

**COMMONWEALTH OF THE BAHAMAS**

**CRI/VBI NO.187/07/2022**

**IN THE SUPREME COURT**

**Criminal Division**

**B E T W E E N**

**DIRECTOR OF PUBLIC PROSECUTIONS**

**AND**

**ROSCENO COX**

**BEFORE:** Honourable Mr. Justice Andrew Forbes

**APPEARANCES:** Mrs. Ashley Carroll & Mr. Sean Novell Smith on behalf of the Director of  
Public Prosecution

Mr. K. Brian Hanna on behalf of Mr. Rosceno Cox

**HEARING DATE:** 27<sup>th</sup> February, 2026

**SENTENCING DATE:** 27<sup>th</sup> February, 2026

**SENTENCING**

**FORBES, J**

**BACKGROUND**

[1.] On the 20th November, the Convict appeared before the 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 the Director of Public Prosecutions had a discussion.

[2.] The Court then directed the empaneled jury to return a guilty verdict on the plea of guilty. The Jury returned a (9-0) verdict as directed. The Crown then introduced the facts, which the Convict accepted. The Court subsequently convicted him on the 20<sup>th</sup> November, 2025, for the offence of Manslaughter, contrary to section 293 of the Penal Code.

[3.] The Convict, who Counsel Mr. K. Brian Hanna represented, requested that the Convict 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 was dated the 20<sup>th</sup> January, 2026.

[4.] The report sourced information from the Convict – Mr. Rosceno Cox, his mother – Mrs. Olive Rolle, his stepfather – Mr. Rudolph Rolle, his Older brother- Mr. Danardo Mitchell, father of the victim- Mr. Ted Cooper Sr., Mother of the victim, Mrs. Elenia Cooper, and Sister of the victim, Ms. Tanae Cooper. The report also relied on information received from the Criminal Records Office.

[5.] Counsel for the DPP made recommendations as to an appropriate sentence, and Counsel for Mr. K. Brian Hanna made pleas in mitigation.

### **FACTS**

[6.] The brief facts were derived from the statements of the Officers conducting the investigations and from the Convict's statements to the Police during questioning.

[7.] According to Officer Vernon Delancy, on the 29<sup>th</sup> June 2022, he reported receiving information from another Officer. Based on the information, he, along with another officer, went to the Tropical Bar on McKenzie Street, Freeport. That he, along with another officer, went on inquiries to the Rand Memorial Hospital, where they observed Doctors treating a male with multiple stab wounds. While there, he received additional information. He then spoke with two (2) males, who provided him with further details. The doctors then advised him that the male had succumbed to his injuries. He interviewed and recorded statements from several individuals.

[8.] Later that day, he was advised that the Convict had been arrested and was in Police custody. He recorded an interview with the Convict and his attorney, during which the Convict answered a series of questions. The Convict indicated that he had no comment on each question, and those responses were recorded and later signed and dated by the Convict. That, according to the Officer, he interviewed several other persons who provided additional information and recorded their statements. That this Record of Interview was also recorded and that those records were secured and marked for future identification. That he later charged the Convict with Murder.

[9.] According to the information supplied in the Probation Report, the Convict was born in Grand Bahama and is the third of four boys. The Convict was educated at Sade Curtis Primary, Martin Town Primary, Eight Mile Rock High, and Jack Hayward High School, from which he graduated in 2018. He was first employed at an auto distributor company as a mechanic helper. He was laid off due to COVID-19 restrictions and subsequently worked as a disc jockey and with a mobile car wash company. He then established his own mobile car wash company, which also sells auto parts and repairs cell phones. Additionally, he did some mechanical work to supplement his income. He notes he doesn't smoke cigarettes but occasionally consumes alcoholic beverages. He is actually aware that his actions destroyed the victim's family as well as brought disappointment to his parents.

[10.] The mother of the Convict, Mrs. Olive Rolle, described her son as loving and caring, who shared a bond with his siblings, rarely presented behavioral problems, and displayed a good work ethic. According to Mrs. Rolle, she initially thought this matter was a prank when she first learned of it, but was horrified upon learning it was true and screamed, knowing that a mother had lost a child forever, and noted that her son must accept the consequences.

