COMMONWEALTH OF THE BAHAMAS **CRI/ VBI 155/7/2025**

IN THE SUPREME COURT

Criminal Law Division

BETWEEN

THE DIRECTOR OF PUBLIC PROSECUTIONS

vs.

XAVIER LONGLEY

Before: The Honourable Justice Darron D. Ellis

Appearances: Xandrell Bain with Tanesha Forbes for the Prosecution;

Ian Jupp for the Convict

Hearing dates: 7 and 13 August and 2 October 2026

DECISION ON SENTENCING

Criminal Division — Sentencing — Attempted murder — Section 292 of the Penal Code, Chapter 84 — Life imprisonment as statutory maximum — Absence of mandatory minimum sentence — Judicial discretion — Comparative sentencing authorities — Proportionality — Aggravating and mitigating factors — Deliberate procurement and use of a knife — Serious and potentially fatal injury — Youth — Previous good character — Rehabilitation — Guilty plea entered on the morning of trial — Admissions during police interview — One-third discount — Counselling during imprisonment.

The Convict, Xavier Longley, pleaded guilty to attempted murder contrary to **section 292** of the **Penal Code, Chapter 84**. Following a confrontation with the Complainant, Donovan Colebrook, the Convict left the scene, returned to his residence, obtained a knife and returned to confront the

Complainant. He then stabbed the Complainant in the buttock, causing a serious and potentially fatal injury. In his recorded police interview, the Convict admitted that he had intended to kill the Complainant.

The Convict was eighteen years old at the time of the offence and nineteen at sentencing. He had no previous convictions or pending criminal matters. Having initially pleaded not guilty, he changed his plea on the morning fixed for trial, after the jury had been selected but before evidence was called.

The Crown sought a sentence of fifteen to twenty years' imprisonment, relying on the seriousness of the offence, the deliberate use of a knife and the need for deterrence. The Defence proposed a sentence of six years, emphasising the Convict's youth, previous good character, guilty plea and the comparatively shorter sentences imposed in certain attempted murder cases.

> Held: The Convict was sentenced to ten years' imprisonment and was to receive counselling during his incarceration. A substantial custodial sentence was necessary to reflect the seriousness of the offence and the Convict's culpability. Nevertheless, his youth, personal mitigation, prospects of rehabilitation and guilty plea justified a determinate sentence of ten years, which was just and proportionate in the circumstances.
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> (1) **Section 292** of the **Penal Code** prescribes life imprisonment as the maximum sentence for attempted murder but imposes neither a mandatory minimum term nor a mandatory sentencing range. In **Director of Public Prosecutions v Ernesta Butler**, SCCrApp No. 97 of 2019, the Court of Appeal rejected the proposition that sentences for attempted murder must ordinarily fall within a range of thirty to sixty years. That range concerns murder and does not govern sentencing for attempted murder. The sentencing court retains a broad discretion to impose a determinate sentence appropriate to the particular offence and offender, consistently with established sentencing principles.
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> (2) The statutory maximum is not the ordinary starting point. The appropriate sentence depends on the seriousness of the offending, assessed by reference to the offender's culpability, the nature and extent of the violence, the resulting injury and the relevant aggravating and mitigating circumstances. The sentence must be proportionate and give appropriate effect to the objectives of retribution, deterrence, prevention and rehabilitation. **James Miller v The King** [2023] UKPC 10 and **Director of Public Prosecutions v Ernesta Butler** considered.
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> (3) The authorities demonstrate a substantial variation in sentences for attempted murder, reflecting differences in culpability, violence and harm. A sentence of seven years was upheld in **Director of Public Prosecutions v Ernesta Butler**, while **Taylor v R** [2010] 1 BHS J No. 45 and **Mejias v R** [2014] 2 BHS J No. 87 involved sentences of eight and ten years respectively. By contrast, in **James Miller v The King**, the Privy Council upheld a sentence of forty years for the attempted murder of a police officer during an armed

robbery. In **Director of Public Prosecutions v Mike Philius**, SCCrApp No. 204 of 2024, the Court of Appeal substituted a twenty-five-year sentence for a ten-year sentence in a case involving serious firearm violence and lasting injury. These decisions provide comparative guidance, not an inflexible tariff.

