF THIS CASE

ARCHER-MINNS J:

Introduction

[1.] This is a decision on sentencing for Joaquen Augustine a.k.a. “J” (the “Convict”), a 23-year-old male who was found guilty, by a 6 to 2 majority verdict, of Attempted Murder contrary to section 292 of the Penal Code, Chapter 84 following a trial that commenced on 23 September 2024 and concluded on 4 October 2024.

[2.] The Convict was thereafter convicted and remanded to The Bahamas Department of Correctional Services (the “BDOCS”) to await sentence.

[3.] Counsel for the Convict, Ms. Brendalee Rae, requested that a probation report and a psychological evaluation report be prepared relative to the Convict for use at the sentencing phase of the trial. The Court, in exercising its discretion, so ordered the same.

[4.] The probation report dated 27 February 2025, prepared by Mrs. Sharon Brennen, Trainee Probation Officer at The Bahamas Department of Rehabilitative/Welfare Services within the Ministry of Social Services, Information and Broadcasting, and psychological evaluation report dated 19 May 2025, prepared by Ms. Jewel Horton, Forensic Psychologist at the Mental Health Services Department within The Bahamas Department of Correctional Services, were received by the Court and have been useful aids in assisting the Court to derive at an appropriate sentence to be imposed upon the Convict relative to the offence of Attempted Murder for which he has been convicted and having regard to all of the circumstances of this case.

[5.] For any avoidance of doubt, the psychological evaluation report was requested after the probation report had been produced and received by all the relevant parties, that is, the Court, the Office for the Director of Public Prosecutions (the “ODPP”), and Counsel for the Convict.

Factual Background

[6.] At the trial, the case for the prosecution unfolded through eleven (11) witnesses, which included Deno Delancy (the “Virtual Complainant”); Donald Tucker (the “Virtual Complainant’s brother”); eight (8) police witnesses; and Dr. Emmanuel Joseph, the medical practitioner who examined the Virtual Complainant and tended to his inflicted injuries at the Princess Margaret Hospital. Seven (7) items were exhibited as evidence in the trial, namely: (1) a CD containing photos of the crime scene – P1, (2) the general legend containing descriptions for the photos of the crime scene on the CD – P1(a), (3) a twelve-man photo line-up – P2, (4) a Royal Bahamas Police Form Identification Parade and Group Identification Form (where the Convict refused consent to participate in an identification parade) – P3, (5) a CD recording of the Record of Interview conducted by the police with the Convict – P4, (6) the Royal Bahamas Police Force Hospital Form – P5, and (7) the Record of Interview – P6.

[7.] The Convict did not give evidence on oath at the trial, nor did he call any witnesses on his behalf, having exercised his constitutional right to remain silent. The Convict, from what was advanced through the cross-examination of the prosecution’s witnesses, did not deny inflicting the

injuries upon the Virtual Complainant. What was suggested, from the Convict's tacit defence, was that the injuries were inflicted upon the Virtual Complainant in self-defence.

[8.] The case, as presented by the prosecution at the trial, is as follows –

The Virtual Complainant, the Convict and Willieanne St. Fleur (the "Convict's wife") were roommates in a split-level apartment unit situate at Allen Drive, New Providence, The Bahamas (the "apartment unit") for some two (2) years immediately preceding the commission of the offence of Attempted Murder. The Convict and the Convict's wife, at the material time, were also expecting a child together. The Virtual Complainant and the mother of the Convict's wife were previously involved in a romantic relationship; however, the relationship did not work out. Nevertheless, the Convict and his wife continued to live with the Virtual Complainant.

On Friday, 7 January 2022, sometime around 6:00 am, the Virtual Complainant and the Convict were both present at the apartment unit. The Virtual Complainant was preparing to attend work. The Convict's wife was not present as the Virtual Complainant had previously taken her to her mother's residence. At some time around 6:55 am on the same morning, the Virtual Complainant exited his bedroom in preparation to depart for work. He had locked his bedroom door, grabbed his bag and proceeded downstairs to the front door of the apartment unit. The Virtual Complainant and the Convict both exchange good morning greetings. The Virtual Complainant proceeded to walk out of the front door of the apartment unit when he felt a sharp pain in his left shoulder and neck. The Virtual Complainant subsequently realized that he had been stabbed by the Convict, who was holding a black handled knife with a silver blade.

After realizing that he had been stabbed, the Virtual Complainant ran up the stairs. While upstairs, a struggle ensued between the Virtual Complainant and the Convict. Sometime during the struggle, the Virtual Complainant was able to retrieve his cellular phone to contact his brother to beckon for help and for his brother to call the police. The Virtual Complainant's brother arrived at the apartment unit shortly after receiving the distress call for help. The struggle continued between the Convict and the Virtual Complainant. The Virtual Complainant's brother attempted to gain access to the apartment unit but was unsuccessful because the front door was locked. The Virtual Complainant beckoned for his brother to retrieve the spare keys to the apartment unit from the landlord, who resided in a nearby apartment unit. At this point, the Convict had blocked the entrance/exit of the door, so the Virtual Complainant pulled a knife from his right pocket and rushed at the Convict with the knife. The Virtual Complainant stabbed the Convict a few times on his shoulder and told the Convict to drop the knife. The Convict refused to drop the knife. The Virtual Complainant dropped his knife and was eventually able to subdue the Convict and get him to drop his knife. The Virtual Complainant placed the Convict in a headlock and proceeded toward the front door. He allowed the Convict to open

the front door. Thereafter, the Virtual Complainant ran out of the front door of the apartment unit.

While on the outside of the apartment unit, the Virtual met his brother and his father, who placed him on the back of a truck and immediately transported him to the Princess Margaret Hospital. While at the Princess Margaret Hospital, the Virtual Complainant was examined by Dr. Emmanuel Joseph, who observed several penetrating injuries sustained to the Virtual Complainant, namely, injuries to the head, neck, and a partially amputated right pinky finger. Dr. Emmanuel Joseph indicated that the injuries sustained by the Virtual Complainant were serious and likely to terminate the life of the Virtual Complainant had there not been medical intervention.