[11.] Mr. Rudolph Rolle, the Convict's stepfather, described the Convict as hardworking and responsible. He was shocked to learn of the Convicts' involvement and is saddened by the loss inflicted on another family by his stepson. He is eager for the Court to address his stepson's conduct.

[12.] Mr. Danardo Mitchell, the brother of the Convict, described him as a caring person and said he had never known him to display aggressive tendencies even when intoxicated. The situation was miserable since the Convict and the victim were friends.

[13.] According to the Convict, he had communicated with the victim and shared that the victim's girlfriend was being unfaithful, and she invited him to the Tropical Bar and Lounge, where he bumped into the victim. That, according to the Convict, the victim accused him of sleeping with his girlfriend, which he denied. He left the bar where he and the victim and several other individuals met, and another male gave him a knife and instructed him to leave. However, rather than going and feeling emboldened, he opted to walk to his vehicle, where he and the victim had a confrontation, and a fight broke out, and punches were thrown while he was holding the knife, and he realized that he had stabbed the victim. The Convict indicates in the Probation Report that he remains shaken by the incident and is extremely remorseful for his actions. Noting he ought to have run to his vehicle, but he was worried about what onlookers would say if he ran away.

[14.] The Court notes that in the Probation report, the victim's father has expressed profound hurt and confusion regarding the loss of his son. He states that his son was scheduled to receive a

promotion the week of his death, that he thinks of his son daily, and seeks the maximum sentence to be issued.

[15.] Ms. Tanae Cooper, the sister of the victim, is still heartbroken by the incident and described her brother as a happy person who always made everyone laugh. She seeks the maximum penalty for his actions.

[16.] The mother of the victim, Mrs. Elcina Cooper, is seeking to determine why her only son is dead and is bewildered by the cruelty of the incident. That Christmas and her son's birthday are no longer joyous occasions. In addition, Mrs. Cooper made a victim impact statement in the Court in which she laments. Mrs. Cooper urges the Court to act most extremely. The Court takes into account the comments made by Mrs. Cooper and the obvious pain and anguish at the loss of a child. It is a parent's worst nightmare to outlive their offspring. The Court will offer further commentary on this matter later in this judgment.

## LAW

[17.] The Penal Code prescribes as follows:

*290. 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. Sentence for murder. (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...."*

[18.] 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 sections 289 and 293 state as follows:

*289. Whoever causes the death of another person by any unlawful harm is guilty of manslaughter. If the harm was negligently caused, he is guilty only of manslaughter by negligence.*

*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..."*

[19.] In deciding the appropriate sentence, consideration must be given to the general principles of sentencing, Halsbury's Laws, Third ed. Vol 11(2) at paragraph 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 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."*

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.

[20.] 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 consider steps 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."*

## **SUBMISSIONS**

[21.] Mr. Hanna, on behalf of the Convict, suggests 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 the Convict lost his self-control. Counsel submits that though guidelines may exist for the offence of manslaughter, the court has the discretion to determine the appropriate sentence based on the unique facts.

[22.] Mrs. Ashley Carroll, on behalf of the Director of Public Prosecutions, notes that the convict. The Crown notes the existence of mitigating and aggravating factors. They note that the Convict was a young man who was not employed at the time of his arrest. They also note the previously noted antecedents. Counsel reiterated the considerations of the Court at sentencing, citing **Benjamin v R** (1964) 7 WIR 459, 460. The considerations are retribution, deterrence (to the individual and potential offenders), recidivism, and rehabilitation. 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 to 25 years for manslaughter. The Court of Appeal upheld his convictions and sentences. 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. He Attempted Armed Robbery and was convicted of manslaughter and attempted armed robbery and sentenced to twenty-five (25) years for attempted armed robbery. The sentence and conviction were upheld. At the closure of its submissions, the Crown recommended that the Convict should serve twenty-five (25) years at BDOCS. Further submitted were the cases of **The Attorney General v Larry Raymond Jones et al** SCCrApp. Nos. 12, 18, and 19 of 2007 and **Raphael Neymour v The Attorney General** SCCr. App. No. 172 of 2010, all submitting a sentence between the ages of 18 and 35 years.