(4) The offence involved a material degree of planning and deliberation. Having withdrawn from the initial confrontation, the Convict had an opportunity to abandon the dispute. Instead, he obtained a knife and returned to confront the Complainant. That deliberate course of conduct, followed by the infliction of a serious and potentially fatal injury, increased his culpability and distinguished the offence from a wholly spontaneous attack.

(5) Substantial weight was nevertheless attached to the Convict's youth, previous good character, employment history, family support and prospects of rehabilitation. The Court also considered his expressed remorse and the information contained in the Probation Report. Those circumstances did not excuse deliberate and potentially lethal violence, but they were relevant to the individualisation of sentence and warranted a meaningful reduction.

(6) The Court adopted a provisional starting point of eighteen years' imprisonment, and deducted three years for his personal mitigation. The resulting term of fifteen years was reduced by one-third for the guilty plea, producing a final sentence of ten years' imprisonment. The plea was entered after the jury had been selected but before evidence was called. **Altanease Rolle v Director of Public Prosecutions**, SCCrApp No. 152 of 2023, considered.

Authorities referred to:

Director of Public Prosecutions v Ernesta Butler, SCCrApp No. 97 of 2019; **Director of Public Prosecutions v Glenresha Williams and Michelle Williams** CRI/VBI/102/4/ 2022; **James Miller v The King** [2023] UKPC 10; **Director of Public Prosecutions v Mike Philius,** SCCrApp No. 204 of 2024; **Altanease Rolle v Director of Public Prosecutions,** SCCrApp No. 152 of 2023; **Taylor v R [2010] 1 BHS J No. 45; Mejias v R** [2014] 2 BHS J No. 87**; Prince Hepburn v Regina,** SCCrApp No. 79 of 2013**; Ian Mackey v Director of Public Prosecutions,** SCCrApp No. 53 of 2020**; Henry v Regina; Attorney General v Henry** [2018] BHS J No. 137**; Benjamin v R** (1964) 7 WIR 459**; R v Michael Heyes** [2000] EWCA Crim J0523-6**; R v Abdul Rahman** [1998] 1 Cr App R (S) 391**; Attorney General's Reference No. 4 of 1989** [1990] 1 WLR 41.

ELLIS, J

Introduction

[1.] Xavier Longley, born on 14 February 2007 and now aged nineteen ("the Convict"), appears before this Court for sentencing following his conviction on 7 August 2026, upon his guilty plea, for one count of attempted murder contrary to **section 292** of the **Penal Code, Chapter 84.**

[2.] The matter was fixed for trial on 7 August 2026. At the outset of the proceedings, the Convict changed his plea to guilty. The Court accepted the plea and convicted him. At the request of counsel for the Convict, sentencing was adjourned for the preparation of a probation report. The Convict was remanded in custody at the Bahamas Department of Correctional Services pending sentencing.

[3.] The probation report, dated 28 September 2026, was prepared by Deah Duvalier. On 2 October 2026, the Court heard sentencing submissions from the Crown and counsel for the Convict. In determining the appropriate sentence, the Court has considered the agreed facts, the statement of the Complainant, Donovan Colebrooke, the probation report, and the oral and written submissions of counsel.

Agreed Facts

[4.] Following the Convict's guilty plea on 7 August 2026, the Crown outlined the facts, which the Convict accepted through counsel. Those agreed facts form the factual basis upon which the Court proceeds to sentence.

[5.] On 24 May 2025, at approximately 10:00 p.m., the Complainant received a telephone call from Alicia Leslie. Following that call, he went to her residence, where he encountered Alicia Leslie and the Convict. An altercation occurred between the Complainant and the Convict, after which the Convict left the premises. The Convict subsequently returned carrying a knife and stabbed the Complainant in the left buttock. The Complainant's father rushed him to hospital.

[6.] During a police interview on 26 May 2025, the Convict admitted that he had obtained the knife from the kitchen at his home and that he had wanted to kill the Complainant.

Issue for Determination

[7.] The issue is what sentence is appropriate for the Convict's offence, having regard to the circumstances of the offending and his personal circumstances.

Statutory Framework

[8.] **Section 292** of the **Penal Code, Chapter 84**, provides:

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

[9.] **Section 185** of the **Criminal Procedure Code, Chapter 91**, provides:

> "The court may, before passing sentence, receive such evidence as it thinks fit to inform itself as to the sentence proper to be passed and may hear counsel on any mitigating or other circumstances which may be relevant."