Later that morning, on 7 January 2022, at around 7:00 am, the Convict was cautioned and arrested. Officers also retrieved a pocket knife from the Convict's hands. Additionally, a silver and black handled knife was also retrieved from near the front door of the apartment unit. Emergency Medical Services ("EMS") was called and rendered medical care to the Convict, who was suffering from suspected stab wounds to both his shoulders and transferred him to the Princess Margaret Hospital for further treatment. Following treatment at the Princess Margaret Hospital, the Convict was transported to the Central Police Station, where he was booked in and later transported to the Criminal Investigation Department ("CID") for further investigation. When questioned by the police, the Convict did not deny stabbing the Virtual Complainant; however, he stated that the Virtual Complainant had attacked him "before and after" he had stabbed the Virtual Complainant. The Convict stated that the Virtual Complainant had "rushed and stabbed him first". When questioned regarding his basis for attacking the Virtual Complainant, the Convict stated that he attacked the Virtual Complainant for "interference with a personal matter, I guess". The Convict noted that he had a hunch (he did not have any evidence to support it) that the Virtual Complainant was sexually involved with his wife. The Convict stated that the Virtual Complainant and his wife spent a lot of time together.

On Sunday, 9th January 2022, Detective Sargent 2735 Raphael Miller visited the Virtual Complainant at the Princess Margaret Hospital, where the Virtual Complainant identified the Convict, from a twelve-man photo gallery, as the individual who had attacked him and inflicted the injuries upon him. Detective Sargent 2735 Raphael Miller also recorded a statement from the Virtual Complainant.

The Convict was formally charged in reference to the offence of Attempted Murder.

Issue

[9.] The Convict, having been found guilty by a 6 to 2 majority verdict, and having been convicted of the offence of Attempted Murder, the salient issue for the Court to determine is the appropriate sentence to be imposed upon the Convict, having regard to all of the circumstances of this case.

Submissions

[10.] Counsel for the ODPP, Ms. Tennielle Bain, laid over written submissions dated 17 April 2025 and made oral submissions. Counsel for the Convict, Ms. Brenadalee Rae, laid over written submissions and made oral submissions. An overview of the submissions is set out below.

Submissions of the ODPP

[11.] Counsel for the ODPP, in her submissions, branded the actions of the Convict as cold-blooded and deliberate, particularly since the Virtual Complainant was stabbed multiple times about the body. She advanced that the Convict's actions demonstrated a callous, deliberate and heartless disposition for the sanctity of human life. Counsel submitted that the Court, in determining the appropriate sentence for the Convict, having regard to all of the circumstances of this case, must be guided by the principles of sentencing, namely, retribution, deterrence, prevention and rehabilitation; and the principle of proportionality. In this regard, Counsel drew support from several authorities, namely, **Prince Hepburn v Regina SCCrApp No. 79 of 2013**, **Benjamin v Regina (1964) 7 WIR 459** and **Jermaine Ramdeen v The Commissioner of Police BS 2018 CA 114**.

[12.] Counsel urged upon the Court that, in determining the appropriate sentence for the Convict, having regard to all of the circumstances of this case, it must also be guided by the aggravating and mitigating factors relative to the Convict. Counsel respectfully submitted that the aggravating factors outweighed the mitigating factors in this case. The aggravating factors identified were: (i) the seriousness of the offence, (ii) the Convict refused to work and become a contributing member of society, (iii) the Convict has not expressed any remorse, (iv) the Convict committed the offence while armed with a dangerous instrument being a knife, and (v) the Convict has put the Virtual Complainant through the trauma of having to testify and relive the experience of the events that transpired. The mitigating factors that were identified were: (i) the Convict has no prior antecedent, and (ii) the Convict is young, being aged 23 years old.

[13.] Ultimately, Counsel contended that taking into account the principles of sentencing, the principle of proportionality, the aggravating and mitigating factors of this case, and all of the other circumstances of this case, the appropriate sentence to be imposed upon the Convict relative to the offence of Attempted Murder should fall within the range of 30 to 60 years. The authorities of **James Miller v Regina SCCrApp No. 106 of 2009**, **The Attorney General v Larry Raymond Jones and others SCCrApp Nos. 12, 18 and 19 of 2007**, **Michael Scott v Regina SCCrApp No. 163 of 2012**, **Rael Pierre v Regina SCCrApp No. 48 of 2017**, and **Neil Ingraham Regina SCCrApp No. 173 of 2019** were relied upon.

The Convict's Submissions

[14.] Counsel for the Convict, Ms. Brendalee Rae, at the onset of her submissions, appealed to the Court not only to heavily consider the mitigating factors relative to Convict but she also requested of the Court to be tempered with mercy when considering the appropriate sentence to be imposed upon the Convict, having regard to all of the circumstances of this case. Counsel contended that sentencing should not only aim to punish an offender, but also to rehabilitate the offender where necessary. Counsel advanced that this case before the Court makes a clarion call for rehabilitation. Counsel placed great reliance on the probation report, which she suggests not only portrays the Convict in a positive light but also indicates signs of mental health decline on the part of the Convict. Per the probation report, Counsel stated that there was a consensus that the Convict's supporters viewed him as having great potential, responsibility and a sincere desire to make his life a success; however, he began displaying questionable behaviour that led to anxieties about his mental health. Ms. Rae contended that whilst the probation report did not reveal the timeline of the Convict's mental health decline and questionable behaviour, there is an agreement that his wife's pregnancy was an added stressor. Counsel further pointed out that the probation report also unveiled that the Convict's mother, who is now deceased, also displayed similar mental health decline, which relatives dismissed by reverting to cultural norms and instead believed that each of them had been "fixed" by obeah.

[15.] In furthering her submissions for the Convict, Counsel identified several mitigating factors relative to the Convict, namely, (i) the Convict is capable of rehabilitation, as there is no indication that he had any infractions during his 3 years of incarceration and there is nothing to suggest that the Convict is a danger to the public, (ii) the Convict wishes to use the time while incarcerated to undergo any available psychological treatment, as well as learn a trade that will enable him, upon his release to provide for his wife, and young child, so as to become a contributing member of society, (iii) the offence of Attempted Murder was completely out of the Convict's character, as he and the Virtual Complainant had lived together for 2 years prior without incident, (iv) the Convict was 20 years old at the time of the offence, and was a person who prior to his conviction had no criminal history, no history of violence, drug use, and he could not be said to be associated with any other illegal activities, (v) the Convict may have reacted in the heat of the moment and himself was also injured, (vi) although the Convict maintains that he was simply defending himself against an attack from the Virtual Complainant, he is nevertheless saddened by the harm that the Virtual Complainant suffered, he does not now, nor never has he had any adverse feeling toward the Virtual Complainant, and (vii) the Convict does not present any real risk of being a threat to the Virtual Complainant or to society at large.