### ANYALSIS & DISCUSSION

[23.] In individualizing this case to the present convict, Mr. Rosceno Cox, he appeared to have cooperated with the investigation. He participated in the Record of Interview; however, he elected, as his Constitutional right, not to answer any question nor provide a Statement. He also elected to plead guilty at the earliest possible opportunity rather than go through a full trial. These certainly all inure to his credit.

[24.] The Convict does appear to demonstrate remorse. In this case, the question is what would be the appropriate sentence in the case of manslaughter? It should be noted that there has been considerable discussion, most recently in the Court of Appeal, regarding sentencing guidelines for manslaughter.

[25.] 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 referred 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..."*

[Emphasis added]

[26.] The Court also takes note 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 before 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 a sentencing judge should apply the guidelines. 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 before 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 referred to several cases where the Court had not interfered with sentences that fell well below the purported guideline range of sentences. Crane-Scott, JA, associated herself 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 advertent 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 before 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 since 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 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 so called "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 the 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 older 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 observe duly 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. 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 prison. Still, 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."

[Emphasis added]

[27.] Nevertheless, the Court recognizes that the Convict pleaded guilty at the earliest opportunity and cooperated with the investigation. There are no previous convictions. The crime, although not as brutal as in other instances, is nonetheless brutal in the sense that family members lost a son, a brother, and a friend. Further, the community lost another soul to useless violence. The failure of many young people, particularly young men, to regulate their emotions continues to cause significant distress in our societies. The Court has taken into consideration the comments made by the victim's family in this case. It was alluded to that the family of the Convict appeared in Court to demonstrate some type of indifference. In the view of that Court, that is not entirely a fair characterization. The Convict's stepfather and mother were instrumental in causing the Convict to reach a different conclusion.

[28.] It is notable that the family of the victim seeks the maximum punishment for the Convict, and that is entirely understandable given the tremendous loss experienced. The Courts are guided by principles that require them to balance competing interests, including retribution, deterrence, & rehabilitation. Emotions can never guide the Courts, but by law and facts, which can be applied fairly to all persons without fear or favor, affection or ill-will.

[29.] From all accounts, the lives of each of these young men were headed in a positive trajectory, each in their own way, to becoming outstanding individuals in their own right. This incident highlights that emotions and egos are immutable forces that can derail anyone if not kept in check. It is regrettable that this event even had to occur. The Convict made a series of poor judgment calls, firstly accepting a text message of an invite from someone he knew was entertaining his friend, secondly, actually showing up knowing of the existing circumstances, thirdly, confronting his friend on an allegation, whether true or not, was not the best environment to do so, and engaging in the consumption of alcoholic beverages, fourthly failing to leave as was suggested and finally introducing a weapon into the disagreement. All of these poor choices eventually lead to a tragic conclusion. And of course, aided by provocateurs, who, rather than de-escalating this situation, sought only to exacerbate it.

[30.] 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. (The elimination corrected a sentence.) The Court will continue to invite the Crown to consider the comments made by the Court of Appeal in the Lawson-Gray case and be guided accordingly.

## **DISPOSITION**

[31.] The Court hereby convicts Mr. Rosceno Cox of Manslaughter contrary to section 293 of the Penal Code of the Statute Laws of the Bahamas and Causing Harm contrary to section 266 of the Penal Code. It imposes a twenty (20)- year sentence, commencing on 20 October 2025, on the

Offence of Manslaughter, and six (6) months on the offence of Causing Harm, with sentences to run concurrently. The Convict has expressed interest in attending electrical and Automotive classes while at BDOCs. If courses are available, the Convict should be enrolled in them. It is also necessary that the Convict be enrolled in Anger Management classes, if available, and in substance abuse classes. Time on Remand to be taken into account.

[32.] The Convict may appeal the sentence of this Court to the Court of Appeal within the statutory time.

Dated this 27<sup>th</sup> day of February, A.D.2026

A handwritten signature in black ink, appearing to read 'A. Forbes', is written above a horizontal line.

The Honorable Justice Andrew Forbes