The Probation Report

[10.] I have considered the probation report dated 28 September 2026, prepared by Ms Deah Duvalier, Probation Officer. It draws on information provided by the Convict; his mother, Ms Natasha McKenzie; his brother, Master Breyon Longley; his cousin, Mr Malcolm Graham; Ms Aneka Collie; and Ms Maylen Ponce. Additional information was obtained from the Records Department of the Bahamas Department of Correctional Services and the Criminal Records Office of the Royal Bahamas Police Force.

[11.] The report records that the Convict was born on 14 February 2007 and was nineteen years old at the time of the hearing. He was raised principally by his mother in a close-knit household with his younger brother. His father played a limited role in their upbringing, and his younger brother reportedly regarded him as a father figure. He was unmarried and had no children. The probation officer considered that the deaths of his grandmother and infant sister might have affected his emotional well-being. He had not received counselling to help him address those losses.

[12.] The Convict obtained several BGCSE passes, including a grade B in Spanish and grade C in English and Religious Studies. He did not obtain his high-school diploma, having been expelled in Grade 12 following a physical altercation with a school security guard. According to the account recorded in the report, the incident arose after an unsuccessful attempt to take his girlfriend from school for lunch, when the guard prevented him from leaving the school grounds. In cross-examination, Ms Duvalier confirmed that she had recorded the information supplied to her but had not investigated the circumstances further.

[13.] Following his expulsion, the Convict worked for several businesses before securing a position as a procurement associate at Baha Mar. The report records several short periods of employment, some ending because of workplace tensions or a verbal disagreement, and another ending when he obtained a better opportunity. According to the report, he worked at Baha Mar for approximately two weeks before his incarceration. Defence counsel

referred in submissions to approximately six months' employment there; however, the Crown drew attention to the discrepancy between that submission and the report.

[14.] Those interviewed for the report described the Convict as quiet, emotional, reserved, mannerly, detail-oriented and kind. They expressed surprise at his involvement in the offence, and his family asked that he be shown leniency and given a second chance. The report also records that he had pleaded guilty from the outset, expressed remorse and sought leniency. The statement that he pleaded guilty from the outset is inconsistent with the procedural history: he initially pleaded not guilty and changed his plea on the date fixed for trial. Ms Duvalier did not recommend a particular sentence but asked that the information collected be taken into account.

[15.] The report records the Convict's account of two confrontations with the Complainant. He stated that, during the first confrontation at Alicia Leslie's residence, he punched the Complainant and a fight ensued. According to his account, Alicia Leslie intervened and asked him to leave. He returned home and subsequently contacted her about his wallet and chain. He said that she told him that the Complainant had thrown his belongings into a nearby park. He stated that he became angry, obtained a knife from his home and drove back to the residence.

[16.] The Convict further alleged that a verbal confrontation followed, during which the Complainant retrieved what appeared to be a black baton from his car. He said that the Complainant kicked him as he approached and that he stabbed the Complainant in the thigh. His mother told the probation officer that he returned home crying hysterically, with a swollen face, and had told her that he had stabbed the Complainant during an altercation. These are accounts relayed to the probation officer, who did not witness the events described.

[17.] The Complainant told the probation officer that the incident continued to affect him physically and emotionally. He reported that he had undergone exploratory surgery following repeated punches to his abdomen. He also described difficulties with bowel movements, impaired movement of his left ankle, abrasions and ulcers on the underside of his foot, and a limp that affected his mobility and his work as a hotel server. He further described financial pressure arising from medical bills and feelings of anxiety and insecurity when in public.

[18.] Defence counsel challenged aspects of the Complainant's account, submitting that several of his complaints were absent from his police statement and were recent

fabrications. Ms Duvalier confirmed that she had not read that statement. The Court observed that the Complainant's uncertainty about his prospects of full recovery reflected his personal concern, rather than a medical prognosis that he would not recover. The Complainant expressed no particular view on sentence. Alicia Leslie was not interviewed despite several attempts to arrange an interview and her indication that she would meet the probation officer.

Submissions

The Crown's Submissions

[19.] Counsel for the Crown submitted that the appropriate sentence must reflect established sentencing principles and the particular circumstances of the offence and the offender. Counsel relied on **Prince Hepburn v Regina**, SCCr App No. 79 of 2013, in which *Adderley J* stated at paragraph 36:

> "In exercising his sentencing function judicially, the sentencing judge must individualise 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 crime 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."