[16.] Counsel ultimately recommended that the Court consider a custodial sentence of 10 years as the appropriate sentence to be imposed upon the Convict, having regard to the mitigating factors, the Convict's capability of being rehabilitated and all of the other circumstances of this case. Counsel contended that the 10-year sentence recommended is not inconsistent with sentences imposed and/or affirmed by the courts in The Bahamas, or the courts in other Commonwealth Caribbean jurisdictions. To support her recommendation, Counsel drew support from several authorities, namely, **The Director of Public Prosecutions v Ernesta Butler SCCrApp No. 97 of 2019**, **Miller v Regina [2013] 1 BHS J No. 16**, **Higgs v Regina [2012] 3 BHS J No. 72**, **Taylor v Regina [2010] 1 BHS J No. 45**, and **Meijas v Regina [2014] 2 BHS J No. 87**.

Law and Discussion

[17.] Sentencing is arguably one of the most important and sensitive judicial functions to be exercised solely by the Court. Sentencing is one of the most difficult aspects of criminal proceedings. It is a judicial function that must not be exercised capriciously but must be carried out with judicious consideration. The Court must undertake this difficult task of balancing the competing interests of all parties involved – the convicted person, the victim and society at large – to determine an appropriate and just punishment, whether custodial or otherwise, for the convicted person, having regard to all of the circumstances of the particular case. (See **Jabari Sensimania Nervais and Dwayne Omar Severin v The Queen** [2018] CCJ 19 (AJ) and **The Attorney General v Quincy Todd** SCCrimApp No. 56 of 2010.)

[18.] The Bahamas Court of Appeal in **Clayton Cox v Regina** SCCrApp & CAIS No. 46 of 2010, at paragraph 29, by referencing the *locus classicus* decision in **R v Ball** (1951) 35 Cr App Rep 164, had the following observation on the approach to be taken by the Court in reference to sentencing, as follows –

29. The correct approach to sentencing is laid down in the *locus classicus* case of **R v Ball** (1951) 35 Cr App Rep 164 where it was stated 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.

[Emphasis added]

[19.] While the Court may have inherent power to sentence, this power is not unlimited or arbitrary; it is derived from and guided by the Constitution of the Commonwealth of The Bahamas, Acts of Parliament, and the common law. Statutorily, the Court's power to sentence, in criminal

proceedings, is premised on **section 6 of the Criminal Procedure Code, Chapter 91** (the “CPC”), which provides as follows –

6. The Supreme Court may pass any sentence authorised by law to be inflicted in respect of the offence for which it is to be imposed.

[Emphasis added]

[20.] Sentencing is aimed at promoting an abiding respect for law and order and to discourage criminal activity by the imposition of criminal sanctions. However, the focus of the Court in sentencing should not only be aimed at punishing a particular offender, but also seeking to have him rehabilitated where there is cogent evidence that rehabilitation may be achievable. The Court, in seeking to achieve the purpose of sentencing, must always be guided by the four principles of sentencing, that is, retribution, deterrence, prevention, and rehabilitation; and also the principle of proportionality. The sentence imposed must always be just and appropriate to the criminal offence committed and to the offender who committed the criminal offence. The sentence must always fit the crime. It is trite law that in some cases, one of the principles of sentencing may be more predominant, whereas in other cases, two or more of them may be given equal predominance. The predominance given to any one or combination of the principles of sentencing by the Court will depend on the circumstances of the particular case.

[21.] The four principles of sentencing, which were recognized by legal and judicial pioneer, *Sir Hugh Wooding CJ*, in the Trinidad and Tobago Court of Appeal decision of **Benjamin v Regina (1964) 7 WIR 459**, were adopted and restated by another legal and judicial luminary, *Sir Dennis Byron CJ (as he then was)* in the Saint Vincent and the Grenadines Court of Appeal decision of **Desmond Baptiste v The Queen Criminal Appeal No. 8 of 2003**. *Byron CJ*, in providing context to the meaning of each of the principles of sentencing, stated at pages 19 – 20 –

- Retribution – at first glance tends to reflect the Old Testament biblical concept of an eye for an eye, which is no longer tenable in law. It is rather a reflection of society’s intolerance for criminal conduct ...
- Deterrence – deterrence is general as well as specific in nature. The former is intended to be a restraint against potential criminal activity by others, whereas the latter is a restraint against the particular criminal relapsing into recidivist behaviour ...
- Prevention – the goal here is to protect society from those who persist in high rates of criminality ...
- Rehabilitation – here, the objective is to engage the prisoner in activities that would assist him with reintegration into society after prison. However, the success of this aspect of sentencing is influenced by executive policy. Furthermore, rehabilitation has, in the past, borne mixed results. Of course, sentencing ought not to be

influenced by executive policy, such as the availability of structured activities to facilitate reform.

[22.] The principle of proportionality was endorsed by The Bahamas Court of Appeal in **Jermaine Ramdeen v The Commissioner of Police MCCrApp No. 64 of 2018**. In that decision, *Evans JA (Actg.) (as he then was)* at paragraphs 8 and 9 provided the following observation –

8. Proportionality in sentencing is concerned with the relationship between the seriousness of the offence committed and the sentence imposed. At the same time, proportionality is about the sentencing process, not only its result. Properly understood, proportionality in sentencing entitles an offender ‘to a process directed at crafting a just sentence’ and ‘a sentencing judge is prohibited from arriving at sentences contingent on factors unrelated to the determination of a fit sentence’.

9. The principle of proportionality was discussed by MacMenamin J in the Irish High Court in the case of *Gilligan v Ireland and others* [2013] IESC 45. The learned judge opined that modern authorities make it clear the fact that the judiciary is entrusted with the task of applying the principle of proportionality in sentencing and that the origin of this principle can be found in the very nature of the judicial task. He then had these instructive observations:

34. One of the hallmarks of the exercise of judicial discretion in sentencing is the application of the overriding principle of proportionality...

35. By now, it is well established that the distributive principle of punishment under our law requires that, in general, every sentence must be proportionate to the gravity of the offence, and take into account the personal circumstances of the offender (*see Deaton; Osmanovic; and Lynch and Whelan v Minister of Justice*). Here, the term “proportionality” is used in the sense of the judicial task of striking a balance between the particular circumstances of the commission of the offence, and the circumstances of the offender to be sentenced.

36. In sentencing, proportionality only arises when the judge is exercising a judicial discretion as to sentence, within the parameters laid down by law. Obviously, the principle does not arise in the case of mandatory penalties. The test of proportionality does, however, apply in every case where the offence, on conviction, carries a maximum penalty as

opposed to a mandatory sentence. Thus, it arises in any situation where the trial court has a discretion as to the particular penalty to be imposed, within the statutory maximum sentence.

[23.] The Convict has been convicted of the offence of Attempted Murder. The offence of Attempted Murder and the likely sentence to be imposed relative thereto is found in **section 292 of the Penal Code, Chapter 84. Section 292 of the Penal Code, Chapter 84**, provides as follows –

292. Whoever attempts to commit murder shall be liable to imprisonment for life.

[Emphasis added]

[24.] **Section 292 of the Penal Code, Chapter 84**, does not fix the sentence for the offence of Attempted Murder, but fixes the maximum sentence likely to be imposed upon a person convicted of the offence of Attempted Murder, and leaves the Court with the unbridled discretion to determinate what is, within that statutory maximum, the appropriate sentence for the convicted person, having regard to all of the circumstances of the case. The seriousness and displeasure with acts of this nature are reflected in the statutory maximum of imprisonment for life enacted by the Parliament. It is therefore accepted that the Court ought to treat the offence of Attempted Murder as profoundly serious and the penalty to be imposed should reflect the seriousness of the offence.

[25.] The offence of Murder is defined by **section 290(1) of the Penal Code, Chapter 84**, which provides as follows –

290. (1) Whoever intentionally causes the death of another person by 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.

[26.] The offence of Murder is profoundly serious, and its seriousness cannot be overstated. Every person has the fundamental constitutional and basic human right not to have his or her life ended prematurely by any other without lawful and justifiable cause. Murder demonstrates, on the part of the particular offender, a wilful and blatant disregard for the sanctity of human life. Murder is regarded as the ultimate offence against the person. Murder is a heinous offence, and given its prevalence in the Bahamian society, one murder is one murder too many. The Court has a duty to protect human life and to pass sentences accordingly. Cases involving Murder, and in the absence of any extenuating circumstances, must be met with the severest sentences, not only to demonstrate society's abhorrence and non-tolerance for such senseless and heinous acts, but also to deter the particular offender from committing a similar offence upon his release from incarceration. The starting point for persons convicted of the offence of Murder is not whether the offender would serve a custodial sentence, but rather how long the custodial sentence would be.

[27.] The offence of Attempted Murder is similarly serious. It demonstrates an attempt made to prematurely end the life of another person; however, for whatever reason and for whatever intervention, the offender was not successful. Attempted Murder, too, on the part of the offender, demonstrates a wilful and blatant disregard for the sanctity of human life. One attempt on the life of another person is one attempt too many. Likewise, in passing sentences for the offence of Attempted Murder, the Court has a duty to protect human life and to pass sentences accordingly. As in cases involving Murder, cases involving Attempted Murder, and in the absence of any extenuating circumstances, must be met with the severest sentences, not only to demonstrate society's abhorrence and non-tolerance for such senseless and heinous acts, but also to deter the particular offender from committing a similar offence upon his release from incarceration. The starting point for persons convicted of the offence of Attempted Murder is not whether the offender would serve a custodial sentence, but rather how long the custodial sentence would be.

[28.] It is an undeniable fact that sentencing is an art and not a science, nor is there an exact arithmetic formula for it. In the absence of any guidelines on sentencing for the offence of Attempted Murder, statutory or judicial (which is undoubtedly needed), the Court is left to draw judicial guidance on sentencing from The Bahamas Court of Appeal in **Prince Hepburn v Regina SCCrApp No. 79 of 2013**. In that decision, The Bahamas Court of Appeal described the Court's general sentencing function and identified the factors to be considered by the Court in determining an appropriate sentence for a convicted person. *Adderley JA*, at paragraph 36, adumbrated –

36. In exercising his sentencing function judicially, the sentencing judge must individualize the crime to the particular perpetrator and the particular victim so that he can, in accordance with his legal mandate, identify and take into consideration the aggravating as well as the mitigating factors applicable to the particular perpetrator in the particular case. This includes but is not limited to considering the nature of the crimes and the manner and circumstances in which it was carried out, the age of the convict, whether or not he pleaded guilty at the first opportunity, whether he had 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. Each case is considered on its own facts.

[29.] *Crane-Scott JA* in The Bahamas Court of Appeal decision of **The Director of Public Prosecutions v Ernesta Butler SCCrApp No. 97 of 2019**, at paragraph 49, had the following commentary regarding sentencing for the offence of Attempted Murder –

49. ... As I see it the offence of attempted murder is in a category of its own where the judge has an unbridled discretion unaffected by the judicial guidelines laid down in the case of *The Attorney General v Larry Raymond Jones et al* SCCrApp Nos. 12, 18 and 19 of 2007, or statutory guidelines as established by section 291(1)(b) of the Penal Code. Put quite simply, there are no judicial or statutory sentencing guidelines

applicable to the offence of attempted murder. Therefore, while the maximum sentence for attempted murder is life imprisonment it was completely within the judge's sentencing discretion to impose a determinate sentence and to determine its length. What was required was that the learned judge demonstrate that she had weighed the relevant aggravating and mitigating factors and exercised her discretion reasonably and according to law. On the record it is clear that this was done and therefore we are unable to interfere.