[20.] Counsel also relied on **Benjamin v R** (1964) 7 WIR 459, in which Wooding CJ identified five principal objects of punishment, which counsel summarised as follows:

(a) **Retribution:** to reflect society's condemnation of the offending;
(b) **General deterrence:** to discourage others from committing similar offences;
(c) **Specific deterrence:** to discourage the offender from further criminal conduct;
(d) **Prevention:** to protect the public by incapacitating the offender through imprisonment; and
(e) **Rehabilitation:** to promote the offender's reform and reintegration into society.

[21.] Counsel submitted that the weight to be attached to each objective depended on the circumstances of the particular case.

[22.] The Crown acknowledged the Convict's youth, absence of previous convictions and guilty plea, but submitted that the seriousness of the offence warranted a substantial

custodial sentence. It emphasised that the Convict withdrew from the initial altercation, obtained a knife from his home and returned before stabbing the Complainant. The Crown characterised this sequence as deliberate conduct, rather than an immediate and unconsidered response during a single, uninterrupted confrontation. It also placed particular weight on the Convict's admission that he had wanted to kill the Complainant.

[23.] The Crown disputed the Defence's characterisation of the Convict as having acted defensively throughout the incident. It relied on the Convict's own account in the probation report that he had punched the Complainant during the first encounter, his subsequent decision to arm himself, and his use of the knife upon returning.

[24.] Counsel further relied on the Complainant's account of the continuing physical and emotional effects of the stabbing, including impaired mobility, difficulties at work and anxiety. Those matters were recorded in the probation report, but no medical report was attached establishing their medical causation or prognosis.

[25.] The Crown sought to distinguish **Director of Public Prosecutions v Ernesta Butler** SCCrApp No. 97 (**Butler**), by reference to the domestic-abuse and defensive circumstances of that case. It also distinguished **Director of Public Prosecutions v Glenresha Williams and Michelle Williams** CRI/VBI/102/4/ 2022 (**Williams**) on the basis that neither defendant had personally held or discharged the firearm. In contrast, the Convict in the present case had personally possessed and used the knife.

[26.] The Crown submitted that a sentence of seven years' imprisonment would fail adequately to reflect the seriousness of the offending. It invited the Court to impose a sentence of between fifteen and twenty years' imprisonment, together with such compensation as the Court considered appropriate.

[27.] In support of that proposed sentence, counsel referred to statutory provisions and sentencing authorities. In addition to **Prince Hepburn v Regina**, counsel cited **James Miller v Regina** SCCrAPP No. 106 of 2009, **Mike Philius v Director of Public Prosecutions** SCCrApp. No. 204 of 2024, **Henry v Regina; The Attorney General v Henry**[2018] 1 BHS J. **and Ian Mackey v Director of Public Prosecutions** SCCrApp No. 53.

Defence's Submissions

[28.] Counsel for the Convict urged the Court to attach substantial weight to his youth, previous good character, expressions of remorse, family support and prospects of rehabilitation. The Convict was eighteen years old at the time of the offence and nineteen

at sentencing. Counsel relied on his educational achievements, ability to obtain employment and family responsibilities as indicators of his capacity for reform.

[29.] Counsel also relied on the Convict's guilty plea, which obviated the need to call evidence at trial. He submitted that a lengthy custodial sentence would fail adequately to reflect the Convict's age, personal circumstances and prospects of rehabilitation. The Defence invited the Court to impose a sentence of six years' imprisonment.

[30.] Counsel characterised the incident as an emotionally charged confrontation involving two young men and a woman with whom both had been associated. He submitted that the Convict went to the nearby park to retrieve his wallet and other belongings, rather than to renew the earlier confrontation.

[31.] Relying on the Convict's account in the probation report, counsel further submitted that the Complainant had retrieved what appeared to be a baton and had kicked the Convict before the stabbing. He invited the Court to assess the offence in the context of that alleged defensive response. Neither allegation, however, formed part of the facts expressly accepted upon the entry of the guilty plea.

[32.] The Defence relied particularly on **Butler** and the sentencing decision in **Williams**. Counsel submitted that those decisions demonstrated that a sentence of seven years' imprisonment could be imposed for attempted murder. He argued that the Convict's youth, guilty plea and personal mitigation justified a shorter sentence in the present case.