[Emphasis added]

[30.] The Court, in determining the appropriate sentence to be imposed upon the Convict for the offence of Attempted Murder, having regard to all of the circumstances of this case, has reviewed the sentences imposed or affirmed for the offence of Attempted Murder in the cases relied upon by Counsel for the ODPP and the Convict and also in similar cases found to be helpful to the Court. However, the Court, while recognizing that it is good sentencing practice for the Court to canvass sentences imposed or affirmed in the cases relied upon and in similar cases, also recognizes that these sentences provide persuasive assistance to the Court. They do not purport to identify that appropriate sentence, nor do they bind the Court in any way. The sentences do not nor are they meant to bridle the proper exercise of the Court's discretion on the facts of a specific case. The sentences simply seek to promote consistency in sentencing by providing the Court with the starting point from which to arrive at the appropriate sentence. To put it quite differently, the sentences reviewed are not meant to be slavishly followed. The Court is mindful and cautious not to be straitjacketed by precedent. This is because in considering the sentences, the Court is not seized with all the facts and circumstances of the offence(s) or the offender(s) which were before the particular sentencing judge or appellate court at the time they were imposed or affirmed. More fundamentally, the Court is cognizant that each case stands on its own peculiar facts.

[31.] In the Court's view, the authorities relied upon by Counsel for the Convict, Ms. Brendalee Rae, in her submissions, to support her recommendation of 10 years for the offence, do not apply to all of the circumstances of this case. While the authorities demonstrate that sentences of 10 years or less for the offence of Attempted Murder are not peculiar to The Bahamas or the Commonwealth Caribbean, they involved the offence of Attempted Murder in the context of domestic disputes. While the Virtual Complainant, the Convict and the Convict's wife were roommates in the apartment unit for some two (2) years prior to the commission of the offence of Attempted Murder, the evidence as presented in the trial and not challenged by the defence, is that the Virtual Complainant and the Convict had very little to no interaction with one another. In these premises, the offence of Attempted Murder committed by the Convict cannot in any way be even suggested to be categorized in the context of a domestic dispute. In any event, even if the Court is wrong so to find that the offence of Attempted Murder committed by the Convict cannot in any way be suggested to be categorized in the context of a domestic dispute, the Court is reasonably satisfied that a sentence of 10 years or less is not appropriate, having regard to all of the circumstances of this case.

[32.] For example, in **The Director of Public Prosecutions v Ernesta Butler SCCrApp No. 97 of 2019**, the authority heavily relied on by Ms. Brendalee Rae in her submissions and which

referred to many of her other authorities, there was actual evidence of self-defence by the respondent. *Crane-Scott JA*, at paragraph 50, made the following observation –

50. ... In the present case the evidence revealed that the respondent was verbally and physically abused during the last two years of their relationship. On the day of the incident the evidence further revealed that she was choked, body slammed, and about to be punched about the face. Without minimizing the seriousness of the offence in this case, the complainant suffered a single stab wound during the course of the altercation, and it was the respondent who alerted his attention to the fact that he was bleeding. Thereafter, she did not flee the scene until she was taken away for medical attention...

[33.] In the present case, while the Convict maintains (what may be suggested from the cross-examination of the prosecution's witnesses by the Convict's Counsel) that he attacked the Virtual Complainant in self-defence, there was no evidence led during the trial to support this position. Moreover, while the Convict himself sustained injuries from the incident, the injuries sustained by the Virtual Complainant were far more serious and life-threatening. Additionally, it was the Virtual Complainant who, somehow, during the incident, was able to call his brother for help and for his brother to call the police. The Convict's tacit defence of self-defence (however meritorious it was or otherwise) was rejected by the jury.

[34.] Equally so, the Court is not satisfied that the authorities relied upon by Counsel for the ODPP, Ms. Tennielle Bain, in her submissions to support her sentencing recommendation of the range of 30 to 60 years, are applicable, having regard to all of the circumstances of this case. Those authorities either involved the offence of Attempted Murder, where the offender was sentenced similarly to those offenders sentenced for the offence of Murder, or they involved the offence of Attempted Murder in the context of domestic disputes. It is now well-established that the offence of Attempted Murder is in a category of its own. It is further the view of this Court, given the circumstances of this case, that the offence of Attempted Murder committed by the Convict cannot in any way be categorized in the context of a domestic dispute.

[35.] Notwithstanding the findings by the Court regarding the authorities relied upon by Counsel for the Convict and the ODPP to support their submissions on their respective recommendations regarding the appropriate sentence to be imposed, the authorities all reveal a common thread and established principle, that is, the discretion of the Court in sentencing a person convicted of the offence of Attempted Murder is very wide. The authorities also revealed that the sentences for the offence of Attempted Murder may be 10 years or less, less than 30 years, or more than 30 years. Each case will depend on its own peculiar facts.

[36.] In **Henry v R; The Attorney General v Henry [2018] 1 BHS J. No. 137**, a decision referred to by The Bahamas Court of Appeal in **The Director of Public Prosecutions v Ernesta Butler SCCrApp No. 97 of 2019**, the intended appellant had been convicted of the Attempted Murder of one Johnathan Rahming, and he was sentenced to 15 years' imprisonment. It was Mr. Rahming's evidence that he was accosted by the intended appellant for no real reason other than an apparent altercation which may have occurred some 8 years prior. The evidence was that the intended appellant, armed with a firearm, shot at the virtual complainant at least three times. The

virtual complainant was struck at least once on the posterior of his jaw. The bullet was lodged in the jaw and had to be removed by a dentist. The intended appellant exercised his constitutional right to remain silent and did not give evidence on oath, nor did he call any witnesses on his behalf. Notwithstanding, from the evidence that was led during the trial, the intended appellant had a tacit defence of self-defence. The intended appellant claimed that the virtual complainant had swung a cutlass at him. The intended appellant made an application for an extension of time to appeal his conviction. Conversely, the Attorney General made an application for an extension of time to appeal the sentence imposed upon the intended appellant. Both applications for extension of time were refused, and the conviction and sentence were affirmed. *Isaacs JA (as he then was)*, at paragraphs 8 – 13, pronounced as follows –

8. The indication that counsel advised the Intended Appellant not to give evidence or call witnesses is not prejudicial, in our view, to the Intended Appellant's case of self-defence. Had he gone into the witness box, he would have been cross-examined by counsel for the Crown, and the weakness of such a defence would have been exposed by such cross-examination, no doubt. Hence, the decision not to allow the accused man to into the box (if that was the direction given by counsel for the defence) was a tactical decision on his part.
9. Nevertheless, the Intended Appellant was asked by the judge what he wished to do, and he made the decision not to give evidence. It is a decision that is given by the accused person himself. Even if counsel were to respond to the judge's question on behalf of his client, the judge is still required to ascertain from the client himself what he wishes to do, because it is only he who can say what he wishes to do.
10. In the circumstances, the court is not minded to accede to the application for leave to appeal out of time. In the premises, the conviction stands.
11. The court is not minded to accede to the Crown's appeal in relation to sentence. It is clear from the sentencing remarks of the judge that he considered all of the relevant factors a sentencing court ought to consider, and then he was guided in this exercise by both counsel for the Crown and for the defence, notwithstanding Mr. Bonaby's subsequent retraction from his view that 15 years to life was the appropriate range.
12. The judge listened to counsel for the defence, who recommended a range below that which he imposed; and he listened to counsel for the Crown's recommendation, which is above that which he imposed. Having considered both, he was of the view that rehabilitation was to be the greater factor in the scales of justice; and that although he appreciated the offence which the Respondent committed was serious – the three shots fired, pursuit of the virtual complainant and the use of a firearm, it was his view that given the youthfulness of the Respondent and his

opportunity for rehabilitation for his eventual emergence in society, that 15 years was the appropriate sentence.

13. In the circumstances, this court is of the view that the sentence cannot be viewed as unduly lenient. It does not fall so far below the parameters of what this court would reasonably disagree with or, as they say, outside the realms of reasonable disagreement. In the circumstances, the court is not minded to interfere with the sentence imposed by the learned judge. The appeal by the Appellant is, in the circumstances, dismissed.

[37.] The Court, in determining the appropriate sentence to be imposed upon the Convict, had regard to all of the circumstances of this case, the probation report and psychological report prepared for and on behalf of the Convict, and its discretion as outlined in **section 185 of the CPC**, which provides as follows –

185. (1) The court may, before handing down a sentence, receive such evidence as it thinks fit in order to inform itself as to the proper sentence to be handed down and may receive any relevant representation from the victim or otherwise hear counsel for the defence and the prosecution on any mitigating or aggravating circumstances that may be relevant.

(2) For the purposes of this section, victim in relation to the offence means

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- (a) the person to whom harm is done or who suffers physical or emotional loss as a result of the commission of the offence;
- (b) the spouse or any relative of that person in paragraph (a) or the guardian of that person where, as the case may be, he is dead or otherwise incapable of making a statement referred to in subsection (1).

[38.] It is good sentencing practice for the Court to order that a probation report be prepared relative to the convicted person it is about to impose a sentence upon. The probation report prepared and received by the Court relative to the Convict has been undoubtedly helpful to the Court in determining the appropriate sentence to be imposed upon him, having regard to all of the circumstances of this case. The Court, at this time, wishes to convey immense gratitude to Mrs. Sharon Brennen, Trainee Probation Officer, for such a comprehensive probation report. The probation report provided, in summary, as follows –

The findings of this report determined that twenty-three-year-old Joaquin Augustin is the second of three (3) siblings born to common-law partners, the late Ms. Andrese Augustin and Mr. Joanis Rameau. During Mr. Augustin's infancy, Mr. Rameau was repatriated to his home country of Haiti. A year later,

Ms. Augustin followed behind for medical reasons. Thus, leaving Mr. Augustin and his siblings in the care of an uncle and friends. Tragically, within the span of four (4) years, his parents and youngest sibling were deceased. Thus, Mr. Augustin's formative years were shaped by his guardians, Ms. Lovanna Rolle, who died in 2010, and Ms. Wilna Brazela, who died in 2023. Each guardian was considered responsible in their stewardship of him and his sister, Ms. Joaquine Rameau.

Mr. Augustin matriculated easily through his government-funded education, and there was no mention of any infractions in his Student Confidential Record. His scholastic achievements include: passing grades in the BJC and BGCSE examinations, a final GPA of 3.60 and his High School Diploma. Unfortunately, his ambition to gain admittance to tertiary education in Canada, studying Marine Biology, was impeded by life challenges.

Portrayed as hardworking, at an early age, Mr. Augustin gained work experience as a Packing Boy. When the establishment denied him a formal role, he opted to quit. For over a year, he worked at a takeaway outlet, and his employers spoke of him as an ideal employee.

After dating for a number of years, in the course of which their son was conceived, Mr. and Mrs. Augustin married without the knowledge of his family. The marriage was predicated primarily on the pregnancy, and Mrs. Augustin accepted that she was the invested party.

The consensus of Mr. Augustin's supporters was that he demonstrated great potential, responsibility and a sincere desire to make his life a success; however, he began displaying questionable behaviour that led to anxieties about his mental health. There is a discrepancy in the timeline when the behaviour manifested; nevertheless, there is agreement that his wife's pregnancy was a stressor. This Officer's investigation also unveiled that his mother displayed a similar personality disorder, which relatives dismissed by reverting to cultural norms and instead believed that each of them had been "fixed".

During his interview, Mr. Augustin spoke of being surveilled. Also, there were periods when he was incoherent or resolute that he had virtual visits with his deceased aunt. These, along with the description of his conduct as identified by his sister and wife, could lead to the plausible conclusion that there exists a level of mental health deficiency. Seemingly, Mr. Augustin had been decompensating for some time and medical intervention was not sought for the fear of the "crazy" stigma.

In addition, it is widely accepted that cannabis usage can induce psychosis, especially in someone with an inherent predisposition. Subsequently, it would appear that a psychological evaluation is warranted.

Mr. Delancy, the Virtual Complainant, described his experience as an unprovoked blitz attack with prolonged mental trauma. He did not proffer an opinion on Mr. Augustin's punishment, instead leaving it in the capable hands of the Court.

On the other hand, Mr. Augustin and his relatives appeal for leniency.