[33.] Finally, counsel challenged the evidential basis for the Complainant's reported continuing disabilities. He submitted that, without supporting medical evidence, the Court should not treat the Complainant's concerns about his recovery as an established medical prognosis.

Discussion and Analysis

[34.] The first question concerns the statutory framework governing sentencing for attempted murder. The Crown submitted that the general applicable sentencing range was thirty to sixty years' imprisonment. The Court rejects the submission that a sentencing judge is bound to impose a sentence within that range for attempted murder.

[35.] **Section 292** of the **Penal Code** prescribes life imprisonment as the maximum penalty for attempted murder. It imposes neither a mandatory minimum term nor a fixed range for a determinate sentence. In **Butler**, *Barnett P* explained that **section 292** expressly provides the punishment for attempted murder and that the thirty-to-sixty-year range

applicable to murder does not constrain the sentencing discretion for attempted murder. At paragraphs 9–15, he stated:

> "9. In my judgment this submission is fundamentally flawed. 10. Section 291 (1)(b) has no application to a charge of attempted murder. 11. Section 83 of the Penal Code is irrelevant. That section only applies to the punishment for inchoate offences "except as in this Code otherwise expressly provided.
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> 12. The Penal Code expressly provides for the punishment of the offence of attempted murder. Section 292 of the Penal Code provides: "292. Whoever attempts to commit murder shall be liable to imprisonment for life."
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> 13. Whilst the maximum penalty for murder has been death, the maximum penalty for attempted murder has never been death.
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> 14. The power of a sentencing judge to punish a person convicted of attempted murder is very wide. Section 291 (as amended) has never been construed as restraining a sentencing judge from going outside the range of 30 to 60 years for attempted murder; nor has it been construed as only permitting a sentencing judge from going outside that range save in exceptional circumstances.
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> 15. There are many cases in which this Court has approved or imposed sentences of less than 30 years for attempted murder."

[36.] At paragraph 24 of **Butler**, *Barnett P* also rejected the proposition that exceptional circumstances must be established before a sentence outside the thirty-to-sixty-year range may be imposed for attempted murder. The majority upheld the sentence of seven years' imprisonment in that case.

[37.] Having considered the authorities and the parties' submissions, I accept the Defence's submission that the statutory maximum is not the sentence ordinarily to be imposed. The sentence must instead be individualised by reference to the circumstances of the offence and the offender. The Court's task is to determine a sentence that properly reflects the seriousness of the offending and the Convict's culpability.

[38.] In undertaking that assessment, I have considered the statutory framework, the agreed facts, the probation report, counsel's submissions, the relevant authorities, and the aggravating and mitigating circumstances. The sentence must be just and proportionate to the gravity of the offence, while giving appropriate effect to the objectives of retribution, deterrence, prevention and rehabilitation.

[39.] The Convict pleaded guilty to one count of attempted murder contrary to **section 292** of the **Penal Code**. Attempted murder is an offence of exceptional seriousness, for which the statutory maximum sentence is life imprisonment.

[40.] **Section 116(3)** of the **Penal Code** provides that, subject to the provisions of the Code or any other statute relating to the offence, the Court may, in its discretion, impose a term of imprisonment shorter than that prescribed. The Court's sentencing discretion is therefore broad, but not unfettered. It must be exercised by reference to the gravity of the offending, the offender's culpability, the harm caused and the relevant aggravating and mitigating circumstances.

[41.] In **James Miller v The King** [2023] UKPC 10 ("**Miller**"), the Privy Council upheld a sentence of forty years' imprisonment for attempted murder. A police officer had been shot in the head during an escape from an armed robbery. The Board explained that the sentence for an attempt will ordinarily reflect a proportionate reduction from the sentence appropriate for the completed offence, while recognising that extreme cases may justify a different result. The circumstances of the offending in **Miller** were materially more serious than those of the present case.

[42.] In support of its proposed sentence of fifteen to twenty years' imprisonment, the Crown relied on **Miller, Director of Public Prosecutions v Mike Philius**, SCCrApp No. 204 of 2024 ("**Philius**"), and **Benjamin v R** (1964) 7 WIR 459.