[39.] Attached to the probation report was the Convict's Royal Bahamas Police Force Criminal Record Antecedent Form, which revealed that before his conviction for the offence of Attempted Murder, the Convict had not been convicted of any criminal offence(s) within the Commonwealth of The Bahamas. Therefore, for the purposes of the law, the Convict is deemed to be a person of good character.

[40.] The necessity or otherwise of a psychiatric report, where the convicted person has not been convicted of the offence of murder and the punishment of death is not being sought, is strictly a matter of discretion for the Court. The Court, having regard to the recommendation made by the probation officer in the probation report, acceded to the request by Counsel for the Convict, Ms. Brendalee Rae, for a psychological evaluation report to be prepared relative to the Convict. This was so the Court would be properly informed on the physical and mental state of the Convict before handing down a sentence. The latter was requested notwithstanding that the Convict did not advance in his defence at the trial that he was suffering from a mental disorder or mental health deterioration before or after the commission of the offence of Attempted Murder.

[41.] Notably, Counsel's request for a psychological evaluation report was made after the Convict had already been found guilty and convicted of the offence of Attempted Murder and the probation report had been produced and received by all the parties. To be completely fair to Counsel for the Convict, a review of the Court's file revealed that Ms. Rae had previously requested for a psychological evaluation report to be prepared relative to the Convict, on 26 June 2023, when she appeared for and on behalf of the Convict, before the Honourable Mr. Senior Justice Bernard Turner (as he then was) for case management. Ms. Rae stated that the psychological evaluation report was necessary to determine the Convict's (then accused person's) fitness to plead. The Court's notes further revealed that the psychological evaluation report was scheduled to be ready for 1 August 2023. However, when Ms. Rae appeared before the Honourable Mr. Justice Neil Braithwaite on 8 August 2023, for case management, it was at this time that she retracted her request for the psychological evaluation report. Counsel was of the view that the psychological evaluation report was no longer necessary, as it appeared that the Convict (then accused person) was fit to plead. Notably, there was no indication of any subsequent mental health deterioration to warrant any psychological intervention during the course of trial.

[42.] Mental health and/or the mental health conditions that may be associated therewith (though not often spoken about, perhaps due to ignorance) is becoming quite prevalent in the Bahamian society and is of national concern. Mental health is a serious matter that is not to be taken lightly, especially by the Court. However, concerns regarding a convicted person's mental health, while capable of being raised during sentencing, are best reserved for the pre-trial or trial stage. This is particularly so where there is clear evidence of mental health deterioration at the pre-trial or trial stage. Courts are likely to scrutinize the late timing of raising mental health concerns at sentencing

to ensure that they are not being used as a delaying tactic. If a convicted person's (then accused person's) purported mental health concern is raised at the pre-trial or trial stage and if proven, the convicted person (then accused person) may be provided with an absolute or partial defence to the offence for which he or she has been charged before the court. However, if the convicted person's purported mental health concern is raised only during the sentencing stage and if proven, it may only influence the court's sentence imposed upon the convicted person; it will not absolve the convicted person from criminal liability at such a late stage.

[43.] The Bahamas Court of Appeal in **Lee Sweeting v The Director of Public Prosecutions SCCrApp No. 16 of 2021** went into a deep discussion regarding the discretion of the Court to order psychiatric reports at sentencing. *Evans JA (as he then was)* at paragraphs 53, 58, and 59 made the following pronouncements –

53. It is clear therefore that a sentencing Judge is given a wide discretion as to what evidence he will entertain as a part of the process of considering the appropriate sentence to be imposed on a convict. Admittedly, like all discretions vested in judicial officers, that discretion must be exercised judicially.
58. While I agree the Board did not preclude the use of Psychiatric Reports in non-death penalty matters, they did not go as far as to mandate them. A trial judge retains his discretion when dealing with matters not involving the death penalty...
59. After having considered the matter I cannot say that the exercise of the trial judge's discretion was such that we are entitled to interfere with the same. The fact is that at no time before or during trial was the issue of the Applicant's mental condition raised. The Applicant was represented by Counsel who had the ability to raise the issue by calling witnesses during the trial or even at the sentencing hearing. None of this was done. Counsel latched on to a statement by a probation officer that the Applicant appeared detached and relied on that to ask the court to order a psychiatric report.

[44.] In the Court's view, the psychological evaluation report does not place the Convict in a special category of defendants convicted of the offence of Attempted Murder. Per the report, the Convict denied any current or past suicidal or homicidal ideation, as well as any auditory or visual hallucinations. The Convict also reported that he had never been referred for psychological testing or received any mental health services before his current incarceration. He noted that since being incarcerated, he had participated in a mental wellness check conducted by Dr. Sean Knowles, Psychiatric Medical Officer attached to The BDOCS.

[45.] The psychological evaluation report did not indicate that the Convict suffers from any mental health disorder or mental health condition. With respect to his cognitive and behavioural implications, the report indicated that while the Convict is expected to demonstrate adult-level reasoning and adaptive skills, cognitive limitations may hinder, *inter alia*, his independent

problem-solving, abstract thinking, learning efficiency, especially under time pressure or in a language-based context, and memory for instructions or legal procedure.

[46.] With respect to his forensic considerations, the report indicated that given the borderline range of intellectual functioning, it was crucial to consider the Convict's capacity to understand legal proceedings, assist in his defence, and comprehend the consequences of his behaviour. The report noted that the Convict may (i) require simplified language, repetition of information, and extended time for understanding and response, (ii) be vulnerable to suggestibility or misunderstanding legal instructions, impacting informed consent, plea discussions, or custodial interrogations, and (iii) in the context such as competency to stand trial, criminal responsibility, or sentencing mitigation, these cognitive limitations are relevant and should be considered by the court.

[47.] In summary, the psychological evaluation report provided the following recommendations

1. Legal Support Accommodations:

- Use of simplified language during proceedings.
- Allow additional time for explanation of rights, decisions and procedures.
- Confirm comprehension regularly through paraphrasing.

2. Psychological Services

- Cognitive remediation and compensatory strategies for attention and memory.
- Psychoeducation about coping techniques.
- Counselling to rebuild insight, emotional regulation, and behavioural planning.