[43.] The Crown also relied on **Henry v Regina**; **Attorney General v Henry** [2018] BHS J No. 137, in which the Court of Appeal reaffirmed a sentence of fifteen years' imprisonment for attempted murder, and **Ian Mackey v Director of Public Prosecution**, SCCrApp No. 53 of 2020, in which the Court of Appeal affirmed a sentence of twenty years' imprisonment for the same offence. Those authorities reinforce the importance of deterrence and denunciation. However, their comparative value depends on the similarities and differences between their facts and those of the present case, particularly the nature of the weapon, the degree of planning, the manner of attack, the injuries sustained, any lasting consequences and the circumstances of the offender.

[44.] The authorities demonstrate both the seriousness of attempted murder and the need for an individualised sentence. In **Philius**, the Court of Appeal substituted a twenty-five-year sentence for a ten-year sentence. The offender had shot the complainant, assaulted her further, attempted to fire another shot and caused serious lasting injuries. The degree of violence and the resulting harm were substantially greater than in the present case. **Philius** therefore guides proportionality, but does not require an equivalent sentence where those features differ materially. At paragraph 47, the Court of Appeal emphasised the proximity of attempted murder to the completed offence, particularly where a lethal weapon is used.

[45.] The weight attached to competing sentencing considerations is a matter of judicial assessment. In that regard, reference may be made to **Attorney General's Reference No. 4 of 1989** [1990] 1 WLR 41, cited by *Jones JA* in his dissenting judgment in **Butler** at paragraph 77.

[46.] I have given particular consideration to **Butler** and **Williams**. In each case, a sentence of seven years' imprisonment was either upheld or imposed for attempted murder: by the Court of Appeal in **Butler** and by the Supreme Court in respect of each offender in **Williams**.

[47.] In **Butler**, the majority upheld the seven-year sentence following conviction after trial, notwithstanding that the complainant had sustained a potentially fatal neck injury. At paragraphs 45–47, the majority addressed the circumstances, which included an emotionally charged domestic confrontation, and considered the trial judge's assessment to fall within the permissible ambit of sentencing discretion. The present case is distinguishable because the Convict disengaged from the initial confrontation, obtained a knife and returned armed to confront the Complainant. He therefore had an opportunity to reflect and abandon the dispute, but instead chose to arm himself and return to it.

[48.] In **Williams**, at paragraphs 65–66, the sentencing judge placed considerable weight on the facts that the offenders had not personally discharged the firearm, there was no evidence that either had supplied it, and neither complainant had suffered physical injury. Here, by contrast, the Convict personally armed himself and inflicted a serious injury. His culpability is therefore materially greater in those respects. That distinction must nevertheless be weighed alongside the mitigating significance of his youth and absence of previous convictions. The seven-year sentences in **Butler** and **Williams** provide comparative guidance, but do not determine the appropriate sentence in this case.

[49.] A further comparison may be drawn from **R v Michael Heyes** [2000] EWCA Crim J0523-6. Following a confrontation and his ejection from a nightclub, Heyes armed himself with a large knife and returned, committing attempted murder and further violence. The Court of Appeal upheld a sentence of fourteen years' imprisonment for attempted murder. The decision to leave, obtain a knife and return resembles the conduct in the present case, but there are substantial differences. Heyes was twenty-six, had previous convictions including robbery, contested the charge, attacked more than one person and inflicted repeated, exceptionally grave injuries, including the loss of a kidney and spleen. The case illustrates the significance of an armed return, but its sentence cannot be directly transposed to a young first offender who pleaded guilty and inflicted a single wound.

[50.] In **R v Abdul Rahman** [1997] EWCA Crim J1009-13; [1998] 1 Cr App R (S) 391, at paragraphs 1–14, a fourteen-year sentence imposed following a guilty plea was reduced to eleven years. The offender repeatedly cut and stabbed a former partner, causing exceptionally severe neck and facial injuries and permanent scarring. He was thirty, suffered from depression and gave rise to concerns about the risk he might pose in future relationships. Although the case involved a guilty plea and offending in an emotional relationship context, the repeated violence, severity of the injuries and permanent scarring materially distinguish it from the present case.

[51.] Further guidance on the range of sentences imposed for attempted murder appears in **Butler**. At paragraphs 32–41, *Barnett P* reviewed several Bahamian and Commonwealth decisions, including the following:

> 32. Further, in the case of Taylor v R [2010] 1 BHS J No 45: "2. ...the appellant and the virtual complainant were living separate and apart by virtue of a judicial order. The virtual complainant had spent the night away from her own apartment, and when she returned the appellant was there. He entered the apartment. Words were passed between them; a physical quarrel ensued and knives apparently were available to both sides. The quarrel moved from one room to the other. A television set was destroyed in the course of the altercation, and the virtual complainant ended up with some seven or so superficial wounds. One of the wounds was to the throat and that, of course, if it went deeper, could have proved fatal." The appellant was convicted of attempted murder and sentenced to eight years imprisonment His appeal against conviction was dismissed. The Crown did not challenge the propriety of the sentence and the eight year sentence was affirmed by this Court.
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> 33. Mejias v R [2014] 2 BHS J No. 87 is another decision by this Court of Appeal in which it affirmed a sentence of 10 years for attempted murder.
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> 34. I accept that in these cases there was no challenge to the sentence by the Crown, but that fact is important. The convictions were challenged by the appellants. The Crown was obliged to respond to those challenges. If the Crown was of the view that the sentences in those cases were unduly lenient, it would have been obliged to challenge those sentences on the appeals brought by the convicts. The fact that the Crown did not challenge those sentences, and this Court did not comment on the leniency of the sentences entitles me to infer that neither the Crown nor this Court regarded those sentences as being unduly lenient as to warrant an interference by an appellate court.
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> 35. Sentences of 10 years or less for attempted murder is not peculiar to The Bahamas.
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> 36. In the Guyanese case of The State v Eon Archibald ((unreported) 11 October 2018), Archibald, a 43-year-old security guard, attacked and chopped a man whom he accused of having an affair with his reputed wife. Following his guilty plea he was sentenced to five years imprisonment on conviction of attempted murder after he offered the victim compensation in the sum of $300,000.00.
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> 37. In the Cayman Islands case of Sherene Crowe v The Queen Criminal Appeal No. 13 of 2004, a woman who pleaded guilty to the attempted murder of her ex-husband was sentenced to 12 years imprisonment. On appeal, the Court of Appeal of Cayman Islands reduced the sentence to 8 years. In that case there was evidence that the appellant was bipolar and needed medical treatment. .....
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> 39. In the Trinidadian case of The State v Trevor Creft H.C.S. 54/2015, Creft was convicted of attempted murder of his common law wife by slashing her throat and stabbing her. She also lost the use of her fingers to her right hand and sustained lacerations to her chest. He was sentenced to ten years' imprisonment....
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> 41. Indeed, as far back as 1960, in Seetal Bharat and Pooran v R [1960] 2 WIR 515 the Supreme Court of British Guiana (as it was then known) imposed a sentence of 10 years

on a conviction for attempted murder. The appeal by the convict against sentence was dismissed and there was no cross appeal by the Crown.

[52.] These authorities demonstrate that the seriousness of attempted murder cannot be assessed solely by reference to the use of a knife or firearm. The Court must consider the totality of the circumstances, including the offender's conduct, the extent of the violence, the harm inflicted and the degree of culpability disclosed by the evidence.

[53.] In assessing the objective seriousness of this offence, I attach substantial weight to the Convict's decision to return deliberately to the confrontation armed with a knife and his infliction of a serious wound on the Complainant. The medical evidence describes the injury as potentially fatal, but does not establish permanent disability. That limitation does not diminish the seriousness of a potentially fatal injury. Nevertheless, the absence of proven permanent injury is relevant to the comparison between the present case and offences involving repeated attacks or lifelong consequences.

[54.] Having assessed those circumstances as a whole, I adopt an offence-based starting point of eighteen (18) years' imprisonment. That starting point reflects both the deliberate return with a knife after an opportunity to disengage and the serious, potentially fatal wound personally inflicted by the Convict. It also takes account of the fact that a single wound was inflicted and that permanent injury has not been established.

Aggravating and Mitigating Factors

[55.] The aggravating factors include the seriousness and nature of the offence, but the principal aggravating feature is the degree of deliberation. The Convict had disengaged from the original confrontation and had an opportunity to abandon the dispute. He instead obtained a knife and returned.

[56.] With respect to the mitigating factors, the Convict was eighteen years old when he committed the offence and has no previous convictions. The probation report records consistent employment before these proceedings and support from family and friends. These matters bear on his maturity, previous good character and prospects of rehabilitation. I consider the guilty plea separately below.