3. Educational/Vocational Support

- Referral for vocational rehabilitation services.
- Training programs with hands-on tasks and visual learning skills.
- Avoid high-stressed or time-sensitive roles.

4. Further Evaluation

- Consider adaptive functioning assessment to evaluate daily living skills.
- Neuropsychological evaluation if concerns of deficits or impairment arise.

[48.] The psychological evaluation report concluded that if the recommendations are implemented, they will be helpful to the Convict's cognitive capabilities and overall success.

[49.] Both Counsel for the ODPP and the Convict identified mitigating and aggravating factors relative to the Convict for the Court's consideration in determining the appropriate sentence to be imposed upon the Convict, having regard to all of the circumstances of this case. In the Court's view, these are the mitigating and aggravating factors relative to the Convict –

Mitigating Factors

- (1) **No previous convictions** – the Convict has no previous convictions for any criminal offence(s) in the Commonwealth of The Bahamas. The Convict has not had any prior “brushes with the law”, nor does he have a history of violence. Therefore, for the purposes of the law, the Convict is deemed to be a person of good character;
- (2) **Age** – the Convict is a youthful young man, aged 23 years old, who was aged 20 years old at the time of the commission of the offence.
- (3) **Remorseful** – whilst the Convict maintains that he was defending himself against an attack from the Virtual Complainant, he has nevertheless expressed his sadness for the harm that the Virtual Complainant suffered. The Convict has also appealed for the Court to be tempered with mercy and leniency when imposing a sentence upon him for the offence of Attempted Murder.
- (4) **Capability of being rehabilitated** – while the Convict does not suffer from any mental health disorders or mental health conditions, he does present with cognitive and behavioural limitations. Coupled with the Convict's youthful age and the rehabilitative services available at The BDOCS, the Convict can become a rehabilitated person and productive member of society upon his release from incarceration.

Aggravating Factors

- (1) **Seriousness of the offence** – the offence of Attempted Murder is profoundly serious. It demonstrates, on the Convict's part, a wilful and blatant disregard for the sanctity of human life. Cases involving Attempted Murder, and in the absence of any extenuating circumstances, must be met with the severest sentences, not only to demonstrate society's abhorrence and non-tolerance for such senseless and heinous acts, but also to deter the particular offender from committing a similar offence upon his release from incarceration. The Court has a duty to protect human life and to pass sentences accordingly.

- (2) **How the offence was committed** – this offence, given the evidence that was adduced in the trial, was unprovoked. The Convict committed the offence of Attempted Murder with the use of a dangerous weapon, that is, a knife. The Convict inflicted senseless and life-threatening injuries upon the Virtual Complainant for no real reason other than his apparent paranoia that the Virtual Complainant was romantically involved with his wife. There was no evidence adduced by the Convict or otherwise to substantiate his belief that the Virtual Complainant and his wife were romantically involved. Evidentially, the Convict's paranoia was compounded by his unemployment status and his wife's pregnancy. The Convicted acted, albeit recklessly, in the heat of the moment. The Virtual Complainant deserved to be protected and safe within the sanctity of his home; instead, he was met with senseless, life-threatening and unprovoked violence from a resident in the apartment unit, albeit the Convict was someone with whom the Virtual Complainant had little to no interaction.
- (3) **Effect on the Virtual Complainant** – the Convict, while displaying some semblance of remorse, undoubtedly forced the Virtual Complainant to relive the trauma experienced by the offence by having to testify in the trial. The injuries sustained from the offence have undoubtedly left the Virtual Complainant with permanent scarring and disfigurement. The Virtual Complainant sustained penetrating injuries to the head, neck, and a partially amputated right pinky finger. It is inescapable for the Court not to find, even without medical evidence to support, that the offence of Attempted Murder did not leave the Virtual Complainant with some mental trauma.
- (4) **The Prevalence of the Offence** – Every person has the fundamental constitutional and basic human right not to have his life prematurely ended by any other person without lawful and justifiable cause. One attempt on the life of another person is one attempt too many.

[50.] The Court is satisfied that the aggravating factors listed above relative to the Convict outweigh the mitigating factors. The principles of sentencing, namely, deterrence, retribution and prevention, are most paramount and determinative with respect to this case. The Court is also satisfied that the appropriate sentence, having regard to all of the circumstances of this case, must be one that not only deters the Convict from repeating a similar offence upon his release but also deters any other person(s) minded to act in a similar manner. While the Convict may not have had the most desirable or favourable life or upbringing, he must be able to exhibit self-control and restraint. Society is better protected when persons are made aware that there are serious consequences for their actions, even actions done in the "heat of the moment". It must be made abundantly clear that persons are not allowed to do whatever they want and to inflict whatever harm on any person of their choosing. However, given the Convict's youthful age and his

capability of being rehabilitated while incarcerated, some credit must be given to the appropriate sentence determined by the Court, having regard to all of the circumstances of this case. The Court is reminded that the purpose of sentencing is not only to punish the convicted person and promote an abiding respect for law and order and to discourage criminal activity by the imposition of criminal sanctions, but the purpose of sentencing is also to provide the opportunity for rehabilitation where there is clear evidence that rehabilitation is possible.

Conclusion

[51.] Having regard to the foregoing reasons and all of the circumstances of this case, the Court is satisfied that the appropriate sentence to be imposed upon the Convict for the offence of Attempted Murder is 22 years.

[52.] The Convict is hereby sentenced to 22 years' imprisonment for the offence of Attempted Murder to take effect from the date of his conviction on 4 October 2024. The Convict has been on remand since 9 May 2023. The time on remand of 2 years, 2 months and 23 days has already been considered and discounted from the sentence.

[53.] The Convict, having expressed an interest in enrolling in a trade programme and/or class at The BDOCS, should the opportunity and availability permit, it is recommended that the Convict be enrolled in the trade programme and/or class of his choosing. It is also recommended that the Convict be provided with counselling services during his period of incarceration.

[54.] Lastly, the Court wishes to thank Counsel for the ODPP and the Convict for their efforts in this case.

Dated this 31st day of July 2025

A large, stylized handwritten signature in black ink, appearing to read 'Guillemina Archer-Minns', is written over the printed name.

GUILLIMINA ARCHER-MINNS

Justice

Supreme Court of The Bahamas