[57.] I have considered both Counsel's submissions regarding mitigating and aggravating factors, and a life sentence is neither mandatory nor automatic. The mitigating factors, including the absence of previous convictions, have been given their appropriate weight. The aggravating and mitigating factors must be evaluated together.

[58.] Having considered the submissions of both counsel, I am satisfied that the Convict's youth, previous good character and prospects of rehabilitation warrant a meaningful reduction from the sentence appropriate to the offending. Those circumstances

do not excuse his deliberate resort to potentially lethal violence, but they are important to the individualisation of his sentence.

The Sentence

[59.] In this case, particular weight must be given to deterrence, public protection, and rehabilitation. The sentence must also express the Court's condemnation of the use of serious violence to resolve a personal or romantic dispute. Such a dispute cannot justify conduct intended to take another person's life. The sentence must therefore provide meaningful punishment and deterrence while remaining proportionate to the particular offence and offender.

[60.] I am not satisfied that either the sentence proposed by the Crown or that proposed by the Defence represents the appropriate final sentence. The Court must reach its own assessment by applying the relevant sentencing principles to the established facts.

[61.] For the reasons set out above, I adopt an offence-based starting point of eighteen years' imprisonment. That figure already reflects the deliberate return with a knife and the serious, potentially fatal injury inflicted. Neither feature attracts a further increase.

[62.] I attach substantial weight to the Convict's youth, expressions of remorse and previous good character. His employment history and family support also bear positively on his prospects of rehabilitation. Taken together, these personal mitigating circumstances justify a reduction of three years, leaving a term of fifteen years before credit for the guilty plea.

[63.] In **Altanease Rolle v Director of Public Prosecutions**, SCCrApp No. 152 of 2023, the Court of Appeal determined the otherwise appropriate sentence before applying a one-third reduction for an early guilty plea. Here, the Convict pleaded guilty on the morning fixed for trial, after the jury had been selected but before evidence was called.

[64.] During his recorded police interview, the Convict made substantial admissions, including an express acknowledgement that he intended to kill the Complainant. Those admissions did not constitute a guilty plea, but they are relevant to assessing his acceptance of responsibility.

[65.] The subsequent plea spared the Complainant and other witnesses from giving evidence and avoided a contested trial. Its practical benefit must nevertheless be assessed against its timing: trial preparations had been completed, and the jury had already been selected.

[66.] I recognise that the full one-third reduction is ordinarily associated with a plea entered at the earliest reasonable opportunity. The Convict's plea was not entered at that stage, and his earlier admissions cannot be equated with a formal plea of guilty.

[67.] Nevertheless, I have considered those admissions together with the benefit of the plea before evidence was called. In assessing their significance, I distinguish the credit attributable to the plea from the allowance already made for personal mitigation, including remorse, so as to avoid counting the same consideration twice.

[68.] Having weighed the lateness of the plea against the admissions made during the police investigation and the avoidance of a contested trial, I consider that the circumstances justify allowing the full one-third reduction. That allowance reflects the particular circumstances of this case, notwithstanding the stage at which the formal plea was entered. I therefore reduce the term of fifteen years by one-third, equivalent to five years, producing a final sentence of ten (10) years' imprisonment.

[69.] Applying the principle of proportionality as posited in **Jermaine Ramdeen v The Commissioner of Police** MCCrApp No.64 of 2018 and considering the sentence as a whole, I am satisfied that ten years' imprisonment bears a just and proportionate relationship to the seriousness of the offence, the Convict's culpability and his personal circumstances. Additionally, the Convict must be given credit for the time spent on remand since 11 August 2026.

[70.] The sentence reflects the gravity of the offence and the need for punishment and deterrence, while giving meaningful weight to the Convict's youth, previous good character, personal mitigation and prospects of rehabilitation.

Ancillary Matters

[71.] Having regard to the rehabilitative needs identified in the probation report, I recommend that the Bahamas Department of Correctional Services assess the Convict's counselling needs and make appropriate counselling available during his incarceration.

Conclusion

[72.] Accordingly, Xavier Longley is sentenced to **ten (10) years' imprisonment** at the Bahamas Department of Correctional Services for attempted murder contrary to section 292 of the Penal Code, Chapter 84.

Dated this 13th day of November, A.D., 2026

The Honourable Mr Justice Darron D. Ellis